



**STATE OF NEVADA  
COMMISSION ON ETHICS**  
<http://ethics.nv.gov>

**NOTICE OF PUBLIC MEETING**

**NAME OF ORGANIZATION:** NEVADA COMMISSION ON ETHICS  
**DATE & TIME OF MEETING:** Wednesday, August 21, 2019 at 9:30 a.m.  
**PLACE OF MEETING:** This meeting will be held at the following location:

**Governor's Office of Economic Development  
808 W. Nye Lane  
Carson City, NV 89703**

and via video-conference to:

**Grant Sawyer State Building  
Suite 5400  
555 E. Washington Avenue  
Las Vegas, NV 89101**

**\*Commissioners may appear telephonically**

**AGENDA**

**NOTES:**

- Two or more agenda items may be combined for consideration.
- At any time, an agenda item may be taken out of order, removed, or delayed.
- Public comment will be accepted at the beginning of the open session and again before the conclusion of the open session of the meeting. Comment and/or testimony by the public may be limited to three (3) minutes. No action may be taken on any matter referred to in remarks made as public comment. Members of the public may also submit written public comment to the Commission at [NCOE@ethics.nv.gov](mailto:NCOE@ethics.nv.gov).

	1. Call to Order, Roll Call, and Pledge of Allegiance to the Flag.
	2. Public Comment. Comment and/or testimony by any member of the public will be limited to three (3) minutes. No action will be taken under this agenda item.
<b>For Possible Action</b>	3. Approval of Minutes of the July 17, 2019 Commission Meeting.
<b>For Possible Action</b>	4. Discussion and consideration of Proposed Stipulation regarding Ethics Complaint Case Nos. 18-031C and 18-052C (Antinoro). (Portions of this Item may be exempt from Nevada's Open Meeting Law, See Notes)

For Possible Action	5. Determination and direction regarding referral of the Commission's finding of a willful violation of the Ethics Law pursuant to a Stipulated Agreement in <i>In re Cooper</i> , Comm'n Op. No. 18-005C (2019), and all associated public records to the Nevada Attorney General pursuant to NRS 281A.790(7).
For Possible Action	6. Presentation and approval of the Fiscal Year 2019 Annual Report prepared by the Executive Director pursuant to NAC 281A.180(2).
For Possible Action	7. Report and recommendations by Executive Director on agency status and operations and possible direction thereon. Items to be discussed include, without limitation: <ul style="list-style-type: none"> <li>• Upcoming Commission Meetings</li> <li>• Case Status</li> <li>• FY20 Budget Status</li> <li>• Protocols regarding confidentiality of a requestor's identity pursuant to NRS 281A.750(2)</li> </ul>
	8. Commissioner Comments on matters including, without limitation, identification of future agenda items, upcoming meeting dates and meeting procedures. No action will be taken under this agenda item.
	9. Public Comment. Comment and/or testimony by any member of the public may be limited to three (3) minutes. No action will be taken under this agenda item.
For Possible Action	10. Adjournment.

**NOTES:**

- ❖ The Commission is pleased to make reasonable accommodations for any member of the public who has a disability and wishes to attend the meeting. If special arrangements for the meeting are necessary, please notify the Nevada Commission on Ethics, in writing at 704 W. Nye Lane, Ste. 204, Carson City, Nevada 89703; via email at [ncoe@ethics.nv.gov](mailto:ncoe@ethics.nv.gov) or call 775-687-5469 as far in advance as possible.
- ❖ To request an advance copy of the supporting materials for any open session of this meeting, contact Executive Director Yvonne M. Nevarez-Goodson, Esq. at [ncoe@ethics.nv.gov](mailto:ncoe@ethics.nv.gov) or call 775-687-5469.
- ❖ This Agenda and supporting materials are posted and are available not later than the 3<sup>rd</sup> working day before the meeting at the Commission's office, 704 W. Nye Lane, Ste. 204, Carson City, Nevada, or on the Commission's website at [www.ethics.nv.gov](http://www.ethics.nv.gov). A copy also will be available at the meeting location on the meeting day.
- ❖ Any meeting or hearing held by the Commission pursuant to NRS 281A.760 to receive information or evidence regarding the conduct of a public officer or employee and deliberations of the Commission concerning an ethics complaint are exempt from the provisions of NRS Chapter 241, Nevada's Open Meeting Law. As a result, these agenda items, or any portion of them, may be heard in closed session.

**This Notice of Public Meeting and Agenda was posted in compliance with NRS 241.020 before 9:00 a.m. on the third working day before the meeting at the following locations:**

- Nevada Commission on Ethics, 704 W. Nye Lane, Suite 204, Carson City
- Nevada Commission on Ethics' website: <http://ethics.nv.gov>
- Nevada Public Notice Website: <http://notice.nv.gov>
- State Library & Archives Building, 100 North Stewart Street, Carson City
- Blasdel Building, 209 E. Musser Street, Carson City
- Washoe County Administration Building, 1001 East 9<sup>th</sup> Street, Reno
- Grant Sawyer State Office Building, 555 E. Washington Ave., Las Vegas

# **Agenda Item 3**



**STATE OF NEVADA  
COMMISSION ON ETHICS**

<http://ethics.nv.gov>

**MINUTES  
of the meeting of the  
NEVADA COMMISSION ON ETHICS**

The Commission on Ethics held a public meeting on  
Wednesday, July 17, 2019, at 9:30 a.m.  
at the following location:

**Nevada State Capitol Building  
Guinn Room  
101 N. Carson Street, Second Floor  
Carson City, NV 89701**

and via video-conference to:

**Governor's Conference Room  
Grant Sawyer State Office Building  
555 E. Washington Avenue, Suite 5100  
Las Vegas, NV 89101**

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics. Verbatim transcripts are available for public inspection at the Commission's office.

1. Call to Order and Roll Call.

Chair Cheryl A. Lau, Esq. appeared in Carson City and called the meeting to order at 9:30 a.m. Also appearing in Carson City were Commissioners Brian Duffrin and Barbara Gruenewald, Esq. Appearing in Las Vegas were Vice-Chair Keith A. Weaver, Esq. and Commissioner Teresa Lowry, Esq. Commissioners Philip K. (P.K.) O'Neill and Amanda Yen, Esq. appeared telephonically. Commissioner Kim Wallin, CPA was excused. Present for Commission staff in Carson City were Executive Director Yvonne M. Nevarez-Goodson, Esq., Commission Counsel Tracy L. Chase, Esq., Associate Counsel Judy Prutzman, Esq. and Executive Assistant Kari Pedroza.

The pledge of allegiance was conducted.

2. Public Comment.

The Chair asked for public comment. No public comment was provided.

///

3. Election of Commission Chair and Vice Chair for Fiscal Year 2019-20, pursuant to NAC 281A.150.

Commissioner Gruenewald moved to reappoint Commissioner Lau as Chair and Commissioner Weaver as Vice-Chair. Commissioner Duffrin seconded the motion. The Motion was put to a vote and carried unanimously.

Executive Director Nevarez-Goodson informed the Commission that the Chair and the Vice-Chair are serving the last year of their second terms and suggested that any other Commissioners interested in serving as Chair or Vice-Chair after this year could request coordinated training with the presiding Officer.

Chair Lau thanked the Commissioners for their confidence in her as the Chair.

4. Approval of Minutes of the May 22, 2019 Commission Meeting.

Chair Lau stated that all Commissioners were present for the May meeting except Vice-Chair Weaver who was excused from that meeting and would abstain from participating in this item.

Commission Counsel Tracy Chase informed the Commission that upon reviewing the minutes some clerical typos were identified and she asked that the Commission give the Executive Director and Commission Counsel authority to correct the minutes within the motion approving the minutes.

Commissioner Duffrin moved to approve the May 22, 2019 Minutes with the clerical errors corrected. Commissioner Gruenewald seconded the motion. The Motion was put to a vote and carried as follows:

Chair Lau:	Aye.
Commissioner Duffrin:	Aye.
Commissioner Gruenewald:	Aye.
Commissioner Lowry:	Aye.
Commissioner O'Neill:	Aye.
Commissioner Yen:	Aye.
Vice-Chair Weaver:	Abstain.

5. Discussion and direction to the Executive Director to inform the Board of Examiners and the Interim Finance Committee of significantly increased case load (Advisory and Complaint cases) and request additional Interim resources, including, without limitation, a temporary contract investigator and/or attorney position, to maintain statutory deadlines for jurisdictional determinations, investigations, review panel determinations, hearings, and other proceedings.

Executive Director Nevarez-Goodson referred the Commissioners to the current case statistics provided in the meeting materials and pointed out that the investigatory case load had doubled from last year. She added that staff continues to investigate Complaints received from the prior Fiscal Year in addition to the new complaints received, and it has been difficult to keep up with the volume of investigatory demands. In particular, Executive Director Nevarez-Goodson noted that many subjects are not waiving statutory deadlines which increases the demands on staff. She reiterated the Commission's bill did not pass and included a provision allowing for extensions of investigatory deadlines for good cause. She stated that she does not yet have a specific plan to propose to the Interim Finance Committee (IFC) and the Board of Examiners (BOE) but asked that the Commission to consider a proposal for either a temporary contract position or a request to the Attorney General's office to assist with pending investigations. In considering the latter option she provided insight as to why the Commission has not previously utilized the Attorney General's office for assistance and offered the following:

1. The Attorney General and his staff are subject to the Commission's jurisdiction;
2. The Commission has a duty to refer a willful violation of the Ethics Law to the Attorney General's office which it believes to also constitute criminal conduct;
3. The Attorney General's office is responsible for representing state public officers and employees before the Commission.

Executive Director Nevarez-Goodson shared her opinion that working with an independent contractor would be the better option to maintain separation between the Commission and the Attorney General's office. She asked the Commission for the authority to proceed with requesting additional resources from IFC and BOE if the needs require it and the Governor's office is in support.

Commissioner O'Neill commented that he agreed with the Executive Director's stance on asking the Attorney General's office for assistance and asked that the Commission approve the Executive Director's proposal prior to submission to IFC and BOE. Executive Director Nevarez-Goodson confirmed that the Commission would have the opportunity to provide final approval before she proceeded with any such request, and she outlined the process for IFC and BOE submittal.

Commissioner Gruenewald moved to approve the Executive Director's request to request additional interim services including a temporary contract investigator and/or attorney position. Commissioner Lowry seconded the Motion. The Motion was put to a vote and carried as follows:

Chair Lau:	Aye.
Vice-Chair Weaver:	Aye.
Commissioner Duffrin:	Aye.
Commissioner Gruenewald:	Aye.
Commissioner Lowry:	Aye.
Commissioner O'Neill:	Aye.
Commissioner Yen:	Aye.

6. Discussion and consideration of Proposed Stipulation regarding Ethics Complaint Case No. 19-018C (Tull). (Portions of this Item may be exempt from Nevada's Open Meeting Law, See Notes)

Chair Lau stated that as members of the Review Panel considering this Item, Commissioners Gruenewald, O'Neill and Wallin were excused from participating in this matter.

Commission Counsel Chase stated that pursuant to NRS 281A.220 (4), Commissioners who served as members of the Review Panel in this case would be precluded from participating further in this matter and the statute further reduces the required quorum necessary to act in this matter.

