

STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

PROCEEDINGS

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5 MILLER: The POST workshop is called to order for
6 October 29th, 2025. For the record, the time is 1 p.m. Let's
7 go to Kathy Floyd for information on the legal questions and
8 opening remarks.

9 FLOYD: The workshop notice and meeting agenda have
10 been posted in compliance with NRS 241.020. These notices and
11 agenda were physically posted at the POST administration
12 building and the Nevada State Library in Carson City and
13 electronically post.nv.gov, the legislative website at
14 leg.state.nv.gov, state of Nevada website at notice.nv.gov,
15 and emailed to all single point of contacts and agency
16 administrators on the POST list serve.

17 MILLER: Thank you, Kathy. Moving on to item number
18 two, roll call. Start with myself, Olive Miller, Reno Police
19 Department.

20 COVERLEY: Dan Coverley, Douglas County Sheriff's
21 Office.

22 SHEA: Tim Shea, Boulder City Police.

23 NEIL: Russ Niel, Gaming Control Board

24 YOUNG: Tiffany Young, community member.

25 TOGLIATTI: George Togliatti, Nevada Department of

1 Public Safety.

2 FLOYD: Kathy Floyd with POST.

3 SHERLOCK: Mike Sherlock with POST.

4 DE LUNA: Jesselyn De Luna with the Attorney General's
5 office. And on the phone I also have John Nolan, who's also a
6 Deputy Attorney General.

7 MCGILL: And Joe McGill County Sheriff's Office.

8 PROSSER: Jamie Prosser, Las Vegas Metro.

9 STRAUBE: Rob Straube, Las Vegas, DPS.

10 MCKINNEY: Kevin McKinney, Carlin Police.

11 MILLER: All right, thank you every one, good morning.

12 We'll move on to our workshop. Item 1 of the workshop, public
13 comment. The commission may not take action on any matter
14 considered under this item until the matter is specifically
15 included on an agenda as an action item. Do we have any public
16 comment? Seeing that there's none there will be further
17 opportunity to public comment later. The purpose of the
18 workshop is to solicit comments from interesting person on
19 following -- on following topic that may be addressed in
20 future proposed regulations. This workshop has been previously
21 noted pursuant to the requirements of NRS Chapter 233B. Topic,
22 discussion regarding revision to NAC 289.230 to comply with
23 SB380, which adds interactions with persons with developmental
24 disabilities, which may include without limitation training on
25 recognizing responding to persons with an autism spectrum

1 disorder to subsection (1) (b). NAC regulation 289. 230(1)(b).

2 And we'll go to Mike Sherlock for some background on this

3 subject once done.

4 SHERLOCK: Thank you, Mike Sherlock for the record. So

5 as most of you recall, SB380 is from the most recent

6 legislative session. It requires POST to include in the

7 continuing education regulation, a section mandating annual

8 training and interactions with persons with de --

9 developmental disabilities, which may include training on

10 recognizing persons with an autism spectrum disorder. So

11 again, as you know, this training, subject was often covered

12 previously in the mandated subject area of mental health and

13 our current regulation but given this legislation, we have

14 included the proposed language, which is word for word, the

15 language mandated by SB380, adding it to NAC 289.230. Just to

16 remind the commission that on the process, this workshop is to

17 provide input on language and any input from interested

18 parties. Once we get to the regular meeting, we'll have

19 another agenda item which will look to the commission for a

20 motion to continue the rule-making process of adding that

21 language or the language that's developed to the NAC. If

22 there's any questions at this point, I can ask -- I can answer

23 those.

24 MILLER: Thank you for that. Any comments or input from

25 the commissioners?

1 YOUNG: Commissioner Young. I have a question. Do you
2 know why specifically autism spectrum disorder was listed?

3 SHERLOCK: Mike Sherlock for the record. I can only
4 speak to some of the conversations I had with the legislature.
5 That was something that they felt was important to include and
6 I really can't speak to why that is in this context. But that
7 was their wording.

8 MILLER: Any other comments or input from our
9 commissioners? All right, we'll move on to public comment. The
10 commission may not take any action on matters considered under
11 this item until this matter is specifically included on an
12 agenda as an action item. Any further public comments? All
13 right, seeing that there are none, we'll close the workshop
14 and move to our regularly scheduled commission item number
15 four. All right. Regarding item number four. Item number one,
16 public comment. The commission may not take any action on
17 matters considered under this item until the matter is
18 specifically included on the agenda as an action item. We will
19 have another opportunity for public comment at the end of the
20 meeting. Do we have any public comment at this time on a
21 regularly scheduled meeting? Seeing that there's none, we will
22 move to item number two, discussion and for possible action,
23 approval of the minutes from July 17th, 2025 regular scheduled
24 POST commission meeting. Any comments from the commissioners?
25 Seeing that there's none, I'd like for a motion to approve the

1 minutes.

2 PROSSER: Jamie Prosser, so moved.

3 MCKINNEY: Kevin McKinney, I'll second.

4 MILLER: We have a first and a second. All those in
5 favor say aye.

6 ALL: Aye.

7 MILLER: Opposed? All right. The motion approved. Item
8 number three, Information Executive Director Mike Sherlock,
9 you're up.

10 SHERLOCK: Thank you. Mike Sherlock again for the
11 record. Let me first thank and welcome Sheriff McGill to the
12 commission. Sheriff McGill was appointed by the governor to re
13 -- replace replace Chief Trouten. This is one of three
14 positions that must be from a county that is not Washoe or
15 Clark, it must be a category one agency. So welcome, sheriff,
16 glad to have you on the commission. So first over in basic
17 training, we were just awarded a grant to develop standard --
18 standardized lesson plans for all mandated basic training
19 subjects. We'll begin work on that January, 1. The process
20 includes subject matter experts and experts in education and
21 training delivery. I won't go into -- to specifics, but we'll
22 just simply say, we're often asked for sample curriculums
23 based -- based on the mandated subjects, performance
24 objectives and this will help clarify most of those -- most of
25 that. For those who deliver basic training, the finished

1 product, again, as -- as the usual for POST, will not be a
2 mandated curriculum, but will provide a -- a -- a reference
3 for basic academies across the state to use should they wish.
4 Over in advanced training, we just currently just finished
5 delivering first line supervisor class out in Elko. We just
6 graduated class three of the POST Leadership Institute. In
7 admin, we, as you all know, we struggled through the most
8 recent or the -- the cyber-attack. We are almost completely
9 restored at this point, but I'm not gonna lie, it was a
10 difficult couple of months for us. We were unsure as to the
11 status of our officer records and other records for that
12 matter but it looks like at this point we're good and those
13 records have been restored without losing them. We are slowly
14 restoring our web-based processes and to be honest with you,
15 the fact that the state IT people were able to basically save
16 and restore those records says much I think about the IT
17 people over at the state. They did a good job in protecting,
18 interrupting the attack and then restoring our data. Although
19 it took two months, we know -- we know why that is. That said,
20 we're looking at what we can do better to protect our data but
21 you have to understand that the entire executive branch was
22 attacked in this cyber-attack and our, you know, security for
23 our data is with the state, obviously. Related to that, we are
24 working through the bureaucracy of getting our budget
25 approved, new data management and learning management system

1 project underway. We expect to go to BOE on December 5th and
2 get approve -- approval there and this will allow vector
3 solutions and acadis to begin our new data management program.
4 You know, this has been a long time coming, so we're pretty
5 excited about it. This system will allow better interaction
6 with agencies, better process reporting and retrieving officer
7 data, better agency training and training provider records
8 within our own buildings. So we're -- we're glad to see that
9 one go. You know, I'll mention that we have seen a large
10 increase lately of people calling to make complaints on either
11 agencies or individual officers. I hope everybody knows that's
12 not our function and just so those interested parties
13 understand is our process is to refer them back to the
14 employing agency when we get the complaints and we get quite a
15 few just -- just to keep on your radar. We are looking at
16 essentially creating perhaps a spot on our website that
17 includes links to all law enforcement, statutory law
18 enforcement agencies in the state to just to make it easier
19 for us. We're dealing with that so much. I think with that, I
20 would add one more thing. We are sort of caught in the middle
21 based on a new statute, and that statute requires an employing
22 agency to notify POST immediately when a certified officer is
23 charged with a revocable crime, but also, which we previously
24 had that's not necessarily new, but it -- it does make it
25 clear it has to be immediate where an officer resigns during

1 an IA, POST is to be notified and understand that we -- we
2 fought against this particular bill because it includes
3 information that we don't necessarily have the authority to
4 act on. But that is what the NRS says. And it also requires
5 agencies that report that someone resigned during the IA must
6 then follow up with a written statement as to the findings of
7 the IA. Again, this is not what we wanted in any way, but it
8 is imposed by the NRS. So we just want to get that word out.
9 We're getting inquiry -- inquiries about that and we just want
10 to make sure that agencies understand that that is a statute
11 and we're -- we're caught with the questions so.

