



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Gerald Antinoro**, Sheriff,
Storey County, State of Nevada,

Ethics Complaint
Case No. **18-130C**

Subject. /

REVIEW PANEL DETERMINATION
NRS 281A.730; NAC 281A.440

The Nevada Commission on Ethics ("Commission") received Ethics Complaint No. 18-130C ("Complaint") on November 13, 2018, regarding the alleged conduct of Gerald Antinoro ("Antinoro"), Sheriff of Storey County, Nevada. The Commission issued its *Order on Jurisdiction and Investigation* on December 31, 2018, which instructed the Executive Director to conduct an investigation regarding Antinoro's alleged violations of NRS 281A.420(1) and (3).

Antinoro is a public officer as defined in NRS 281A.160, and the Commission has jurisdiction over this matter pursuant to NRS 281A.280 because the allegations contained in the Complaint relate to Antinoro's conduct as a public officer and have associated implications under the Ethics Law.

On February 19, 2020, a Review Panel ("Panel") consisting of Chair Cheryl A. Lau, Esq. (Presiding Officer) and Commissioners Philip K. O'Neill and Damian R. Sheets, Esq., reviewed the following: 1) Ethics Complaint No. 18-130C; 2) Order on Jurisdiction and Investigation; 3) Antinoro's Response to the Complaint; 4) Investigatory Exhibits; and 5) Executive Director's Recommendation to the Review Panel.¹

Under NAC 281A.430, the Review Panel unanimously finds and concludes that the facts do not establish credible evidence to support a determination that just and sufficient cause exists for the Commission to render an opinion in the matter regarding the allegations pertaining to NRS 281A.420(1) and (3).

Specifically, the investigation did not produce evidence that Antinoro's pecuniary interest in the defamation litigation against the owner of the Mustang Ranch would be affected by his actions related to the issuance or revocation of work permits for that establishment. In reaching its decision, the Review Panel found it compelling that Antinoro's initial denial of 3 to 4 work permits in a one-year period among approximately 150 applications per year did not establish sufficient evidence of a connection to his private interests in the defamation action. The investigation also confirmed that Antinoro does not have a commitment in a private capacity to the opposing parties in the subject legal dispute.

¹ All materials provided to the Panel, except the Ethics Complaint and the Order on Jurisdiction and Investigation, represent portions of the investigatory file and remain confidential pursuant to NRS 281A.750.

Furthermore, the propriety of Antinoro's conduct in acting on official government matters that affect the interests of a person to whom Antinoro has a private legal dispute (without associated pecuniary interests or commitments in a private capacity) is a legal matter involving concepts of bias, fundamental fairness and/or due process requirements. Without sufficient evidence of a pecuniary interest or commitment in a private capacity, such matters are outside the jurisdiction of the Ethics Law.

Although the Review Panel finds insufficient credible evidence to support just and sufficient cause for the Commission to render an opinion in this matter, it will issue a Confidential Letter of Instruction to reinforce the requirements of the Ethics Law pertaining to appropriate separation between public duties and private pecuniary interests, including guidance to avoid an appearance of impropriety.

IT IS HEREBY ORDERED:

The Review Panel dismisses the Complaint for lack of sufficient credible evidence of a violation and issues a Confidential Letter of Instruction in the matter.

Dated this 24th day of February, 2020.

REVIEW PANEL OF THE NEVADA COMMISSION ON ETHICS

By: /s/ Cheryl A. Lau
Cheryl A. Lau, Esq.
Chair/Presiding Officer

By: /s/ Philip K. O'Neill
Philip K. O'Neill
Commissioner

By: /s/ Damian R. Sheets
Damian R. Sheets, Esq.
Commissioner

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 transmitted a true and correct copy of the foregoing **REVIEW PANEL DETERMINATION** via U.S. Certified Mail and electronic mail addressed as follows:

Gerald Antinoro
c/o Katherine F. Parks, Esq.
Thorndal Armstrong, Delk,
Balkenbush & Eisinger
6590 S. McCarran Blvd., Suite B
Reno, NV 89509

Certified Mail No.: 9171 9690 0935 0037 6386 79

Email: kfp@thorndal.com
cc: psb@thorndal.com

Dated: 2/24/20



Employee, Nevada Commission on Ethics