



Nevada Commission on Peace Officer  
Standards and Training

WORKSHOP & POST COMMISSION MEETING  
2:00 P.M., FEBRUARY 24, 2022

PAHRUMP NUGGET HOTEL/CASINO  
681 S. HWY 160  
PAHRUMP, NEVADA



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







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 WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATIONS**

The Commission on Peace Officer Standards and Training is proposing the adoption, amendment and repeal of regulations pertaining to Chapter 289 of the Nevada Administrative Code.

A workshop has been scheduled for **2:00 P.M. ON THURSDAY, FEBRUARY 24, 2022, AT THE PAHRUMP NUGGET HOTEL/CASINO, 681 S. HWY 160, PAHRUMP, NV 89048**. The purpose of the workshop is to solicit comments from interested persons on the following general topic(s) that may be addressed in the proposed regulations:

**TOPIC**

**NAC REGULATION**

- A. Continued discussion regarding possible revisions to NAC 289.270 to clarify the requirements to qualify for an Executive Certificate. Discussion on proposed changes may include, but is not limited to, the following:
1. Removal of/changes to agency position requirements to qualify for an Executive Certificate.
  2. Removal of/changes to minimum requirements for advanced certificates a peace officer must hold as a prerequisite for an Executive Certificate.

**NAC 289.270**

A copy of all materials for the meeting may be obtained by contacting Kathy Floyd, Standards Division Chief, at (775) 687-7678, ext.3335, Commission on Peace Officer Standards and Training at 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701. A reasonable fee for copying may be charged.

This Notice of Workshop to Solicit Comments on Proposed Regulations has been sent to all listed meeting locations, all persons on the agency's mailing list for administrative regulations, all Nevada law enforcement agencies, agency single points of contact and posted at the following:

POST Administrative Office, Carson City  
Nevada State Library and Archives, Carson City

<http://post.nv.gov>

<http://notice.nv.gov>

<http://leg.state.nv.us>

Electronically Posted pursuant to NRS 241.020(4)

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. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATIONS**

- 1.** Call to order
- 2.** Roll call



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

### **3. Workshop on proposed regulation changes**

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. Continued discussion regarding possible revisions to NAC 289.270 to clarify the requirements to qualify for an Executive Certificate. Discussion on proposed changes may include, but is not limited to, the following:
1. Removal of/changes to agency position requirements to qualify for an Executive Certificate.
  2. Removal of/changes to minimum requirements for advanced certificates a peace officer must hold as a prerequisite for an Executive Certificate.

**NAC 289.270**



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

**4. 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.*





## **II. REGULARLY SCHEDULED MEETING**





STATE OF NEVADA  
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

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

STEVE SISOLAK  
*Governor*

MICHAEL D. SHERLOCK  
*Executive Director*

**NOTICE OF PUBLIC MEETING (NRS 241)**

NOTICE IS HEREBY GIVEN THAT STARTING AT **2:00 P.M. ON THURSDAY, FEBRUARY 24, 2022**, THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING WILL HOLD A WORKSHOP AND REGULARLY SCHEDULED MEETING AT THE **PAHRUMP NUGGET HOTEL/CASINO, 681 S. HWY 160, PAHRUMP, NV 89048**

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. WORKSHOP**

1. Call to order
2. Roll call
3. 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. Continued discussion regarding possible revisions to NAC 289.270 to clarify the requirements to qualify for an Executive Certificate. Discussion on proposed changes may include, but is not limited to, the following:
1. Removal of/changes to agency position requirements to qualify for an Executive Certificate.
  2. Removal of/changes to minimum requirements for advanced certificates a peace officer must hold as a prerequisite for an Executive Certificate.

**NAC 289.270**



4. **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

## II. REGULARLY SCHEDULED MEETING AGENDA ITEMS

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

a. Approval of minutes from the November 8, 2021 regularly scheduled POST Commission Meeting

2. **INFORMATION** Executive Director's report.

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

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

The Commission to decide whether to continue the rule making process to revise NAC 289.270 to clarify the requirements to qualify for an Executive Certificate. Discussion on proposed changes may include, but is not limited to, the following:

- Removal of/changes to agency position requirements to qualify for an Executive Certificate.
- Removal of/changes to minimum requirements for advanced certificates a peace officer must hold as a prerequisite for an Executive Certificate.

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

Hearing pursuant to NAC 289.290 (1)(e) on the revocation of Jovan Motley (formerly with the Nevada Department of Corrections) certification based on Gross Misdemeanor convictions.

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

Hearing pursuant to NAC 289.290 (1)(e) and (1)(g) on the revocation of Eduardo Bueno (formerly with the Las Vegas Metro Detention Center) certification based on Gross Misdemeanor/Felony convictions.

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

Hearing pursuant to NAC 289.290 (1)(e) and (1)(g) on the revocation of Nicolas Diaz (formerly with the Las Vegas Metro Detention Center) certification based on Gross Misdemeanor/Felony convictions.

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

Request from the Eureka County Sheriff's Office for a 6-month extension pursuant to NRS 289.550 for their employee Deputy Ryan Getzler to meet the certification requirement. (Extension to expire August 1, 2022)

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

Request from Carlin Police Department for an Executive Certificate for their employee Chief Kevin McKinney.

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

Request from Nye County Sheriff's Office for an Executive Certificate for their employee Captain David Boruchowitz.



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

Request from Eureka County Sheriff's Office for an Executive Certificate for their employee Undersheriff Tyler Thomas

**11. 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.*

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

Schedule upcoming Commission Meeting

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

Adjournment.

**POSTED AT THE FOLLOWING LOCATIONS:**

Commission on POST Administrative Office  
Carson City, NV 89701  
State Library, Archives and Public Records  
100 Stewart Street, Carson City  
<http://post.nv.gov>  
<http://notice.nv.gov>  
<http://leg.state.nv.us>

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.*





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

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

Approval of minutes from the November 8, 2021 regularly scheduled POST Commission Meeting.



## 1 STATE OF NEVADA

## 2 COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

3  
4 A Workshop and Regularly Scheduled Meeting of  
5 the Commission on Peace Officer Standards and Training was held  
6 on Monday, November 8, 2021 commencing at 1:01 p.m. at  
7 Southpoint Hotel and Casino, 9777 Las Vegas Blvd., S., Napa Room  
8 B, Las Vegas, NV 89183.

9  
10 COMMISSIONERS:

11 Michael Allen

12 Kevin McKinney

13 Tim Shea

14 Russ Niel

15 George Togliatti

16 Tyler Trouten

17  
18 STAFF:

19 Kathy Floyd, POST

20 Mike Jensen, Attorney General's Office

21 Mike Sherlock, POST

TRANSCRIBED BY: Marsha Steverman-Meech

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Topic

A. LCB File R167-20 - Amend NAC 289.110(1) to require a person appointed to perform the duties of a peace officer to have: (1) graduated from high school; (2) passed the General Educational Development Test or another high school equivalency assessment approved by the State Board of Education; or (3) passed a high school equivalency assessment approved by an appropriate authority in another state. 8

B. LCB File R168-20 - Amend NAC 289.200(4) (b) to additionally require a peace officer to pass the state physical fitness examination not sooner than 30 days before the date on which the peace officer was hired and not later than 16 weeks after (1) The date on which the officer was hired; or (2) If the officer is a reserve officer, the date of activation of his or her reserve status. 9

1 C. LCB File 177-20 - Amend NAC 289.140 to add the  
2 advanced Roadside Impaired Driving Enforcement course  
3 approved by the National Highway Traffic Safety  
4 Administration to the basic course for a peace officer  
5 in training category I. 9

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7 A. Discussion regarding possible revision to NAC 289.047  
8 (Definition of "Executive level position") to clarify  
9 one of the requirements to qualify for an Executive  
10 Certificate by changing the definition of "Executive  
11 level position: as follows: "Executive level position"  
12 means a position held by a peace officer as a chief of  
13 police, sheriff, director or chief executive of an  
14 agency or deputy chief, undersheriff, deputy director or  
15 other rank designated as the second in command of the  
16 agency. 11

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18 B. Discussion regarding revisions to NAC 289.230(1)(b)  
19 to comply with annual continuing education requirements  
20 established in NRS 289.510(c)(2) which requires all  
21 peace officers annually to complete not less than 12  
22 hours of continuing education in courses that address  
23 (1) Racial profiling; (2) Mental health, including,  
24 without limitation, crisis intervention; (3) The well-

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## 1 PROCEEDINGS

2 ALLEN: We're going to call the POST Commission  
3 meeting to order. First item on the agenda will be POST  
4 Commission meeting public comment hearings and workshop.  
5 Workshop is called to order for November 8th, 2021. For the  
6 record, the time is 1:01 PM and I'll throw it over to Kathy  
7 Floyd for information on legal posting and open meeting  
8 compliance.

9 FLOYD: This meeting agenda workshop notice and  
10 public comment meeting notices have been posted in compliance  
11 with NRS 241.020. The meeting agenda workshop notice, public  
12 comment meeting notices have physically been posted at the POST  
13 Administration Building in Carson City and the Nevada State  
14 Library in Carson City. The meeting agenda, workshop notice,  
15 and public comment meeting notices have been electronically  
16 posted at POST.NV.gov, notice.NV.gov, leg.state.nv.us and sent  
17 to all SPOCs and admins on the POST listserv.

18 ALLEN: Thank you, Kathy. And all those out  
19 here in the audience today, we are asking that you sign in at  
20 the back of the room. Now we'll do roll call. I'm Mike Allen,  
21 Sheriff, Humboldt County and start with Kathy again.

22 FLOYD: Kathy Floyd from POST.

23 JENSEN: Mike Jensen with the Attorney General's  
24 office.

25 SHERLOCK: Mike Sherlock with POST.

1           SHEA:           Tim Shea with Boulder City Police.

2           TOGLIATTI:       George Togliatti, Nevada Department of  
3 Public Safety.

4           NIEL:           Russ Niel, Nevada State Gaming Control  
5 Board.

6           MCKINNEY:       Kevin McKinney, Carlin Police  
7 Department.

8           TROUTEN:       Ty Trouten, Elko Police Department.

9           ALLEN:           All right, thank you. Our first item is  
10 public comment hearing. The first public comment hearing will  
11 address proposed regulations LCB file R-112-19. The purpose of  
12 this hearing is to receive comments from all interested persons  
13 regarding the adoption, amendment, and repeal of regulations  
14 pertaining to chapter 289 of Nevada Administrative Code. This  
15 public comment hearing has been previously noticed as required  
16 by NRS chapter 233B. Item A, proposed regulation file number R-  
17 167-20. We'll give this back over to Mike Sherlock.

18           SHERLOCK:       Again, thank you, Mike Sherlock for the  
19 record. As the Commission will recall, we have previously  
20 conducted a workshop on this matter. We started the rulemaking  
21 process mostly because the Commission agreed there was some  
22 confusion on what the accepted -- acceptable requirements of an  
23 applicant are as it relates to high school education as a peace  
24 officer applicant. This language was submitted based on the  
25 workshop and the language submitted to LCB for approval by the

1 Commission which is why we're here at this point, soliciting  
2 comments on that proposed language. As you can see, the  
3 language simply clarifies the definition of a high school  
4 equivalency standard agencies may use in assessing an  
5 applicant's eligibility. Again, you'll recall that there was  
6 some confusion on what previous language meant or the current  
7 language. That said staff, at this point, would recommend adopt  
8 adopting this regulation change, pending the public comments.

9 ALLEN: Okay. Do we have any public comment?  
10 Okay. Seeing none, we will move to item B, public comment  
11 hearing. Item B, proposed regulation file number R-168-20.  
12 Give it back to Director Mike Sherlock.

13 SHERLOCK: Again, this is Mike Sherlock for the  
14 record. This is the time for public comment hearing on an issue  
15 in which the Commission directed staff into the rule making  
16 process. We did conduct a workshop on this particular issue.  
17 Here the Commission and staff looked to be more consistent in  
18 the timing requirements of the POST Physical Fitness Readiness  
19 Test for reciprocity applicants as compared to new recruits.  
20 This change allows for the certification physical readiness test  
21 to be conducted up to 30 days before hire and no later than 16  
22 weeks after the date of hire for that applicant to pass the  
23 PPFT. This addresses some of the issues that we were looking at  
24 in terms of being more consistent with a new hire that isn't  
25 reciprocity, allowing agencies and recruitment to test up to 30

1 days prior to hire and not have to do it again after hire in  
2 terms of the PPF test, so that gives a bit more flexibility in  
3 timing when recruiting lateral-type applicants and of course  
4 pending any public comments, the staff would recommend adopting  
5 this particular language.

6 ALLEN: Thank you. Do we have any public  
7 comment? All right. Seeing none, we'll move to item C, public  
8 comment hearing. Item C, proposed regulation file R-177-20.  
9 Give it back to Director Mike Sherlock.

10 SHERLOCK: Mike Sherlock for the record. One more  
11 time I would remind the Commission that staff was directed to  
12 begin the rulemaking in reference to the basic training  
13 requirements and subjects included in that requirement. Here  
14 the Commission had a presentation and conducted a workshop in  
15 regard to ARIDE training for the academy for basic training  
16 level statewide. This change included ARIDE as part of the  
17 requirement of basic training. Obviously I think most know why  
18 there's a whole host of reasons why the Commission moved into  
19 the rulemaking on this and we looked to update the NAC to  
20 include ARIDE in basic training. Just as a side note for those  
21 in attendance, all academies across the state have implemented  
22 ARIDE anyway in their academies to our knowledge with minimal  
23 impact. Given this information and the need, staff would  
24 recommend adoption of this regulation change in the meeting  
25 pending any public comment.

1           ALLEN:           Okay. All right. Is there any public  
2 comment regarding item C? Seeing none we'll close the public  
3 comment hearing. Now we move to open the workshop. We will now  
4 move to a workshop on a proposed regulation changes. The  
5 purpose of the hearing is to solicit comments from interested  
6 persons on following topic that may be addressed in future  
7 proposed regulations. This workshop has been previously noticed  
8 pursuant to the requirements of NRS Chapter 233B. The first  
9 workshop is in reference to NAC 289.047, the definition of an  
10 executive level position as it pertains to the executive  
11 certificate. We'll go back to Mike Sherlock for some background  
12 on the subject.

13           SHERLOCK:       For the record, Mike Sherlock. So as  
14 the Commission will recall, at last meeting we discussed some  
15 issues related to the executive certificate. For a host of  
16 reasons, staff and law enforcement agencies have had issues with  
17 both who and when a certificate should be issued or granted by  
18 the Commission in terms of the executive. Part of the problem  
19 was defining what an executive position is in terms of the  
20 certificate. Staff looked at the goal of maintaining the  
21 integrity of the certificate and frankly the original intent of  
22 establishing that certificate. We provided some proposed  
23 language just for discussion in the workshop. In that, we tried  
24 to address some of the concerns we have seen, at the same time  
25 maintaining the integrity of that certificate and incorporate

1 some of the other concerns which included the current  
2 requirement that the executive -- the person applying for the  
3 executive must supervise two management-level people within the  
4 organization. Management for us means law enforcement  
5 management. So we looked at how we can clean that up or make it  
6 more consistent with what we see at all levels across the state  
7 in terms of agencies. So we looked at how we can address that.  
8 In our sample language, it's defining the executive level as  
9 either the chief executive or second in command. We were aware  
10 of some issues with that language or the current language in  
11 that the second in command often is not an undersheriff or a  
12 deputy chief or that kind of thing, so we wanted to make the  
13 definition broad enough to be inclusive of those second in  
14 commands who are at the Sergeant rank level or something like  
15 that, knowing that not all agencies are the size of Metro or  
16 something like that. With this language, we think it'll clarify  
17 that and focus agencies on more what that certificate is  
18 designed for and again, it also clears up some of the  
19 supervision of sworn or non-sworn by changing the language to  
20 the chief executive or second in command. We would remove any  
21 necessity that they supervise management-level, sworn only  
22 because we know that affects some of the agencies. In coming up  
23 with some of this sample language we looked at surrounding  
24 states and what other states that have the executive certificate  
25 and how they handle it, and this was consistent with what they

1 do. Nationally, an executive certificate is fairly consistent  
2 that it's chief executive or number two in command, and so we're  
3 trying to be consistent both with that and to emphasize that we  
4 have a management certificate. The executive certificate has to  
5 be -- the intent of that certificate was to be above the  
6 management, and so we were looking at language that would honor  
7 that and that's where you see the language that we are proposing  
8 as a sample. And if you -- in the Commissioner book, you can  
9 see this under the workshop 1. It would be a regulation change,  
10 whatever the language ends up being, but to 289.047 of the NAC,  
11 which defines executive level position, and executive level  
12 position means a position held by a peace officer as chief of  
13 police, sheriff, director, or chief executive of an agency, or  
14 deputy chief, undersheriff, deputy director, or other rank  
15 designated as a second in command of the agency. It removes the  
16 requirement of supervising two or more people that have a  
17 management, a POST management, certificate and we just thought  
18 that would clarify and help with some of the issues that were  
19 brought up that we've seen throughout the years in terms of the  
20 executive certificate.

21 ALLEN: All right. Thank you. Do any of our  
22 Commissioners have any questions or comments? Okay. Seeing  
23 none, any -- come on up. Questions, comments by the public.  
24 Please state your name.