Chair Lau asked the parties in the Complaint to come forward and identify themselves for the record. Appearing before the Commission in this matter was Associate Counsel Judy A. Prutzman, Esq., representing the Executive Director and Mike Pavlakis, Esq., representing Subject Cathy Tull, who was not in attendance.

Associate Counsel Prutzman provided a brief overview of the Proposed Stipulation Agreement. Associate Counsel Prutzman summarized that Complaint Case No. 19-018C, which alleged that Cathy Tull, the former Chief Marketing Officer for the Las Vegas Convention and Visitors Authority (LVCVA), violated the Ethics Law when she used \$6,000 worth of Southwest Airlines gift cards purchased by LVCVA for personal travel for herself and family members. Associate Counsel Prutzman informed the Commission that a Review Panel consisting of three members of the Commission determined that just and sufficient case exists for the Commission to render an Opinion regarding the allegations that implicate NRS 281A.400 (1), (2), (7) and (9).

The Proposed Stipulation reflects that Ms. Tull's conduct would result in one willful violation of the Ethics Law implicating NRS 281A.400 subsections (1), (2), (7) and (9) of the Ethics Law and a \$4,500 civil penalty for the violation. Associate Counsel Prutzman offered that Ms. Tull's use of the gift cards over several years warranted the significant civil penalty proposed in the Agreement. She further provided that an additional penalty in the amount of \$4,200 would be imposed and is equal to a portion of the financial benefit realized by Ms. Tull in the utilization of the gift cards for her and her family's personal travel. Associate Counsel Prutzman summarized the total penalty owed by Ms. Tull would be \$8,700 and the penalty may be collected by the Commission in monthly installments with the full amount due in approximately two years. She outlined mitigating factors taken into account to reach the penalty amounts proposed in the Agreement.

Mike Pavlakis, Esq., legal counsel for Subject Tull, stated that he had nothing to add.

Chair Lau asked if the Commission had questions for either party.

Commissioner Duffrin asked Associate Counsel Prutzman to clarify that the total financial benefit realized by Ms. Tull included travel by Tull and members of her family and Associate Counsel Prutzman confirmed. Commissioner Duffrin asked a follow-up question regarding whether Ms. Tull provided the Commission with an accounting of travel funds utilized and Associate Counsel Prutzman answered that Ms. Tull was responsive when questioned about the funds. Executive Director Nevarez-Goodson further informed Commissioner Duffrin that the accounting of the travel funds was provided and confirmed by Southwest Airlines.

Commissioner Lowry moved to approve the Proposed Stipulation in Ethics Complaint Case No. 19-018C in the matter of Tull. Commissioner Yen seconded the Motion. Commission Counsel asked Commissioner Lowry to include in her motion authority for Commission Counsel to finalize the form with the parties. Commissioner Lowry amended her motion to include the Commission Counsel's request. Commissioner Yen amended her second of the motion. The Motion was put to a vote and carried as follows:

Chair Lau:	Aye.
Vice-Chair Weaver:	Aye.
Commissioner Duffrin:	Aye.
Commissioner Lowry:	Aye.
Commissioner Yen:	Aye.

7. Report and recommendations by Executive Director on agency status and operations and possible direction thereon. Items to be discussed include, without limitation:

- Quarterly Case Status Update
- Complaint/ Advisory Cases by City and County (FY17-FY19) Update
- Upcoming Commission Meetings
- FY19 Budget Status
- 2019 Legislative Recap

Quarterly Case Status Update: Executive Director Nevarez-Goodson provided an update on the quarterly Case Status Log reflecting the full data through the end of Fiscal Year 2019. She reiterated that the Commission has seen a significant increase in the number of both Complaints and Advisory Requests received as compared to the previous Fiscal Year.

Complaint/ Advisory Cases by City and County (FY17-FY19): Executive Director Nevarez-Goodson referred the Commission to the updated breakdown of Complaints and Advisory Opinions by city/county, a copy of which was provided in their materials. She informed the Commission that this information would be reported in the annual report at the next Commission meeting.

Upcoming Commission Meetings: Executive Director Nevarez-Goodson indicated that due to the amount of cases being processed she would ask the Commissioners to reserve the third Wednesday of the month for Commission Meetings for the foreseeable future. She noted that the November and December meetings would be held on the second Wednesday of the month to accommodate Holiday schedules. She informed the Commission that there will be an increase in the number of upcoming panels and identified the assigned panel Members for the next quarter as Commissioner Duffrin serving as the presiding Officer and Commissioners Lowry and Yen. She asked the panel members to reserve August 5 for a panel hearing.

FY19 Budget Status: Executive Director Nevarez-Goodson informed the Commission that the FY19 allocated funds had been almost completely expended as expected. She let them know that a final work program was being processed to fund the COLA's approved for FY19 from the State General fund. She informed the Commission that remaining FY19 travel funds were expended for rural training in Lovelock, Winnemucca, Battle Mountain, Elko, Ely, Eureka and Churchill counties conducted by the Executive Director and Commission Counsel. She added that as a result of the trainings the Commission has received numerous Acknowledgment filings and six new Requests for Advisory Opinions. Executive Director Nevarez-Goodson informed the Commission of her plans to provide a similar training in the fall for Southern Nevada.

2019 Legislative Recap: The Executive Director reiterated that the Commission's bill (SB 129) did not pass through the Assembly and that the failure of SB 129 to pass has lasting consequences as far as the current caseload is concerned, as well as some of the Commission's processes. She expressed her intention to pursue the same bill amendments at the next Legislative session if that was the will of the Commission. She provided that she is working with a new liaison with the Governor's office to assist the Commission regarding bill amendments in the future. She offered that staff is considering possible amendments through the regulatory process and will assess whether this an efficient resolution.

Executive Director closed her report with an expression of her appreciation to Commission staff for their hard work under the increased case load.

Commissioner Gruenewald moved to approve the report of the Executive Director on agency status. Chair Lau seconded the motion. The motion was put to a vote and carried unanimously.

8. Commissioner comments and identification of future agenda items. No action will be taken under this agenda item.

Commissioner O'Neill requested a status update on the case he previously requested be added to the Agenda in regard to referring a case to the Attorney General's office. Commission Counsel Chase informed him that the matter will be included for the next Commission meeting.

9. Public Comment.

No public comment.

10. Adjournment.

Commissioner Gruenewald made a motion to adjourn the public meeting. Commissioner Duffrin seconded the motion. The Motion was put to a vote and carried unanimously.

The meeting adjourned at 10:14 a.m.



Minutes prepared by:

[/s/ Kari Pedroza](#)

\_\_\_\_\_  
Kari Pedroza  
Executive Assistant

[/s/ Yvonne M. Nevarez-Goodson](#)

\_\_\_\_\_  
Yvonne M. Nevarez-Goodson, Esq.  
Executive Director

Minutes approved August 21, 2019:

[/s/ Cheryl A. Lau](#)

\_\_\_\_\_  
Cheryl A. Lau, Esq.  
Chair

[/s/ Keith A. Weaver](#)

\_\_\_\_\_  
Keith A. Weaver, Esq.  
Vice-Chair

# **Agenda Item 4**



**STATE OF NEVADA**

**BEFORE THE NEVADA COMMISSION ON ETHICS**

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

Consolidated  
Ethics Complaint  
Case No. 18-031C  
Case No. 18-052C

\_\_\_\_\_  
Subject. /

**PROPOSED DRAFT**  
**CONSOLIDATED STIPULATED AGREEMENT**

1. **PURPOSE:** This Stipulated Agreement resolves Ethics Complaint Case Numbers 18-031C and 18-052C (“Complaints”) before the Nevada Commission on Ethics (“Commission”) concerning Gerald Antinoro (“Antinoro”), the Sheriff of Storey County in the State of Nevada.

2. **JURISDICTION:** At all material times, Antinoro was a public officer as defined in NRS 281A.160. The Ethics in Government Law (“Ethics Law”) set forth in NRS Chapter 281A gives the Commission jurisdiction over elected and appointed public officers and public employees whose conduct is alleged to have violated the provisions of NRS Chapter 281A. See NRS 281A.280. Accordingly, the Commission has jurisdiction over Antinoro in this matter.

3. **PROCEDURAL HISTORY BEFORE COMMISSION**

- a. On or about May 30, 2018, the Commission received Complaint No. 18-031C from Kris Thompson, through his legal counsel, Rick Hsu, Esq. (“Hsu”) of Maupin Cox LeGoy, alleging that Antinoro violated NRS 281A.400(2) and (7) when he wore the Storey County Sheriff’s Office uniform and/or badge in photos that appeared on campaign billboards and on Antinoro’s website and Facebook page during his campaign for re-election.
- b. On or about July 30, 2018, the Commission received Complaint No. 18-052C submitted by Hsu on behalf of Mike Cullen (“Cullen”), alleging that Antinoro violated NRS 281A.400(1), (2) and (7) and NRS 281A.520 when he wore the Storey County Sheriff’s Office uniform and/or badge during three debates with Cullen and on a campaign float during the Memorial Day parade in Virginia City.

**DRAFT**

Consolidated Stipulated Agreement  
Ethics Complaint Nos. 18-031C/18-052C

- Complaint No. 18-052C also alleges that Antinoro violated the Ethics Law when he used his position as Sheriff to benefit his campaign for re-election and solicit sponsorship funds during a live radio show entitled “Sheriff Jerry and Friends.”
- c. The Commission issued an *Order on Jurisdiction and Investigation* for each Complaint and directed the Executive Director to investigate the Complaints. Additionally, the Executive Director issued *Notices of Complaint and Investigation* and Antinoro was provided an opportunity to submit written responses.
  - d. On September 26, 2018 and December 17, 2018, the Commission received a written response from Antinoro for Complaint Nos. 18-031C and 18-052C, respectively, through his attorney, Katherine F. Parks, Esq. of Thorndal Armstrong Delk Balkenbush & Eisinger.
  - e. On February 13, 2019, the Executive Director presented a recommendation in Complaint No. 18-031C relating to just and sufficient cause to a three-member review panel pursuant to NRS 281A.720.
  - f. In a Panel Determination for Complaint No. 18-031C issued on February 27, 2019, the Panel unanimously found and concluded that:
    - 1) Credible evidence supported just and sufficient cause for the Commission to render an opinion regarding the alleged violations of NRS 281A.400(2) and (7); and
    - 2) The Complaint should be referred to the Commission for further proceedings.
  - g. Antinoro has waived his rights to a panel determination in Complaint No. 18-052C and acknowledges that credible evidence establishes just and sufficient cause for the Commission to render an opinion regarding the allegations implicating NRS 281A.400(1), (2) and (7) and NRS 281A.520.
  - h. In lieu of an adjudicatory hearing before the Commission on these matters, Antinoro now enters into this Consolidated Stipulated Agreement.