12 SHEA: Mike, can I ask you a question? Is this an IA
13 where the person resigns in lieu of termination or it's any
14 IA, the guy decides, you know, I just don't want to do this
15 job anymore. He wasn't gonna be terminated, maybe getting a
16 written reprimand.

17 SHERLOCK: Yeah.

18 SHEA: But he leaves.

19 SHERLOCK: So yeah, unfortunately it doesn't -- it does
20 not say in lieu of is if they resign during an investigation,
21 you have to notify POST. Now --

22 PROSSER: Jamie Prosser, for the record. Any IA
23 investigations or IA investigations reference crimes that
24 would've been revocable.

25 SHERLOCK: So what it -- only if they, so you know,

1 we're trying to narrow it as clear as much as we can too
2 because we don't want all this information. It's only during,
3 if they resign during an IA. So --

4 PROSSER: So any IA like sick leave usage?

5 SHERLOCK: Yeah. If -- but I want to make sure it's not
6 any IA unless they resign. So if they resign during the IA,
7 yes, unfortunately. If -- if they don't resign, you don't have
8 to tell us about the IA. It's only if the subject officer re -
9 - resigns, you know what -- a lot of these are what you're
10 talking about chief. If you can conclude that before their
11 resignation date, you do not fall under the statute.

12 PROSSER: Okay. And just for clarification, even though
13 we're notifying POST of these incidents, they don't get
14 revoked until it comes before this board.

15 SHERLOCK: That's -- that's correct. And -- and -- and
16 the truth of the matter is, this is our issue with this
17 particular statute is it's essentially requires agencies to
18 report to POST those issues that aren't revocable. That's our
19 problem with it if you can imagine but --

20 MCKINNEY: Kevin McKinney for the record, but isn't
21 there language in 289 that says they're not eligible to be
22 certified if they've been -- if they have resigned in lieu of
23 termination.

24 FLOYD: 110?

25 SHERLOCK: Yeah.

1 FLOYD: It's a hiring standard, yeah.

2 SHERLOCK: My short for the raise. So yeah, under 110,
3 that's a -- but it has to be a revocable issue investigation,
4 right?

5 FLOYD: They have to have --

6 SHERLOCK: There is a separate --

7 FLOYD: exhausted all.

8 SHERLOCK: -- but that's a hiring issue rather than a
9 reporting issue but yeah.

10 MCKINNEY: Kevin McKinney, I believe it's part of the
11 certification, isn't it? They're not eligible to be certified.

12 SHERLOCK: No, it's part of the hiring standards. It
13 it's kind of semantics because they -- for -- for someone to
14 resign during an IA, they're already certified.

15 MILLER: I -- I -- I don't -- I understand. I'm just
16 trying to see, but maybe is that what they -- they're trying
17 to do is put that in line with -- with the previous?

18 FLOYD: No, they made it worse. Misconduct involving
19 dishonesty is a hiring..

20 SHERLOCK: That's the problem. So, no, I -- it's a
21 totally separate and distinct NRS for -- for this particular
22 issue. Now we do run into -- so there -- there's a separate
23 statute now that, as you all know, requires them to sign an
24 affidavit. And part of that requirement in the affidavit is a
25 statement that you did not resign during an IA. And this is

1 where we're getting caught up because they may go to another
2 agency and the agency reports us that it was during an IA, the
3 prospective new officer or new hire is signing the affidavit
4 that says they did not resign during an IA. And -- and it --
5 it -- it's a problem for us. I, you know, my point here though
6 is just to make sure everybody understands that and -- and
7 what that requirement is, just based on some of the inquiries
8 we're getting now and -- and -- in that area. So that's what
9 that particular 289.585 says in relation to reporting that.

10 COVERLEY: One question. Dan Coverley for the record.
11 And then what do you do with the information?

12 SHERLOCK: So at this point, we're -- you have it just
13 on a shared or --

14 FLOYD: It goes in a file. It is locked -- locked
15 cabinet.

16 SHERLOCK: Yeah. We are keeping hard copies and just
17 files and lock it up.

18 COVERLEY: And is that subject to a FOIA request? I'm --
19 -- I assume someone --

20 SHERLOCK: For -- for us it's not because we can in
21 good faith say that it's not related to certification, which
22 is what we do. And so we would refer public records request
23 back to the employee agency.

24 TOGLIATTI: George Togliatti for the record. When did
25 that become effective?

1 SHERLOCK: Last January.

2 FLOYD: Last session.

3 SHERLOCK: Yeah. It was right after last session, but I
4 don't -- I think it --

5 TOGLIATTI: The date, I mean the date it kicks in.

6 SHERLOCK: Yeah, I think it was October 1st actually.
7 But I'd have to look at that. It's -- it -- it's active now. I
8 can tell you that. And if there's no -- no other questions,
9 Chairman, that's all I got on that one.

10 MILLER: Looking on commission for any final thoughts
11 or questions. All right, if there's none, we'll move on to
12 item number four, discussion for possible action, discussion
13 by the commission to continue rule making process regarding
14 the revision of NAC 289. 230 to comply with SB380, which adds
15 interactions with persons with developmental disabilities. I
16 already got that one. I think I already did. You ready to move
17 it forward? Okay. I did not. All right. Person with
18 disabilities, which may include without limitations training
19 on re -- recognizing and responding to persons with an autism
20 spectrum disorder to subsection (1)(b). possible action may
21 through approval of proposed language. And we'll go to Mike
22 Sherlock for more information.

23 SHERLOCK: Thank you Mike Sherlock for the record. So,
24 again, as was outlined in the workshop, SB380 requires the
25 commission to adopt language to include training and

1 developmental disabilities, recognition as part of the annual
2 requirement. Based on SB380, staff would recommend the
3 language, which includes adding subsection eight to section
4 one of NAC 289.230, which is the annual compliance NAC and add
5 the language that -- interactions with persons or mandated
6 annual training and interactions with persons with
7 developmental disabilities, which may include training on
8 recognizing persons with an autism spectrum disorder. By
9 adopting this language, you would -- the commission would
10 fully comply with the requirements of SB380.

11 MILLER: All right, thank you for that Mike. I'll open
12 it up for commissioner comments.

13 YOUNG: Commissioner Young for the record, and this may
14 not even be a valid point. I guess I -- I just have some
15 concerns about the -- not questioning the skill, but having
16 the skill to identify particularly autism. And why I asked
17 earlier is that's -- that is a very unique and rare skill that
18 I think people can obviously possess, but that's a -- I just
19 have a challenge with that language and that specifically
20 being around autism spectrum disorder.

21 SHERLOCK: Yeah. Mike Sherlock for the records. You
22 know, from our perspective, at least providing training, even
23 if that's what the training is --

24 YOUNG: Mm-hm.

25 SHERLOCK: -- would be in compliance with this mandate.

1 And -- and certainly I think to some extent be beneficial.

2 YOUNG: And I -- commissioner Young for the record. I
3 agree with the benefit of it. It's just concerning that it's -
4 - that particular piece of mental health.

5 PROSSER: Well, Jamie Prosser for the record. It is
6 worded well with, it says it may include without limitation.

7 YOUNG: Mm-hm.

8 PROSSER: So it sort of covers multiple mental health
9 concerns.

10 YOUNG: Yeah.

11 PROSSER: But I understand what you mean.

12 MCKINNEY: Kevin McKinney for the record. It seems a
13 little bit redundant with the -- the other requirements.

14 SHERLOCK: Yeah, Mike Sherlock --

15 MCKINNEY: How are you going to address that when --
16 when one training covers both topics, how are we gonna be able
17 to audit that and -- and make sure we're in compliance?