1 FURLONG: For the record, Sheriff Furlong, Carson  
2 City. I appreciate that, Mr. Sherlock, very, very good  
3 presentation, but I felt compelled to come here because this  
4 Commission covers such a wide variety of our law enforcement  
5 agencies all the way across the state, and they come -- and they  
6 are built structurally different depending on the county,  
7 depending on the jurisdiction, depending on the sizes.  
8 Philosophically I speak primarily as a sheriff in Carson City,  
9 and I really embrace the philosophy of career education, career  
10 development, off-duty education, and experiences, and training  
11 in order to bring our officers along. By doing that, we make  
12 investments into the future, we make investments in those people  
13 who are rising up through that chain of command, if you will,  
14 and creating those leaders down the road that we can rely on.  
15 It has been a challenge, of warding or defining or getting  
16 through executive level POST certifications or certificates in  
17 the past, but I would offer you this: the presentation that  
18 respectfully Mr. Sherlock provided suggests to us that we're  
19 going to get hit by a wave of okay, this person is going to  
20 become a sheriff so now we have to get him into the executive  
21 POST. The philosophy that I believe in is that we should be  
22 preparing people to become the chiefs and the assistant sheriffs  
23 and so on, the deputy chiefs and so on. In other words, we need  
24 to be out in front, creating an atmosphere, creating a career-  
25 development platform that says you as a Sergeant, you as a



1 Lieutenant, you as a captain, depending on your agency, how it's  
2 defined, your executive of that agency should be identifying  
3 those people who are those aspiring leaders before they get into  
4 those roles, not after they get into those roles. It's an  
5 investment in the future. I so much respect POST's career  
6 development platform and program. When we identify these  
7 officers from the very onset, their education all the way  
8 through their retirement, I believe that the philosophy of POST  
9 should be to garner officers to get their executive level  
10 certification, especially those who are in positions of  
11 authority, depending on the agency makeup. With my agency,  
12 everybody above the rank of Sergeant has the ability or may have  
13 the necessity, as in today, to run the organization while others  
14 are away. They are in essence executive leadership even though  
15 they may be a divisional manager, and we've spoken about this  
16 before. We need to be in front of the tsunami, we need to be  
17 making decisions before that wave hits us, investing in those  
18 people that we see are aspiring leaders down the road. We need  
19 to be encouraging people to go through the career development,  
20 and I would touch on this piece very, very candidly: how many  
21 contracts that law enforcement has developed throughout the  
22 state that referred to their career development, POST  
23 certifications, and pay? I think we're all encouraging everyone  
24 to follow that career development, but to isolate it at the top  
25 level as just you and me slaps in their faces. I think everyone

1 above the grade of Sergeant should be pursuing or attaining that  
2 executive-level training and certification, because at one given  
3 time or another, they may well be the decision maker for  
4 whatever the circumstances. They very well are the people that  
5 we're promoting to lead our organizations if not today, in the  
6 years down the road. I would hate like heck to see a person put  
7 into a position and then told now you will pursue your executive  
8 level. I would rather see that on his resume that he has  
9 already achieved that executive level, that he is already shown  
10 his career education and his career development, he has shown  
11 his off-duty education, he has shown every piece, his physical  
12 fitness of that aspiring leader before he's put into that  
13 position. I think it reinforces good, sound, quality  
14 leadership. I don't think we should be restrictive. I think we  
15 should be more open. I think that POST should be pushing out to  
16 our rank and file every opportunity you have to develop your  
17 career, which doesn't start when you get the position, it starts  
18 when you get the job, that we promote, we promote career  
19 development, we promote off-duty education, we promote physical  
20 fitness, we promote mental-health well being. All of these  
21 factors play into this decision right here. When you reach that  
22 point in your career, I want that bullet on that resume that  
23 says I'm ready. I didn't wait for the opening, I've been  
24 pursuing this all my career and good, sound, quality officers

1 will tell you it's a career-long investment. It's not something  
2 you do after you get the job. Thank you.

3 ALLEN: Thank you. Do we have any other public  
4 comment? Seeing none, we'll move to the next workshop. Next  
5 workshop is in reference to proposed changes to NAC 289.230 to  
6 include crisis intervention and continuing education  
7 requirements. Once done, I'll turn it over to Mike.

8 SHERLOCK: Mike Sherlock for the record. So one of  
9 the bills that passed during the last legislative session was AB  
10 304. This bill requires crisis-intervention training be  
11 included in the annual training requirements that we found from  
12 the previous session in AB478. I did work with Speaker Frierson  
13 on this bill, providing some guidance. My feeling was that AB  
14 478 really included crisis intervention anyway in terms of  
15 either the mental-health training or de-escalation, that kind of  
16 thing, but this bill does require that we add that language to  
17 the mental-health training portion of 478, and requires us to --  
18 the Commission to adopt regulations that does that. You can see  
19 in that your Commission books that we included the sample  
20 language as brought on by the bill, and it just simply includes  
21 crisis intervention as part of the annual mental-health training  
22 that was mandated back with AB 478. You know, I would -- staff,  
23 when we get to the meeting, would recommend that we continue the  
24 rulemaking. We're required -- the Commission's required under  
25 AB 304 to add this regulation and I don't see it as any big

1 change for the agencies as agencies are already training in this  
2 area anyway. And so that's again in response to AB 304.

3 ALLEN: All right. Thank you. Do we have any  
4 questions or comments from the Commissioners? Seeing none, do  
5 we have any public comment on this item? All right. Seeing  
6 none, we will go to the final workshop. The final workshop is  
7 in reference to the proposed changes to NAC 289.110, to include  
8 an inquiry to implicit bias in the background investigation of  
9 peace officer applicants. Once again, give it back to Director  
10 Sherlock.

11 SHERLOCK: Thank you. Once again, Mike Sherlock  
12 for the record. This proposal is in response to AB 409 that  
13 passed last legislative session that requires POST to adopt  
14 regulation requiring that in the background process, agencies  
15 inquire into any implicit bias of a peace officer applicant.  
16 When I addressed this bill with Senator Harris, our position is  
17 that hopefully we already encompass that in our psychs and our  
18 polys or truth verification and the background in general, but  
19 this bill passed, forcing or requiring the Commission to add the  
20 requirement to 289.110, which is the background requirements for  
21 peace officer applicants and it's very specific that we have to  
22 add that to the NAC. We've created some proposed language,  
23 which is directly out of the bill, which is statute. There's  
24 not a lot wiggle room for the Commission in my opinion based on  
25 the bill, but it simply makes clear the requirement of during

1 the background that there's an attempt to identify any implicit  
2 bias, and so we'll be looking to continue the rulemaking process  
3 at the regular meeting here shortly.

4 ALLEN: Thank you. Do we have any comments from  
5 the Commission? Seeing none, do we have any public comment?  
6 All right. Seeing none, we will now close the workshop. Now  
7 we'll begin the Commission meeting. Item number 1, discussion  
8 public comment and for possible action, approval of minutes from  
9 the July 12th, 2021 regularly scheduled POST Commission meeting.  
10 Any comments from the Commissioners? Any public comment?  
11 Seeing none, looking for a motion to approve the minutes.

12 SHEA: I'll make a motion to approve the  
13 minutes from the July 12th, 2021 meeting.

14 ALLEN: Thank you. We have a motion. Do we  
15 have a second?

16 NIEL: I'll second, Russ Niel.

17 ALLEN: We have a motion and a second. All in  
18 favor?

19 MEMBERS: Aye.

20 ALLEN: Motion carries. Give this back to  
21 director Sherlock for item number 2, which is the executive  
22 director report.

23 SHERLOCK: Mike Sherlock for the record. Just real  
24 quickly, training division, we have a basic academy that  
25 graduates this week. We're gearing up for the next academy. We

1 continue to try to adjust our program and look at ways to  
2 improve the outcomes. As I mentioned previously, we were  
3 selected by the Department of -- Federal DOJ as one of six  
4 academies across the country to be part of that training  
5 retention study. They will begin that study at our January --  
6 during our January academy. So we're pretty excited about that.  
7 I think it'll be good feedback not just for us, but for  
8 academies across the state on how we deliver our curriculum and  
9 what the retention is measured of the students. We -- once  
10 again, I just want to mention that we have scheduled Management,  
11 supervisor, and basic instructor classes for the year and into  
12 next year and these fill up quickly and they can be found on our  
13 website. We try to keep these scheduled and available to get  
14 them filled up. Over in standards division, you may recall, the  
15 Commission may recall that a bill, AB 111, passed and that bill  
16 adds two civilian members to the Commission that are appointed  
17 by the legislature. It's kind of a new area for us where we  
18 were quite adept at handling executive branch appointees, but  
19 now we're going to get some from the legislative side. I spoke  
20 to Speaker Frierson last week. He has appointed Tiffany Young  
21 as one of those civilian members of the Commission. I'm sure we  
22 will introduce her at the next meeting. I won't go into her  
23 bio, but it's quite impressive. We're excited to have her on  
24 board. We have not heard of who the other civilian member will  
25 be although I understand it'll be from the south. Ms. Young is

1 from the north from Reno, so I believe the Senate president will  
2 appoint somebody from Clark County or Southern Nevada and when  
3 we hear, we'll know, we'll be able to pass that along. We have  
4 been getting inquiries on another bill that passed, AB 336,  
5 which requires the Commission to adopt regulations requiring an  
6 annual wellness visit for peace officers. At this point, I  
7 think it's best just to make it known that this bill does not go  
8 into effect until 2023. We are continuing to look at what type  
9 of regulation would be recommended from the staff's perspective  
10 that would benefit agencies and not prevent -- or not prevent  
11 current processes and policy that agencies have across the state  
12 in that area. Again, but it doesn't go into effect till 2023.  
13 We just wrapped up a grant program that establishes a mental-  
14 health response team grant process for agencies. This came  
15 about from the prior session. It had directed POST to create a  
16 grant program for at least three agencies each year, two of  
17 which must be rural, to help establish mental-health response  
18 teams. The requirements though only apply for POST to do  
19 anything if funds become available. That said, we did apply for  
20 and receive a grant to establish the parameters of that  
21 procedure and process of applying for the grant. It's very,  
22 very specific in the bill on how we award those grants, requires  
23 specific training and data retention and gathering, and how it's  
24 administered. We contracted with an individual with this grant  
25 to put this together, he did a great job putting the process in

1 place, working with HHS and agencies on what that process will  
2 entail. The requirement of peer review panels and all of that  
3 process was completely established so it is completely done and  
4 at some point, if we receive funding for that program, we will  
5 be marketing that and reaching out to the agencies across the  
6 state to get applications. We're not sure exactly where the  
7 funding will come from, if it does, and obviously the funding  
8 would have to be fairly significant to allow three agencies to  
9 establish mental-health response teams. So at the time that we  
10 do receive any money, we will be pushing that out. That's about  
11 it for POST right now.

12 ALLEN: All right. Thank you, Director. Item  
13 number 3, discussion, public comment, and for possible action,  
14 discussion on the current requirements to attain the POST  
15 executive certificate. Commission to discuss whether to  
16 continue the rule-making process to amend NAC 289.047 as to the  
17 definition of executive level. I'll give it back to Mike  
18 Sherlock for information.

19 SHERLOCK: Mike Sherlock for the record. Let me  
20 just say that Sheriff Furlong makes a great argument, you know,  
21 he's good at what he does. I would only say -- again, we will  
22 leave this up to the Commission. We're looking at ways to again  
23 honor that integrity of that level of certificate, and I agree  
24 that one of POST's goals is to encourage both education and  
25 training and we've done that by changing the intermediate and



1 the advanced through the years to honor formal education and  
2 that kind of thing, and I totally understand what Sheriff  
3 Furlong is saying and I would agree. The only caveat I would  
4 say is for us, for staff, in terms of certificate we look at  
5 that as a separate issue than training or education. So if  
6 someone goes to a basic academy, we don't give them a POST  
7 certificate for that training, a basic certificate, we give them  
8 a certificate of completion. They only get a basic certificate  
9 if they obtain the position. So you don't get a basic POST in  
10 the state of Nevada unless you are employed as a peace officer  
11 first, and so we kind of look at our certificates, right or  
12 wrong, as a separate issue than the actual training to obtain  
13 that certificate. So in a little way, although I agree with  
14 Sheriff Furlong's argument, it's not unusual for us to give  
15 certificates that are position-required after that position is  
16 acquired if that makes sense. So that's the only caveat I'd  
17 say, but, I see both sides of the argument, and we would leave  
18 that up to the Commission. Again, we did look at surrounding  
19 states and the states around us that do have executive  
20 certificates limit those to the position itself, for what it's  
21 worth, and each state that does, that does also have a  
22 management certificate just if -- if that helps in the thinking.  
23 Finally, the only other questions related to this issue on that  
24 certificate were the training requirements and there's a lot of  
25 confusion because you have management and you have, you know,

1 all these different training programs. We have -- looking at  
2 other states, looking at what we normally accept, we have  
3 compiled a list of typical ways to meet the training requirement  
4 or education requirement of the executive certificate. We are  
5 going to include those in the PAM, the POST Administrative  
6 Manual, for agencies to look at as a typical way of meeting that  
7 education requirement. It's just more efficient than trying to  
8 put specific training programs into our regulation cause too  
9 often -- because too often, the executive certificate to meet  
10 that training, it's typically things like Northwestern or FBINA  
11 or what have you and so those things change and we don't want to  
12 put it into regulation, but we want to put that out there for  
13 agencies to understand how normally you attain those training  
14 hours, and so we're trying to -- because we've been asked to,  
15 we're trying to clarify that so agencies understand. But that  
16 said we would leave to the Commission on what direction they  
17 want to give staff as far as continuing the rulemaking on the  
18 language for the executive certificate or not.

19 ALLEN: All right. Thank you. Commissioners,  
20 comments?

21 TOGLIATTI: George Togliatti for the record. I  
22 think Sheriff Furlong makes it a compelling argument. I, for  
23 one, in looking at the definition, if you look at the Nevada  
24 Department of Public Safety, my deputy director is not a peace  
25 officer, she's not sworn, and we have such a diverse

1 organization that you could probably take a look and see how you  
2 would define the term agency, only one agency or be 11 different  
3 agencies within the greater department. So it is kind of  
4 limiting, the use of the executive level title as defined, which  
5 again, if you think of the argument by Sheriff Furlong, if our  
6 intent is to make this -- to broaden it, to make it something  
7 that people would really want to achieve, to accelerate and to  
8 promote within the organization, maybe we need to broaden it a  
9 bit.

10 ALLEN: Any other comments?

11 SHEA: Tim Shea for the record. I agree with  
12 the sheriff also. I came from a system where you could go  
13 through the educational requirements and receive an executive  
14 level certificate. I went to the state command college as a  
15 Lieutenant and the idea was that this was like any other  
16 certification of education. It shows what you've accomplished.  
17 Now, there was some management things you had to do, and some  
18 schooling you had to do. In this state, we routinely send  
19 lieutenants and above to the FBI academy. They can't get an  
20 executive certificate here. We send them to Northwestern, they  
21 can not get -- I have a Lieutenant that has both, he's been to  
22 both schools, he can't qualify for an executive certificate, yet  
23 he has all this formal education, he has 20-plus years  
24 experience. It makes it difficult for our people to compete  
25 when it comes to executive level jobs, because they don't have

1 the certifications they could get if they were in another venue.  
2 So it's kind of limiting. And I also agree with Director  
3 Togliatti. The definition is very difficult because as I read  
4 this, if you're going to be very strict about it, it says chief  
5 of police, Sheriff, director, or chief executive at agency, or  
6 deputy chief comma undersheriff. Well, just look at it, some  
7 agencies, they have an undersheriff and they have multiple  
8 deputy chiefs. Does the deputy chief get to go because he has  
9 the title deputy chief, or must that deputy chief be -- if he's  
10 number three, does he qualify? How does this work? Because it  
11 really doesn't say, just says if you're a deputy chief, then it  
12 goes on to say deputy director or other rank designated as  
13 second in command. So it doesn't include the deputy chief as  
14 second in command, it infers if you hold the rank of deputy  
15 chief, you get to go, you could be number six in the line, but  
16 that's your title. So I think that we should clean that  
17 language up, but I really believe that the education certificate  
18 program should be one that's available to people and lead them  
19 towards the executive jobs that these outline.

20 ALLEN: Any other comments from the Commission?  
21 Seeing none, any additional public comment? Seeing none, now  
22 I'm looking for a motion to continue or not the rulemaking  
23 process for this regulation.

24 NIEL: Russ Niel for the record, Gaming Control  
25 Board, I make a motion to continue this agenda item, item number

1 three. I'm a little hung up on the same language. My peers are  
2 second in command, especially when you're talking like DC,  
3 deputy chief. You know, I technically am, but there's two  
4 others in my agency and why wouldn't they be qualified for the  
5 same type of executive level certification, so I make a motion  
6 to continue this agenda item.

7 TOGLIATTI: George Togliatti, I'll second.

8 ALLEN: All right. Thank you. All in favor of  
9 the motion, signify by saying (inaudible).

10 MEMBERS: Aye.

11 ALLEN: Okay, do we have comments?

12 SHERLOCK: Mike Sherlock for the record. Staff  
13 would just be looking for direction then so is it the intent of  
14 the Commission then to look at -- come back with new language  
15 for the Commission to look at?

16 ALLEN: That's the way I understand it. Is that  
17 (inaudible)?

18 UNIDENTIFIED: Yes.

19 SHERLOCK: Okay.

20 JENSEN: This is Mike Jensen. Go ahead. Sorry.

21 SHEA: Tim Shea for the record. I would like  
22 us to be able to -- I don't know if it's within the scope of  
23 this, but look at our entire process and what it encompasses,  
24 not just the language of who's eligible, but what we have. Do  
25 we have a program that leads people towards the future, or we

1 have one that basically acknowledges those people who've already  
2 gotten there and what would we rather have?