**DRAFT**

**4. STIPULATED FACTS:** At all material times, the following facts were relevant to this matter:<sup>1</sup>

- a. Antinoro is the elected Sheriff of Storey County, a public officer as defined by NRS 281A.160. He has served as Sheriff since 2011 and is serving his third term in office after winning elections in 2010, 2014 and 2018.
- b. On or about July 27, 2016, Antinoro attended a meeting of the Nevada Sheriffs' and Chiefs' Association ("Association") in Ely, Nevada, at which time Thomas Beko, Esq. provided a presentation to the Association concerning the outcome of *In re Pitts*, Comm'n Op. No. 14-71C (2016) ("*Pitts*") and the effect of *Pitts* on the right of elected incumbent sheriffs to campaign in uniform. The approved Stipulated Agreement in *Pitts* dismissed allegations that the elected Elko County Sheriff violated the Ethics Law when he appeared in full uniform at various campaign events during his campaign for re-election.
- c. At the time this Complaint was submitted, Antinoro was campaigning as an incumbent for re-election as the Storey County Sheriff.
- d. The homepage of Antinoro's campaign website, [www.antinoroforsheriff.com](http://www.antinoroforsheriff.com), displayed a photo of Antinoro wearing his Storey County Sheriff's uniform and badge.
- e. Signs for Antinoro's re-election campaign displayed photos of Antinoro wearing his Storey County Sheriff's uniform and badge.
- f. Antinoro's Facebook page contained posts for "meet and greet" campaign events. A post dated April 9, 2018 displayed a photo of Antinoro's Storey County Sheriff's badge and a post dated May 24, 2018 displayed a photo of Antinoro wearing his Storey County Sheriff's badge.
- g. On May 24, 2018, May 29, 2018 and June 5, 2018, Antinoro attended debates leading to the primary election while wearing his Storey County Sheriff's badge, gun and holster.

---

<sup>1</sup> Stipulated Facts do not constitute part of the "Investigative File" as that term is defined by NRS 281A.755. All statutory and common law protections afforded to the Investigative File shall remain and are not affected by this Stipulated Agreement.

- h. On May 28, 2018, Antinoro wore his “soft uniform,” consisting of a Storey County Sheriff’s Office polo shirt and jeans, and also wore his badge, gun and holster.
- i. During his 2018 campaign for re-election, Antinoro hosted four live radio shows on KCKQ 1180 AM, produced by America Matters Media. The shows aired on May 22, May 29, June 5 and June 12 between 9:00 am and 10:00 am. During the show, entitled “Sheriff Jerry and Friends,” Antinoro identified himself as the Storey County Sheriff and discussed sheriff’s office issues and the upcoming primary election with guests and friends. Using his campaign funds, Antinoro purchased the airtime for the four shows during a silent auction at a fundraiser event. The silent auction item was donated by Eddie Floyd (“Floyd”) of America Media Matters.
- j. During the May 29, 2018 radio show, Antinoro gave a “shoutout” to Canvas Café, a Virginia City business, for its sponsorship of the radio show. On April 7, 2018, Canvas Café provided a \$250 in-kind contribution to Antinoro’s campaign for re-election.
- k. During the June 5, 2018 radio show, a live debate was moderated between Cullen and Antinoro and Cullen observed that Antinoro wore his badge, belt, holster and gun in the studio during the debate.
- l. During the June 12, 2018 radio show, which aired the morning of primary election day, Antinoro discussed the election and focused attention on his candidacy.
- m. Advertisements for the Virginia City Kettle Corn Depot have been aired during Antinoro’s radio show. The owner of this business worked on Antinoro’s campaign.
- n. Following the primary election, Floyd asked Antinoro to continue broadcasting “Sheriff Jerry and Friends,” which he continues to do on a weekly basis. Antinoro does not get paid for doing the broadcasts and does not utilize any government funds, time or equipment.

**DRAFT**

- o. Antinoro did not use public funds or receive a uniform or other allowance/reimbursement to pay for his Sheriff's uniform and other items associated with the uniform, including his badge and duty weapon.

5. **TERMS / CONCLUSIONS OF LAW:** Based on the foregoing, Antinoro and the Commission agree as follows:

- a. Each of the stipulated facts enumerated in Section 4 of this Consolidated Stipulated Agreement is agreed to by the parties.
- b. Antinoro holds public office, which constitutes a public trust to be held for the sole benefit of the people of the State of Nevada (in particular, the people of Storey County). Public officers have a duty to avoid conflicts of interest between public duties and private interests. NRS 281A.020.
- c. Antinoro had a significant personal and financial interest in maintaining his elected (paid) position as the Sheriff of Storey County during his campaign for re-election.
- d. Incumbent public officers are not entitled to the advantage of public resources during a campaign for re-election. See *In re Matson*, Comm'n Op. No. 11-67C (2014).
- e. An elected public officer must not use the public officer's position in government to secure unwarranted campaign advantages for himself (NRS 281A.400(2)). A preference or advantage is unwarranted, in part, if the public officer's conduct was contrary to any applicable law, code or policy. An elected public officer also must not use government time or resources to benefit his significant personal or financial interests. NRS 281A.400(7). Limited use of government resources is permitted only if the use is authorized by policy, does not interfere with the public officer's performance of public duties, has a nominal cost and does not create an appearance of impropriety. NRS 281A.400(7)(a).
- f. On February 23, 2012, the United States Office of Special Counsel ("OSC")<sup>2</sup> issued an advisory opinion concluding that an elected sheriff may wear his

---

<sup>2</sup> The OSC is a federal investigative and prosecutorial agency that promotes compliance by providing advisory opinions on, and enforcing, the Hatch Act.

uniform while campaigning for himself or for another candidate without violating the federal Hatch Act (5 U.S.C. §§ 1501-1508), which governs the political activity of certain state and local government employees.

- g. The Hatch Act and the OSC's advisory opinions apply only to partisan political activities and do not prevent the State or local government employers/agencies from creating ethics laws or internal political activities policies that are more stringent than the Hatch Act. Furthermore, neither the Act nor the OSC's opinions preempt a state's ability to enforce its ethics laws requiring its elected public officers to avoid conflicts of interest when they engage in political activities.
- h. A sheriff's office uniform and badge, which signify the power and prestige of the office, are considered governmental property or equipment under NRS 281A.400(7).<sup>3</sup> Accordingly, in *In re Kirkland*, Comm'n Opinion No. 98-41 (1998), the Commission found that a sheriff's limited use of his uniform, badge and "other physical accouterments" in the course of endorsing another person's candidacy violates NRS 281A.400(7) because it creates an appearance of impropriety. More recently, the Commission concluded that an undersheriff violates NRS 281A.400(7) when he uses the "physical accouterments of his office" to bolster his own campaign for sheriff by displaying himself in full dress uniform and using his badge in campaign photos. *In re Kuzanek*, Comm'n Op. No. 14-61C (2014) ("A public officer and/or employee cannot engage in any activity that involves the use of . . . state or political subdivision badge or uniform to give that person an advantage, and it creates the appearance of impropriety.")
- i. An elected sheriff's use of his official uniform, badge and "other physical accouterments" of the public office in the course of supporting his own campaign for re-election also creates an appearance of impropriety and violates NRS 281A.400(7).

---

<sup>3</sup> The fact that Antinoro purchased his own uniform and/or badge does not alter the government nature of the property.



- j. The allegations pertaining to NRS 281A.400(1), (2) and (7) and NRS 281A.400.520 associated with Antinoro's conduct related to the "Sheriff Jerry and Friends" radio show lack sufficient evidence to support a violation by a preponderance of the evidence and are therefore dismissed through this Consolidated Stipulated Agreement. Antinoro's participation in a radio show paid for with his campaign funds was not contrary to the faithful discharge of this public duties (NRS 281A.400(1)) and did not result in an unwarranted advantage (NRS 281A.400(2)). Furthermore, Antinoro did not use any government funds, property or time, in violation of NRS 281A.400(7) or NRS 281A.520, when he participated in the radio shows.
- k. Antinoro's use of his official uniform and badge during campaign debates and in photos used for his campaign for re-election implicates the provisions of NRS 281A.400(7). However, the preponderance of evidence does not support a violation of NRS 281A.400(2) or (7) related to Antinoro's use of his uniform and badge, and the Commission dismisses these allegations through this Stipulated Agreement, based upon a consideration of the following factors:
- (1) Antinoro relied in good faith upon the Stipulated Agreement approved by the Commission in *Pitts*, as represented to him and other elected incumbent sheriffs at the July 27, 2016 meeting of the Nevada Sheriffs' and Chiefs' Association;
  - (2) Although the February 29, 2012 OSC advisory opinion is not binding on state and local governments that create laws or policies regulating the political activity of their public employees and public officers, the opinion created a legal uncertainty for Antinoro and other elected sheriffs;
  - (3) Antinoro has been diligent to cooperate with and to participate in the Commission's investigation and analysis, as well as the resolution process; and
  - (4) The use of uniforms and badges in campaign materials and during campaign events has been employed by candidates for other law enforcement offices in Nevada.

**DRAFT**

- l. Antinoro and the Commission agree that the Commission's Executive Director will send a letter to the Nevada Sheriffs' and Chiefs' Association that provides information and guidance about the Commission's position that the use of uniforms, badges and other physical accouterments of office by elected sheriffs during their campaigns for re-election creates an appearance of impropriety and violates NRS 281A.400(7).
- m. This Consolidated Stipulated Agreement depends on and applies only to the specific facts, circumstances and law related to the Ethics Complaints now before the Commission. Any facts or circumstances that may come to light after its entry that are in addition to or differ from those contained herein may create a different resolution of these matters.
- n. This Agreement is intended to apply to and resolve only these Ethics Complaints and is not intended to be applicable to or create any admission of liability for any other proceeding, including administrative, civil, or criminal regarding Antinoro. If the Commission rejects this Stipulated Agreement, none of the provisions herein shall be considered by the Commission or be admissible as evidence in a hearing on the merits in this matter.

**6. WAIVER**

- a. Antinoro knowingly and voluntarily waives his right to a hearing before the full Commission on the allegations in Ethics Complaint Case Nos. 18-031C and 18-052C and all rights he may be accorded with regard to these matters pursuant to the Ethics Law (NRS Chapter 281A), the regulations of the Commission (NAC Chapter 281A), the Nevada Administrative Procedures Act (NRS Chapter 233B) and any other applicable provisions of law.
- b. Antinoro knowingly and voluntarily waives his right to any judicial review of these matters as provided in NRS Chapter 281A, NRS Chapter 233B or any other applicable provisions of law.

**DRAFT**

7. **ACCEPTANCE:** We, the undersigned parties, have read this Consolidated Stipulated Agreement, understand each and every provision therein, and agree to be bound thereby. The parties orally agreed to be bound by the terms of this Agreement during the regular meeting of the Commission on August 21, 2019.<sup>4</sup>

DATED this \_\_\_\_ day of \_\_\_\_\_, 2019. DRAFT  
Gerald Antinoro  
FOR GERALD ANTINORO,  
Subject

DATED this \_\_\_\_ day of \_\_\_\_\_, 2019. DRAFT  
Katherine F. Parks, Esq.  
Counsel for Subject

The above Stipulated Agreement is approved by:

FOR YVONNE M. NEVAREZ-GOODSON, ESQ.  
Executive Director, Commission on Ethics

DATED this \_\_\_\_ day of \_\_\_\_\_, 2019. DRAFT  
Judy A. Prutzman, Esq.  
Associate Counsel

---

<sup>4</sup> Subject waived any right to receive written notice pursuant to NRS 241.033 of the time and place of the Commission's meeting to consider his character, alleged misconduct, professional competence, or physical or mental health.