18 SHERLOCK: Mike Sherlock for the records. From -- from
19 an audit perspective, if that particular sort of subject
20 matter is contained in the other areas, particularly for us is
21 -- is the mental health section of the requirement, we would
22 see that in there and you would be in compliance. It -- the
23 reason we're separating it out as a separate requirement is
24 basically to be in compliance. So there's no question that in
25 your mental health training, it must include these subjects

1 and that's the only difference there. Understand that it did
2 not change the minimum number of hours that the legislature
3 requires, it's just part of that requirement.

4 MILLER: Any other comments or input from our
5 commission? I'll be looking for a motion to approve the
6 language regarding the inclusion of training on recognizing
7 and responding to persons with autism spectrum disorder, NAC
8 289.230.

9 SHEA: Tim Shea, I make the motion to adopt the
10 language.

11 PROSSER: Jamie Prosser, I'll second.

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

14 ALL: Aye.

15 MILLER: Any opposed? Motion approved. Item number
16 five, discussion of possible action, request from the Lyon
17 County Sheriff's Office for an executive certificate for their
18 employee Sheriff, Brad Pope, pursuant to NRS 289.270 (1)(b).
19 Possible action may include approval or denial of the
20 requested executive certificate. Let's go to Mike Sherlock.

21 SHERLOCK: Thank you. Mike Sherlock for the record. So
22 staff has reviewed the application for Lyon County Sheriff
23 Brad Pope and find he meets or exceeds the requirements for
24 the executive certificate and rec -- recommends issuing the
25 executive certificate. And I don't see Sheriff Pope in here.

1 We recommend issuing that certificate.

2 MILLER: Any input from our commissioners? Seeing
3 there's none, we'll be looking for a motion to approve the
4 executive certificate for Sheriff Brad Pope.

5 MCKINNEY: Kevin McKinney, I'll make the motion to
6 approve the executive certificate for Sheriff Brad Pope.

7 COVERLEY: Dan Coverley, second.

8 MILLER: I have a motion and a second. All those in
9 favor say aye.

10 ALL: Aye.

11 MILLER: Aye. Any opposed? Motion carries. Item number
12 six, discussion for possible action request from the Nye
13 County Sheriff's Department for executive certificate for
14 their employee, captain Harry Means pursuant to NAC
15 289.270(1)(a). Possible action may include approval or denial
16 the requested executive certificate. Let's go to Mike Sherlock
17 for more.

18 SHERLOCK: Mike Sherlock for the record. Staff -- staff
19 has reviewed the application for Captain Harry Means and finds
20 he meets or exceeds the requirements for the executive
21 certificate and staff recommends issuing that certificate. I
22 do see Mr. Chairman that he is in the room if you want him to
23 take a bow or anything. He is here.

24 MILLER: You want to stand and make yourself known? Do
25 we have any comments from our commission. All right, looking

1 for motion to approve the executive certificate for Captain
2 Harry Means.

3 MCGILL: Chief, I'd like to make that motion to approve
4 the certificate for Captain Means.

5 MILLER: We have a first.

6 NEIL: Russ Niel, I second.

7 MILLER: Second. All those in favor say aye.

8 ALL: Aye.

9 MILLER: Aye. Any opposed? Motion approved.

10 Congratulations.

11 MEANS: Thank you.

12 MILLER: Moving on to item number seven, discussions
13 with possible action request from the Las Vegas Metropolitan
14 Police Department for an executive certificate where their
15 employee sheriff Kevin McMahill, pursuant to an NAC
16 289.270(1)(a) possible action may include approval or denial
17 of the requested executive certificate. Let's give it to Mike
18 Sherlock for further information.

19 SHERLOCK: Mike Sherlock for the record. Staff once
20 again has reviewed the application for Sheriff McMahill and
21 finds he meets or exceeds the requirements for the executive
22 certificate and staff recommends issuing that certificate.

23 MILLER: All right, any commissioner comments? Looking
24 for a motion to approve the executive certificate for Sheriff
25 McMahill.

1 TOGLIATTI: George Togliatti, I motion to approve.

2 MCKINNEY: Kevin McKinney, I'll second.

3 MILLER: All right, we have a motion and a second. All
4 those in favor say aye.

5 ALL: Aye.

6 MILLER: Any opposed? Motion carries. Moving on to item
7 number eight, discussion and possible action request from the
8 Humboldt County Juvenile Services for a six month extension,
9 part one year requirements NRS 289.550 in order to meet the
10 requirements for certification for their employee Madison
11 Krause. Based on her hire date, the extension would go to
12 March 30th, 2026. Possible action may include approval or
13 denial of the request extension. I'm go to Mike Sherlock for
14 more information.

15 SHERLOCK: Mike Sherlock for the record. Here, Cadet
16 Krause was unable to complete our most recent in-person
17 session of our category two academy for non-disciplinary
18 reasons. Our next available class is beyond her one year and
19 staff would reme -- recommend that Cadet Krause be given the
20 extension to complete the training. Again, the extension would
21 require that she completes that training by March 30th, 2026.

22 MILLER: All right, is there anyone here from the
23 Humboldt County Sheriff's Office who'd like to speak? Any
24 comments from our commission? All right, seeing that there's
25 none, I'd like to be looking for a motion to approve the

1 extension for Madison Krause.

2 PROSSER: Jamie Prosser, so moved.

3 COVERLEY: Dan Coverley, second.

4 MILLER: I have a first and a second. All those in
5 favor say aye.

6 ALL: Aye.

7 MILLER: Aye. Any opposed? Motion carries. Moving on to
8 item number nine, discussion of the possible action request
9 from Esmeralda County Sheriff's Department for six-month
10 extension part the one-year requirements, NRS 289.550 in order
11 to meet the requirements for certification of their employee,
12 Travis Smalley. Based on his hire date, the extension will go
13 through April 22nd, 2026. Possible action may include approval
14 or denial for the request to extension. Let's go to Mike
15 Sherlock.

16 SHERLOCK: Mike Sherlock for the record. Here, Deputy
17 Smalley had again, a non-disciplinary issue -- issues in his
18 ability to complete basic training. And we would recommend the
19 extension to allow him the opportunity to complete the basic
20 academy. The extension would allow him to enroll in a basic
21 training academy on or before April 26th, 2026 Or April 22nd,
22 2026.

23 MILLER: Right. Is there anyone here from the Esmeralda
24 County Sheriff's Office who'd like to speak?

25 MELENDEZ: Sheriff Julian Melendez, Esmeralda County

1 for the record. I'm here in case any commissioners have any
2 questions. It's pretty straightforward. He was unable to
3 complete the POST academy in Carson City and then the College
4 of Southern Nevada both times for non-disciplinary reasons. So
5 if you have any questions, I'm here to answer them.

6 MILLER: Thank you, sheriff. Any comment or questions
7 from our commission?

8 YOUNG: Commissioner Young for the record, why -- why
9 was he unable to complete?

10 MELENDEZ: For Carson City, he was unable to pass the
11 physical fitness requirement on the first day and then for the
12 College of Southern Nevada, passed the physical -- physical
13 fitness requirement and then was unable to complete the
14 training within a couple of days, but again, for non-
15 disciplinary reasons.

16 YOUNG: Thank you.

17 MILLER: Any further questions from our commission?

18 COVERLEY: Dan Coverley for the record. Mike, is there
19 a limit to how many extensions may be granted?

20 SHERLOCK: Yeah, Mike Sherlock for the record. So the
21 regulations allow one six-month extension and after that there
22 -- there is no extension available. That's it.

23 MCGILL: Joe McGill for the record. So Sheriff, correct
24 me if I'm wrong, he is currently working and not certified as
25 of yet?

1 MELENDEZ: Yeah, he's currently with us, but is
2 certification expired October 22nd. So he does not have peace
3 officer powers today.

4 MILLER: Any further questions for the commission?
5 Seeing that there's none, I'll be looking for a motion to
6 approve the extension for Travis Smalley.

