



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Third-Party Request
for Opinion Concerning the Conduct of
Gerald Antinoro, Sheriff, Storey
County, State of Nevada,

Request for Opinion No. **16-54C**

Subject. /

PANEL DETERMINATION
NRS 281A.440(5); NAC 281A.440

The Nevada Commission on Ethics (“Commission”) received Third-Party Request for Opinion (“RFO”) No. 16-54C regarding the alleged conduct of Storey County Sheriff Gerald Antinoro (“Subject”) in violation of the Ethics in Government Law set forth in NRS Chapter 281A (“Ethics Law”), specifically, alleged violations implicate NRS 281A.400(2) and (7) and NRS 281A.520(1) and (3).¹ The RFO alleges that Subject used his official position and government time and resources to secure unwarranted advantages or preferences when he provided a letter using official letterhead to endorse a political candidate. The endorsement and a related video also appeared on the candidate’s Facebook page with a photo of the Subject in his Sheriff’s uniform.

As the elected Sheriff of Storey County, Subject serves as a public officer as defined in NRS 281A.160. The Commission has jurisdiction over the conduct of public officers and public employees pursuant to NRS 281A.280.

On October 19, 2016, pursuant to NRS 281A.440(5), an Investigatory Panel consisting of Commissioners Magdalena Groover and Barbara Gruenewald, Esq., reviewed the following: 1) RFO; 2) Subject’s Response to the RFO; 3) Notice of Additional Issues and Facts; 4) Subject’s Response to the Additional Issues and Facts; 5) Investigator’s Report to Associate Counsel; and 6) Executive Director’s Recommendation to the Investigatory Panel.

Under NAC 281A.435, the Panel unanimously finds and concludes that the facts establish credible evidence to substantiate just and sufficient cause for the Commission to render an opinion in the matter regarding the allegations pertaining to NRS 281A.400(7) with regard to Subject’s use of official letterhead to make a political endorsement. Therefore, the Investigatory Panel refers the alleged violation of NRS 281A.400(7) to the Commission to hold a hearing and render an opinion. Under NRS 281A.440, a notice of hearing and a procedural order will follow.

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¹ Pursuant to NRS 281A.440(2), NAC 281A.410 and NAC 281A.415, the Commission identified relevant issues and facts supporting the allegations beyond those presented in the original RFO and notified Subject accordingly.

However, under NAC 281A.435, the Panel unanimously finds and concludes that the facts do not establish credible evidence to substantiate just and sufficient cause for the Commission to consider the alleged violations pertaining to NRS 281A.400(2), NRS 281A.400(7) (regarding use of badge and uniform) and NRS 281A.520. The Commission's investigation revealed that Subject did not grant an advantage to himself or have a commitment in a private capacity to the interests of the candidate (NRS 281A.400(2)), or use government resources or cause a governmental entity to incur any expense to support the candidate with respect to the video and the photo of the Subject in uniform, which photo was used without Subject's permission (NRS 281A.400(7) and NRS 281A.520)). Therefore, these allegations are dismissed.

Dated: October 27, 2016

By: /s/ Tracy L. Chase
Tracy L. Chase, Esq.
Commission Counsel

CERTIFICATE OF MAILING

I certify that I am an employee of the Nevada Commission on Ethics and that on this day in Carson City, Nevada, I deposited for mailing via U.S. Postal Service Certified Mail through the State of Nevada mailroom, and via Email, a true and correct copy of the **PANEL DETERMINATION** regarding **RFO No. 16-54C** addressed as follows:

Yvonne M. Nevarez-Goodson, Esq. Email: ynevarez@ethics.nv.gov
Executive Director

Judy A. Prutzman, Esq. Email: jprutzman@ethics.nv.gov
Associate Counsel

Nevada Commission on Ethics
704 W. Nye Lane, Suite 204
Carson City, NV 89703

Katherine F. Parks, Esq. Email: kfp@thorndal.com
Thorndal Armstrong et al
6590 S. McCarran Blvd., #B
Reno, NV 89509
Attorney for Subject

Gerald Antinoro Certified Mail: 9171 9690 0935 0037 6423 55

Sheriff Email: [gantinatoro@storeycounty.org](mailto:gantinoro@storeycounty.org)
Storey County

205 S. C. Street

P.O. Box 498

Virginia City, NV 89440

Rick R. Hsu, Esq. Email: rhu@mcllawfirm.com

Maupin Cox Legoy,

Attorneys at Law

P.O. Box 30000

Reno, NV 89520

Attorney for Requester

Dated: October 27, 2016.



Employee, Nevada Commission on Ethics