Approved as to form by:

FOR NEVADA COMMISSION ON ETHICS

DATED this \_\_\_\_ day of \_\_\_\_\_, 2019. DRAFT  
Tracy L. Chase, Esq.  
Commission Counsel

The above Stipulated Agreement is accepted by the majority of the Commission.<sup>5</sup>

DATED\_\_\_\_\_.

By: DRAFT  
Keith A. Weaver, Esq.  
Vice-Chair

By: DRAFT  
Kim Wallin  
Commissioner

By: DRAFT  
Barbara Gruenewald, Esq.  
Commissioner

By: DRAFT  
Amanda Yen, Esq.  
Commissioner

By: DRAFT  
Philip K. O'Neill  
Commissioner

<sup>5</sup> Chair Lau and Commissioners Duffrin and Lowry participated in the Review Panel hearing for Complaint No. 18-031C and are therefore precluded from participating in this Consolidated Stipulated Agreement pursuant to NRS 281A.220(4).



RECEIVED  
MAY 30 2018  
COMMISSION  
ON ETHICS

NEVADA COMMISSION ON ETHICS  
ETHICS COMPLAINT

Sec. 3.6 to 13, inclusive, of S.B. 84 (2017)

1. Provide the following information for the public officer or employee you allege violated the Nevada Ethics in Government Law, NRS Chapter 281A. *(If you allege that more than one public officer or employee has violated the law, use a separate form for each individual.)*

<b>NAME:</b> <small>(Last, First)</small>	Gerald Antinoro		<b>TITLE OF PUBLIC OFFICE:</b> <small>(Position)</small>	Sheriff
<b>PUBLIC ENTITY:</b> <small>(Name of the entity employing this position)</small>	Storey County			
<b>ADDRESS:</b>	205 S. C Street, P.O. Box 498	<b>CITY, STATE, ZIP CODE</b>	Virginia City, NV 89440	
<b>TELEPHONE:</b>	<b>Work:</b> 775.847.0959	<b>Other: (Home, cell)</b>	<b>E-MAIL:</b>	gantinoro@storeycounty.org

2. Describe in specific detail the public officer's or employee's conduct that you allege violated NRS Chapter 281A. *(Include specific facts and circumstances to support your allegation: times, places, and the name and position of each person involved.)*

Check here  if additional pages are attached.

To benefit his personal 2018 reelection campaign, Sheriff Antinoro uses his uniform and badge. His uniform and badge appear on full size billboards on at least 14 locations identified in the attached page. A photograph of a representative billboard is attached. He uses his uniform and badge on photographs of his reelection website located at <http://www.antinoroforsheriff.com>, as shown in the attached printout of his home page. He uses his uniform and badge in campaign flyers posted on his Facebook page, as shown in the attached printout.

Consistent with RFO 14-61C (Kuzanek), Sheriff Antinoro uses the physical accouterments of his office and position to bolster his own campaign by displaying himself in his Storey County Sheriff's full dress uniform. Such use of the Storey County Sheriff uniform and badge acts as a visual endorsement, affirmation and sanction of his personal reelection campaign for Sheriff and provides an unfair advantage to him at government cost. This is the type of harm to the public that the Ethics Law is designed to prohibit. This is a use of his official position to secure unwarranted advantages for his personal election over political opponents in violation of NRS 281A.400(2) and a use of governmental property to benefit his personal interest in being reelected in violation of NRS 281A.400(7).

3. Is the alleged conduct the subject of any action or matter currently pending before another administrative or judicial body? If yes, describe:

No

4. NRS Chapter 281A requires public officers and employees to hold public office as a public trust and avoid conflicts between public duties and private interests. (NRS 281A.020) What provisions of NRS Chapter 281A are relevant to the conduct alleged? Please check all that apply.

	Statute	Statutory Summary:
<input type="checkbox"/>	NRS 281A.400(1)	Seeking or accepting any gift, service, favor, employment, engagement, emolument or economic opportunity for himself or person to whom he has a commitment in a private capacity which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties.
<input checked="" type="checkbox"/>	NRS 281A.400(2)	Using his position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself, any business entity in which he has a significant pecuniary interest, or any person to whom he has a commitment in a private capacity.
<input type="checkbox"/>	NRS 281A.400(3)	Participating as an agent of government in the negotiation or execution of a contract between the government and himself, and any business entity in which he has a significant pecuniary interest or any person to whom he has a commitment in a private capacity.
<input type="checkbox"/>	NRS 281A.400(4)	Accepting any salary, retainer, augmentation, expense allowance or other compensation from any private source for himself or any person to whom he has a commitment in a private capacity for the performance of his duties as a public officer or employee.
<input type="checkbox"/>	NRS 281A.400(5)	Acquiring, through his public duties or relationships, any information which by law or practice is not at the time available to people generally, and using the information to further the pecuniary interests of himself or any other person or business entity.
<input type="checkbox"/>	NRS 281A.400(6)	Suppressing any governmental report or other document because it might tend to affect unfavorably his pecuniary interests, or any person to whom he has a commitment in a private capacity.
<input checked="" type="checkbox"/>	NRS 281A.400(7)	Using governmental time, property, equipment or other facility to benefit his significant personal or financial interest, or any person to whom he has a commitment in a private capacity. (Some exceptions apply).
<input type="checkbox"/>	NRS 281A.400(8)	A State Legislator using governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of himself or any other person, or requiring or authorizing a legislative employee, while on duty, to perform personal services or assist in a private activity. (Some exceptions apply).
<input type="checkbox"/>	NRS 281A.400(9)	Attempting to benefit his personal or financial interest or any person to whom he has a commitment in a private capacity through the influence of a subordinate.
<input type="checkbox"/>	NRS 281A.400(10)	Seeking other employment or contracts for himself or any person to whom he has a commitment in a private capacity through the use of his official position.
<input type="checkbox"/>	NRS 281A.410	Representing or counseling a private person for compensation on an issue pending before a public agency while employed, or within 1 year after leaving the service of a public agency, including before any state agency of the Executive or Legislative Department. (State and local legislators and part-time public officers and employees may represent/counsel private persons before agencies they do not serve, except local legislators may not represent/counsel private persons before other local agencies within the same county.)
<input type="checkbox"/>	NRS 281A.420(1)	Failing to sufficiently disclose his acceptance of a gift or loan, pecuniary interest, or commitment in a private capacity to the interest of another person that is reasonably affected by an official matter.
<input type="checkbox"/>	NRS 281A.420(3)	Failing to abstain from acting on an official matter which is materially affected by his acceptance of a gift or loan, pecuniary interest, or commitment in a private capacity to the interest of another person.
<input type="checkbox"/>	NRS 281A.430	Negotiating, bidding on or entering into a government contract in which he has a significant pecuniary interest. (some exceptions apply).
<input type="checkbox"/>	NRS 281A.500	Failing to file or timely file a Nevada Acknowledgement of Ethical Standards for Public Officers form.
<input type="checkbox"/>	NRS 281A.510	Accepting or receiving an improper honorarium.
<input type="checkbox"/>	NRS 281A.520	Requesting or otherwise causing a governmental entity to incur an expense or make an expenditure to support or oppose a ballot question or candidate during the relevant timeframe.
<input type="checkbox"/>	NRS 281A.550	Negotiating or accepting employment from a business or industry regulated by or contracted with former public agency within one year after leaving the service of the agency. (Failing to honor the applicable "cooling off" period after leaving public service).

\*Pursuant to NRS 281A.065, a public officer or employee has a commitment in a private capacity to the following persons:

1. Spouse; domestic partner
2. Household member
3. Family member within 3<sup>rd</sup> degree of consanguinity
4. Employer or spouse's/domestic partner's employer
5. Substantial and continuing business relationship, i.e. partner or associate
6. Substantially similar relationships

**5. YOU MUST SUBMIT EVIDENCE TO SUPPORT YOUR ALLEGATIONS.**

Attach all documents or items you believe support your allegations. NAC 281A.400(6) defines "evidence which supports the allegation" as "any reliable and competent form of proof provided by witnesses, public and private records, audio or visual recordings, documents, exhibits, concrete objects, and such forms of proof that support a reasonable belief in the truth of the allegation." A newspaper article or other media report will not support your allegations if it is offered by itself, but may be included with evidence that corroborates the article or report.

State the total number of additional pages attached (including evidence) 6.

**6. Witnesses:** Identify all persons who have knowledge of the facts and circumstances you have described, as well as the nature of the testimony the person will provide. Check here  if additional pages are attached.

<b>NAME and TITLE:</b> (Person #1)	Gerald Antinoro		
<b>ADDRESS:</b>	205 S. C Street, P.O. Box 498	<b>CITY, STATE, ZIP</b>	Virginia City, NV 89440
<b>TELEPHONE:</b>	<b>Work:</b> 775.847.0959	<b>Other: (Home, cell)</b>	<b>E-MAIL:</b> gantinoro@storeycounty.org
<b>NATURE OF TESTIMONY:</b>	Sheriff Antinoro can confirm his use of uniform and badge on campaign billboards, website and flyers posted on Facebook page, and his campaign manager (currently unknown) can confirm the same.		
<b>NAME and TITLE:</b> (Person #2)	Kris Thompson		
<b>ADDRESS:</b>	505 USA Parkway	<b>CITY, STATE, ZIP</b>	Sparks, NV 89434
<b>TELEPHONE:</b>	<b>Work:</b> 775.685.4195	<b>Other: (Home, cell)</b>	<b>E-MAIL:</b> kpthompson2011@yahoo.com
<b>NATURE OF TESTIMONY:</b>	Can confirm campaign materials where the uniform and badge are used.		

**7. REQUESTER INFORMATION:**

<b>YOUR NAME:</b>	Kris Thompson		
<b>YOUR ADDRESS:</b>	505 USA Parkway	<b>CITY, STATE, ZIP:</b>	Sparks, NV 89434
<b>YOUR TELEPHONE:</b>	<b>Day:</b> 775.685.4195	<b>Evening:</b> 775.685.4195	<b>E-MAIL:</b> kpthompson2011@yahoo.com

**\*NOTE\*: Your identity as the Requester and a copy of this Complaint will be provided to the Subject if the Commission accepts jurisdiction of the matter, unless:**

Pursuant to Sec. 8 of S.B. 84, I request that my identity as the requester of this Ethics Complaint remain confidential because (please check appropriate box):

I am a public officer or employee who works for the same public body, agency or employer as the subject of this Ethics Complaint. Provide evidence of your employment with the same public body, agency or employer.

OR

I can show a reasonable likelihood that disclosure of my identity will subject me or a member of my household to a bona fide threat of physical force or violence. Please describe the facts and circumstances which support a reasonable likelihood of a bona fide threat of physical force or violence below.

The Commission may decline to maintain the confidentiality of your identity as the Requester for lack of sufficient evidence of your employment status with the same public body, agency or employer, or proof of a bonafide threat of physical harm.

If the Commission declines to maintain my confidentiality, I wish to:

Withdraw my Complaint OR

Submit the Complaint understanding that the Subject will know my identity as the Requester.