3 JENSEN: This is Mike Jensen for the record. My  
4 comment was just a process comment. You know, we're at the  
5 stage in rule-making right now where it's workshop, which is  
6 designed to develop ideas and concepts as opposed to the public  
7 comment part of the process, you usually have actual language in  
8 LCB that you would be adopting at that point. I might suggest  
9 that you have another workshop on this issue where you could  
10 develop some concepts and potential ways to approach this issue.  
11 So I think at this point it'd be really hard for staff to figure  
12 out what the language being that there hasn't been a whole lot  
13 of specifics about that. Try and maybe a workshop would be  
14 helpful. That doesn't need to change what your action was, I  
15 think that staff could take the direction just to bring it back  
16 in another workshop.

17 ALLEN: All right. Thank you. Any other  
18 additional comments by the Commission? Seeing none we'll move  
19 to item number 4, discussion, public comment, and for possible  
20 action, the Commission to decide whether to continue the  
21 rulemaking process related to NAC 289.230 to comply with annual  
22 continuing education requirements established in NRS 289.510  
23 (c), subsection (c)(2), which requires crisis intervention  
24 training. Give this to Director Sherlock for more information.

1           SHERLOCK:           Mike Sherlock for the record. So again,  
2 as discussed in the workshop that just occurred, the requirement  
3 to include crisis intervention in the annual training  
4 requirements again, as a legislative mandate and staff would  
5 recommend the continuance of the rulemaking process on this  
6 issue.

7           ALLEN:            Thank you. Any Commissioners have any  
8 comments? Seeing none -- do we have the question?

9           SHEA:            I have a question, I think. Can I ask a  
10 question?

11          ALLEN:            Yes.

12          SHEA:            Tim Shea. I'm looking at this little  
13 input into this and I'm not exactly sure. I know this probably  
14 came from the bill, but I don't know what without limitation  
15 really means. When you say we're going to do this training for  
16 racial profile and mental health including, without limitation,  
17 crisis intervention, I don't know what that without limitation  
18 means. I don't know what it directs us to do or not do I guess,  
19 and I realize that might be a legislative insert, but I don't  
20 know what their intent was without limitation because we don't  
21 have that for any of the other training. So that was my only  
22 question. I don't know what that means.

23          SHERLOCK:           Mike Sherlock for the record and I'll --  
24 might throw it over to Mike Jensen on any legal interpretation  
25 of without limitations, but I can tell you from in the

1 legislative process and working with Speaker Frierson, the  
2 intent is not to limit agencies on what that training includes,  
3 and part of the discussion is training in mental-health issues  
4 and mental illness and de-escalation often includes crisis  
5 intervention training and I think legislatively the idea was not  
6 to change that in any way and it'd be broad enough to allow  
7 specific agencies. And again, that's just from my discussions.  
8 As far as the legal interpretation of without limitations, I'd  
9 leave that to Mike Jansen.

10 JENSEN: This is Mike Jensen for the record. I  
11 would agree to that -- or agree with that. It looks like what  
12 the intent was, it used to just be mental health as the topic  
13 and I think the intent was to add one piece of what that mental  
14 health could be without limiting that to other areas that could  
15 be covered.

16 ALLEN: All right. Thank you. Right now, I'm  
17 looking for a motion to continue or not the rulemaking process  
18 for this regulation.

19 SHEA: Tim Shea. I'll make a motion to  
20 continue the rulemaking process.

21 ALLEN: Do I have a second?

22 TROUTEN: Ty Trouten. I second.

23 ALLEN: Thank you. All in favor?

24 MEMBERS: Aye.



1           ALLEN:           Motion carries unanimously. Now item  
2 number 5, discussion, public comment, and for possible action,  
3 the Commission to decide whether to continue the rulemaking  
4 process to revise NAC 289.110 to comply with NRS 289.510,  
5 subsection (c)(1) in reference to peace officer applicant  
6 backgrounds. Give this over to Mike Sherlock for information.

7           SHERLOCK:       Mike Sherlock for the record one more  
8 time. Again, as discussed in the previously held workshop, the  
9 inquiry into an applicant's implicit bias is a legislative  
10 mandate and just for reference, the language that was put  
11 forward in the workshop is directly from the bill, which is  
12 directly from the NRS, and so that was the language that we  
13 looked at for the workshop. Considering this bill and in the  
14 statute staff did recommend the Commission's continuance of the  
15 rulemaking process on this issue.

16          ALLEN:           Thank you, any comments from the  
17 Commission? Seeing none, do we have any public comment? All  
18 right, seeing none, I'm looking for a motion to continue or not  
19 the rulemaking process for this regulation.

20          SHEA:           Tim Shea. I'll make a motion to  
21 continue the rulemaking process for this one.

22          ALLEN:           We have a motion. Can I have a second?

23          NIEL:           Russ Niel. I'll second.

24          ALLEN:           All in favor?

25          MEMBERS:        Aye.

1           ALLEN:           Motion carries. Item number 6,  
2 discussion, public, comment, and for possible action, the  
3 Commission to discuss and take possible action to adopt, amend,  
4 or repeal the regulations as follows: A, LCB file R167-20, make  
5 changes to NAC 289.110, and clarifies the high school  
6 requirements of peace officer applicants; B, LCB file R168-20,  
7 make changes to NAC 289.200 as to the timing of physical  
8 readiness exam for reciprocity applicants; and C, LCB file  
9 177.20, make changes to 289.140 to include ARIDE in the basic  
10 training curriculum. The Commission to fully consider all  
11 written and oral comments received on these proposed regulation  
12 before taking action. Over to Mike Sherlock for explanation.

13           SHERLOCK:       Mike Sherlock for the record. So I'll  
14 just remind the Commission these are the public comment hearing  
15 issues that we had at the beginning. Just to remind the  
16 Commission, for each of these items we've had a workshop and the  
17 public comment hearings were in reference to language that we  
18 received back from LCB, and at this point this is basically the  
19 final leg in the process of rulemaking where the Commission will  
20 decide or not to adopt the language that's already been through  
21 the process. So handling each file separately, I'll start with  
22 R 167-20. This language is in relation to the definition of a  
23 high school level education as part of NAC 289.110. Again, this  
24 was addressed in the public comment hearing and previously in

1 workshops, and staff would recommend the adoption of this  
2 regulation change. (inaudible).

3 ALLEN: Okay. And vote on each one --

4 SHERLOCK: Yeah.

5 ALLEN: -- individually? Okay. So we have A,  
6 LCB file, R 167-20, make changes to NAC 289.110 in clarifies the  
7 high school requirements of peace officer applicants. Do we  
8 have any comments from the Commission? Seeing none, do we have  
9 any public comment? Seeing none, I'm looking for a motion to  
10 adopt LCB file R 167-20 to make changes to NAC 289.110 in  
11 clarifying the high school requirements of peace officer  
12 applicants. Do I have a motion?

13 TOGLIATTI: George Togliatti. I'll make a motion to  
14 adopt.

15 ALLEN: Thank you. Can I have a second?

16 SHEA: Tim Shea, I'll second.

17 ALLEN: I have a first and a second. All in  
18 favor?

19 MEMBERS: Aye.

20 ALLEN: Any opposed? Motion carries. Next one  
21 is B, LCB file R168-20, make changes to NAC 289.200 as to the  
22 timing of the physical readiness exam for reciprocity  
23 applicants. Can I have a motion to adopt the language?

24 NIEL: Russ Niel, State Gaming. I'll move to  
25 adopt.

1 TOGLIATTI: George Togliatti, I'll second.

2 ALLEN: I have a motion and a second. All in  
3 favor?

4 MEMBERS: Aye.

5 ALLEN: Any opposed? Hearing none, we'll move  
6 to the item C, LCB file 177.20, make changes to 289.140 to  
7 include ARIDE in the basic training. Can I have a motion to  
8 adopt?

9 TROUTEN: Troy Trouten, so moved.

10 MCKINNEY: Kevin McKinney, I'll second.

11 ALLEN: We have a first and a second. All in  
12 favor, signify by saying aye.

13 MEMBERS: Aye.

14 ALLEN: Any opposed? Motion carries. Item  
15 number 7, discussion, public comment, and for possible action,  
16 presentation from Dr. Allen Anes on offering firearm training  
17 for all Nevada peace officers. Come forward and state your name  
18 for the Commission.

19 ANES: Hi, I'm Allen Anes and I would like to  
20 thank Mike Sherlock and Kathy Floyd for inviting me here today.  
21 I need about 15 minutes of your time. I'm a physician who has  
22 been licensed to practice medicine here in Nevada since 1975.  
23 My wife is a marriage and family therapist who practiced here in  
24 Las Vegas in the 1980s and 1990s. The reason I'm here today  
25 because Eileen (phonetic) and I love law enforcement and the

1 reason we love law enforcement is you guys and gals go out every  
2 day, you put your lives on the line to protect us and to keep us  
3 safe and you don't even know who we are. We can never. ever  
4 thank you enough for what you do on a daily basis. About seven  
5 years ago, Eileen and I decided we wanted to give back to the  
6 law enforcement community. Eileen wanted to give back to law  
7 enforcement by providing a four-day handgun class for law  
8 enforcement, I wanted to give back to law enforcement community  
9 by hosting a four-day, nonstop, drunken sex orgy for law  
10 enforcement. Unfortunately, my wife wouldn't let me do it. I  
11 don't understand her. For as long as we've been married, 56  
12 years, you'd think I'd understand. Well, we ended up  
13 compromising and doing it her way and starting seven years ago,  
14 we started offering four-day handgun classes at Front Sight  
15 Firearms Training Institute, one in the fall in October,  
16 November, one in the spring in May or June, and the reason we  
17 provided these classes is we want to make sure that if a law  
18 enforcement officer was involved in a deadly force situation,  
19 that the officer was the one who was going to go home that night  
20 and not the dirt bag. Front Sight Firearms Training Institute  
21 is a 550 acre facility, about 20 miles to this side of Pahrump.  
22 It's about 45 minutes from where we're sitting. They're 550  
23 acres, they have 50 ranges, and they teach over 60 different  
24 classes. They teach two and four-day handgun classes, two and  
25 four-day rifle classes, two and four-day shotgun classes. They

1 offer precision rifle, they offer rope and repelling, edge  
2 weapons, MP hand defense, automatic weapons, tactics classes,  
3 simunitions classes. They also have classes in which you use  
4 handguns, shotguns, and rifles in the same class. They also  
5 have a law enforcement instructor development class, and they  
6 also have armorers' classes. So if you want to do more than  
7 just field clean your gun, where you have your barrel, you have  
8 your spring, you have your slide, you have your frame, if you  
9 want to be able to take it down to all 32 pieces that make up a  
10 Glock, you can do that. They have those classes in the  
11 summertime in their air conditioned classroom, and they have  
12 armorers' classes for Glocks, for 1911s, for AR-15s. They also  
13 have kids' classes. Two or three years ago Eileen and I  
14 realized that confident arms is more than a single, four-day  
15 class. Front Sight offers several different lifetime  
16 memberships. The top membership is the commander membership,  
17 and if you have a commander membership, you can take any or all  
18 of their 60 classes as many times as you want for the rest of  
19 your life for free. In addition, when you get your membership,  
20 you fill out a little form in which you declare an heir. So if  
21 when you retire and decide, you don't want to train anymore, or  
22 if you pass away, that membership will be left to whoever you  
23 specify for the rest of his or her life, whether it's a family  
24 member, a next-door neighbor, a friend, or another law  
25 enforcement officer. What Eileen and I decided to do four years

1 ago was to buy a commander membership for every law enforcement  
2 officer that attended one of the classes we hosted, and in the  
3 last four years, we have bought somewhere between 250 and 300 of  
4 them and given one to each officer who attends our class.  
5 Eileen and I attend every law enforcement class and it's  
6 interesting. The first day you look at the targets and you see  
7 groupings about two feet, 24 inches. By the fourth day, the  
8 groupings are down to six inches. The training is superb. Two  
9 or three years ago, POST accredited Front Sight classes so now  
10 not only if you take our four-day class, do you get four  
11 incredible days of training, you get 40 hours of POST credit.  
12 How do the classes work? Steve Hutchison (phonetic) was a Metro  
13 training officer up until about a year ago, and he helped  
14 coordinated the class. Eileen and I would get together with  
15 him, let's say in January, and tell him the date of the class  
16 that we wanted to give in May. Let's assume it was May 8th to  
17 the 11th. Steve would go ahead and he would email all the  
18 different agencies he was aware of, let them know the date of  
19 the class, and ask them to email him if they had any questions  
20 or if they wanted to sign up. He would interact with them, he  
21 would tell them how to get an account with Front Sight, he would  
22 send them an application, and he'd spend the next three months,  
23 bugging them, getting them to send him the applications and to  
24 fill them out properly and to get back to him, and then he would  
25 bring them to Front Sight and the class would be held, and we

1 averaged about 35 officers for each class. About a year ago,  
2 Steve moved from training to another department, I think it was  
3 called special events. I don't know exactly what that means,  
4 but I think he spends his time planning weddings, bar mitzvahs,  
5 and sweet sixteens, but because of his new position, he can't  
6 get involved with Front Sight anymore so Metro now is in the  
7 process of setting up a website that they hope will clarify for  
8 people who are interested how to sign up for the classes and how  
9 to ask questions. I think the website will be helpful when they  
10 get it done, but I still think you're going to need a live  
11 person that they can email and speak to to get all the questions  
12 answered. The last few months, Eileen and I have realized in  
13 dealing with POST that we're in Southern Nevada and we've been  
14 thinking Southern Nevada, and we've realized in the last few  
15 months that the rest of the state has law enforcement. Not only  
16 do towns and cities have their own law enforcement, but there  
17 are agencies, like district attorneys, that have their own law  
18 enforcement, the State Gaming Board has its own law enforcement,  
19 the school systems have their own law enforcement. Eileen and I  
20 want to open this up to every single law enforcement officer in  
21 the state of Nevada and we will do whatever we need to do to get  
22 every one of those law enforcement officers to come down to our  
23 classes that we host and to get a commander membership. How  
24 does it work? It depends on the agency you're in, it depends on  
25 your chain of command, but most importantly, it probably depends



1 on your Sergeant and Lieutenant. Let me use this as an example:  
2 Metropolitan Police Department and Henderson, because they're  
3 the two agencies I'm most familiar with. Metro has a policy  
4 that if your squad can arrange it, you can come to our classes  
5 for training and they will pay you for those four days you're in  
6 class. The policy says that they have to supply their own  
7 ammunition. The way it actually works, at least it's my  
8 understanding, that just about every officer is given the 600  
9 rounds of ammunition by their Sergeant and Lieutenant. The  
10 first thing that is required is Front Sight requires a  
11 background check every year for every employee and everybody who  
12 takes training. They don't want to train anybody who's on a  
13 watch list. So what you need to do is you need to get a  
14 background check every year that you're taking a class. So  
15 let's assume that you're scheduled to take a class at Front  
16 Sight next week, and you've paid your \$50 and they do the NICS  
17 background check and you get okayed and it's good until December  
18 31st, whether you take the one class next week, whether you take  
19 10 classes between now and December 31st, that background check  
20 is good. If you want to take a class in 2022, let's say in  
21 February, you give them your credit card number, they do a \$50  
22 background check, and your background check is good for that  
23 class or the other 50 classes you take in 2022 until December  
24 31st. If let's say in 2023, because of your schedule you can't  
25 take any classes, you don't pay \$50, you don't do a background

1 check. Metro requires that the officer pay the \$50 background  
2 check, and that may not be a bad idea and the reason for that is  
3 the officer now has some skin in the game. He has a \$50  
4 investment. So if he wakes up the morning of the first day of  
5 the class and he feels a little tired, rather than going back to  
6 sleep, he's got \$50 skin in the game, he gets up and goes to the  
7 class. That's how Metro works. Henderson pays for the four  
8 days you're taking the class, gives you the ammunition, and pays  
9 for your \$50 background check. How should it work with your  
10 agencies? Completely up to you. If you require the officer to  
11 take four days off vacation time to come down to Front Sight, if  
12 you require him to pay for 600 rounds of ammunition, and you  
13 require him to pay \$50 for every class he wants to take, the  
14 chances are not many people are going to take advantage of it.  
15 So I would urge the following: once they have the commander  
16 membership, they can take 50 classes a year for the rest of  
17 their lives for free, except for the \$50 a year background  
18 check. I would urge you to pay for the four days that your  
19 offices are in training. I would urge you, at least for the  
20 first time that they're going to one of our classes, to please  
21 supply their ammunition. Whether you pay the \$50 background  
22 check the first time or whether the officer pays it is  
23 completely up to you. We'd like as many people to come to Front  
24 Sight as possible. Once they've been there, the training is so  
25 incredible that they will go back on their own dime. So if they

1 want to go back and take a two or four-day class in anything  
2 that next year or the year after that, or the year after that,  
3 or the year after that, there's a very good chance they'll do it  
4 on their own dime. If you want to help them out by paying them  
5 for four days of training and for their ammunition needs, that'd  
6 be great. My wife and I attend all of the law enforcement  
7 classes. Eileen, from concealment, can put two shots in your  
8 center mass from 15 feet in 1.3 seconds. If she moves back to  
9 the seven or 10 yard line, she can put two shots in a center  
10 mass in 1.5 seconds from 10 yards. And that's not bad for a  
11 little old lady. When I grow up, I want to learn to shoot as  
12 well as my wife does. What we do is we have one class in  
13 October, November, and another class in May or June. We're  
14 going to usually keep the one in the fall Monday through  
15 Thursday, which by the way, the four-day handgun classes are  
16 given almost every week. In the fall we usually have the one  
17 Monday through Thursday for those officers who can get away  
18 easier during the week. In the spring, we usually have it  
19 Friday through Monday for those officers who can get away easier  
20 on the weekend. We will do anything we can to encourage law  
21 enforcement officers to come for training and to get commander  
22 memberships. Eileen and I can never thank law enforcement  
23 enough for what you do on a daily basis. Thank you. Can I  
24 answer any questions?