7 COVERLEY: Dan Coverley for the record. I move.

8 NEIL: Russ Niel, second.

9 MILLER: A motion and a second. All those in favor say
10 aye.

11 ALL: Aye.

12 MILLER: Any opposed? All right. Motion carries. Moving
13 on to item number three, discussion for possible action
14 request pursuant to NAC 289.290(12). Request pursuant to NAC
15 289.290(12) from Stepan Bryan for reinstatement of eligibility
16 to be certified, which Brian category I basic certificate was
17 revoked on August 13th, 2020 pursuant to NAC 289.290(1)(h)
18 based on a conviction of a misdemeanor. Possible action may
19 include the approval or denial of the request of
20 reinstatement. Let's go to Mike Sherlock for some background.

21 SHERLOCK: Mike Sherlock for the record. Just because
22 you don't see a lot of these, I'll give some background
23 related to this issue. The regulations do allow a person who
24 has had their certificate revoked to petition the commission
25 to allow reinstatement of that privilege after a five-year

1 period. So if you understand the regulatory process, a -- a --
2 a certificate holder who is inactive for more than 60 months
3 expires and must start over. So the regulations allow for the
4 reinstatement after five years, which triggers the 60 month
5 rule and would force them to return to a basic training
6 academy though the vote to reinstate would reinstate the
7 privilege and allow them to go back into a basic academy. It
8 is extremely rare for us to see petitions such as this, I
9 think primarily because our revocations are based on criminal
10 convictions. So from a practical standpoint, those convictions
11 are felonies, Brady related, domestic violence related or just
12 inconsistent with the policing profession. So we just don't
13 see many of these. I can only think of one such request and
14 just for your own knowledge, it was a revocation again for a
15 misdemeanor conviction of theft or -- or mis -- mis
16 appropriation of property and that request was denied by the
17 commission. In this case, Mr. Bryan was convicted of a
18 misdemeanor harassment as a result of a domestic incident
19 because it was a misdemeanor. His employing agency requested a
20 review for revocation based on the conviction he was revoked.
21 As I understand it the employing agency opposes the
22 reinstatement, staff would re -- recommend the request be
23 denied based on that conviction. Mr. Bryan was note -- noticed
24 of this hearing. Not sure if he is here or not, but I believe
25 the employing agency is here and would make comments. Thank

1 you.

2 DEPUTY CHIEF MURNANE: Deputy Chief Matt Murnane from
3 the Henderson Police Department. I agree with staff's
4 recommendation. This is not someone that we would ever want
5 employed with a police officer again. He did have his record
6 sealed so I cannot comment on his criminal case. However, I
7 can tell you his -- he had multiple internal affairs
8 investigations. His last one he was sustained on multiple
9 accounts and we did recommend termination, however he decided
10 to retire prior to that. But based on my knowledge of the
11 case, this is not someone that we want to be a police officer
12 and I'm happy to answer any question if anyone has any.

13 MILLER: Any questions from our commission? Thank you.
14 Is Mr. Bryan here? All right, Mr. Bryan is not here, I'll ask
15 for any other input from our commission.

16 MCKINNEY: Kevin McKinney for the record, I was
17 commissioner in 2020 when -- when that revocation occurred. I
18 -- I personally felt there were grounds for the revocation so
19 did the rest of the commission and I believe it was unanimous.
20 I don't see a need at this point to reinstate certification
21 eligibility for him.

22 MILLER: Any other comment?

23 SHEA: Tim Shea for the record, I went through all the
24 records, both. This was kind of unique in that we had a blind
25 hearing in February of the year, but we didn't know who the

1 person was and then in August had the hearing. And during the
2 time, the discussion centered around revocation only, there
3 was no other options. It was revocation based upon the
4 agency's request, based on the totality of the circumstances.
5 And I think one of the things the Attorney General at the time
6 said, when you consider revocation is if would this person
7 coming to an agency be hired with these actions in their
8 record? And our conclusion was they would not, therefore,
9 revocation was appropriate. And from my standpoint, just
10 asking for revocation -- a reversal of revocation without any
11 supporting documentations or reasoning leads me to believe,
12 what am I supposed to base this on? Just five years has gone
13 by and therefore you get back or should there not be some
14 argument as to why I'm worthy of having my privileges restored
15 to me. And I don't think we have anything other than it's been
16 five years.

17 MILLER: Ollie Miller for the record. (inaudible)
18 questions from this commission on behalf of why we should
19 consider the statement?

20 SHERLOCK: Mr. Chairman, just real -- real quick, in --
21 in your material, it include -- the book includes the letter
22 requesting just to your point on -- on why this particular
23 person wanted you to consider.

24 MILLER: All right. So any more comments or input from
25 our commission? I'm looking for a motion to approve the

1 extension for Travis Smalley.

2 PROSSER: Jamie Prosser opposes the reinstatement of
3 Mr. Smalley.

4 PROSSER: No, it's --

5 PROSSER: Oh, Bryan. Mr. Bryan. Sorry.

6 UNKNOWN: There's some confusion. You're going back to
7 the previous agenda item.

8 MILLER: No, I'm so, so sorry. You are --

9 UNKNOWN: That's okay.

10 MILLER: -- exactly right. Yeah.

11 MCKINNEY: I didn't -- I didn't hear you.

12 MILLER: So sorry. Got here. Be looking for a motion to
13 deny the -- or be looking for, deny -- a motion to deny or
14 approve the reinstatement request for Steven Bryan.

15 PROSSER: Jamie Prosser denies the reinstatement for
16 Steven Bryan.

17 YOUNG: Commissioner Young, I second.

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

20 ALL: Aye.

21 MILLER: Any opposed? All right. Motion carries. Sorry
22 about that everyone. Okay. The next four items relate to the
23 revocation hearings. Let's go to the Deputy Attorney General
24 Jocelyn De Luna for some foundational information.

25 DE LUNA: Thank you, commissioner. Jesselyn De Luna for

1 the record. So just preliminarily for purposes of agenda items
2 11, 12, 13, and 14, I'm going to ask Chief Floyd, can you
3 verify that the materials that are contained in the meeting
4 materials for each of these items, which include things like
5 court documents, conviction documentation, that you obtained
6 them directly from the courts?

7 FLOYD: Yes, I did.

8 DE LUNA: And have you maintained those documents in
9 the ordinary court of your record keeping since you obtained
10 them from the courts?

11 FLOYD: Yes, I have.

12 DE LUNA: And are the versions of those documents that
13 are contained in the meeting materials true and accurate
14 copies of these materials?

15 FLOYD: Yes, they are.

16 DE LUNA: Okay. Based on that preliminarily, I advise
17 the members of the commission that the materials in your
18 meeting binder for material -- for agenda items 11, 12, 13,
19 and 14 constitute valid public records of charges and
20 convictions that uphold the regulatory standards for
21 revocation in these four items.

22 MILLER: Okay, moving on to item number 11, discussion
23 and for possible action, hearing pursuant to NAC 289.290(1)(e)
24 and NAC 289.290(1)(g) for the possible revocation of the
25 category I basics held by Louis F. Ashby, former employee of

1 White Pine County Sheriff's Department based on the conviction
2 of entry, plea of guilty -- guilty, but mentally ill or nolo
3 contendere to a gross misdemeanor and felony. The convictions
4 that have led to this action are count one, open and gross
5 lewdness, a gross misdemeanor in violation of NRS 201.210.
6 Count two, attempt sexual assault, a category B felony in
7 violation of NRS 200.366(2) (b) and NRS 193.153. Possible
8 action may include revocation of the category I basic
9 certificate. Let's go to Mike Sherlock for more information.

10 SHERLOCK: Thank you, Mike Sherlock, for the record. In
11 this case, as you see in your material, former Officer Ashby
12 has convictions of open and gross lewdness as a gross
13 misdemeanor and attempted sexual assault as a felony. These
14 convictions are both inconsistent with the policing profession
15 in the case of both the gross misdemeanor conviction for
16 lewdness and the felony conviction of attempted sexual
17 assault. In the case of the felony conviction, obviously it is
18 prohibitive. As such, staff recommends the commission revoke
19 the category one basic cert -- certificate of Mr. Ashby. Mr.
20 Ashby was noticed and -- of this.

21 MILLER: Is Mr. Ashby here or anyone on his behalf? Do
22 we have any commission comment? Go ahead. Be looking for a
23 motion to revoke the category three basic certificate for
24 Louis F. Ashby.

25 MCGILL: Joe McGill, motion for revocation as written

1 motion.