By my signature below, I affirm that the facts set forth in this document and all of its attachments are true and correct to the best of my knowledge and belief. I am willing to provide sworn testimony regarding these allegations. I acknowledge that this Ethics Complaint, the materials submitted in support of the allegations, and the Commission's investigation are confidential unless and until the Commission's Review Panel renders a determination. The Commission's Investigatory File remains confidential pursuant to Sec. 9 of S.B. 84.



Signature:

Kris Thompson

May 29, 2018

Date:

Print Name:

**You must submit this form bearing your signature to:**

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

Or through the Commission's website: [www.ethics.nv.gov](http://www.ethics.nv.gov)



May 22, 2018

Gerald Antinoro signs showing his photo.

2571 Cartwright Road

Highway 341 between Lousetown and Cartwright

Entrance to Virginia City

Sugarloaf Mountain Motel

Fence by Occidental grade

Fence B Street back of Silver Stope

House in Gold Hill near the hotel

Attached to "Cabin in the Sky" sign **2 signs looking both ways**

Toward the bottom of 6 mile canyon at 3260 Six mile Canyon

517 Sam Clemens – Fence – Mark Twain estates

314 Martin — Mark Twain estates

Entrance to Lockwood at the bottom of the ramp

Corner by the school yard heading down to Ave Bleu de Clair - Lockwood

Avenue de Colours corner heading out of Lockwood - Lockwood

Re-Elect



Storey County Sheriff  
**Gerald Antinoro**

Proven, Reliable, Fair, & Honest

[www.antinoroforsheriff.com](http://www.antinoroforsheriff.com)

Paid for by Antinoro for Sheriff

*Re-elect*  
 Gerald  
**ANTINORO**  
*Storey County Sheriff*

[Home](#)   [News](#)   [About](#)   [Support](#)   [Supporters](#)

# Re-Elect Gerald Antinoro

*Storey County Sheriff*

*2018*



Sign up for updates. Add you name to our list of supporters.

<input type="text" value="First Name"/>	<input type="text" value="Last Name"/>	<input type="text" value="Email Address"/>	<input type="button" value="SEND"/>
---	--	--	-------------------------------------

It has been my privilege to serve as your Sheriff for the past seven years. Together with the great men and women in the Sheriff’s Office, and YOU... whom we serve daily, we have moved the Sheriff’s Office away from “the way it was,” improving facilities, technology and people programs during a time of significant growth and development in Storey County. All the while, providing fair and impartial service to ALL areas of the county.

I’m proud of the work we have achieved together but there is still much to be done. I’m grateful for your confidence, trust, and your support as we head into the 2018 election. I look forward to building even better partnerships with our neighboring agencies, other

county officials, and community members to address the challenges facing our criminal justice system, foster public safety, and ensure everyone is treated equally and fairly. A lot of information can be found on the website, however if you still have questions or issues you would like to discuss, as always feel free to [contact me](#).

## More Information

Letter To Citizens

Goals

© 2018 Antinoro For Sheriff

Search



Gerald Antinoro

Add Friend

Message

Timeline

About

Friends

Photos

More

DO YOU KNOW GERALD?

To see what he shares with friends, send him a friend request.

Add Friend

Intro

Sheriff at Storey County Sheriff's Office

Studied at The Chicago School of Prof Psychology

Studied at Ashford University

Studied Organizational Management at Ashford University

Went to San Juan High School

Lives in Virginia City, Nevada

Married to Laura Antinoro

From Bluff, Utah

Posts

List View

Grid View



Gerald Antinoro

Yesterday at 8:29am

Join us for a Memorial Day BBQ and find out what's happening at the Sheriff's Office, now and in the future. Hope to see you there.



antinatoroforsheriff.com

Chat (10)



# MEET & GREET

**May 28, 2018, 12 - 2 PM**

At the

**129 EDITH LANE**

**MARK TWAIN ESTATES**

**Come visit with Sheriff Antinoro, find out what's been going on in Storey County and what his plans are for serving you during the next four years!**



**Refreshments & Hot dogs to be served.**

Political event paid for by the Committee to Re-Elect Gerald Antinoro

**Friends 865**



See what you have in common with Gerald's friends.

[View](#)

English (US) · Español · Português (Brasil) · Français (France) · Deutsch

Privacy · Terms · Advertising · Ad Choices · Cookies · More

Facebook © 2018

Like

Comment

Share

22

1 Share

**Lynn Bawden** Good luck, Jerry 😊  
Like · Reply · 1d

**Sam Dehne** Sheriff! Next time you are in Reno give me a call. Coffee 544-1912. PS I am still challenging the Storey county/TRIC poaching of Reno elections. And certainly telling everybody to vote for you and Jay over there in Storey. But I'm not poaching with citizens' tax dollars like those TRIC people. I do it the old fashioned way With my Voice.. and Youtube. And window stickers.



Like · Reply · 1h

Write a comment...

**Gerald Antinoro**  
May 23 at 11:20pm

Chat (10)



**MAUPIN | COX | LEGOY**  
ATTORNEYS AT LAW

4785 Caughlin Parkway  
Reno, Nevada 89519

P.O. Box 30000  
Reno, Nevada 89520  
www.mcllawfirm.com

Telephone  
(775) 827-2000

Facsimile  
(775) 827-2185

E-Mail:  
rhu@mcllawfirm.com

RECEIVED  
MAY 30 2018

COMMISSION  
ON ETHICS

Rick R. Hsu, Esq.

May 29, 2018

**Via Hand Delivery**

Yvonne M. Nevarez-Goodson  
Executive Director  
Nevada Commission on Ethics  
704 West Nye Lane, Suite 204  
Carson City, NV. 89703

Re: Third Party Request for Opinion  
Subject: Gerald Antinoro

Dear Yvonne:

I hereby enclose a Third Party Request for Opinion against Gerald Antinoro, Sheriff of Storey County, which has been signed by my client, Kris Thompson. Please email me a receive-stamped copy of the RFO at your convenience, and direct any communications to the requester through me at this point in time.

This is a case ripe for determination by the Commission based on undisputed facts to resolve seemingly inconsistent principles announced in RFO 14-61C (Kuzanek) and RFO 14-71C (Pitts). The badge and uniform of a sheriff or undersheriff is undoubtedly government property and the accouterment of the office which should not be used in any campaign, whether it be for another candidate or for the sheriff's own campaign.

Kindest regards,

Sincerely,

Rick R. Hsu

RRH

Enclosure

c: client (w/enclosure via email)



RECEIVED  
JUL 30 2018  
COMMISSION  
ON ETHICS

**NEVADA COMMISSION ON ETHICS  
ETHICS COMPLAINT**

Sec. 3.6 to 13, inclusive, of S.B. 84 (2017)

1. Provide the following information for the public officer or employee you allege violated the Nevada Ethics in Government Law, NRS Chapter 281A. *(If you allege that more than one public officer or employee has violated the law, use a separate form for each individual.)*

<b>NAME:</b> <small>(Last, First)</small>	Gerald Antinoro		<b>TITLE OF PUBLIC OFFICE:</b> <small>(Position)</small>	Sheriff
<b>PUBLIC ENTITY:</b> <small>(Name of the entity employing this position)</small>	Storey County			
<b>ADDRESS:</b>	205 S. C Street, PO Box 498	<b>CITY, STATE, ZIP CODE</b>	Virginia City, NV 89440	
<b>TELEPHONE:</b>	<b>Work:</b> 775.847.0959	<b>Other: (Home, cell)</b>	<b>E-MAIL:</b>	gantinoro@storeycounty.org

2. Describe in specific detail the public officer's or employee's conduct that you allege violated NRS Chapter 281A. *(Include specific facts and circumstances to support your allegation: times, places, and the name and position of each person involved.)*

Check here  if additional pages are attached.

See additional pages describing:

1. Use of position as Sheriff for radio show (entitled "Sheriff Jerry and Friends") to benefit personal campaign.
2. Use of position as Sheriff on radio show to benefit own pecuniary interest by asking for and obtaining show sponsors.
3. Use of position as Sheriff on radio show to reward friends and political donors.
4. Use of badge, belt, holster and gun at the Memorial Day parade to benefit personal campaign.
5. Use of badge, belt, holster and gun, during three debates with me, to benefit personal campaign.

3. Is the alleged conduct the subject of any action or matter currently pending before another administrative or judicial body? If yes, describe:

No



4. NRS Chapter 281A requires public officers and employees to hold public office as a public trust and avoid conflicts between public duties and private interests. (NRS 281A.020) What provisions of NRS Chapter 281A are relevant to the conduct alleged? Please check all that apply.

	Statute	Statutory Summary:
<input checked="" type="checkbox"/>	NRS 281A.400(1)	Seeking or accepting any gift, service, favor, employment, engagement, emolument or economic opportunity for himself or person to whom he has a commitment in a private capacity which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties.
<input checked="" type="checkbox"/>	NRS 281A.400(2)	Using his position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself, any business entity in which he has a significant pecuniary interest, or any person to whom he has a commitment in a private capacity.
<input type="checkbox"/>	NRS 281A.400(3)	Participating as an agent of government in the negotiation or execution of a contract between the government and himself, and any business entity in which he has a significant pecuniary interest or any person to whom he has a commitment in a private capacity.
<input type="checkbox"/>	NRS 281A.400(4)	Accepting any salary, retainer, augmentation, expense allowance or other compensation from any private source for himself or any person to whom he has a commitment in a private capacity for the performance of his duties as a public officer or employee.
<input type="checkbox"/>	NRS 281A.400(5)	Acquiring, through his public duties or relationships, any information which by law or practice is not at the time available to people generally, and using the information to further the pecuniary interests of himself or any other person or business entity.
<input type="checkbox"/>	NRS 281A.400(6)	Suppressing any governmental report or other document because it might tend to affect unfavorably his pecuniary interests, or any person to whom he has a commitment in a private capacity.
<input checked="" type="checkbox"/>	NRS 281A.400(7)	Using governmental time, property, equipment or other facility to benefit his significant personal or financial interest, or any person to whom he has a commitment in a private capacity. (Some exceptions apply).
<input type="checkbox"/>	NRS 281A.400(8)	A State Legislator using governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of himself or any other person, or requiring or authorizing a legislative employee, while on duty, to perform personal services or assist in a private activity. (Some exceptions apply).
<input type="checkbox"/>	NRS 281A.400(9)	Attempting to benefit his personal or financial interest or any person to whom he has a commitment in a private capacity through the influence of a subordinate.
<input type="checkbox"/>	NRS 281A.400(10)	Seeking other employment or contracts for himself or any person to whom he has a commitment in a private capacity through the use of his official position.
<input type="checkbox"/>	NRS 281A.410	Representing or counseling a private person for compensation on an issue pending before a public agency while employed, or within 1 year after leaving the service of a public agency, including before any state agency of the Executive or Legislative Department. (State and local legislators and part-time public officers and employees may represent/counsel private persons before agencies they do not serve, except local legislators may not represent/counsel private persons before other local agencies within the same county.)
<input type="checkbox"/>	NRS 281A.420(1)	Failing to sufficiently disclose his acceptance of a gift or loan, pecuniary interest, or commitment in a private capacity to the interest of another person that is reasonably affected by an official matter.
<input type="checkbox"/>	NRS 281A.420(3)	Failing to abstain from acting on an official matter which is materially affected by his acceptance of a gift or loan, pecuniary interest, or commitment in a private capacity to the interest of another person.
<input type="checkbox"/>	NRS 281A.430	Negotiating, bidding on or entering into a government contract in which he has a significant pecuniary interest. (some exceptions apply).
<input type="checkbox"/>	NRS 281A.500	Failing to file or timely file a Nevada Acknowledgement of Ethical Standards for Public Officers form.
<input type="checkbox"/>	NRS 281A.510	Accepting or receiving an improper honorarium.
<input type="checkbox"/>	NRS 281A.520	Requesting or otherwise causing a governmental entity to incur an expense or make an expenditure to support or oppose a ballot question or candidate during the relevant timeframe.
<input type="checkbox"/>	NRS 281A.550	Negotiating or accepting employment from a business or industry regulated by or contracted with former public agency within one year after leaving the service of the agency. (Failing to honor the applicable "cooling off" period after leaving public service).