1           ALLEN:           Thank you, Dr. Anes. Commissioners, do  
2 you have any questions?

3           MCKINNEY:       Kevin McKinney for the record, I have  
4 actually not a question but a comment. My range master attended  
5 your instructor development school in I believe it was May. He  
6 said it was outstanding so yes, you've got high recommendations  
7 from us so we -- and we appreciate it.

8           ANES:           Thank you.

9           SHERLOCK:       Mike Sherlock for the record. Doctor,  
10 just real quick, can you clarify so what exactly is being  
11 offered? What would the cost of the -- to an officer who wanted  
12 to attend training there, what would their cost be?

13          ANES:           The officer and the agency costs would  
14 be you would pay your officer for four training days, regardless  
15 of where that was. They would be coming down to Front Sight and  
16 take the four-day class. They would need ammunition, whether  
17 your agency would pay for it 600 rounds, or whether the officer  
18 would pay for it would be your decision. Fifty dollar  
19 background check, which would be required, would either be an  
20 agency cost or would be an officer cost. Completely up to you.  
21 When they attend our class, we give them the commander  
22 membership. It's good for their entire life, taking 60 classes  
23 a year if they want, and then if they did it on their own time,  
24 on vacation time, wouldn't cost anything. Would be cost of  
25 ammunition. If the agency wanted to pay officers one training

1 per year, that's up to you. So it would cost anywhere from four  
2 days' salary for training, 600 rounds of ammunition, and the  
3 most \$50 a year for the background check, and that would be the  
4 total cost plus they'd bring lunch, they could order a box  
5 lunch. If you're not from the Las Vegas area, you might have to  
6 stay at a hotel. So for example, the Saddle West Hotel in  
7 Pahrump, which is 25 minutes from Front Sight charges \$59 a  
8 night, single or double occupancy, and includes breakfast. So  
9 that might be an added expense. And again, Eileen and I, if we  
10 have to run two classes in the fall and two classes in the  
11 spring, three classes, five classes, we can never thank you guys  
12 enough for what you do.

13 NIEL: Russ Niel speaking for the record. Just  
14 like my friend said I heard great things. Even got one of my  
15 range masters, one of your instructors down there, Jason  
16 Woodruff (phonetic) --

17 ANES: Yes.

18 NIEL: Yeah. So very -- speaks very highly of  
19 it and he's a hell of a shot, I'll give you that, and a great  
20 instructor.

21 ANES: Yes.

22 NIEL: So look to maybe get some clarification  
23 from the director, Sherlock. So with this membership, there's  
24 no cost for course?

1           ANES:                   No. For free, for the rest of your  
2 life, you can take one class a year, you can take 60 classes a  
3 year for the rest of your life, it doesn't cost you a penny for  
4 the classes. Well, Front Sight is absolutely amazing. Their  
5 policy is as follows: you have to sign up for a class at least  
6 two weeks in advance, and all of the classes and schedules are  
7 listed six months out. And the reason you have to sign up at  
8 least two weeks in advance is they've got 250 instructors and  
9 range masters so scheduling becomes a problem. They've got 50  
10 different ranges. I think I told you they've got a precision  
11 rifle range, 800 yards. They need to schedule, and you can't  
12 have too many people signing up the day before because it drives  
13 them absolutely crazy. So what happens is you cannot be kept  
14 out of a class because the class is full. The most you can have  
15 in the class is 40 people. Let's assume two weeks before, a  
16 41st or 42nd or 43rd person signs up. They don't tell you it's  
17 closed off, they open up another class of 40 and they break  
18 those 41 or 42 or 43 people down into 21 and 22 each. If both  
19 of those fill completely up and before that two week period  
20 starts, a third person, a 81st person signs up, they open up  
21 another range and have another class. You are never, ever kept  
22 out of a class. There's no such thing as a full class. You  
23 can't. Now one other thing: we have some police officers who  
24 come to our class every year, and the reason they do that, even  
25 though they could go to 60 other classes at Front Sight is they

1 love to be in a class with 35 or 40 other law enforcement  
2 officers. That's a lot more fun. If you sign up for a class  
3 that isn't the class Eileen and I host in the fall or the class  
4 that Eileen and I host in the spring, you will be in a class  
5 with 34, 35, 36 people, and they're civilians. The class is the  
6 same and it's just as good, but some people may prefer going to  
7 a class with 30 to 35 other law enforcement people because they  
8 have more in common, but the classes are superb, the training is  
9 great, and Eileen and I will do whatever we need to do to get  
10 every single law enforcement officer in Nevada to Front Sight  
11 with a lifetime membership.

12 ALLEN: Okay. Thank you. Any other additional  
13 comments? Okay.

14 ANES: I'm going to give Kathy my new email  
15 address. I opened up a new email just for POST and for these  
16 classes. I've never gotten an email on it so if you're the  
17 first one to email me, you'll be famous. Okay? Thank you for  
18 your time.

19 ALLEN: My pleasure. Thank you. Thank you.

20 SHERLOCK: Real quick, Mike Sherlock for the  
21 record. I just want everyone to understand what Dr. Anes is  
22 offering here. He is -- you and your wife are offering to cover  
23 training membership for every peace officer in the state and so  
24 we've -- we actually sent our people down to Front Sight, again,  
25 we do have certified courses through them, took another look,

1 right, another look at the facility recently, very impressive,  
2 looked at their instructors, and I guess I want everyone to  
3 appreciate what Dr. Anes is offering here in terms of support  
4 for policing in the state of Nevada, and it's pretty  
5 unprecedented for -- and I just want to thank you and your wife  
6 for putting this out there, again, for every peace officer in  
7 the state that wants that training. Dr. Anes is covering that  
8 portion of it, tuition and membership, and I just want to say  
9 thank you.

10 ANES: Thank you.

11 ALLEN: I also want to extend my appreciation to  
12 you, Doctor. Thank you. Now we are on item number 8,  
13 discussion, public comment, and for possible action, requests  
14 from the Carson City Sheriff's Department or office for a six-  
15 month extension for the following employees to meet  
16 certification requirements:

17 FURLONG: (Inaudible) lot to do this (inaudible).

18 ALLEN: So -- all right, so we have Nathan  
19 Trapp, Dustin Randol, Douglas Keennon, Angel Marquez, and Grant  
20 Zampirro.

21 FURLONG: Close enough.

22 ALLEN: Close (inaudible) works.

23 FURLONG: One of which was a dropout, not a  
24 dropout, but --

25 UNIDENTIFIED: Injured.



1 FURLONG: -- a injury from the current academy.

2 We are doing some catch-up and I do want this Commission to be  
3 aware that we have a fixed plan in place for the long-term and  
4 POST has been very, very considerate in whatever our needs are  
5 that they will bend to get these candidates in through their  
6 trainings. It's an operational and a fiscal challenge for us,  
7 and we have a fix that we have that we are addressing within the  
8 city.

9 ALLEN: Thank you.

10 SHERLOCK: Mike Sherlock for the record and staff  
11 reviewed the request from Sheriff Furlong, and we would  
12 recommend that each of these employees are extended the -- or  
13 given the extension and we'll get them through the academy as  
14 soon as we can.

15 ALLEN: All right. Thank you, Director.  
16 Commissioners, do you have any additional comments? Seeing  
17 none, I'm looking for a motion to approve the six-month  
18 extension for each of these employees. Can we get a motion?

19 SHEA: Tim Shea, I'll make a motion to grant  
20 the six-month extension.

21 TOGLIATTI: George Togliatti, I'll second.

22 ALLEN: First and a second. All in favor?

23 MEMBERS: Aye.

24 ALLEN: Any opposed? Hearing none, motion  
25 carries. Thank you. Item number 9, discussion, public comment,

1 and for possible action, requests from Las Vegas Metropolitan  
2 Police Department for an executive certificate for Captain  
3 Timothy Hatchett, and turn it over to Mike Sherlock.

4 SHERLOCK: Mike Sherlock for the record. Is there  
5 anyone from Metro here? It doesn't look like it. So POST staff  
6 received an application for an executive certificate for Captain  
7 Timothy Hatchett of the Las Vegas Metropolitan Police  
8 Department. After review, staff finds that Captain Hatchett  
9 meets the current requirements for the executive certificate and  
10 staff recommends the Commission issue that certificate.

11 ALLEN: Thank you. Commissioners, do you have  
12 any additional comments?

13 SHEA: I just have a question. Would the  
14 proposed language that we discussed earlier prevented somebody  
15 like Captain Hatchett from getting the certificates?

16 SHERLOCK: Mike Sherlock for the record. Yes.

17 ALLEN: Any other comments from the Commission?  
18 Seeing none, do we have any public comment? Seeing none, I'm  
19 looking for a motion to approve the executive certificate for  
20 Captain Hatchett.

21 SHEA: Tim Shea, I'll make a motion to grant  
22 the executive certificate.

23 TOGLIATTI: George Togliatti, I'll second.

24 ALLEN: We have a first and a second. All in  
25 favor?

MEMBERS: Aye.

ALLEN: Any opposed? Seeing none, motion carries. Item number 10, public comment. The Commission may take action on any matter considered under this item -- cannot make -- okay, the Commission may not take action on any matter considered under this item until the matter is specifically included on agenda as an action item. Do we have any public comment? Okay, no public comment. Item number 11, discussion, public comment, and for possible action, schedule upcoming meeting.

SHERLOCK: Mike Sherlock for the record. So as we slowly get back to our pre-pandemic routine we once again want to get back to two meetings in the south, two meetings in the north, which means we would be looking at a meeting here in the south in February. We will get with sheriffs and chiefs and again, as many of you know, we try to coordinate with their meeting schedule just to save money for the Commissioners and those traveling. So we will get a date out soon, after I speak to the chairperson, Chief Soto and sheriffs and chiefs, and we'll get that date out to everyone as soon as possible. So I would leave it open at this point.

ALLEN: Sounds good, Director. And item number 12, discussion, public comment, and for possible action, looking for a motion to adjourn.

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

1           ALLEN:           Thank you.  
2           NIEL:           Russ Niel, I'll second.  
3           ALLEN:           All right. Thank you. The meeting is  
4 now adjourned. It is 2:20 p.m.  
5  
6

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

### **2. INFORMATION Executive Director's Report**

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



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

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

The Commission to decide whether to continue the rule making process to revise NAC 289.270 to clarify the requirements to qualify for an Executive Certificate. Discussion on proposed changes may include, but is not limited to, the following:

- Removal of/changes to agency position requirements to qualify for an Executive Certificate.
- Removal of/changes to minimum requirements for advanced certificates a peace officer must hold as a prerequisite for an Executive Certificate.





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

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

Hearing pursuant to NAC 289.290 (1)(e) on the revocation of Jovan Motley (formerly with the Nevada Department of Corrections) certification based on Gross Misdemeanor convictions.





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

STEVE SISOLAK  
*Governor*

MICHAEL D. SHERLOCK  
*Executive Director*

## NOTICE OF INTENT TO REVOKE

January 13, 2022

Jovan Motley



Dear Mr. Motley,

POST PIN #: 36228

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

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

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

**Count 1: ATTEMPT ASKING OR RECEIVING BRIBE BY PUBLIC OFFICER (Category D Felony/Gross Misdemeanor-NRS 197.040, 193.330)**

**Count 2: ATTEMPT POSSESSION OF A PORTABLE TELECOMMUNICATION DEVICE BY A STATE PRISONER (Category E Felony/Gross Misdemeanor-NRS 212.165(3), 193.330)**

**Case#: C-21-354575-2**

**Dept No: 21**

**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.

# EXHIBIT A

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: Thursday, February 24, 2022**

**Time: 2:00 P.M.**

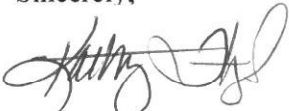
**Location: Pahrump Nugget Hotel/Casino, 681 S. Hwy 160, Pahrump, NV 89048**

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

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

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

Sincerely,



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

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

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

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

- (a) Willful falsification of any information provided to obtain the certificate.
- (b) A permanent or chronic physical or mental disability affecting the officer's ability to perform his or her full range of duties.
- (c) Chronic drinking or drunkenness on duty.
- (d) Addiction to or the unlawful use or possession of narcotics or other drugs.
- (e) Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a gross misdemeanor. Upon criminal indictment or filing of a criminal complaint, suspension may be imposed.
- (f) Failure to comply with the standards established in this chapter.
- (g) Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony. Upon criminal indictment or filing of a criminal complaint, suspension may be imposed. Upon conviction or entry of a plea of guilty, guilty but mentally ill or nolo contendere, the certificate will be revoked.
- (h) Conviction of a misdemeanor. If the employing agency recommends suspension or revocation following conviction of the employee for a misdemeanor, suspension or revocation may be imposed. In determining whether to suspend or revoke the certificate, the Commission will consider the type of conviction and other information provided by the agency indicating unprofessional conduct or similar undesirable activity by the officer that resulted in disciplinary action.

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

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

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

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

- (a) Consider the case on its own merits, using the statement from the head of the employing agency or the substantiated information derived from any independent investigation it deems necessary;
- (b) Take no action pending the outcome of possible criminal action which may be filed against the officer; and
- (c) Take no action pending the outcome of an appeal.

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

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

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

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

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

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

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

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

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

**OFFICE OF THE SHERIFF  
CLARK COUNTY DETENTION  
CIVIL PROCESS SECTION**

NEVADA COMMISSION OF PEACE OFFICERS )

**PLAINTIFF**

Vs

JOVAN MOTLEY

**DEFENDANT**

CASE No. POST PIN #36228

SHERIFF CIVIL NO.: 22000227

**AFFIDAVIT OF SERVICE**

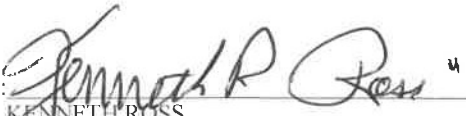

STATE OF NEVADA }  
                                  } ss:  
COUNTY OF CLARK }

**KENNETH ROSS**, 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 **1/18/2022**, at the hour of **8:15 AM**, affiant as such Deputy Sheriff served a copy/copies of **NOTICE OF INTENT TO REVOKE** issued in the above entitled action upon the defendant **JOVAN MOTLEY** named therein, by delivering to and leaving with said defendant **JOVAN MOTLEY**, personally, at [REDACTED] within the County of Clark, State of Nevada, copy/copies of **NOTICE OF INTENT TO REVOKE**

*I, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF NEVADA THAT THE FOREGOING IS TRUE AND CORRECT.*

**DATED: January 18, 2022.**

Joseph M. Lombardo, Sheriff

By:    
KENNETH ROSS  
Deputy Sheriff

**EXHIBIT B**



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, KENNETH P. ROSS served the foregoing **Notice of Intent to Revoke**  
Print name of the person serving this document

To Individual's Name: **Jovan Motley**

at [REDACTED] on this  
(location)

18 day of JAN, 2022  
Day Month Year

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 18 day of JAN 2022.  
Day Month Year

Kenneth P. Ross  
Signature of person serving the Notice

Kenneth P. Ross  
Printed name of person serving the Notice

**\*\*RETURN THE SIGNED ORIGINAL OF THIS FORM TO POST WITHIN 15 DAYS\*\***

RECEIVED  
CLARK COUNTY SHERIFF  
2022 JAN 13 A 7:44



# State of Nevada - POST

## UPDATE - Personnel Action Report (PAR)

Post ID Number: 36228

Last Name: Motley

First Name: Jovan

MI: Q

Suffix:

### ☐ Name Change?

Last Name: Motley

First Name: Jovan

MI: Q

Suffix:

### ☐ Address Change?

Street Address:

City:

State: NV

Zip Code: 89030

County:

E-Mail:

### Level Change?

☐ Line

☐ Supervisor

☐ Management

☐ Executive

☐ Part Time

☐ Full Time

### Status Change?

☐ Deceased

☐ Retired

☒ Separated

### NAC289.290 Notification (Cause For Commission Action )

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

Does the above NAC apply? ☒ No

☐ Yes

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

### Comments\Additional Information:

Effective Date:

06/06/2019

Submitters Name:

Jenna Humildad

Submitters Phone:

(775) 887-3150

Submitters E-Mail:

jhumildad@doc.nv.gov

# EXHIBIT C



# STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

*Hereby Awards the*

## Category III Basic Certificate

*To*

**Jovan Q. Motley**

*For having fulfilled all the requirements for Basic Certification  
as prescribed by Nevada Administrative Code.*



Governor

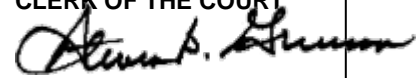


Executive Director

36228  
POST ID No.

April 27, 2018  
Date





**INFM**  
AARON D. FORD  
Attorney General  
CHELSEA KALLAS (Bar No. 13902)  
Senior Deputy Attorney General  
Office of the Attorney General  
555 E. Washington Ave., Ste. 3900  
Las Vegas, Nevada 89101-1068  
P: (702) 486-5707  
F: (702) 486-3768  
Ckallas@ag.nv.gov  
*Attorneys for the State of Nevada*

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

STATE OF NEVADA,

Plaintiff,

v.

JOVAN MOTLEY,

Defendant.

Case No.: C-21-354575-2

Dept. No.: 21

**INFORMATION**

AARON D. FORD, Attorney General for the State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

The above-named defendant, JOVAN MOTLEY, has committed the crime of ATTEMPT ASKING OR RECEIVING BRIBE BY A PUBLIC OFFICER (Category D Felony/Gross Misdemeanor – NRS 197.040, 193.330); and ATTEMPT POSSESSION OF A PORTABLE TELECOMMUNICATION DEVICE BY A STATE PRISONER (Category E Felony/Gross Misdemeanor – NRS 212.165(3), 193.330).