2 MILLER: We have a motion; do we have a second?

3 SHEA: Tim Shea, I'll second.

4 MILLER: Motion and a second. All those in favor say
5 aye.

6 ALL: Aye.

7 MILLER: Aye. Any opposed? Motion carries. Item number
8 12, discussion and possible -- possible action hearing
9 pursuant -- pursuant to NAC 289.290(1)(e) for the possible
10 revocation of the category three basic certificate held by
11 Joseph Billey, former employee of the Nevada Department of
12 Corrections, based on a conviction of entry of plea of guilty,
13 guilty but mentally ill or nolo contendere to a gross
14 misdemeanor. The convictions that have led to this action are
15 count one battery on a healthcare provider (gross misdemeanor)
16 violation of NRS 200.481(2)(d). Possible action may include
17 revocation of category three basic certificate. Let's go to
18 Mike Sherlock for more information.

19 SHERLOCK: Mike Sherlock for the record. In this case,
20 the employing agency provided information related to this cri
21 -- criminal conviction and staff believe a gross misdemeanor
22 criminal conviction of battery on a healthcare provider is
23 inconsistent with the law enforcement profession. As such,
24 staff would recommend revocation. I believe Mr. Billey who is
25 notice is here with his representative and I can answer any

1 questions that may be asked.

2 MILLER: Mr. Billey. Yeah, feel free to bring your
3 counsel.

4 HUNTLEY: Good afternoon, thank you. May I please
5 speak?

6 MILLER: Absolutely.

7 HUNTLEY: All right. Thank you, Mr. Chairman, and
8 board. My name is Brent Huntley. I'm legal counsel for Mr.
9 Billey who is here present with me. We're here today because
10 of the request for the revocation. This case being a
11 misdemeanor, it is discretionary. You may revoke it, but you
12 are not obligated to revoke it. I know in cases where it's
13 recommended that it's very rare for you to not follow that
14 recommendation, but I hope to be able to show you today
15 reasons why revocation would not be fair or just in this case.
16 As was mentioned, this request came from a notice from the
17 department. The department was Nevada Department of
18 Corrections, and I believe the timing and originally of that
19 request is noteworthy. This event happened back in 2024. There
20 was an internal investigation done, which led to no
21 discipline. Sub -- sub -- at the same time, requested made for
22 a criminal prosecution. Eventually a plea deal was reached,
23 and I'm gonna ask my client a minute to explain kind of why he
24 did that. But I'll represent to you that Mr. Billey has a 15-
25 year career with little to no issues within DOC. He engaged a

1 criminal attorney through his legal defense plan. That
2 criminal attorney recommended he accept a plea deal for
3 battery and I -- I've reviewed the emails and the -- the
4 attorney basically told him, accept this deal or your only
5 other offer is gonna be a plea for oppression. Notably, the
6 attorney did not tell him that the judge had already dismissed
7 the oppression charge for lacking probable cause. The attorney
8 then went on to tell him if he did not -- did not accept the
9 plea deal, that he was gonna face additional charges for
10 lewdness, which would require him to register as a sex
11 offender given that his administrative matter had already
12 cleared with no discipline and I'll let him explain, he didn't
13 understand the full consequences that this may happen for a
14 guilty plea and did not want to risk the potential --
15 potential threatening charges his attorney were representing
16 to him. Now with regard to actually proving what happened, we
17 don't have that in a criminal case because it was a guilty
18 plea, but there was also nothing proved in the administrative
19 case, which led to no discipline. On the record, the only
20 thing we have is we have four statements about what happened,
21 and I would like to review those four statements briefly. The
22 first is a statement from Lieutenant Kyle Groover who talked
23 to the nurse and he said, "Nurse Stacy said, Billey came up
24 behind her and began to put his hands on her shoulders, back
25 and waist area." So that's the limit of what she reported in

1 that situation. The second statement comes from the nurse's
2 actual report that she put in their internal system called
3 notice. And there's two quotes that she put in there. First
4 one is "he leaned on me and put both hands on my shoulders."
5 The other quote from that report is he "placed one hand on my
6 left shoulder and rested his body on my left hip." The third
7 statement from Ms. Perkins is to the investigator in the --
8 from the IGs office. And we never actually got a copy of that
9 interview because it never progressed to discipline. So we --
10 it never triggered our right to actually review the file. But
11 in his declaration, the investigator wrote "Nurse Perkins
12 stated that she was bent over a countertop. Billey walked up
13 behind her and placed his hands on her shoulders and pressed
14 his groin against her buttocks." The final statement I want to
15 read is the only witness that was interviewed was Officer
16 Jimenez. And his statement was "did observe Billey place his
17 hands on Nurse Perkins upper back area and began a rubbing
18 motion on her back and asked Nurse Perkins, who else do you
19 need" referring to, which inmate was next to receive their
20 medication? So this situation all occurred while a nurse is
21 handing out medication. Officer Billey is fulfilling his
22 duties of bringing the inmates in order to receive that
23 medication. He'll tell you today that he simply rested his
24 hands on her shoulder and asked her in a friend -- in a
25 friendly manner, who do you want that? You can see from the

1 statements. Initially it was he put his hands on my back and
2 shoulders, and then it progressed to he put his hands on my
3 shoulders and leaned against my hip. And then it progressed to
4 he put his hands on my shoulders and pressed his groin into my
5 buttocks. Notably, the only witness there does not corroborate
6 that statement other than putting hands on shoulders which Mr.
7 Billey will admit to. And so in this case, I believe the --
8 the allegations got blown out of proportion leading to a
9 criminal charge, leading the threats of being a sex offender,
10 which caused Mr. Billey to plead guilty thinking his job was
11 already safe because the internal investigation had already
12 concluded with no discipline. But in essence, what really
13 happened here is something that I would judge, probably
14 happens in each of your departments on a weekly basis, where
15 someone puts their hands on their shoulder in a friendly
16 manner and says, hey, how are you doing, whatever it may be. I
17 mean, I've been doing this job since 2011. Many of you here
18 know me. I've -- I've been in your departments. This kind of
19 stuff happens, it's not that surprising. I think it got
20 somehow -- and I -- I don't know where it happened, but it got
21 blown out of proportion between this initial court report and
22 the investigation and eventual criminal charges to the point
23 where I -- I don't think anything that Mr. Billey did. And
24 he'll -- he'll acknowledge that it wasn't the most appropriate
25 thing to do with the coworker. Should probably never touched a

1 coworker, wasn't sexually motivated at all, but even then, he
2 probably shouldn't do it. But it was not an action that should
3 lead to the ending of a 15-year career that he's put his whole
4 working life into. And the one other point I wanted to mention
5 or address is the restrictions based on his probation would
6 limit his ability to work in NDOC but that's been addressed
7 with NDOC, where if they're not willing to modify his duties
8 to -- to fit in those restrictions, that he's eligible to have
9 those restrictions removed in January, and that he would be
10 open to taking unpaid leave until that time when he can fully
11 function in his position. And with that, I wouldn't usually do
12 this, but I do want Mr. Billey to kind of give his own version
13 so you can hear from him what actually happened and why he
14 ended up pleading guilty in this case.

15 BILLEY: Members of the board. I worked at Southern
16 Nevada Correctional Center for a very long time, worked with
17 those nurses on a regular basis and considered them all
18 friends. When I went to the camp, I would only see those
19 nurses for maybe 15, 20 minutes a day of male, female didn't
20 matter. So when they come up to camp, I was of course happy to
21 see them. I was glad to do whatever they needed. I would go
22 get the inmates and unlock the doors, have them line up. It
23 was a very, sometimes chaotic if they were out of yard and all
24 of them were trying to come in at once. But we would usually
25 try to control it to one or two out of four pods at a time.