\*Pursuant to NRS 281A.065, a public officer or employee has a commitment in a private capacity to the following persons:

1. Spouse; domestic partner
2. Household member
3. Family member within 3<sup>rd</sup> degree of consanguinity
4. Employer or spouse's/domestic partner's employer
5. Substantial and continuing business relationship, i.e. partner or associate
6. Substantially similar relationships

**5. YOU MUST SUBMIT EVIDENCE TO SUPPORT YOUR ALLEGATIONS.**

Attach all documents or items you believe support your allegations. NAC 281A.400(6) defines "evidence which supports the allegation" as "any reliable and competent form of proof provided by witnesses, public and private records, audio or visual recordings, documents, exhibits, concrete objects, and such forms of proof that support a reasonable belief in the truth of the allegation." A newspaper article or other media report will not support your allegations if it is offered by itself, but may be included with evidence that corroborates the article or report.

State the total number of additional pages attached (including evidence) 3 + CD.

**6. Witnesses:** Identify all persons who have knowledge of the facts and circumstances you have described, as well as the nature of the testimony the person will provide. Check here  if additional pages are attached.

<b>NAME and TITLE:</b> (Person #1)	Mike Cullen		
<b>ADDRESS:</b>	1455 Main St. #B	<b>CITY, STATE, ZIP</b>	Gold Hill, NV 89440
<b>TELEPHONE:</b>	<b>Work:</b>	<b>Other: (Home, cell)</b>	<b>E-MAIL:</b>
		775.230.8447	mcullen66@live.com
<b>NATURE OF TESTIMONY:</b>	<p>I am a Patrol Sergeant for the Carson City Sheriff who ran for Storey County Sheriff against Antinoro. I made the conscious decision not to wear my uniform and badge at three campaign debates against Antinoro based on advice I received about ethics. By contrast, Antinoro wore his badge, belt, holster and gun at the following debates with me: (1) May 24, 2018 at Piper's Opera House, Virginia City, NV; (2) May 29, 2018 at Rainbow Bend, Lockwood, NV; (3) June 5, 2018 on Antinoro's live radio show, "Sheriff Jerry and Friends," on June 5, 2018 at the radio studio, Reno Town Mall, Reno, NV from 9 a.m. to 10 a.m. He also wore his badge, belt, holster and gun at the Memorial Day Parade on May 28, 2018 in a patrol car at the front of the parade and then a separate campaign float at the back of the parade. The use of his badge, belt, holster and gun provided a tremendous advantage to him during the campaign.</p> <p>Matthew Willette can corroborate my testimony. His contact info. is 2248 Meridian Blvd, Ste C., Minden, NV 89423, 775.781.8078, MattJWillette@GMAIL.com</p>		
<b>NAME and TITLE:</b> (Person #2)	Eddie Floyd, Chief Operating Officer, America Matters Media		
<b>ADDRESS:</b>	4001 S. Virginia Street	<b>CITY, STATE, ZIP</b>	Reno, NV 89502
<b>TELEPHONE:</b>	<b>Work:</b>	<b>Other: (Home, cell)</b>	<b>E-MAIL:</b>
	775.384.4444		eddie@americamatters.us
<b>NATURE OF TESTIMONY:</b>	<p>Mr. Floyd is believed to have knowledge of how Antinoro developed his radio show, "Sheriff Jerry and Friends," including the financial plan for covering expenses and sponsorship strategies with his supporters and friends. He can confirm that Antinoro conducted the live radio show on the following dates:</p> <p>Tuesday May 22, 2018 from 9 a.m. to 10 a.m.                  Tuesday May 29, 2018 from 9 a.m. to 10 a.m.                  Tuesday June 5, 2018 from 9 a.m. to 10 a.m.                  Tuesday June 12, 2018 from 9 a.m. to 10 a.m. (election day)                  Tuesday June 19, 2018 from 9 a.m. to 10 a.m.                  Thursday June 28, 2018 from 1 p.m. to 2 p.m.                  Thursday July 5, 2018 from 1 p.m. to 2 p.m.                  Thursday July 12, 2018 from 1 p.m. to 2 p.m.                  Thursday July 19, 2018 from 1 p.m. to 2 p.m.</p> <p>The podcasts of the "Sheriff Jerry and Friends" show are currently downloadable online at: <a href="ftp://shows.americamatters.us/Show/Sheriff%20Jerry">ftp://shows.americamatters.us/Show/Sheriff%20Jerry</a></p>		

7. REQUESTER INFORMATION:

YOUR NAME:	Mike Cullen		
YOUR ADDRESS:	1455 Main St. #B	CITY, STATE, ZIP:	Gold Hill, NV 89440
YOUR TELEPHONE:	Day: 775.230.8447	Evening: 775.230.8447	E-MAIL: mcullen66@live.com

**\*NOTE\*: Your identity as the Requester and a copy of this Complaint will be provided to the Subject if the Commission accepts jurisdiction of the matter, unless:**

Pursuant to Sec. 8 of S.B. 84, I request that my identity as the requester of this Ethics Complaint remain confidential because (please check appropriate box):

I am a public officer or employee who works for the same public body, agency or employer as the subject of this Ethics Complaint. Provide evidence of your employment with the same public body, agency or employer.

OR

I can show a reasonable likelihood that disclosure of my identity will subject me or a member of my household to a bona fide threat of physical force or violence. Please describe the facts and circumstances which support a reasonable likelihood of a bona fide threat of physical force or violence below.

The Commission may decline to maintain the confidentiality of your identity as the Requester for lack of sufficient evidence of your employment status with the same public body, agency or employer, or proof of a bonafide threat of physical harm.

If the Commission declines to maintain my confidentiality, I wish to:

Withdraw my Complaint OR

Submit the Complaint understanding that the Subject will know my identity as the Requester.

By my signature below, I affirm that the facts set forth in this document and all of its attachments are true and correct to the best of my knowledge and belief. I am willing to provide sworn testimony regarding these allegations. I acknowledge that this Ethics Complaint, the materials submitted in support of the allegations, and the Commission's investigation are confidential unless and until the Commission's Review Panel renders a determination. The Commission's Investigatory File remains confidential pursuant to Sec. 9 of S.B. 84.



Signature:

Mike Cullen

July 26, 2018

Date:

Print Name:

**You must submit this form bearing your signature to:**

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

Or through the Commission's website: [www.ethics.nv.gov](http://www.ethics.nv.gov)

## REQUEST FOR OPINION SUPPLEMENT

### **1. Gerald Antinoro used his position as Sheriff on his radio show, entitled "Sheriff Jerry and Friends," to benefit his personal campaign.**

During his campaign against me, Gerald Antinoro developed and hosted a live radio show on 1180 AM during the 9 a.m. to 10 a.m. Tuesday time slot entitled, "*Sheriff Jerry and Friends*." The shows are now podcasts and can be heard online on the America Matters media website at <ftp://shows.americamatters.us/Show/Sheriff%20Jerry>. In each show, he introduced himself as the Sheriff of Storey County. The very title itself, "*Sheriff Jerry and Friends*," proves that he was acting in his official capacity in hosting the radio show.

The primary election between Antinoro and me was Tuesday, June 12, 2018. Antinoro's first radio show was broadcasted Tuesday, May 22, 2018, and then he broadcasted his show each successive Tuesday on May 29, June 5, and June 12, 2018, the day of the election. In each of these shows leading up to the primary election, he identified himself as the Sheriff and discussed the upcoming election through guests and friends. In the **May 29, 2018 show**, he discussed issues in response to my debate with him on May 24, 2018, and asked one of his guests, Eureka County Sheriff Keith Logan, questions concerning debate issues to draw support. He discussed the following issues debated on May 24:

1. Staffing of deputy sheriffs (before the first break)
2. Use of K9 dogs on force (before the second break)
3. Budgeting (before the third break)

In his live **June 5, 2018 show**, he asked his guest, Dave Gregory, to moderate a live debate between him and me. It was my day off and I came to the studio to participate in the debate. Sheriff Antinoro wore his badge, belt, holster and gun in the studio and did not mention whether he took the day off.

His live **June 12, 2018 show** began 9 a.m. on the day of the primary election. I was not invited as a guest. He spent the entire time on the show with his guests talking about the election, mudslinging and detractors. Toward the end of the show, guest Andrew Poe said, "there's a real clear choice" and the voters will carry him to victory.

By using his official position as Sheriff to benefit his personal campaign against me in the live radio shows every Tuesday before the election, Antinoro violated the code of ethics.

### **2. Gerald Antinoro used his position as Sheriff for his own pecuniary benefit by asking for sponsors to offset costs for his show.**

The America Matters Media website discusses how to develop a radio show: <http://americamatters.us/growyourbusiness/show-development/>. The website suggests a business model in which the radio host pays costs and expenses for the show, develops a financial plan for covering expenses and creates sponsorship strategies "to eliminate

personal costs.” This suggests that without sponsors, the radio host is personally responsible for the costs of the show. During the shows, Antinoro directly asked the listeners to sponsor his show. It is unclear whether Antinoro asked for sponsors to assist him in paying for his air time directly, or asked sponsors to pay America Media Matters to offset the costs that would be charged to him. In either scenario, Antinoro received a direct pecuniary benefit from these sponsorships which were solicited in his official capacity while using his official title. America Media Matters records may reflect how many sponsorship dollars his show received to offset costs he would otherwise be required to pay. Such use of his official position in asking and receiving sponsorships to offset his personal expenses is a direct pecuniary benefit for him in violation of the code of ethics.

**3. Gerald Antinoro used his position as Sheriff on the "Sheriff Jerry and Friends" radio show to reward his friends and political donors.**

In his official capacity as Sheriff on his live radio show, Antinoro rewarded his show sponsors, who are friends and/or political donors, with endorsements to support their private businesses or interests. For example, at the beginning of the **May 29, 2018 show**, he gave a big "shoutout" to a business owned by his friends, the Canvas Café. Antinoro's campaign contributions and expenses report filed May 22, 2018 reflect that the Canvas Café donated an in-kind contribution to Antinoro valued at \$250. The Canvas Café is identified as a sponsor, which suggests that it paid money to sponsor Antinoro's radio show. In return, he promoted and endorsed a private business while in his official capacity. Sheriff Antinoro's acceptance of the sponsorships from Canvas Café and other sponsors and friends would tend improperly to influence him to depart from his faithful duties, in violation of the code of ethics.