All of the acts alleged herein have been committed or completed on or between March 28, 2019 and April 11, 2019, by the above-named defendant, within the County of Clark, State of Nevada, in the following manner:

///

///

**EXHIBIT E**

**COUNT 1**  
**ATTEMPT ASKING OR RECEIVING BRIBE BY A PUBLIC OFFICER**  
**Category "D" Felony/Gross Misdemeanor - NRS 197.040, 193.330**

Defendant, JOVAN MOTLEY, in the County of Clark, State of Nevada, on or between March 28, 2019 and April 11, 2019, being a public officer, did attempt to ask or receive, directly or indirectly, any compensation, gratuity or reward, or promise thereof, upon an agreement or understanding that his or her vote, opinion, judgment, action decision or other proceeding will be influenced thereby, or that he or she will do or omit any act or proceeding in any way neglect or violate any official duty, to wit: Defendant MOTLEY, while employed as a correctional officer for the Nevada Department of Corrections, did attempt to introduce contraband into High Desert State Prison for monetary compensation.

**COUNT 2**  
**ATTEMPT POSSESSION OF A PORTABLE TELECOMMUNICATION**  
**DEVICE BY A STATE PRISONER**  
**Category "E" Felony/Gross Misdemeanor – NRS 212.165(3), 193.330**

Defendant, JOVAN MOTLEY, in the County of Clark, State of Nevada, on or between March 28, 2019 and April 11, 2019, while confined as a prisoner in an institution or a facility of the Nevada Department of Corrections, to wit: High Desert State Prison, did, without lawful authorization, attempt to possess or have in his custody or control a portable telecommunications device, to wit: a cellular telephone, Defendant being criminally liable under one or more of the following principles of criminal liability, to wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime, to wit: by Defendant furnishing said cellular telephone to Alistair Houpe, while Houpe was confined as a prisoner at High Desert State Prison; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed.

///

///

///

///

///

1 All of which is contrary to the form, force and effect of the statutes in such cases made and  
2 provided, and against the peace and dignity of the state of Nevada.

3 DATED this 30<sup>th</sup> day of June, 2021.

4  
5 SUBMITTED BY

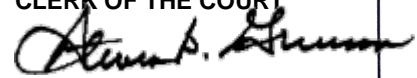
6 AARON D. FORD  
Attorney General

7 By: /s/ Chelsea Kallas  
8 CHELSEA KALLAS (Bar No. 13902)  
9 Senior Deputy Attorney General  
Attorneys for the State of Nevada

10  
11  
12  
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17  
18  
19  
20 December 14, 2021



26 CERTIFIED COPY  
ELECTRONIC SEAL (NRS 1.190(3))  
27  
28



GPA  
AARON D. FORD  
Attorney General  
CHELSEA KALLAS (Bar No. 13902)  
Senior Deputy Attorney General  
Office of the Attorney General  
555 E. Washington Ave., Ste. 3900  
Las Vegas, Nevada 89101-1068  
P: (702) 486-5707  
F: (702) 486-0660  
Ckallas@ag.nv.gov  
*Attorneys for the State of Nevada*

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

STATE OF NEVADA,

Plaintiff,

v.

JOVAN MOTLEY,

Defendant.

Case No.: C-21-354575-2

Dept. No.: 21

**GUILTY PLEA AGREEMENT**

I hereby agree to plead guilty to COUNT 1 – ATTEMPT ASKING OR RECEIVING BRIBE BY A PUBLIC OFFICER (Category D Felony/Gross Misdemeanor – NRS 197.040, 193.330); and COUNT 2 – ATTEMPT POSSESSION OF A PORTABLE TELECOMMUNICATION DEVICE BY A STATE PRISONER (Category E Felony/Gross Misdemeanor – NRS 212.165(3), 193.330), as more fully alleged in the charging document attached hereto as Exhibit “1.”

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

1. The State retains to right to argue as to adjudication;
2. The State has no recommendation as to sentence.

Furthermore, I agree to waive any defects or infirmities as to the form of the charging document attached as Exhibit “1.” I understand that, pursuant to NRS 176.015(3), victims so desiring will be allowed to make impact statements;

**EXHIBIT F**



1 I understand and agree that if I fail to interview with the Department of Parole and Probation, fail  
2 to appear at any subsequent hearings in this case, or an independent judge or magistrate, by affidavit  
3 review or other satisfactory proof, confirms probable cause against me for new criminal charges, including  
4 reckless driving or DUI, but excluding minor traffic violations, the State will have the unqualified right to  
5 argue for any legal sentence and term of confinement allowable for the crime(s) to which I am pleading  
6 guilty, including the use of any prior convictions I may have, to increase my sentence as a habitual  
7 criminal to five (5) to twenty (20) years, life without the possibility of parole, life with the possibility of  
8 parole after ten (10) years, or a definite twenty-five (25) year term with the possibility of parole after ten  
9 (10) years. Otherwise, I am entitled to receive the benefits of these negotiations as stated in the plea  
10 agreement.

#### 11 CONSEQUENCES OF THE PLEA

12 I understand that by pleading guilty I admit the facts that support all the elements of the offense(s)  
13 to which I now plead as set forth in Exhibit "1."

14 As to COUNT 1 and COUNT 2, if adjudicated as a felony – I understand that as a consequence of  
15 my plea of guilty the Court must sentence me to imprisonment in the Nevada Department of Corrections  
16 for a minimum term of not less than one (1) year and a maximum term of not more than four (4) years.  
17 The minimum term of imprisonment may not exceed forty percent (40%) of the maximum term of  
18 imprisonment. I understand that I may also be fined up to \$5,000.00.

19 If adjudicated as a gross misdemeanor – I understand that as a consequence of my plea of guilty the  
20 Court must sentence me to imprisonment in the Clark County Detention Center for a maximum term of not  
21 more than 364 days. I understand that I may also be fined up to \$2,000.00.

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

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

27 ///

28 ///

1 I understand that I am eligible for probation for the offense(s) to which I am pleading guilty. I  
2 further understand that, except as otherwise provided by statute, the question of whether I receive  
3 probation is in the discretion of the sentencing judge.

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

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

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

11 I have not been promised or guaranteed any particular sentence by anyone. I know that my  
12 sentence is to be determined by the Court within the limits prescribed by statute. I understand that if my  
13 attorney or the State of Nevada or both recommend any specific punishment to the Court, the Court is not  
14 obligated to accept the recommendation.

15 I understand the Division of Parole and Probation will prepare a report for the sentencing judge  
16 prior to sentencing. This report will include matters relevant to the issue of sentencing, including my  
17 criminal history. This report may contain hearsay information regarding my background and criminal  
18 history. My attorney and I will each have the opportunity to comment on the information contained in the  
19 report at the time of sentencing. Unless the Attorney General has specifically agreed otherwise, the  
20 Attorney General may also comment on this report.

21 I understand if the offense to which I am pleading guilty was committed while I was incarcerated  
22 on another charge or while I was on probation or parole that I am not eligible for credit for time served  
23 toward the instant offense(s).

24 I understand that if I am not a United States citizen, this criminal conviction will likely result in  
25 serious negative immigration consequences including but not limited to: removal from the United States  
26 through deportation; an inability to reenter the United States; the inability to gain United States citizenship  
27 or legal residency; an inability to renew and/or retain any legal residency status; and/or an indeterminate  
28 term of confinement with the United States Federal Government based on my conviction and immigration



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

#### 4 **WAIVER OF RIGHTS**

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

7 1. The constitutional privilege against self-incrimination, including the right to refuse to  
8 testify at trial, in which event the prosecution would not be allowed to comment to the jury about my  
9 refusal to testify.

10 2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive  
11 pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an  
12 attorney, either appointed or retained. At trial the State would bear the burden of proving beyond a  
13 reasonable doubt each element of the offense charged.

14 3. The constitutional right to confront and cross-examine any witnesses who would testify  
15 against me.

16 4. The constitutional right to subpoena witnesses to testify on my behalf.

17 5. The constitutional right to testify in my own defense.

18 6. The right to appeal the conviction, with the assistance of an attorney, either appointed or  
19 retained, unless the appeal is based upon reasonable constitutional, jurisdictional or other grounds that  
20 challenge the legality of the proceedings and except as otherwise provided in subsection 3 of NRS  
21 174.035.

#### 22 **VOLUNTARINESS OF PLEA**

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

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

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

28 ///

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

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

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

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

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

13 DATED this 1 day of July, 2021.

14  
15 JOVAN MOTLEY  
16 JOVAN MOTLEY, Defendant

17 SIGNATURE AFFIXED BY PAUL J. KIDDO  
18 AT THE DIRECTION OF JOVAN MOTLEY.

19 AGREED TO BY:

20 /s/Chelsea Kallas  
21 CHELSEA KALLAS (Bar No. 13902)  
22 Senior Deputy Attorney General  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF DEFENSE COUNSEL**


I, the undersigned, as the attorney for JOVAN MOTLEY, 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 reenter 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.

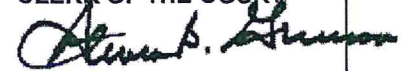
DATED this 1 day of July, 2021.

  
\_\_\_\_\_  
PAUL ADRAS, ESQ.  
Attorney for JOVAN MOTLEY

**EXHIBIT 1**

**EXHIBIT 1**





1 **INFM**  
2 AARON D. FORD  
3 Attorney General  
4 CHELSEA KALLAS (Bar No. 13902)  
5 Senior Deputy Attorney General  
6 Office of the Attorney General  
7 555 E. Washington Ave., Ste. 3900  
8 Las Vegas, Nevada 89101-1068  
9 P: (702) 486-5707  
10 F: (702) 486-3768  
11 Ckallas@ag.nv.gov  
12 *Attorneys for the State of Nevada*

13 **DISTRICT COURT**  
14 **CLARK COUNTY, NEVADA**

15 STATE OF NEVADA,

16 Plaintiff,

17 v.

18 JOVAN MOTLEY,

19 Defendant.

Case No.: C-21-354575-2

Dept. No.: 21

20 **INFORMATION**

21 AARON D. FORD, Attorney General for the State of Nevada, in the name and by the authority  
22 of the State of Nevada, informs the Court:

23 The above-named defendant, JOVAN MOTLEY, has committed the crime of ATTEMPT  
24 ASKING OR RECEIVING BRIBE BY A PUBLIC OFFICER (Category D Felony/Gross Misdemeanor  
25 – NRS 197.040, 193.330); and ATTEMPT POSSESSION OF A PORTABLE  
26 TELECOMMUNICATION DEVICE BY A STATE PRISONER (Category E Felony/Gross  
27 Misdemeanor – NRS 212.165(3), 193.330).

28 All of the acts alleged herein have been committed or completed on or between March 28, 2019  
and April 11, 2019, by the above-named defendant, within the County of Clark, State of Nevada, in the  
following manner:

///

///

1 **COUNT 1**  
2 **ATTEMPT ASKING OR RECEIVING BRIBE BY A PUBLIC OFFICER**  
3 **Category "D" Felony/Gross Misdemeanor - NRS 197.040, 193.330**

4 Defendant, JOVAN MOTLEY, in the County of Clark, State of Nevada, on or between  
5 March 28, 2019 and April 11, 2019, being a public officer, did attempt to ask or receive, directly or  
6 indirectly, any compensation, gratuity or reward, or promise thereof, upon an agreement or understanding  
7 that his or her vote, opinion, judgment, action decision or other proceeding will be influenced thereby, or  
8 that he or she will do or omit any act or proceeding in any way neglect or violate any official duty, to wit:  
9 Defendant MOTLEY, while employed as a correctional officer for the Nevada Department of  
10 Corrections, did attempt to introduce contraband into High Desert State Prison for monetary  
11 compensation.

12 **COUNT 2**  
13 **ATTEMPT POSSESSION OF A PORTABLE TELECOMMUNICATION**  
14 **DEVICE BY A STATE PRISONER**  
15 **Category "E" Felony/Gross Misdemeanor – NRS 212.165(3), 193.330**

16 Defendant, JOVAN MOTLEY, in the County of Clark, State of Nevada, on or between March  
17 28, 2019 and April 11, 2019, while confined as a prisoner in an institution or a facility of the Nevada  
18 Department of Corrections, to wit: High Desert State Prison, did, without lawful authorization, attempt  
19 to possess or have in his custody or control a portable telecommunications device, to wit: a cellular  
20 telephone, Defendant being criminally liable under one or more of the following principles of criminal  
21 liability, to wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission  
22 of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring,  
23 commanding, inducing and/or otherwise procuring the other to commit the crime, to wit: by Defendant  
24 furnishing said cellular telephone to Alistair Houpe, while Houpe was confined as a prisoner at High  
25 Desert State Prison; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this  
26 crime be committed.

27 ///

28 ///

///

///

///



1 All of which is contrary to the form, force and effect of the statutes in such cases made and  
2 provided, and against the peace and dignity of the state of Nevada.

3 DATED this 30<sup>th</sup> day of June, 2021.

4  
5 SUBMITTED BY

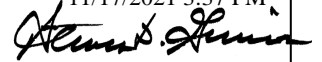
6 AARON D. FORD  
Attorney General

7 By: /s/ Chelsea Kallas  
8 CHELSEA KALLAS (Bar No. 13902)  
9 Senior Deputy Attorney General  
Attorneys for the State of Nevada

10  
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20  
21 December 14, 2021



CERTIFIED COPY  
ELECTRONIC SEAL (NRS 1.190(3))

  
CLERK OF THE COURT

**JOC**  
AARON D. FORD  
Attorney General  
CHELSEA KALLAS (Bar No. 13902)  
Senior Deputy Attorney General  
Office of the Attorney General  
555 East Washington Avenue, Suite 3900  
Las Vegas, Nevada 89101-1068  
P: (702) 486-3420  
F: (702) 486-0660  
ckallas@ag.nv.gov  
*Attorneys for the State of Nevada*

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

STATE OF NEVADA,

Plaintiff,

v.

JOVAN MOTLEY,  
#7763417

Defendant.

Case No.: C-21-354575-2

Dept. No.: 21

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

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to:  
COUNT 1 – ATTEMPT ASKING OR RECEIVING BRIBE BY A PUBLIC OFFICER (Category D  
Felony/Gross Misdemeanor – NRS 197.040, 193.330); and COUNT 2 – ATTEMPT POSSESSION OF  
A PORTABLE TELECOMMUNICATION DEVICE BY A STATE PRISONER (Category E  
Felony/Gross Misdemeanor – NRS 212.165(3), 193.330), thereafter, on the 2<sup>nd</sup> day of November, 2021,  
the Defendant was present in Court for sentencing with counsel, PAUL J. ADRAS, Esq., and good cause  
appearing,

THE DEFENDANT IS HEREBY ADJUDGED GUILTY of said gross misdemeanors and Court  
ORDERED in addition to the \$25.00 Administrative Assessment fee, \$3.00 DNA Collection fee, \$150.00  
DNA Analysis fee, including testing to determine genetic markers, Defendant is SENTENCED as  
follows: As to COUNT 1 – to THREE HUNDRED SIXTY-FOUR (364) DAYS in the Clark County

1 Detention Center (CCDC); As to COUNT 2 – to THREE HUNDRED SIXTY FOUR (364) DAYS in  
2 CCDC, CONCURRENT WITH COUNT 1, SUSPENDED; placed on PROBATION for an indeterminate  
3 period not to exceed TWELVE (12) MONTHS. In addition to the Standard Conditions of the Division  
4 of Parole and Probation (P & P), which are IMPOSED, Defendant. must comply with the following  
5 SPECIAL CONDITIONS:

- 6 1. Serve THIRTY (30) DAYS in CCDC as to COUNT 1.
- 7 2. Have no contact, association, or affiliation with convicted felons.
- 8 3. Maintain full time employment, be enrolled in school full time, or complete SIXTEEN (16)  
9 HOURS of community service per month; provide proof to P&P.
- 10 4. You shall submit your digital storage media or any digital storage media that you have access  
11 or use, including computers, handheld communication devices and any network applications associated  
12 with those devices, including social media and remote storage services to a search and shall provide all  
13 passwords, unlock codes and account information associated with those items, with or without a search  
14 warrant, by the Division of Parole and Probation or its agent.

15 BOND, if any, EXONERATED.

16 DATED this \_\_\_\_\_ day of November, 2021.

Dated this 17th day of November, 2021

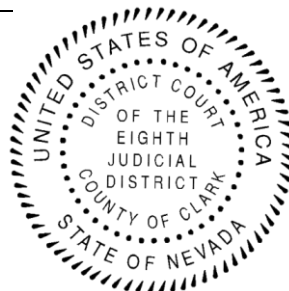
17  
18   
DISTRICT COURT JUDGE

19 7EB 204 5D7E 03C8  
20 Tara Clark Newberry  
District Court Judge

21 SUBMITTED BY:

22 /s/ Chelsea Kallas  
23 CHELSEA KALLAS, (Bar No. 013902)  
24 Senior Deputy Attorney General

December 14, 2021



CERTIFIED COPY  
ELECTRONIC SEAL (NRS 1.190(3))

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 State of Nevada

CASE NO: C-21-354575-2

7 vs

DEPT. NO. Department 21

8 Jovan Motley  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District  
12 Court. The foregoing Judgment of Conviction was served via the court's electronic eFile  
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 11/17/2021

15 Sarah Hugar

sarah@adraslaw.com

16 Paul Adras

paul@adraslaw.com

17 Chelsea Kallas

ckallas@ag.nv.gov

18 Steven Wolfson

pdmotions@clarkcountyda.com

19 Marcie Burris

mburris@ag.nv.gov

20 Jade Hugar

jade@adraslaw.com

21  
22  
23  
24  
25  
26  
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## **II. REGULARLY SCHEDULED MEETING AGENDA ITEMS**

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

Hearing pursuant to NAC 289.290 (1)(e) and (1)(g) on the revocation of Eduardo Bueno (formerly with the Las Vegas Metro Detention Center) certification based on Gross Misdemeanor/Felony convictions.