1 When the inmates were there on a regular basis, inmates don't
2 show up. When they didn't show up, I took it upon myself to
3 ask each and every nurse that was there, who they needed,
4 where they were, what pod they were in, and went and looked
5 for them. If I couldn't find them, I would ask an inmate,
6 "Hey, do you know so and so? Is he here?" When he wasn't here,
7 I would've to go back to the desk, tell one of the nurses,
8 hey, this inmate is not here. So me resting my hand on that
9 nurse's shoulder, if I touched her hip, it would probably
10 happen something a million times to any -- anyone, because I
11 would reach over and I would grab that, I would take that
12 medical pill, go over to the computer, look that inmate up,
13 tell the nurse he went back to Southern, he went to unit two.
14 As far as that day, when I was getting the inmates together, I
15 came up the desk, there was an octagon shape raised desk, and
16 the inmates had four pos around us. They would line up on this
17 side. I came up from this side, I did put my hands on both her
18 shoulders, I moved them and asked them who she needed.
19 Normally, I would regularly put a hand on a shoulder because
20 they were preoccupied just to get their attention. I would get
21 whoever they needed after that and whatever means I needed to
22 find, to get whoever they needed. I never did it in any manner
23 to any nurse in any sexual way at any point at any time. I did
24 it with both male and female nurses. For as long as I'd been
25 there, I'd never thought twice about officers hugging nurses

1 or me putting an arm around, hey, how you doing or anything
2 like that until after this period in time. I wasn't even told
3 what I did. I was removed from my post, it happened February
4 24th of '24. I was removed from my post from March 1st. I was
5 sent to High Desert State Prison where I conducted all the
6 duties of a regular officer, did pill call with the nurses,
7 did everything, still had no clue what I had done until the
8 date they came. They arrested me and told me I was guilty of
9 battery on a healthcare provider. I still had no idea what the
10 accusations were. My counsel told me, because I had a meeting
11 at Casa Grande that day, not to show up for my arraignment, go
12 to the Casa Grande meeting, went to the Casa Grande meeting.
13 He told me not to show up for several other of my hearings. So
14 by the time I went in for my first hearing, I was ready to
15 plead guilty because I had touched her. I had discussed with
16 my wife. I said, I put my hands on her shoulders. I said, I
17 admit that I did that. I've always admitted to what I have
18 done wrong. I've stepped forward to my lieutenants and said,
19 that was my fault, I did that. If I didn't do it, I said, I'll
20 fix it, I'll find out what happened. So I was ready to plead
21 guilty, and then I asked the -- it was my attorney's son who
22 was handling my case, what did I do? What am I pleading to
23 tomorrow? He goes, "oh, well you were given that at the
24 arraignment." I said, well, you guys told me not to show up
25 for the arraignment. So I literally got it that night. I had

1 12 hours to, oh, I'm being charged with this now, I'm not
2 pleading guilty. So then it was put off again. Then more stuff
3 came through, oh, you're gonna be charged or take two felony
4 counts and it'll be dropped to a misdemeanor if you plead
5 guilty in one year or something like that. And I still was not
6 gonna plead guilty. Yes, I had done it, but I did not think
7 that I -- it was cause for a gross misdemeanor. I mean, I
8 literally, "Hey, who do you need?" It was wrong of me to touch
9 both of her shoulders. Like I said, 15 years, I never thought
10 twice and until I found out what I had done. I eventually was
11 gonna be charged with other things and I had figured out I
12 touched her. I'm guilty of that misdemeanor. It was a gross
13 misdemeanor because it was a nurse. I accepted the plea. I did
14 not realize that it was gonna go further to where not only
15 could I not have the weapons in my house, it was later put on
16 that I could have no contact with inmates or no contact with
17 weapons at all inside or outside of my home. So therefore, I
18 have done my work for my parole. I have done my reporting
19 correctly. I should be getting the 20 days that I should be
20 eligible at any time to ask for that removal of my
21 probationary period and would just love to return to my job
22 that I put my time and work into. And I've thought twice about
23 every time I've seen somebody touch somebody, period since
24 that day. My wife had told me, oh, that's highly
25 inappropriate, my bad. Well, it was just something I'd seen

1 every day in mind. So I thought about what happened, I thought
2 about that and I have for just stopped saying hi to people in
3 that way, asking questions in that way, think twice about even
4 the contact on the street. It was something that changed my
5 whole point of view and (inaudible). Thank you for your time.

6 HUNTLEY: With that. We're happy to answer any
7 questions you may have or turn the time back over to you.

8 DE LUNA: Jocelyn De Luna for the Attorney General's
9 office. I -- I went back and I looked at the case that we have
10 a judgment of conviction for, for the record that's Clark
11 County District Court, C-25-389353-1. We have a judgment of
12 conviction that came down on March 28th, 2025, and then an
13 amended one a couple days later, March 31st, 2025. I see that
14 three months after that, in June of 2025, Mr. Billey went back
15 to the court to petition to modify the sentence. You weren't
16 his attorney.

17 HUNTLEY: I was not.

18 DE LUNA: Were you aware that they went back to
19 petition for it?

20 HUNTLEY: Yes, I was aware. And my understanding is
21 that he was petitioning to have certain of the restrictions
22 removed. And it was not entertained. But as -- as I stated
23 before, we -- we put out to the Nevada Department of
24 Corrections that if they aren't willing to adjust what he does
25 to work with those that he's open to staying on leave until

1 those are removed, which he could be eligible for in January.

2 DE LUNA: Were there ever any efforts to go back and
3 contest the judgment of conviction?

4 HUNTLEY: I do not believe so.

5 BILLEY: I didn't even know I had a timeframe after I
6 pled guilty to change my plea before the sentence. That was
7 never discussed or explained to me. He just said when he was
8 doing something later on, he called me up about some report he
9 had to write for the courts and he said, well, you're not
10 gonna like this, but you've already pled guilty. So would you
11 please answer these questions for me?

12 DE LUNA: Is there any plan to pursue any sort of post-
13 conviction remedies?

14 HUNTLEY: I'm not his criminal attorney, so I don't
15 know that.

16 MILLER: I'll open up the questions and or comments
17 from the commission.

18 COVERLEY: Dan Coverley for the record, did the
19 commission get the request for revocation? There seems to be a
20 time -- a timing issue from the Department of Corrections. Did
21 they do that prior to the conviction or after?

22 FLOYD: The IG's office notified me before.

23 COVERLEY: Before he was convicted?

24 FLOYD: Right. And then I just followed his case in the
25 court.

1 COVERLEY: Okay.

2 SHERLOCK: And -- and Mike Sherlock for the record.

3 Just understand that they're -- they're required to notify us
4 of anyone charged with a crime. So it's often that we get the
5 information before there's any disposition on that case that
6 that's not unusual. They -- they still ask us to track it and
7 -- and are required to report it.

8 PROSSER: Jamie Prosser for the record, this is one of
9 those weird ones. That's a gross misdemeanor. Has anyone from
10 the Department of Corrections reached out and requested for
11 revocation?

12 FLOYD: Not -- not in writing.

13 SHERLOCK: Yeah, Mike Sherlock for the record. Yeah, we
14 -- everything we have come from them in support of this
15 hearing.

16 PROSSER: So just for clarification --

17 SHERLOCK: Came from them.

18 PROSSER: They're required to notify you of his arrest.
19 So they did, but did we make sure that they want to move
20 forward with the revocation of his CAT three certificate?

21 FLOYD: I believe, and I don't have it in this packet,
22 but I believe that I have a document from the IG's office or
23 an email from the IG's office notifying them that we would
24 move forward with revocation.

25 PROSSER: Okay.

1 SHERLOCK: And -- and DOC's IG office or Department of
2 Correction.

3 COVERLEY: Dan Coverley for the record. You're still
4 employed by DOC?

5 BILLEY: No, sir.

6 COVERLEY: You've been terminated?

7 BILLEY: Yes, sir.

8 HUNTLEY: And -- and I -- I can explain we're at with
9 that.

10 COVERLEY: Okay.

11 HUNTLEY: Initially he was notified of an investigation
12 and then that was cleared out with no discipline back in 2024
13 when that happened. And then after the conviction, they
14 started a new investigation and recommended termination on
15 that in violation of the CBA, which clearly prohibits them
16 from doing that. They missed all the timelines, everything.
17 And so we're currently pending arbitration on that
18 termination.

19 SHEA: Tim Shea, I have a question about this State of
20 Nevada POST update personal action report that most of it's
21 blank, but it's signed by a Julia Sodana.