I believe Breck Greninger is another sponsor. She operates the Kettle Corn business which is repeatedly mentioned in advertisements during the breaks of the radio shows. She worked as a core member of Antinoro's campaign for office and her late husband was a political donor in his campaign expense report filed June 6, 2014. Attached is a CD-ROM containing an audio clip of him soliciting for new sponsors during the live radio show, two separate clips of shoutouts to the Canvas Café during his radio show, and advertisements for Breck Greninger's Kettle Corn business. By using his official position during live radio shows to support the private businesses of his sponsors and friends, Antinoro violated the code of ethics.

**4. Gerald Antinoro used his uniform, badge, belt, holster and gun for his personal benefit to campaign at the Memorial Day Parade.**

On May 28, 2018, there was a Memorial Day parade in Virginia City. My campaign had a float in the parade, and I made the conscious decision not to wear my uniform or badge because of my understanding that to do so was an ethical violation. Sheriff Antinoro wore his badge, belt, holster and gun while sitting in a patrol car driving down the front of the parade. He then went to the back of the parade and sat on a campaign float driving through the parade while still wearing his badge, belt, holster and gun. His use of the badge, belt, holster and gun gave him a significant visibility advantage at the parade, especially since he went through the parade twice. His use of government property and

the accoutrement of his office at the parade benefitted his reelection campaign and violated the code of ethics.

**5. Gerald Antinoro wore his badge during three campaign debates with me.**

The debate between Antinoro and me during the live radio broadcast at the **June 5, 2018 show** was one of three debates where he wore his badge, belt, holster and gun. The other two debates were on May 24, 2018 at Piper's Opera House in Virginia City and May 29, 2018 at the Rainbow Bend community center in Lockwood. I deliberately refrained from wearing my uniform and badge in each of these debates, which put me at a major disadvantage. His use of government property and the accoutrement of his office at these debates benefitted his reelection campaign and violated the code of ethics.

I lost the election by only 145 votes. I believe Antinoro's live radio broadcasts campaigning in his official status while on duty and illegal use of his badge, belt, holster and gun had a significant impact on the result. He should not be rewarded with such ethical violations.

A handwritten signature in black ink, appearing to read "Mike Cullen", written over a horizontal line.

Mike Cullen



**STATE OF NEVADA**

**BEFORE THE NEVADA COMMISSION ON ETHICS**

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

Ethics Complaint No. **18-031C**

Subject. /

**PANEL DETERMINATION<sup>1</sup>**  
NRS 281A.725

The Nevada Commission on Ethics ("Commission") received this Ethics Complaint No. 18-031C ("Complaint") regarding the alleged conduct of Gerald Antinoro ("Antinoro"), Storey County Sheriff, State of Nevada, in violation of the Ethics in Government Law set forth in NRS Chapter 281A ("Ethics Law"). The Commission issued its *Order on Jurisdiction and Investigation* on July 16, 2018, which Order instructed the Executive Director to investigate alleged violations of NRS 281A.400(2) and (7) regarding Antinoro's use of the Storey County Sheriff's Office uniform and badge during his campaign for re-election.

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

On February 20, 2019, a Review Panel ("Panel") consisting of Chair Cheryl A. Lau, Esq. (Presiding Officer) and Commissioners Brian Duffrin and Teresa Lowry, Esq., reviewed the following: 1) Ethics Complaint No. 18-031C; 2) Order on Jurisdiction and Investigation; 3) Subject's Response to the Complaint; and 4) Executive Director's Recommendation to the Review Panel.<sup>2</sup>

Under NAC 281A.430, the Panel unanimously finds and concludes that the facts 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 alleged violations of NRS 281A.400(2) and (7).

///

///

///

<sup>1</sup> Except as provided by law, a Panel Determination shall not be cited as precedent.

<sup>2</sup> All materials provided to the Panel, except the Complaint and the *Order on Jurisdiction and Investigation*, represent portions of the investigatory file and remain confidential pursuant to NRS 281A.750.

**IT IS HEREBY ORDERED:**

The Review Panel refers Request for Opinion No. 18-031C to the Commission to render an opinion in the matter in furtherance of this just and sufficient cause determination.

Dated this 27<sup>th</sup> day of February, 2019.

NEVADA COMMISSION ON ETHICS

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

By: /s/ Teresa Lowry  
Teresa Lowry, Esq.  
Commissioner

By: /s/ Brian Duffrin  
Brian Duffrin  
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 **PANEL DETERMINATION** via U.S. Certified Mail and electronic mail as follows:

Katherine F. Parks, Esq.  
Thorndal Armstrong et al  
6590 S. McCarran Blvd., #B  
Reno, NV 8950

Certified Mail: 9171 9690 0935 0037 6376 41  
Email: [kfp@thorndal.com](mailto:kfp@thorndal.com)  
cc: [psb@thorndal.com](mailto:psb@thorndal.com)

*Attorney for Subject*

Dated: 2/27/19



\_\_\_\_\_  
Employee, Nevada Commission on Ethics

JOHN L. THORNDAL  
JAMES G. ARMSTRONG  
CRAIG R. DELK\*  
STEPHEN C. BALKENBUSH  
PAUL F. EISINGER  
CHARLES L. BURCHAM  
BRIAN K. TERRY  
ROBERT F. BALKENBUSH  
PHILIP GOODHART  
KATHERINE F. PARKS  
KEVIN R. DIAMOND  
MICHAEL C. HETEVY  
BRIAN M. BROWN  
GREGORY M. SCHULMAN  
MEGHAN M. GOODWIN

THIERRY V. BARKLEY\*  
JOHN D. HOOKS  
DOUGLAS J. DUESMAN  
SEAN D. COONEY  
DANIEL J. MCCAIN  
KEITH B. GIBSON\*  
CHRISTY LYN M. GALLIHER  
VINCENT M. GODINHO  
WADE CARNER  
LUKE W. MOLLECK  
AILEEN E. COHEN\*  
HARRY J. ROSENTHAL\*  
JUSTIN H. PFREHM\*  
EBAN M. MILMEISTER  
ERICH N. STORM\*

Of Counsel\*



**THORNDAL  
ARMSTRONG**  
DELK BALKENBUSH & EISINGER

A PROFESSIONAL CORPORATION  
ATTORNEYS  
www.thorndal.com

**KATHERINE F. PARKS, ESQ.**  
**RENO OFFICE**  
**kfp@thorndal.com**

**March 27, 2019**

LAS VEGAS

1100 E. BRIDGER AVENUE  
LAS VEGAS, NV 89101  
MAILING  
P.O. BOX 2070  
LAS VEGAS, NV 89125-2070  
(702) 366-0622  
FAX: (702) 366-0327

RENO

6590 S. MCCARRAN BLVD., SUITE B  
RENO, NV 89509  
(775) 786-2882  
FAX: (775) 786-8004

ELKO

919 IDAHO STREET  
ELKO, NV 89801  
(775) 777-3011  
FAX: (775) 786-8004

JAMES J. JACKSON  
(1958-2014)

**Via Electronic Mail**

Tracy Chase, Esq.  
Nevada Commission on Ethics  
704 W. Nye Lane, Suite 204  
Carson City, Nevada 89703

**Re: RFO 18-031C**

Dear Tracy:

Enclosed please find the executed Waiver of Notice Required under NRS 241.033(1) to Consider Character, Misconduct, or Competence, of Person in Ethics Complaint Adjudicatory Hearing and Other Proceedings to be Heard by the State of Nevada Commission on Ethics.

If you have any questions, please feel free to contact me.

Yours truly,

*Katherine F. Parks*

Katherine F. Parks

KFP/psb

cc: Yvonne M. Nevarez-Goodson, Esq. (via electronic mail)  
Judy Prutzman, Esq. (via electronic mail)



**STATE OF NEVADA  
BEFORE THE NEVADA COMMISSION ON ETHICS**

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

Ethics Complaint  
Case No. 18-31C

Subject. /

**WAIVER OF NOTICE REQUIRED UNDER NRS 241.033(1)  
TO CONSIDER CHARACTER, MISCONDUCT, OR COMPETENCE  
OF PERSON IN ETHICS COMPLAINT ADJUDICATORY HEARING AND  
OTHER PROCEEDINGS TO BE HEARD  
BY THE STATE OF NEVADA COMMISSION ON ETHICS**

The Nevada Commission on Ethics ("Commission") will be holding hearings and other proceedings (collectively "Proceedings") to consider the Subject's character, misconduct or competence as related to this Ethics Complaint. If the Proceedings are not exempt from Nevada's Open Meeting Law pursuant to NRS Chapters 241 or 281A, NRS 241.033(1) requires notice be personally served on Subject of the time and place of the meeting at least 5 working days before the meeting or sent by certified mail to the last known address at least 21 working days before the meeting. The parties, through their respective counsel, have agreed to comply with all deadlines and dates for proceedings as established by the Commission, including those set forth in the Notice of Adjudicatory Hearing and Scheduling Order and any issued amendments thereto.

I, Gerald Antinoro, understand the statutory requirements of NRS 241.033 and hereby knowingly and voluntarily waive my rights to written notice as required under NRS 241.033 for any Proceedings related to this Ethics Complaint. In doing so, I expressly consent to any discussion during the applicable meeting and resultant action of the Commission, including any discussion of my qualifications, competence and character in relation thereto. Prior to signing this waiver, I either had the opportunity to discuss this matter with my attorney or have voluntarily determined to proceed on my own accord, thereby waiving the right to consult with an attorney.

Dated this 26<sup>th</sup> day of MARCH, 2019.

By:   
Gerald Antinoro



**STATE OF NEVADA  
BEFORE THE NEVADA COMMISSION ON ETHICS**

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

Ethics Complaint  
Case No. 18-052C

\_\_\_\_\_  
Subject. /

**WAIVER OF NOTICE REQUIRED UNDER NRS 241.033(1) TO  
CONSIDER CHARACTER, MISCONDUCT, OR COMPETENCE  
OF SUBJECT IN ETHICS COMPLAINT PROCEEDINGS**

The Nevada Commission on Ethics ("Commission") may be holding various hearings, meetings, judicial review or appellate proceedings and other proceedings to consider the Subject Gerald Antinoro's character, misconduct or competence as related to the above referenced Ethics Complaint (collectively "Proceedings"). If the Proceedings are not exempt from Nevada's Open Meeting Law pursuant to NRS Chapters 241 or 281A, NRS 241.033(1) requires notice be personally served on Subject of the time and place of the meeting at least 5 working days before the meeting or sent by certified mail to the last known address at least 21 working days before the meeting. Subject agrees to comply with all noticed deadlines and scheduled dates for the Proceedings, including those noticed by a posted public agenda, scheduled with the parties or set forth in a Notice of Hearing and Scheduling Order and other issued Orders, including any amendments thereto.

I, Gerald Antinoro, understand the statutory notice requirements of NRS 241.033 and hereby knowingly and voluntarily waive my rights thereto associated with any Proceedings. In doing so, I expressly consent to any discussion of my qualifications, competence and character in the Proceedings. Prior to signing this waiver, I either had the opportunity to discuss this matter with my attorney or have voluntarily determined to proceed on my own accord, thereby waiving the right to consult with an attorney.