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

STEVE SISOLAK  
*Governor*

MICHAEL D. SHERLOCK  
*Executive Director*

## NOTICE OF INTENT TO REVOKE

January 31, 2022

Eduardo Bueno



Dear Mr. Bueno,

POST PIN #: 34357

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

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

The Commission's regulations provide that a person's peace officer certificate(s) may be revoked pursuant to NAC 289.290(1)(e) based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to a gross misdemeanor and NAC289.290 (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 conviction(s) which have led to this action are as follows:

**Count I: CONSPIRACY TO COMMIT OPPRESSION UNDER THE COLOR OF OFFICE (Gross Misdemeanor – NRS 197.200; 199.480 – NOC 52343)**

**Count II: OPPRESSION UNDER COLOR OF OFFICE (Category D Felony – NRS 197.200-NOC 52313)**

**Case#: C-20-349536-1**

**Dept No: XV**

**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.

# EXHIBIT A

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: Thursday, February 24, 2022**

**Time: 2:00 P.M.**

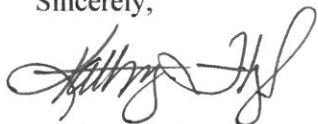
**Location: Pahrump Nugget Hotel/Casino, 681 S. Hwy 160, Pahrump, NV 89048**

The hearing will cover the following: **NAC 289.290 (1)(e), Revocation of a certificate based on a conviction of, or entry of plea of guilty, guilty but mentally ill or nolo contendere to a Gross Misdemeanor and NAC289.290 (1)(g), Revocation 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', written over a horizontal line.

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)

**OFFICE OF THE SHERIFF  
CLARK COUNTY DETENTION  
CIVIL PROCESS SECTION**

STATE OF NEVADA COMMISSION ON PEACE )  
OFFICER STANDARDS AND TRAINING )  
**PLAINTIFF** )  
Vs )  
EDUARDO OMAR BUENO )  
 )  
**DEFENDANT** )

CASE No. POST PIN# 34357  
SHERIFF CIVIL NO.: 22000616

**AFFIDAVIT OF SERVICE**


STATE OF NEVADA }  
 } ss:  
COUNTY OF CLARK }


**JAMIE OSBURN and ENRIQUE STIEGELMEYER**, being first duly sworn, deposes and says: That he/she are, and was at all times hereinafter mentioned, a duly appointed, qualified and acting Deputy Sheriffs 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 **2/4/2022**, at the hour of **10:04 AM**, affiant as such Deputy Sheriff served a copy/copies of **NOTICE OF INTENT TO REVOKE** issued in the above entitled action upon the defendant **EDUARDO OMAR BUENO** named therein, by delivering to and leaving with said defendant **EDUARDO OMAR BUENO**, personally, at [REDACTED] within the County of Clark, State of Nevada, copy/copies of **NOTICE OF INTENT TO REVOKE**

*I, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE ON NEVADA THAT THE FOREGOING IS TRUE AND CORRECT.*

**DATED: February 8, 2022.**

Joseph M. Lombardo, Sheriff

By:   
**JAMIE OSBURN**  
Deputy Sheriff

  
**ENRIQUE STIEGELMEYER**  
Deputy Sheriff

**EXHIBIT B**



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, Jamie Osburn, served the foregoing **Notice of Intent to Revoke**  
Print name of the person serving this document

To Individual's Name: **Eduardo Bueno**

at [REDACTED] on this  
(location)

4<sup>th</sup> day of February, 2022.  
Day Month Year

I declare under penalty of perjury that the forgoing is true and correct.

Executed on this 8<sup>th</sup> day of February, 2022.  
Day Month Year

Jamie Osburn 18067

Signature of person serving the Notice

Jamie Osburn

Printed name of person serving the Notice

**\*\*RETURN THE SIGNED ORIGINAL OF THIS FORM TO POST WITHIN 15 DAYS\*\***

# State of Nevada - POST

## UPDATE - Personnel Action Report (PAR)

Post ID Number: 34357

Last Name: Bueno

First Name: Eduardo

MI: O Suffix:

### ☐ Name Change?

Last Name: Bueno

First Name: Eduardo

MI: O Suffix:

### ☐ Address Change?

Street Address:

City: Las Vegas

State: NV

Zip Code: 89108

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:

Separated 01/06/2022

Effective Date:

01/06/2022

Submitters Name:

Heather N Casey

Submitters Phone:

(702) 671-1568

Submitters E-Mail:

h15408c@lvmpd.com



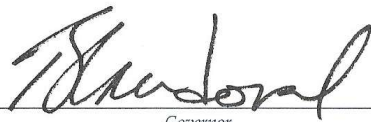
# STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

*Hereby Awards the*  
**Category III**  
**Basic Certificate**

*To*  
**Eduardo O. Bueno**

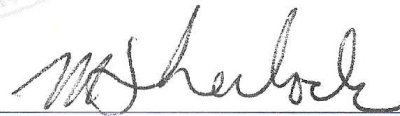
*For having fulfilled all the requirements for Basic Certification  
as prescribed by Nevada Administrative Code.*



Governor

34357

POST ID No.



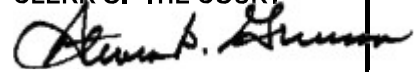
Executive Director

November 10, 2016

Date







INFM  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
WILLIAM FLINN JR.  
Chief Deputy District Attorney  
Nevada Bar #013119  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

I.A. 7/31/2020  
9:30 AM  
BECKER

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,

-vs-

NICOLAS DIAZ, JR., #6040307  
EDUARDO BUENO, aka,  
Eduardo Omar Bueno, #6081352  
Defendant.

CASE NO: C-20-349536-1, -2

DEPT NO: XXI

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 NICOLAS DIAZ, JR., EDUARDO BUENO, aka, Eduardo Omar Bueno, the Defendant(s) above named, having committed the crimes of CONSPIRACY TO COMMIT OPPRESSION UNDER THE COLOR OF OFFICE (Gross Misdemeanor - NRS 197.200; 199.480 - NOC 52343) and OPPRESSION UNDER COLOR OF OFFICE (Category D Felony - NRS 197.200 - NOC 52313), on or about the 21st day of February, 2020, 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,

//

//

1 COUNT 1 - CONSPIRACY TO COMMIT OPPRESSION UNDER THE COLOR OF  
2 OFFICE

3 Defendants NICOLAS DIAZ, JR. and EDUARDO BUENO, aka, Eduardo Omar  
4 Bueno did willfully and unlawfully conspire with each other to commit oppression under the  
5 color of office, by the Defendants committing the acts as set forth in Count 2, said acts being  
6 incorporated by this reference as though fully set forth herein.

7 COUNT 2 - OPPRESSION UNDER COLOR OF OFFICE

8 Defendants NICOLAS DIAZ, JR. and EDUARDO BUENO, aka, Eduardo Omar  
9 Bueno did then and there willfully, unlawfully, maliciously and feloniously, while acting as  
10 an officer or pretending to be an officer and acting under pretense or color of official authority  
11 and with the use of force or the immediate threat of physical force, arrest another person or  
12 detain the person against his will, seize or levy upon another person's property, dispossess  
13 another person, property or rights, and/or does any act whereby the person, property or rights  
14 of another person are injured, in the following manner, to wit: by Defendants while employed  
15 as Corrections Officers for the Clark County Detention Center did enter a cell at Clark County  
16 Detention Center occupied by [REDACTED] and did repeatedly strike and/or kick  
17 [REDACTED] on the head, chest and/or back; the Defendant(s) being criminally liable  
18 under one or more of the following principles of criminal liability, to wit: (1) by directly  
19 committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with  
20 the intent that this crime be committed, by counseling, encouraging, hiring, commanding,

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1 inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a  
2 conspiracy to commit this crime, with the intent that this crime be committed, Defendants  
3 aiding or abetting and/or conspiring by Defendants acting in concert throughout.

4  
5 STEVEN B. WOLFSON  
6 Clark County District Attorney  
Nevada Bar #001565

7  
8 BY /s// WILLIAM FLINN JR.  
9 WILLIAM FLINN JR.  
Chief Deputy District Attorney  
Nevada Bar #013119

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21  
22 February 1, 2022



27 20F04362A-B/ed - GCU  
28 LVMPD EV#200200101805  
(TK12)

CERTIFIED COPY  
ELECTRONIC SEAL (NRS 1.190(3))

*Heather S. Hume*

CLERK OF THE COURT

**JOC**  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CASE NO: C-20-349536-2

EDUARDO BUENO, aka,  
Eduardo Omar Bueno, #6081352

DEPT NO: XV

Defendant.

**JUDGMENT OF CONVICTION  
(JURY TRIAL)**

The defendant previously entered plea(s) of not guilty to the crime(s) of CONSPIRACY TO COMMIT OPPRESSION UNDER THE COLOR OF OFFICE (Gross Misdemeanor - NRS 197.200; 199.480 - NOC 52343) and OPPRESSION UNDER COLOR OF OFFICE (Category D Felony - NRS 197.200 - NOC 52313), and the matter having been tried before a jury, and the defendant being represented by counsel and having been found guilty of the crime(s) of **CONSPIRACY TO COMMIT OPPRESSION UNDER THE COLOR OF OFFICE (Gross Misdemeanor - NRS 197.200; 199.480 - NOC 52343) and OPPRESSION UNDER COLOR OF OFFICE (Category D Felony - NRS 197.200 - NOC 52313)**; and thereafter on the 23rd day of November, 2021, the defendant was present in Court for sentencing with his counsel, CHARLES GOODWIN, ESQ., and good cause appearing therefor,

THE DEFENDANT WAS HEREBY ADJUDGED guilty of the crime(s) as set forth in the jury's verdict and, in addition to the \$25.00 Administrative Assessment Fee, \$150.00 DNA Analysis fee including testing to determine genetic markers, and \$3.00 DNA

**EXHIBIT F**

1 Collection fee, the defendant was sentenced as follows: as to COUNT 1 - to THREE  
2 HUNDRED SIXTY-FOUR (364) DAYS in the Clark County Detention Center (CCDC),  
3 SUSPENDED; placed on PROBATION for an indeterminate period not to exceed ONE (1)  
4 YEAR; and as to COUNT 2 - to a MAXIMUM of THIRTY-SIX (36) MONTHS and  
5 MINIMUM of TWELVE (12) MONTHS in the Nevada Department of Corrections (NDC),  
6 SUSPENDED; placed on PROBATION for an indeterminate period not to exceed  
7 TWENTY-FOUR (24) MONTHS, with the sentence and probationary term to RUN  
8 CONCURRENT to COUNT 1's sentence and probationary term. STANDARD  
9 CONDITIONS:

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

14 2. Residence: You shall not change your place of residence without first obtaining  
15 permission from P&P, in each instance.

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

19 4. Controlled Substances: You shall not use, purchase or possess any illegal drugs, or  
20 any prescription drugs, unless first prescribed by a licensed medical professional. You shall  
21 immediately notify P&P of any prescription received. You shall submit to drug testing as  
22 required by the Division or its agent.

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

25 6. Search: You shall submit your person, property (including cellular phones and / or  
26 computers), place of residence, vehicle or areas under your control to search at any time,  
27 with or without a search warrant or warrant of arrest, for evidence of a crime or violation of  
28 probation by P&P or its agent.

1           7. Associates: You must have prior approval by P&P to associate with any person  
2 convicted of a felony, or any person on probation or parole supervision. You shall not have  
3 any contact with persons confined in a correctional institution unless specific written  
4 permission has been granted by the Division and the correctional institution.

5           8. Directives and Conduct: You shall follow the directives of P&P and your conduct  
6 shall justify the opportunity granted to you by this community supervision.

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

9           10. Out-of-State Travel: You shall not leave the state without first obtaining written  
10 permission from P&P.

11           11. Employment/Program: You shall seek and maintain legal employment, or  
12 maintain a program approved by P&P and not change such employment or program without  
13 first obtaining permission. All terminations of employment or program shall be immediately  
14 reported to the Division.

15           12. Financial Obligation: You shall pay fees, fines, and restitution on a schedule  
16 approved by P&P. Any excess monies paid will be applied to any other outstanding fees,  
17 fines, and/or restitution, even if it is discovered after your discharge.

18                   SPECIAL CONDITIONS:

19                   1. Defendant shall submit their digital storage media or any digital storage  
20 media that they have access or use, including computers, handheld communication devices  
21 and any network applications associated with those devices, including social media and  
22 remote storage services to a search and shall provide all passwords, unlock codes and  
23 account information associated with those items, with or without a search warrant, by the  
24 Division of Parole and Probation or its agent.

25                   2. Abide by any curfew imposed.

26                   3. Report to the Division of Parole & Probation (P&P) IMMEDIATELY, or no  
27 later than the close of business on November 24, 2021.

1 4. Beginning the week of November 29, 2021, complete thirty (30) hours per  
2 week of work, job training, community service, or educational coursework.

3 BOND, if any, EXONERATED.

4 Dated this 21st day of January, 2022

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7  
8 **CC8 F14 E459 6A7E**  
9 **Joe Hardy**  
10 **District Court Judge**

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16  
17 February 1, 2022



23 CERTIFIED COPY  
24 ELECTRONIC SEAL (NRS 1.190(3))

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26 ed/GCU  
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1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
4

5  
6 State of Nevada

CASE NO: C-20-349536-2

7 vs

DEPT. NO. Department 15

8 EDUARDO BUENO  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District  
12 Court. The foregoing Judgment of Conviction was served via the court's electronic eFile  
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 1/21/2022

15 Michael Becker

michael@702defense.com



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

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

Hearing pursuant to NAC 289.290 (1)(e) and (1)(g) on the revocation of Nicolas Diaz (formerly with the Las Vegas Metro Detention Center) certification based on Gross Misdemeanor/Felony convictions.





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

STEVE SISOLAK  
*Governor*

MICHAEL D. SHERLOCK  
*Executive Director*

## NOTICE OF INTENT TO REVOKE

January 31, 2022

Nicolas Diaz  
[REDACTED]

Dear Mr. Diaz,

POST PIN #: 35939

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

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

The Commission's regulations provide that a person's peace officer certificate(s) may be revoked pursuant to NAC 289.290(1)(e) based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to a gross misdemeanor and NAC289.290 (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 conviction(s) which have led to this action are as follows:

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**Case#: C-20-349536-1**

**Dept No: XV**

**Jurisdiction: District Court Clark County, Nevada**

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# EXHIBIT A

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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: Thursday, February 24, 2022**

**Time: 2:00 P.M.**

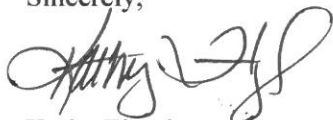
**Location: Pahrump Nugget Hotel/Casino, 681 S. Hwy 160, Pahrump, NV 89048**

The hearing will cover the following: **NAC 289.290 (1)(e), Revocation of a certificate based on a conviction of, or entry of plea of guilty, guilty but mentally ill or nolo contendere to a Gross Misdemeanor and NAC289.290 (1)(g), Revocation 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,



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)

**OFFICE OF THE SHERIFF  
CLARK COUNTY DETENTION  
CIVIL PROCESS SECTION**

STATE OF NEVADA COMMISSION ON PEACE )  
OFFICER STANDARDS AND TRAINING )  
**PLAINTIFF** )  
Vs )  
NICOLAS DIAZ )  
**DEFENDANT** )

CASE No. POST PIN# 35939  
SHERIFF CIVIL NO.: 22000614

**AFFIDAVIT OF SERVICE**

STATE OF NEVADA }  
} ss:  
COUNTY OF CLARK }


**JAMIE OSBURN and ENRIQUE STIEGELMEYER**, being first duly sworn, deposes and says: That he/she are, and was at all times hereinafter mentioned, a duly appointed, qualified and acting Deputy Sheriffs 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 **2/4/2022**, at the hour of **9:20 AM**, affiant as such Deputy Sheriff served a copy/copies of **NOTICE OF INTENT TO REVOKE** issued in the above entitled action upon the defendant **NICOLAS DIAZ, JR** named therein, by delivering to and leaving with said defendant **NICOLAS DIAZ, JR**, personally, at [REDACTED] within the County of Clark, State of Nevada, copy/copies of **NOTICE OF INTENT TO REVOKE**

*I, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF NEVADA THAT THE FOREGOING IS TRUE AND CORRECT.*

**DATED: February 8, 2022.**

Joseph M. Lombardo, Sheriff

By:

  
JAMIE OSBURN  
Deputy Sheriff

  
ENRIQUE STIEGELMEYER  
Deputy Sheriff

**EXHIBIT B**



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, Jamie Osburn, served the foregoing **Notice of Intent to Revoke**  
Print name of the person serving this document

To Individual's Name: **Nicolas Diaz**

at [REDACTED] on this  
(location)

4<sup>th</sup> day of February, 2022.  
Day Month Year

I declare under penalty of perjury that the forgoing is true and correct.

Executed on this 8<sup>th</sup> day of February, 2022.  
Day Month Year

Jamie Osburn / BO67  
Signature of person serving the Notice  
Jamie Osburn  
Printed name of person serving the Notice

**\*\*RETURN THE SIGNED ORIGINAL OF THIS FORM TO POST WITHIN 15 DAYS\*\***



# State of Nevada - POST

## UPDATE - Personnel Action Report (PAR)

Post ID Number: 35939

Last Name: Diaz

First Name: Nicholas

MI:

Suffix:

☐ Name Change?