22 FLOYD: Right. That's from Department of Corrections
23 when they terminated.

24 SHEA: It says at 289.290 notification, does NAC apply?
25 Yes. If yes, provide details. There's nothing, just blank.

1 FLOYD: Right.

2 SHEA: It -- it just says status change separated. And
3 that's dated September 12th of this year.

4 FLOYD: So that -- that separation PAR is based on,
5 they couldn't submit the electronic form because we were
6 having the issues with the database. So we had to have them do
7 a handwritten copy, hence that form that we received. But all
8 the information that we received was pretty much from the IGs
9 office. It wasn't from Department of Corrections personnel or
10 HR or anything like that.

11 TOGLIATTI: George Togliatti for the record. Maybe I'm
12 a little confused here. So on 2024, the internal investigation
13 by the Department of Corrections just ended?

14 HUNTLEY: Correct. So in the CBA for Department of
15 Corrections, they have 120 days from the date they notify the
16 employee of the investigation to recommend disciplinary
17 action. So that time lapsed and his attorney at the time
18 contacted the IG's office and received an email confirmation
19 saying, we recognize the time is lapsed, we're closing the
20 case out. They then reopened a new case to do a new
21 investigation.

22 TOGLIATTI: And who was they?

23 HUNTLEY: The IG's office.

24 TOGLIATTI: The IG within the Department of
25 Corrections?

1 HUNTLEY: Correct. Which that new invest --

2 TOGLIATTI: So Department of Corrections, correct?

3 HUNTLEY: And that new investigation violates multiple
4 provisions where, you know, they -- they have to start the
5 investigation within 30 days after the appointing authority
6 becoming aware of it. They have 120 days again; from the date
7 they noticed. So if they already noticed him and started an
8 investigation of the underlying actions, close that out. So
9 that should be the end of it administratively. But then they
10 opened a new investigation and terminated based upon the same
11 allegation. So that's what's pending before arbitration right
12 now.

13 TOGLIATTI: So the same allegations are real?

14 HUNTLEY: Correct.

15 TOGLIATTI: After 120 days?

16 HUNTLEY: Correct.

17 TOGLIATTI: Thank you

18 DE LUNA: Jesselyn De Luna for the record. I'm looking
19 at the guilty plea agreement; that's Exhibit F on page one. It
20 -- at towards the bottom it says, that you agreed to have no
21 contact of any kind with blank or blank. What -- can you
22 explain why there are two names there? And I'm not asking to,
23 you know, unredacted the name or anything like that.

24 HUNTLEY: No, I'm -- I'm happy to explain that. And now
25 it's kind of a weird thing that happened. So one of those

1 obviously is this nurse. The other individual is a -- another
2 officer who made allegations back in 2022. So it's unclear how
3 she got wrapped up in this because that should have already
4 been appeared from his record. But what -- so you have all the
5 facts. What happened in that 2022 case was he received a
6 written counseling because he was on new medication that he
7 had a bad reaction to. And on duty around this female officer,
8 he started dancing inappropriately, shall we say, gyrating or
9 whatever, no actual physical contact with her. But she made a
10 complaint about it, thinking that he was drunk. They -- they
11 took him, tested him, no alcohol or anything but he did have
12 this new medication that he had a bad reaction to. So how she
13 got brought up now, you know, two and a half years later with
14 no incident between that time and included in the criminal
15 investigation, I have no idea how that happened again because
16 we didn't see any of the file.

17 BILLEY: The same IG investigated both cases.

18 PROSSER: Jamie Prosser for the record. For
19 clarification, so there -- you're going through arbitration to
20 get your job backed.

21 BILLEY: Yes, ma'am.

22 PROSSER: As a board, as a commission, are we able to
23 suspend his Cat three until that's completed, then bring it
24 back when there's a job for him to go to with that? Are you
25 planning to utilize your -- are you gonna work until you get

1 through arbitration?

2 BILLEY: Not in that field, ma'am.

3 UNKNOWN: Go ahead.

4 DE LUNA: Josselyn De Luna for the record. So
5 revocation was -- is being brought today -- the possibility of
6 revocation is being brought today under 289 -- NAC 289.
7 290(1)(e). So that one and revocation is not mandatory like it
8 is with felonies. So suspension may just be imposed, but I
9 will point out that legally the revocation is being brought
10 based off of the conviction, not based off of what's happening
11 with his employer or former employer.

12 MILLER: Any more comments from our commission? All
13 right. Right now I've got a motion to revoke category three,
14 basic certificate for Mr. Billey but I understand that we have
15 options for a suspension as well. So I'll ask for either one
16 of those motions.

17 SHEA: I'm sorry, Tim Shea for the record, I'm still
18 trying to unwrap, raffle all this around in mind. I've known
19 Mr. Huntley for quite a while. I know he is very
20 straightforward. If he tells me something, I've always found
21 it to be the truth, certainly as he knows it.

22 HUNTLEY: Appreciate that.

23 SHEA: And we've had a number of labor issues and
24 things you've been involved with. And so there's no doubt that
25 what you are telling us is, you know, what's been portrayed to

1 you and certainly would you be a hundred percent true. What
2 makes it difficult for me is we only have one side of the
3 story and basically being asked to basically do a trial and
4 make a decision on whether or not something happened or didn't
5 happen. And that's very difficult to do. And I only have -- we
6 only have one side of the story. I mean, if this was an
7 internal, I'd have both sides. If this was a court case, we'd
8 have both sides. And it's a very difficult thing to do. On the
9 other hand, if we have options other than a revocation because
10 there's still ongoing legal proceedings that may change all of
11 this -- all of this, then that makes sense to me to look at
12 another option that basically does what our revocation would
13 do for a period of time until these other things are decided.
14 And then you can move either way for restatement or for
15 revocation based upon those proceedings.

16 HUNTLEY: Understand that.

17 SHEA: The best thing I could -- I'm trying to decipher
18 all of this. This is a rather unique `case.

19 COVERLEY: Dan Coverley for the record. I think the
20 only thing that matters here is the conviction. All right, so
21 he's -- Mr. Billey's been convicted of the crime of battery,
22 which makes him, in my opinion, ineligible for hire as a peace
23 officer. So understanding that if in the future the conviction
24 is overturned, then there is an option or -- or a mechanism to
25 get your basic certificate reinstated and at that time we

1 would hear that. So based on that, I'm prepared to make a
2 motion if that's the ruling of the commission.

3 HUNTLEY: Would I be allowed to respond to that? I
4 would just point out per the statute, based upon what the
5 level of conviction is, it's discretionary, which would --
6 which would lead me to believe that you're supposed to look at
7 the underlying facts with the conviction and determine whether
8 what actually happened rises to the level that his career
9 should be ruined or not. Whether that post should be revoked
10 or not, based upon the underlying actions of that -- of that
11 conviction. We're not dealing with a felony where it's -- the
12 conviction is all that matters. And my argument here today is
13 the underlying actions of what happened are no different than
14 actions that happened probably in every one of your agencies
15 on a weekly or monthly basis, maybe even a daily basis. I know
16 when I used to work at a big law firm, it happened all the
17 time. Attorneys would go up to paralegals and secretaries put
18 their arm around them, how you doing? Have a good day, a
19 little squeeze. That was normal behavior. And so we're not
20 here arguing that it was appropriate or the right behavior,
21 but that the underlying behavior is not something that should
22 rise to the level of ending a 15-year career based upon the
23 conviction itself.

24 MCKINNEY: Kevin McKinney for the record. While I
25 understand what you're saying, Mr. Huntley, your client did

1 plead guilty to battery upon a healthcare provider. And in the
2 information, it says that, I'll quote it here, the elements of
3 the crime that defendant Joseph Billey did willfully and
4 unlawfully use force or violence upon the person of a provider
5 of healthcare who was performing duties as such. And he pled
6 guilty to that. I -- to me it seems fairly, I mean, it's in
7 black and white here, willfully unlawfully used force or
8 violence upon a person. That's what he pled to. And so that's
9 -- and -- and what you're describing contradicts that which is
10 -- is part of the issue.

11 HUNTLEY: No, if -- if the battery can rise from a -- a
12 simple unwanted touching, it doesn't have to be a violent
13 touching, the touching itself is a force. So he -- as he
14 stated, he recognized putting his hands on her shoulders could
15 be unwelcome. That could justify a battery charge. Now, I
16 don't think it should have, but it meets the statutory
17 elements based upon that. But even that charge is a
18 misdemeanor, it doesn't require revocation. Therefore, you
19 should look at the totality of the circumstances, the factors
20 that led to that guilty plea in that charge, and determine
21 whether those actions are inconsistent with the requirements
22 of a police officer, which I would argue they're not.

23 DE LUNA: Jesselyn De Luna the record. I just want to
24 state, like legally to Mr. Coverley's point, there is a
25 judgment of conviction here. As a separate matter, there's the

1 arbitration that's going on with the employer. Even if the
2 arbitration with the employer goes in Mr. Billey's favor, that
3 judgment of conviction will be there unless there's some sort
4 of contest -- contesting of that or post-conviction. So either
5 way, if the judgment of conviction is there, regulations allow
6 POST to revoke it, but also to Mr. Huntley's point, he's
7 correct in that since it's a gross misdemeanor, there is a
8 discretion there.

9 SHERLOCK: And Mike Sherlock for the record. We --
10 we've struggled with this over the years. I'm trying to
11 emphasize that what the regulations say. We bring these
12 convictions to you, not to retry the case. The question for
13 the commission is whether or not someone with a conviction of
14 battery on a healthcare worker is consistent with your
15 profession. That's the question. And you have discretion in
16 answering that question.

17 MILLER: Oliver Miller for the record. So if he is able
18 to have a remedy for his conviction and have it overturned
19 later, we do have a remedy on our side for that if we were to
20 revoke today?

21 SHERLOCK: Yes.

22 MILLER: Okay. So we'd be able to reverse our revoke
23 revocation, you know, based on any -- any legal remedies that
24 he's able to come up with.

25 SHERLOCK: Yes. So as we had earlier -- Mike Sherlock

1 for the record. There is a sort of automatic ability to
2 petition the commission for reinstatement after five years.
3 However, if there's -- there's nothing to prevent someone who
4 has a change in circumstances to come before you and get on
5 our agenda at any time, and you could consider it.

6 MILLER: Oliver Miller for the record. Under those
7 circumstances, I concur with commissioner Coverley (inaudible)
8 was convicted and I get remedy later if you are able to get
9 that reversed. So I would like to look for a motion to revoke
10 the category three basic certificates for Mr. Billey. There's
11 no more comment from our commission.

12 COVERLEY: Dan Coverley for the record. So I move to
13 revoke the category three basic certificate for Joseph Billey.

14 NIEL: Russ Niel, second

15 MILLER: Hearing a first and second, all those in favor
16 say aye.

17 ALL: Aye.

18 MILLER: Aye. Any opposed? Motion carries. Moving on to
19 item number 13, discussion and for possible action. Hearing
20 pursuant to NAC 289.290(1)(g) for possible revocation and a
21 category one basic certificate held by David E. Boruchowitz,
22 former city -- former employee of Nye County Sheriff's Office,
23 based on the conviction of entry of a plea of guilty, guilty
24 but mentally ill or nolo contendere to a felony conviction
25 that led to this action is count one, deprivation of rights

1 under color of law, aiding and abetting misdemeanor. Count
2 four, fraud by wire aiding and abetting felony. Possible
3 action may include revocation of category I, basic
4 certificate. Let's go to Mike Sherlock for more details.

5 SHERLOCK: Thank you, Mike Sherlock for the record. In
6 this case, Mr. Boruchowitz, was convicted of deprivation of
7 rights under the color of law, a misdemeanor and fraud by
8 wire, a felony. Staff would submit both convictions are
9 inconsistent with the policing profession with a felony being
10 prohibitive, staff would recommend that the category one basic
11 certificate of Mr. Boruchowitz, be revoked.

12 MILLER: Thank you, Mike. Is Mr. Boruchowitz, here or
13 anyone on his behalf? Do we have any comments from our
14 commission? Seeing that there's none after looking at the mo -
15 - after -- after looking at this, can we get a motion to
16 revoke the category I basic certificate from Mr. Boruchowitz?

17 MCKINEY: Kevin McKinney, I move that we revoke the
18 certification of Mr. Boruchowitz.

19 MCGILL: Joe McGill, I'll second.

20 MILLER: First and second. All those in favor say aye.

21 ALL: Aye.

22 MILLER: Any opposed? Motion carries. Item number 14
23 for discussion of possible action hearing pursuant to NAC
24 289.290(1)(e) and NAC 289.290(1)(g) for the possible
25 revocation of the category one certificate held by Kevin

1 Menon, former employee of the Las Vegas Metropolitan Police
2 Department based on the conviction of entry, plea of guilty,
3 guilty but mentally ill or no contendere to a gross
4 misdemeanor and felony. The convictions that have led to these
5 actions are case number C-24-386532-1 count one, oppression
6 under the color of office gross misdemeanor in violation of
7 NRS to 199.200(2) (B). Count two, subornation of perjury
8 category D felony violation of NRS 199.120. Count three,
9 battery on a protected person gross misdemeanor in violation
10 of NRS 200.481. And count four, oppression under color of
11 office with immediate threat or use of physical force
12 (Category D Felony) in violation of NRS 197.200. Case number
13 C-24-387164-1. Count 1, possession of visual presentation
14 depicting sexual conduct of a child category B, felony in
15 violation of NRS 200.700 and NRS 200.703. Count two,
16 possession of a visual presentation depicting sexual conduct
17 of a child category B, felony in violation of NRS 200.700 and
18 200.703. Sorry, 730. Count three, possession of a visual
19 presentation depicting sexual conduct of a child, a category B
20 felony in violation of NRS 200.700 and NRS 200.730. Count
21 four, capturing an image of the private area of another
22 person, gross misdemeanor in violation of NRS 200.604.
23 Possible action may include revocation of a category one basic
24 certificate and we'll go to Mike Sherlock for more details.

25 SHERLOCK: Thank you, Mike Sherlock, for the record. I

1 won't repeat all those. I would say in this case, staff would
2 submit each of these convictions are inconsistent with the
3 policing profession. The gross misdemeanors are crimes related
4 to moral to -- turpitude, brady. They're felonies which are
5 prohibitive. Considering all the staff recommends the category
6 I basic certificate of Mr. Menon be revoked.

7 MILLER: Thank you, Mike. Is Mr. Menon here today or
8 anyone on his behalf? Any comments from our commissioners?
9 I'll be looking for a motion to revoke the category one basic
10 certificate for Mr. Menon.

11 SHEA: Tim Shea, I'll make a motion to revoke.

12 YOUNG: Commissioner Young, I second.

13 MILLER: I got a first and second. All those in favor
14 say aye.

15 ALL: Aye.

16 MILLER: Aye. Any opposed? Motion carries. Moving on to
17 item number 15, public comment. The commission may not take
18 any action on any matter considered under this item until the
19 matter is specifically included on agenda as an action item.
20 Do we have any other public comment? Moving on to item number
21 16. Discussion and possible action, schedule an upcoming
22 commission meeting in February (inaudible).

23 SHERLOCK: Mike Sherlock for the record. So our next
24 meeting is traditionally in the South and February, in
25 conjunction with the Sheriff's and Chief's Association. They

1 will accommodate us on or about February 11th, 2026 in
2 Mesquite, which we have done in the past. If everybody's
3 interested, we would recommend a motion to accept the Mesquite
4 location for February and we can update as we work with
5 Sheriffs and chiefs on exact date and times during that
6 meeting.

7 MILLER: Do we have a motion to accept?

8 COVERLEY: Dan Coverley, I move to accept Mesquite NV
9 location in February.

10 NIEL: Russ Niel, I second.

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

13 ALL: Aye.

14 MILLER: Any opposed? Motion carried. And before we
15 actually close out and adjourn today, someone's last meeting
16 and there's no way we're not going to close this meeting
17 without thanking Assistant Sheriff Jamie Prosser for her time
18 dedicated service to this commission and the state of Nevada.
19 You will be missed. We appreciate all your efforts and
20 everything you've done for law enforcement profession.

21 PROSSER: Thank you, thank you very much. See you in
22 Mesquite.

23 COVERLEY: You have to have a motion to adjourn, correct?

24 MCGILL: Motion to adjourn.

25 PROSSER: Second

1 MILLER: All those in favor say aye.

2 ALL: Aye.

3 MILLER: Opposed? Meeting is adjourned.

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