Last Name: Diaz

First Name: Nicholas

MI:

Suffix:

☐ Address Change?

Street Address:

City: Las Vegas

State: NV

Zip Code: 89115

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:

Separated 01/06/2022

Effective Date:

01/06/2022

Submitters Name:

Heather N Casey

Submitters Phone:

(702) 671-1568

Submitters E-Mail:

h15408c@lvmpd.com

# EXHIBIT C



# STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Hereby Awards the

## Category III Basic Certificate

To

**Nicholas Diaz**

For having fulfilled all the requirements for Basic Certification  
as prescribed by Nevada Administrative Code.

*Paul Anderson*  
Governor

*Michael B. Anderson*  
Executive Director

35939

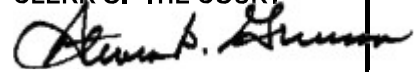
POST ID No.

May 31, 2018

Date

**EXHIBIT D**





INFM  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
WILLIAM FLINN JR.  
Chief Deputy District Attorney  
Nevada Bar #013119  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

I.A. 7/31/2020  
9:30 AM  
BECKER

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,

-vs-

NICOLAS DIAZ, JR., #6040307  
EDUARDO BUENO, aka,  
Eduardo Omar Bueno, #6081352  
Defendant.

CASE NO: C-20-349536-1, -2

DEPT NO: XXI

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 NICOLAS DIAZ, JR., EDUARDO BUENO, aka, Eduardo Omar Bueno, the Defendant(s) above named, having committed the crimes of CONSPIRACY TO COMMIT OPPRESSION UNDER THE COLOR OF OFFICE (Gross Misdemeanor - NRS 197.200; 199.480 - NOC 52343) and OPPRESSION UNDER COLOR OF OFFICE (Category D Felony - NRS 197.200 - NOC 52313), on or about the 21st day of February, 2020, 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,

//

//

1 COUNT 1 - CONSPIRACY TO COMMIT OPPRESSION UNDER THE COLOR OF  
2 OFFICE

3 Defendants NICOLAS DIAZ, JR. and EDUARDO BUENO, aka, Eduardo Omar  
4 Bueno did willfully and unlawfully conspire with each other to commit oppression under the  
5 color of office, by the Defendants committing the acts as set forth in Count 2, said acts being  
6 incorporated by this reference as though fully set forth herein.

7 COUNT 2 - OPPRESSION UNDER COLOR OF OFFICE

8 Defendants NICOLAS DIAZ, JR. and EDUARDO BUENO, aka, Eduardo Omar  
9 Bueno did then and there willfully, unlawfully, maliciously and feloniously, while acting as  
10 an officer or pretending to be an officer and acting under pretense or color of official authority  
11 and with the use of force or the immediate threat of physical force, arrest another person or  
12 detain the person against his will, seize or levy upon another person's property, dispossess  
13 another person, property or rights, and/or does any act whereby the person, property or rights  
14 of another person are injured, in the following manner, to wit: by Defendants while employed  
15 as Corrections Officers for the Clark County Detention Center did enter a cell at Clark County  
16 Detention Center occupied by [REDACTED] and did repeatedly strike and/or kick  
17 [REDACTED] on the head, chest and/or back; the Defendant(s) being criminally liable  
18 under one or more of the following principles of criminal liability, to wit: (1) by directly  
19 committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with  
20 the intent that this crime be committed, by counseling, encouraging, hiring, commanding,

21 //

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1 inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a  
2 conspiracy to commit this crime, with the intent that this crime be committed, Defendants  
3 aiding or abetting and/or conspiring by Defendants acting in concert throughout.

4  
5 STEVEN B. WOLFSON  
6 Clark County District Attorney  
Nevada Bar #001565

7  
8 BY /s// WILLIAM FLINN JR.  
9 WILLIAM FLINN JR.  
Chief Deputy District Attorney  
Nevada Bar #013119

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21  
22 February 1, 2022



27 20F04362A-B/ed - GCU  
28 LVMPD EV#200200101805  
(TK12)

CERTIFIED COPY  
ELECTRONIC SEAL (NRS 1.190(3))

*Heather S. Hume*  
CLERK OF THE COURT

**JOC**  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

NICOLAS DIAZ, JR.,  
#6040307

Defendant.

CASE NO: C-20-349536-1

DEPT NO: XV

**JUDGMENT OF CONVICTION  
(JURY TRIAL)**

The defendant previously entered plea(s) of not guilty to the crime(s) of CONSPIRACY TO COMMIT OPPRESSION UNDER THE COLOR OF OFFICE (Gross Misdemeanor - NRS 197.200; 199.480 - NOC 52343) and OPPRESSION UNDER COLOR OF OFFICE (Category D Felony - NRS 197.200 - NOC 52313), and the matter having been tried before a jury, and the defendant being represented by counsel and having been found guilty of the crime(s) of **CONSPIRACY TO COMMIT OPPRESSION UNDER THE COLOR OF OFFICE (Gross Misdemeanor - NRS 197.200; 199.480 - NOC 52343) and OPPRESSION UNDER COLOR OF OFFICE (Category D Felony - NRS 197.200 - NOC 52313)**; and thereafter on the 23rd day of November, 2021, the defendant was present in Court for sentencing with his counsel, CHARLES GOODWIN, ESQ., and good cause appearing therefor,

THE DEFENDANT WAS HEREBY ADJUDGED guilty of the crime(s) as set forth in the jury's verdict and, in addition to the \$25.00 Administrative Assessment Fee, \$150.00 DNA Analysis fee including testing to determine genetic markers, and \$3.00 DNA

**EXHIBIT F**



1 Collection fee, the defendant was sentenced as follows: as to COUNT 1 - to THREE  
2 HUNDRED SIXTY-FOUR (364) DAYS in the Clark County Detention Center (CCDC),  
3 SUSPENDED; placed on PROBATION for an indeterminate period not to exceed ONE (1)  
4 YEAR; and as to COUNT 2 - to a MAXIMUM of THIRTY-SIX (36) MONTHS and  
5 MINIMUM of TWELVE (12) MONTHS in the Nevada Department of Corrections (NDC),  
6 SUSPENDED; placed on PROBATION for an indeterminate period not to exceed  
7 TWENTY-FOUR (24) MONTHS, with the sentence and probationary term to RUN  
8 CONCURRENT to COUNT 1's sentence and probationary term. STANDARD  
9 CONDITIONS:

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

14 2. Residence: You shall not change your place of residence without first obtaining  
15 permission from P&P, in each instance.

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

19 4. Controlled Substances: You shall not use, purchase or possess any illegal drugs, or  
20 any prescription drugs, unless first prescribed by a licensed medical professional. You shall  
21 immediately notify P&P of any prescription received. You shall submit to drug testing as  
22 required by the Division or its agent.

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

25 6. Search: You shall submit your person, property (including cellular phones and / or  
26 computers), place of residence, vehicle or areas under your control to search at any time,  
27 with or without a search warrant or warrant of arrest, for evidence of a crime or violation of  
28 probation by P&P or its agent.

1           7. Associates: You must have prior approval by P&P to associate with any person  
2 convicted of a felony, or any person on probation or parole supervision. You shall not have  
3 any contact with persons confined in a correctional institution unless specific written  
4 permission has been granted by the Division and the correctional institution.

5           8. Directives and Conduct: You shall follow the directives of P&P and your conduct  
6 shall justify the opportunity granted to you by this community supervision.

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

9           10. Out-of-State Travel: You shall not leave the state without first obtaining written  
10 permission from P&P.

11           11. Employment/Program: You shall seek and maintain legal employment, or  
12 maintain a program approved by P&P and not change such employment or program without  
13 first obtaining permission. All terminations of employment or program shall be immediately  
14 reported to the Division.

15           12. Financial Obligation: You shall pay fees, fines, and restitution on a schedule  
16 approved by P&P. Any excess monies paid will be applied to any other outstanding fees,  
17 fines, and/or restitution, even if it is discovered after your discharge.

18                   SPECIAL CONDITIONS:

19                   1. Defendant shall submit their digital storage media or any digital storage  
20 media that they have access or use, including computers, handheld communication devices  
21 and any network applications associated with those devices, including social media and  
22 remote storage services to a search and shall provide all passwords, unlock codes and  
23 account information associated with those items, with or without a search warrant, by the  
24 Division of Parole and Probation or its agent.

25                   2. Abide by any curfew imposed.

26                   3. Report to the Division of Parole & Probation (P&P) IMMEDIATELY, or no  
27 later than the close of business on November 24, 2021.

4. Beginning the week of November 29, 2021, complete thirty (30) hours per week of work, job training, community service, or educational coursework.

BOND, if any, EXONERATED.

**Dated this 21st day of January, 2022**

Joe Hardy

**F4B 60E 2908 6F3C**  
**Joe Hardy**  
**District Court Judge**

February 1, 2022



CERTIFIED COPY  
ELECTRONIC SEAL (NRS 1.190(3))

1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
4

5  
6 State of Nevada

CASE NO: C-20-349536-1

7 vs

DEPT. NO. Department 15

8 NICHOLAS DIAZ, Jr.  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District  
12 Court. The foregoing Judgment of Conviction was served via the court's electronic eFile  
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 1/21/2022

15 Michael Becker

michael@702defense.com

16 William Flinn

william.flinn@clarkcountyda.com

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

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

Request from the Eureka County Sheriff's Office for a 6-month extension pursuant to NRS 289.550 for their employee Deputy Ryan Getzler to meet the certification requirement. (Extension to expire August 1, 2022)





# **EUREKA COUNTY SHERIFF'S OFFICE**

*"An Honor to Serve - A Duty to Protect"*

**Jesse J. Watts - Sheriff-Coroner**

February 14<sup>th</sup>, 2022

Michael Sherlock, Executive  
Nevada Commission on POST  
5587 Wa Pai Shone Ave  
Carson City, NV 89701

Dear Executive Director Sherlock,

I am requesting to be placed on the upcoming POST Commission meeting agenda for a 6-month extension for my employee, Deputy Ryan Getzler. Deputy Getzler sustained an injury while conducting Defensive Tactics training in November which limited his ability to prepare for the academy which started in January. He is off of light duty now and is preparing for the start of the July academy.

I am asking for this extension past the one-year requirement to become POST certified for my Deputy, Ryan Getzler.

Thank you for your consideration.

Thank You,

A blue ink signature of Jesse Watts, written in a cursive style.

Jesse Watts  
Sheriff-Coroner  
Eureka County, Nevada







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

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

Request from Carlin Police Department for an Executive Certificate for their employee Chief Kevin McKinney.



# State of Nevada - POST

## Professional Certificate Application

POST ID#

11704

Officer's Name

McKinney Kevin L

### 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:

Kevin McKinney

Submitters Phone:

(775) 754-2222

Submitters E-Mail:

kmckinney@cityofcarlin.com

Submission number: 218210

\*\*\*\* This Section is for POST Approval ONLY \*\*\*\* Do NOT Enter in this Section \*\*\*\*

Education

Credit Hours

Date Achieved

Approved By:

Comments:

Certification Date:





## **CITY OF CARLIN**

**151 S. 8<sup>th</sup> Street**  
**PO Box 787**  
**Carlin, Nevada 89822**  
**775-754-6354**  
**775-754-6912 FAX**  
**cityofcarlin.com**

---

January 5, 2022

Nevada Commission on Peace Officer Standards and Training  
5587 Wa Pai Shone Avenue  
Carson City, NV 89701

To Whom It May Concern,

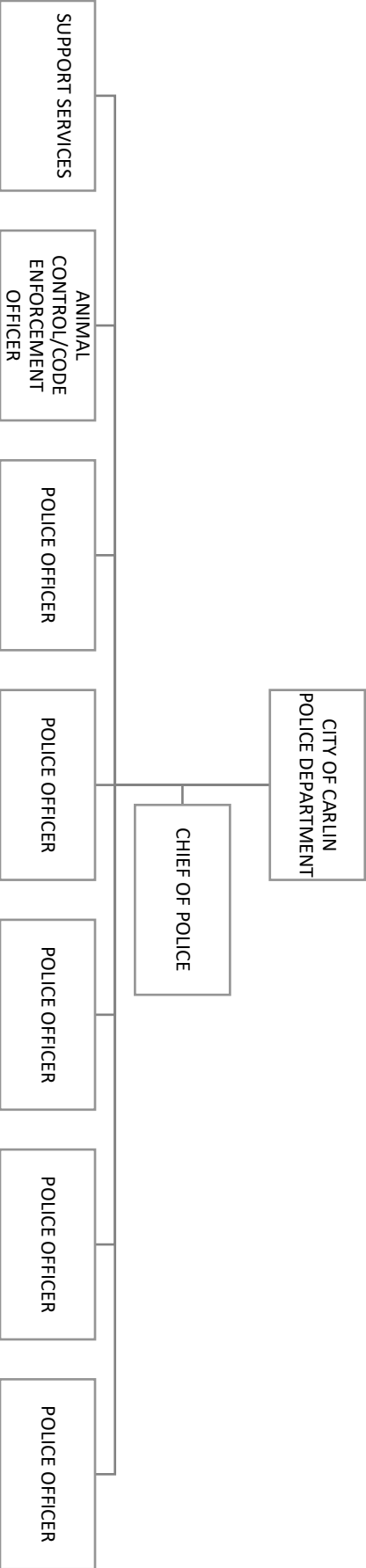
Kevin McKinney is the current Chief of Police and Department Head for the Carlin Police Department. He has been employed for over one year, as his date of hire was January 4, 2021.

If you have any questions or concerns, please do not hesitate to reach out to my office.

Thank you,

*Madison Mahon*

Madison Mahon  
City Manager  
City of Carlin



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION





*Issues this award thereby certifying that*

**Kevin Lee McKinney**  
*Elko County Sheriff's Office, Elko, Nevada*

*has completed a general course of instruction afforded by the*  
**FBI National Academy**

*at Quantico in the state of Virginia for a period of ten weeks*  
*ending the eighteenth day of September in the year of two thousand and fifteen.*

  
James B. Comey  
*Director*  
Federal Bureau of Investigation

  
Owen D. Harris  
*Assistant Director*  
Training Division



## FBI National Academy Student Transcript

**Kevin Lee McKinney**

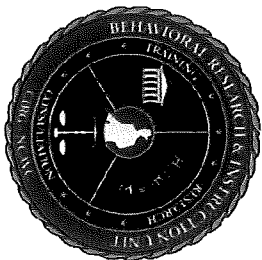
FBI Academy, Quantico, Virginia

Session: NA261 - 07/13/2015 - 09/18/2015

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
0595	National Academy Networking and Enrichment	0	0
2100	Basics in Criminal Justice Research	15	1
3200	Basic Psychology of Leadership	45	3
3240	Interviewing Strategies Through Statement Analysis	45	3
3360	Legal Issues for Command-Level Officers	45	3
3400	Fitness in Law Enforcement	30	2
3720	Contemporary Issues in Police and Media Relations	45	3
4820	Leadership in Investigative Strategies for Violent Crime	45	3
<b>Total Credits: 18</b>			
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  
Presents this Certificate to**



*Kevin Lee McKinney*

**National Academy Session #261**

in recognition for completion of course

**Behavior-Based Investigative Strategies  
for Violent Crime**

**CJ 4820**

**July 13, 2015 – September 18, 2015**

*Steven R. Conlon*

Steven R. Conlon  
Instructor

Behavioral Research and Instruction Unit

*SSA Kristen E. Slater*

SSA Kristen E. Slater  
Unit Chief  
Behavioral Research and Instruction Unit

UNIVERSITY OF VIRGINIA  
SCHOOL OF CONTINUING AND PROFESSIONAL STUDIES

Awards this

Certificate of Achievement

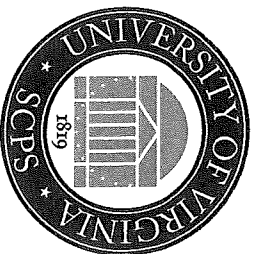
to

Rebin Lee McKinney

In recognition of the successful completion of  
18 semester-hours of courses and other requirements in

Criminal Justice Education

September 18, 2015



*Heidi Ryan*

Interim Dean, School of Continuing and Professional Studies

*Maureen Jones-Farmer*

Registrar, School of Continuing and Professional Studies

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

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

Request from Nye County Sheriff's Office for an Executive Certificate for their employee Captain David Boruchowitz.



# State of Nevada - POST

## Professional Certificate Application

Officer's Name

POST ID#

25270

Boruchowitz David E

### 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:

Adam Tippetts

Submitters Phone:

(775) 751-7014

Submitters E-Mail:

atippetts@co.nye.nv.us

Submission number: 219033

\*\*\*\* This Section is for POST Approval ONLY \*\*\*\* Do NOT Enter in this Section \*\*\*\*

Education

Credit Hours

Date Achieved

Approved By:

Comments:

Certification Date:





January 20th, 2022

David Boruchowitz is a Captain, an executive level position and assignment, within the Nye County Sheriff's Office and has been in that capacity over 1 year. In that capacity he supervises 9 Lieutenants, two civilian lieutenant equivalents, and the entire agency as subordinates to them.

Captain Boruchowitz has been a peace officer for 15 years. Captain Boruchowitz currently has a current basic, intermediate, advanced, supervisor and management certificate.

Captain Boruchowitz has enrolled and completed a master's degree program in advanced management training. This degree included the following classes:

- Managing Organizations and Leading People
- Managing Human Capital
- Management Communication
- Ethical Leadership
- Business Acumen
- Becoming an Effective Leader
- Leading Teams
- Change Management and Innovation
- Strategic Management
- Management and Leadership Capstone

The master's degree consisted of 31 credit hours and was well in excess of the required two hundred hours of training in advanced management.

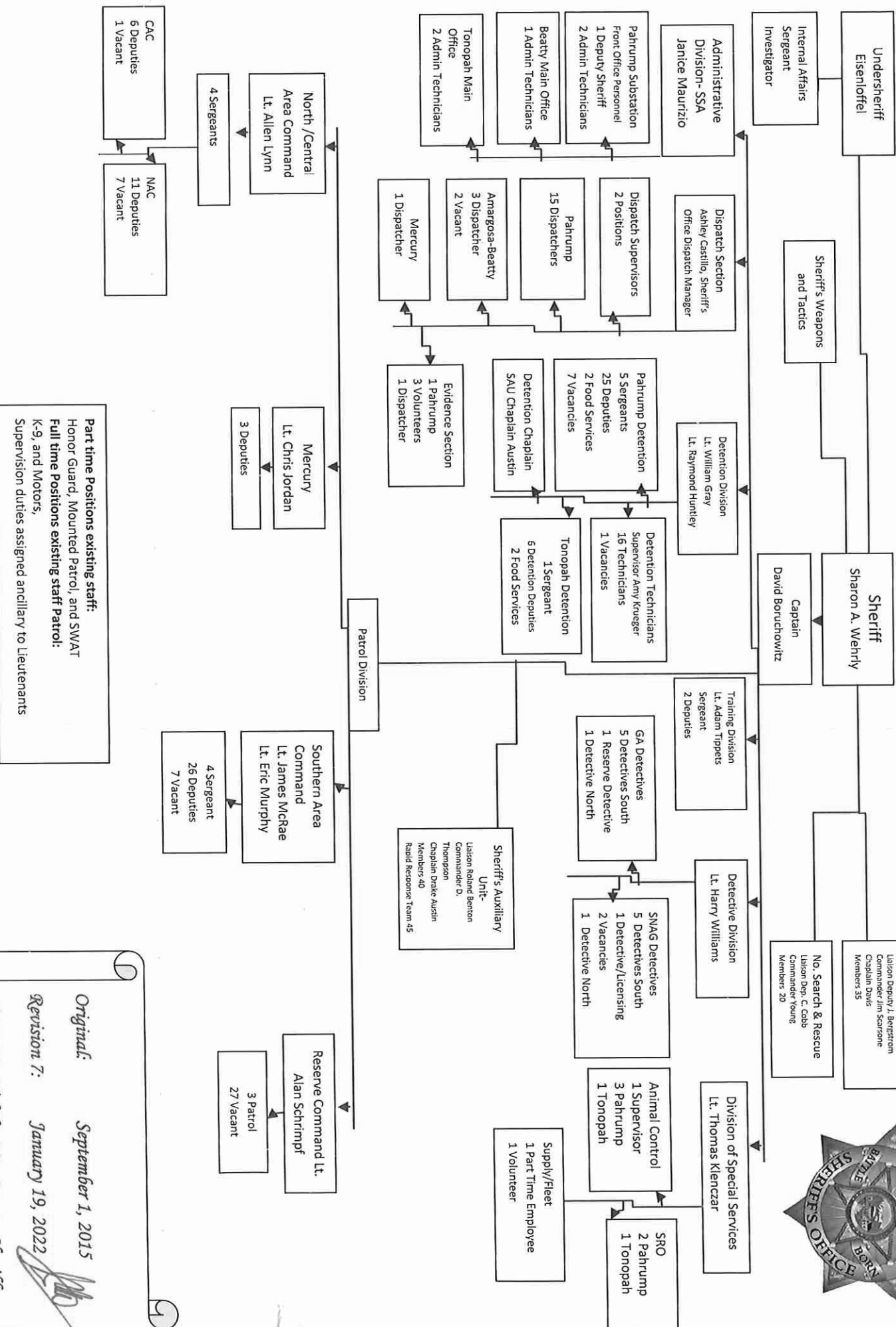
Attached is his diploma from Western Governor's University as well as accompanying transcript.

I have also attached the current published organization chart for Nye County Sheriff's Office as required by NAC 289.270.

Regards,

Sharon Wehrly  
Sheriff

# NYE COUNTY SHERIFF'S OFFICE ORGANIZATION CHART



Original:

September 1, 2015

Revision 7:

January 19, 2022

Sharon A. Wehrly, Nye County Sheriff



# Western Governors University NEVADA

*The Board of Trustees of Western Governors University,  
upon the recommendation of the faculty, has conferred upon*

**David Boruchowitz**  
*the degree of*  
**Master of Science**  
**Management and Leadership**

*With all the rights, honors, and privileges thereto appertaining,  
The witness whereof, the seal of the University and the signatures as authorized by  
the Board of Trustees, Western Governors University, are hereto affixed,  
this eleventh day of January, in the year two thousand and twenty-two.*

**Spencer Stewart**  
CHANCELLOR, WGU NEVADA



**Charles W. Sorenson**  
CHAIRMAN, BOARD OF TRUSTEES



# Western Governors University Nevada

6795 South Edmond Street Third Floor, Las Vegas, NV 89118  
Academic Transcript

Page: 1

Student Name: David Boruchowitz  
Other Names:  
Current Student Status: Graduated

Student ID: [REDACTED]  
Date of Birth: [REDACTED]  
SSN: [REDACTED]

Program: Master of Science, Management and Leadership

Major: Management and Leadership

Course Level: Graduate

Issued to: David Boruchowitz  
[REDACTED]

Date Issued: Jan 20, 2022

## Achievements Awarded:

Degree Awarded Bachelor of Science

Major: Business Management

Concentration: None

Date Awarded: Feb 06, 2017

Degree Awarded Master of Science

Major: Management & Leadership

Concentration: None

Date Awarded: Jan 11, 2022

COURSE #	COURSE TITLE	CU	GRD
***** TRANSCRIPT TOTALS *****			
		Attempted	Earned
Total Institution:		31	31
Total Transfer/Satisfied:			0
Transfer GPA:			0
Overall:		31	31
***** END OF TRANSCRIPT *****			

COURSE #	COURSE TITLE	CU	GRD
Term: Oct 2021 - Mar 2022			
MGMT C200	Managing Organizations and Leading People	3	Passed
HRM C202	Managing Human Capital	3	Passed
MGMT C204	Management Communication	3	Passed
MGMT C206	Ethical Leadership	3	Passed
BUS C201	Business Acumen	3	Passed
MGMT C203	Becoming an Effective Leader	3	Passed
MGMT C205	Leading Teams	3	Passed
MGMT C208	Change Management and Innovation	3	Passed
MGMT C209	Strategic Management	3	Passed
MGMT C210	Management and Leadership Capstone	4	Passed
Term: Attempted: 31		Completed: 31	
Earned Credentials/Certifications:		Date Earned	
CompTIA Project +		04/20/2016	

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

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

Request from Eureka County Sheriff's Office for an Executive Certificate for their employee  
Undersheriff Tyler Thomas



# State of Nevada - POST

## Professional Certificate Application

Officer's Name

POST ID#

30796

Thomas Tyler S

### 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:

Will be at POST meeting on February 24, 2022

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:

Cheryl Morrison

Submitters Phone:

(775) 237-5330

Submitters E-Mail:

cmorrison@eurekacountynv.gov

Submission number: 220396

\*\*\*\* This Section is for POST Approval ONLY \*\*\*\* Do NOT Enter in this Section \*\*\*\*

Education

Credit Hours

Date Achieved

Approved By:

Comments:

Certification Date:





# **EUREKA COUNTY SHERIFF'S OFFICE**

*"An Honor to Serve - A Duty to Protect"*

**Jesse J. Watts ~ Sheriff-Coroner**

**Tyler S. Thomas ~ Undersheriff**

Tuesday, February 1, 2022

Peace Officers' Standards and Training (POST)  
5587 Wa Pai Shone Avenue  
Carson City, Nv 89701  
775-687-7678

Dear POST,

Undersheriff Tyler Thomas has almost ten years of Nevada Law Enforcement Experience. Undersheriff Thomas was promoted to Undersheriff on October 4, 2020 and currently supervises the Administration Division, and the Lieutenant of Patrol who supervises Patrol Sergeants and Communications Supervisor.

Undersheriff Thomas proactively looked for executive management training. Undersheriff Thomas found National Command and Staff College. Undersheriff Thomas completed the Leadership and Command Staff Program. This program was a minimum of 240 hours on-line and an 80-hour residency period which included a capstone research project, for a total of 320 hours. This capstone included a 15-20-page paper along with a power point presentation. Undersheriff Thomas earned 6 hours towards a graduate level degree. Undersheriff Thomas plans on using these credits towards earning a degree through an accredited college, which is his next goal.

Undersheriff Thomas was required to spend a total of 320 hours participating and he completed 376 hours. Between the discussion board, essays, and case studies, he had to write 20,400 words and he wrote 33,826. It is clear Undersheriff Thomas took this class serious and used this class to develop his leadership skills but also skills needed for the Undersheriff position. Not only did Undersheriff Thomas graduate, he earned the MAGNUS award. This award is defined as; demonstrating life-long, ongoing self-reflection, character development, consistency, motivation with valence, and inspiration. They represent authenticity for the very best version of oneself on a personal journal that never ends with automatic OVEA (Others, Values, Ethics & Acceleration).

Attached is the flyer for National Command and Staff College, Certificate from National Command and Staff College, Organizational Chart, Letter of Recommendation, and Management Certificate.

**411 N. Main Street – PO Box 736, Eureka, Nevada 89316 ~ Office: (775) 237-5330**





# **EUREKA COUNTY SHERIFF'S OFFICE**

*"An Honor to Serve - A Duty to Protect"*

**Jesse J. Watts ~ Sheriff-Coroner**

**Tyler S. Thomas ~ Undersheriff**

Undersheriff Thomas currently possesses a POST Basic Certificate, Intermediate, Advanced, Supervisors and Management Certificates. I would request POST to review all attachments to determine if Undersheriff Thomas meets the qualifications for the Professional Executive Certificate. Based on NAC 289.260, I believe Undersheriff Thomas to be eligible and would like to recommend him for the opportunity to earn his Professional Executive Certificate through POST.

Thank You,

A handwritten signature in black ink, appearing to read "Jesse Watts", with a long horizontal flourish extending to the right.

**Jesse Watts- Sheriff**

**411 N. Main Street – PO Box 736, Eureka, Nevada 89316 ~ Office: (775) 237-5330**





*State of Nevada*  
*Commission on Peace Officer Standards and Training*

This certifies that

*Tyler S. Thomas*

**POST ID# 30796**

has successfully completed all requirements ascribed in NAC 289.260,  
the Commission on Peace Officer Standards and Training  
hereby awards this

*Management Certificate*

*On this 5th Day of October 2021*

*Post 1*

*Chairman*

*Commission on Peace Officer Standards and Training*

*M. Sheldahl*

*Executive Director*

*Commission on Peace Officer Standards and Training*

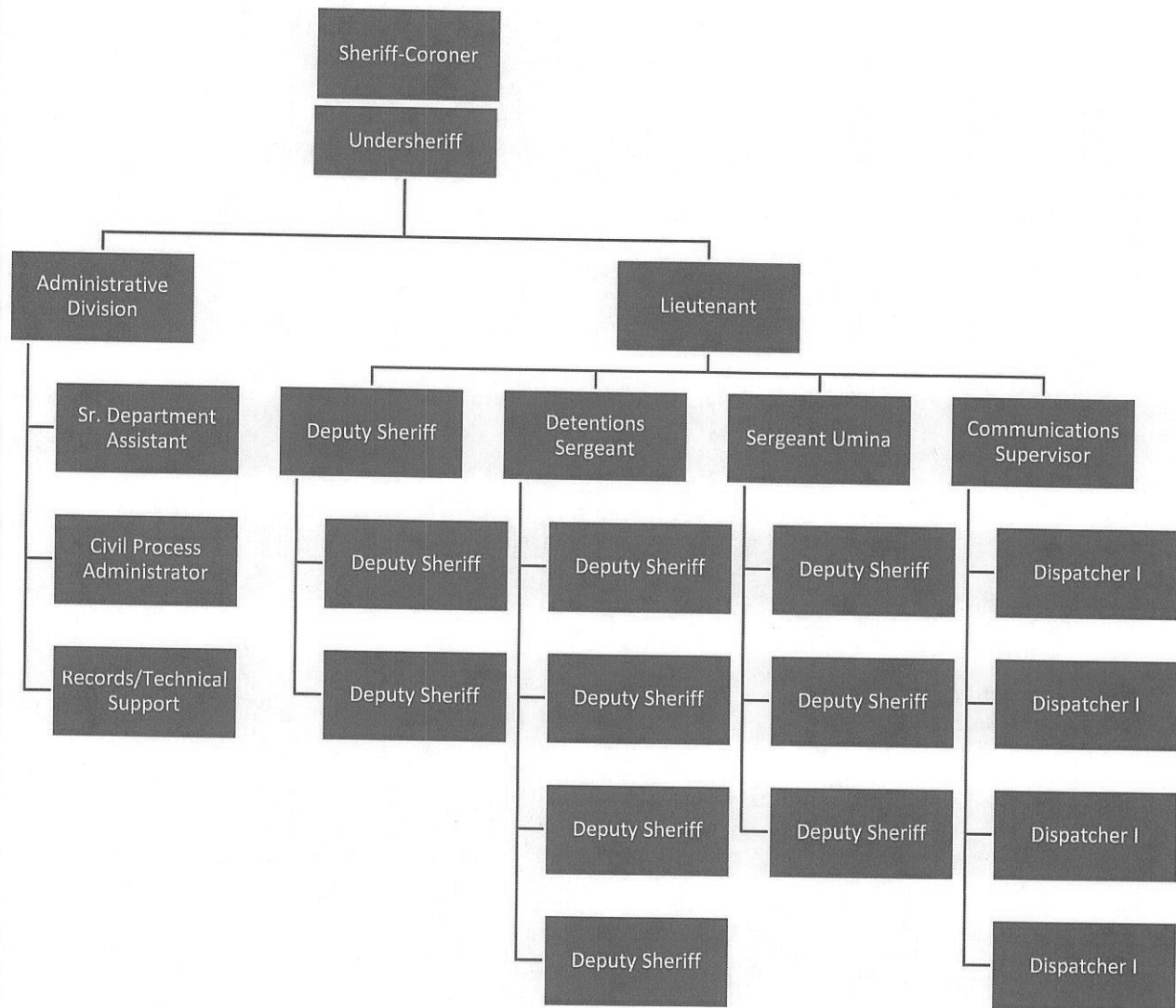


# SHERIFF

## EUREKA COUNTY

### Organization Chart

Revised 1/11/2022 -US Thomas



# Command & Staff Leadership Course

## 6 hrs. Graduate Level College Transfer

Become a New Wave leader!

240 hrs. Online  
80 hrs. Residency

6 hrs.  
Graduate  
Level College  
Transfer

Learn how to sustain  
strategic innovations.

Achieve operational  
excellence.

Reduce risk and liability.

Turbocharge  
Leadership  
Capacity

"Command College  
prepared me as a  
New Wave leader"



Turbocharge your  
Star Leadership  
Performance.

Contact Us  
The National Command &  
Staff College

[www.CommandCollege.org](http://www.CommandCollege.org)  
[info@commandcollege.org](mailto:info@commandcollege.org)

919.753.1127  
338 Raleigh Street  
Holly Springs, NC 27540

## Individual Success | Agency Effectiveness | Community Impact

Graduates receive a NCSC diploma and *Centurion* medallion. Graduates automatically become members of the MAGNUS—OVÉA professional network with priority for future education and development opportunities.

### MISSION

To prepare you as part of the vanguard of today's professional policing leaders while you learn practical skills and tools to succeed in an ever-changing dynamic environment.

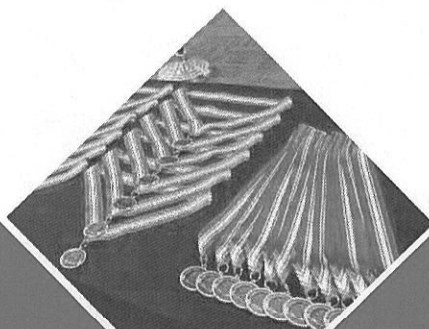
### DESIGNED FOR

Mid-level supervisors & Senior Executives



### COURSE OUTCOMES

- Leadership principles required to inspire and influence the future direction of the agency.
- Strategies and tactics to identify emerging issues and provide a proactive response to deliver results with confidence.
- Advanced hand-on tools, skills and knowledge necessary to anticipate and prepare for the future success.
- Fundamental and necessary working methods and benefits of sharing information.
- Use of teams and stakeholders in problem solving for better outcomes.



"A fresh and  
Practical way to  
look at leadership"

"Incredibly  
insightful"





# National Command & Staff College



On the recommendation of the Faculty of The National Command & Staff College and by the virtue of authority vested in them, the Board of Trustees has conferred upon

**Anders Sheriff Tyler Thomas**

The Certification of


**Command & Staff Leadership**

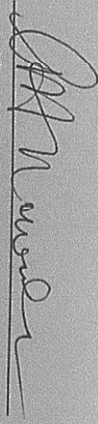
Session No. 014

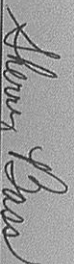
With all the Rights, Privileges, and Honors thereunto appertaining.

In testimony whereof, the seal of the College and the signatures of its officers are here unto affixed, this

The Twenty-eighth Day of January, Two thousand twenty-two.

  
Dr. Mitchell J. Labadie  
Chancellor

  
Dr. Anthony H. Normore  
President

  
Mrs. Sherry Buss  
Chief of Staff

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

### **11. 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.*



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

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

Schedule upcoming Commission Meeting

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

Adjournment.