Dated this 13<sup>TH</sup> day of AUGUST, 2019.

Subject:

By:

  
\_\_\_\_\_  
Gerald Antinoro



STATE OF NEVADA  
**COMMISSION ON ETHICS**  
 704 W. Nye Lane, Suite 204  
 Carson City, Nevada 89703  
 (775) 687-5469 • Fax (775) 687-1279  
 ethics.nv.gov

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

Ethics Complaint  
 Case No. 18-052C  
 Confidential

Subject. /

**WAIVER OF A DETERMINATION BY A REVIEW PANEL**



I, Gerald Antinoro, the Subject of the above-referenced Ethics Complaint, affirm that I have read the provisions of NRS Chapter 281A and hereby freely and voluntarily waive my rights to a review panel proceeding and/or a panel determination pursuant NRS 281A.730. I do not object, and hereby submit to the jurisdiction of the Nevada Commission on Ethics ("Commission") to render an opinion in this matter. I acknowledge that this waiver also waives my right to require the Commission to maintain confidentiality of the Ethics Complaint and all related information pursuant NRS 281A.750.

Dated: 8/13/19

  
 Gerald Antinoro

Date received: 8/13/19

  
 Employee of the Commission



**STATE OF NEVADA**

**BEFORE THE NEVADA COMMISSION ON ETHICS**

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

Ethics Complaints  
Case Nos. 18-031C and 18-052C

\_\_\_\_\_  
Subject. /

**NOTICE OF HEARING TO CONSIDER  
CONSOLIDATED STIPULATED AGREEMENT**  
NRS 281A.745

**PLEASE TAKE NOTICE**, the Nevada Commission on Ethics ("Commission") will hold a public meeting to consider a proposed **Consolidated Stipulated Agreement** regarding the allegations submitted in Ethics Complaints Nos. 18-031C and 18-052C at the following time and location:

When: Wednesday, **August 21, 2019** at **9:30 a.m.**

Where: Governor's Office of Economic Development  
808 W. Nye Lane  
Carson City, NV 89703

and via video-conference to:

Grant Sawyer State Building  
555 E. Washington Avenue, Suite 5400  
Las Vegas, NV 89101

Ethics Complaints Nos. 18-031C and 18-052C are not consolidated for any other proceedings in these matters. Subject has waived the personal notice requirements of NRS 241.033 (Nevada's Open Meeting Law) in both matters and is provided the opportunity to appear at the hearing in person or telephonically. If the proposed Consolidated Stipulated Agreement is approved, it will serve as the final written opinion pursuant to NRS 281A.135.

DATED: August 13, 2019

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

## CERTIFICATE OF SERVICE

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 **Notice of Hearing to Consider Consolidated Stipulated Agreement** via electronic mail to the Parties as follows:

Yvonne M. Nevarez-Goodson, Esq.  
Executive Director  
Judy A. Prutzman, Esq.  
Associate Counsel  
704 W. Nye Lane, Suite 204  
Carson City, NV 89703

Email: [ynevarez@ethics.nv.gov](mailto:ynevarez@ethics.nv.gov)

Email: [jprutzman@ethics.nv.gov](mailto:jprutzman@ethics.nv.gov)

Gerald Antinoro  
c/o Katherine F. Parks, Esq.  
Thorndal Armstrong et al  
6590 S. McCarran Blvd., #B  
Reno, NV 8950

Email: [kfp@thorndal.com](mailto:kfp@thorndal.com)  
cc: [psb@thorndal.com](mailto:psb@thorndal.com)

DATED: August 13, 2019

  
\_\_\_\_\_  
Employee of the Nevada Commission on Ethics

# **Agenda Item 5**





**State of Nevada  
COMMISSION ON ETHICS**

**MEMORANDUM – AGENDA ITEM NO. 5**

\*\*\*\*\*

**DATE:** August 21, 2019  
**TO:** Nevada Commission on Ethics  
**FROM:** Tracy Chase, Commission Counsel  
**RE:** Agenda Item No. 5 - Determination and direction regarding referral of the Commission's finding of a willful violation of the Ethics Law pursuant to a Stipulated Agreement in *In re Cooper*, Comm'n Op. No. 18-005C (2019) and all associated public records to the Nevada Attorney General pursuant to NRS 281A.790(7).

---

On May 22, 2019, during its regular meeting, the Nevada Commission on Ethics ("Commission") requested a future agenda item to determine whether the Commission must refer the Stipulated Agreement approved in *In re Cooper*, Ethics Complaint No. 18-005C, to the Attorney General's Office in compliance with its mandatory statutory duties set forth in NRS 281A.790(7). NRS 281A.790(7) states:

The provisions of this chapter do not abrogate or decrease the effect of the provisions of the Nevada Revised Statutes which define crimes or prescribe punishments with respect to the conduct of public officers or employees. If the Commission finds that a public officer or employee has committed a willful violation of this chapter which it believes may also constitute a criminal offense, the Commission shall refer the matter to the Attorney General or the district attorney, as appropriate, for a determination of whether a crime has been committed that warrants prosecution.

As background, on February 2, 2018, the Commission received an Ethics complaint from a member of the public alleging that Lisa Cooper, the Former Executive Director of Nevada's Massage Therapy Board, improperly used her public position to receive additional unauthorized annual leave and compensation in violation of NRS 281A.400(1) and (2). The Commission ordered the Executive Director to investigate the matter. The administrative proceedings are civil and ultimately were resolved by the Commission's approval of a Stipulated Agreement on May 22, 2019. The attached fully-executed Stipulated Agreement constitutes the final opinion of the Commission pursuant to NRS 281A.135, and is properly cited as *In re Cooper*, Comm'n Op. No. 18-005C (2019).

In reaching the Stipulated Agreement, the Executive Director was represented by Associated Counsel, Judy A. Prutzman, Esq. and Ms. Cooper was represented by Lyn

Beggs, Esq. Pursuant to *In re Cooper*, Comm'n Op. No. 18-005C (2019), the Commission determined that Ms. Cooper committed a willful violation of the Ethics Law and a penalty of \$5,000 was imposed for the violation. In addition, the opinion imposed an additional civil penalty pursuant to NRS 281A.790(3) in the amount of \$20,023, which represented the total financial benefit realized by Ms. Cooper by virtue of her willful violation, as stipulated by the parties.

In furtherance of the Commission's direction, Commission Counsel contacted the Attorney General's Office to determine whether it has established protocols associated with prosecution referrals. On July 31, 2019, the Attorney General issued the attached Memorandum detailing the protocols for criminal investigation and prosecution referrals.

On August 6, 2019, Commission Counsel contacted the parties, through their respective counsel, to advise that the Commission will consider referral of *In re Cooper*, Comm'n Op. No. 18-005C (2019) to the Attorney General pursuant to NRS 281A.790(7) at its next meeting scheduled for August 21, 2019 and confirmed that the parties and their counsel may attend the meeting to provide public comment. Further, Commission Counsel received consent from Ms. Cooper's attorney that the attached Open Meeting Law waiver previously provided applies to these proceedings, which satisfies the notice requirements of NRS 241.033.

**RECOMMENDATION:**

It is recommended that the Commission provide direction on whether it believes the willful violation found in *In re Cooper*, Comm'n Op. No. 18-005C (2019) also constitutes a criminal offense, and if so, in accordance with NRS 281A.790(7), provide direction to Commission Counsel and Executive Director to refer the matter on behalf of the Commission, including all associated public records, to the Attorney General, pursuant to established referral protocols, and to cooperate with the Attorney General, as requested, within the boundaries of the Ethics Law.

**PROPOSED MOTION:**

I move that the Commission reasonably believes that the willful violation of the Ethics Law stipulated to in *In re Cooper*, Comm'n Op. No. 18-005C (2019) also constitutes a criminal offense and direct Commission Counsel and the Executive Director to refer the matter on behalf of the Commission, including all associated public records, to the Attorney General's Office, and to cooperate with the Attorney General, as requested.

**Attachments:**

*In re Cooper*, Comm'n Op. No. 18-005C (2019)  
Attorney General Memorandum dated July 31, 2019



**STATE OF NEVADA**

**BEFORE THE NEVADA COMMISSION ON ETHICS**

In re **Lisa Cooper**, Former Executive Director, Board of Massage Therapy, State of Nevada,

Ethics Complaint  
Case No. 18-005C

\_\_\_\_\_  
Subject. /

**STIPULATED AGREEMENT**

1. **PURPOSE:** This Stipulated Agreement resolves Ethics Complaint Case No. 18-005C (“Complaint”) before the Nevada Commission on Ethics (“Commission”) concerning Lisa Cooper (“Cooper”), the former Executive Director for the Board of Massage Therapy (“Board”) in the State of Nevada.

2. **JURISDICTION:** At all material times, Cooper was a public officer as defined in NRS 281A.160. The Ethics in Government Law (“Ethics Law”) set forth in NRS Chapter 281A gives the Commission jurisdiction over elected and appointed public officers and public employees whose conduct is alleged to have violated the provisions of NRS Chapter 281A. See NRS 281A.280. Accordingly, the Commission has jurisdiction over Cooper in this matter.

3. **PROCEDURAL HISTORY BEFORE COMMISSION**

- a. On or about February 2, 2018, the Commission received this Complaint from a member of the public (“Requester”), alleging that Cooper used her public position to receive additional unauthorized annual leave and compensation in violation of NRS 281A.400(1) and (2).
- b. On March 22, 2018, the Commission issued its *Order on Jurisdiction and Investigation* and directed the Executive Director to investigate this matter.
- c. On March 22, 2018, the Executive Director issued a *Notice of Complaint and Investigation* pursuant to NRS 281A.720 and Cooper was provided an opportunity to provide a written response to the Complaint.

- d. On November 2, 2018, in lieu of submitting a written response, Cooper and her legal counsel, Lyn Beggs, Esq., elected to meet with Commission staff to provide an oral response.
- e. On March 14, 2019, the Executive Director presented a recommendation relating to just and sufficient cause to a three-member review panel pursuant to NRS 281A.720.
- f. In a Panel Determination issued on March 20, 2019, the Panel unanimously found and concluded that:
  - 1) Credible evidence supported just and sufficient cause for the Commission to render an opinion in the matter regarding the alleged violations of NRS 281A.400(1) and (2) related to Cooper's use of her public position to receive additional unauthorized annual leave and compensation; and
  - 2) The matter should be referred to the Commission for further proceedings.
- g. In lieu of an adjudicatory hearing before the Commission, Cooper now enters into this Stipulated Agreement.

4. **STIPULATED FACTS:** At all material times, the following facts were relevant to this matter:<sup>1</sup>

- a. Cooper was appointed as the Executive Director of the Board on or about September 25, 2006 and remained in that position until March 2016.
- b. The Board was created in 2005 as the licensing and regulatory agency for the practice of massage therapy in Nevada. NRS Chapter 640C specifies the authorized activities of the Board.
- c. The Board consists of nine voting members, including eight massage therapy practitioners and a representative of the public, and one nonvoting advisory member appointed by the Governor. The nonvoting advisory member must be a resident of Clark County, certified by P.O.S.T., and a current or former police officer with the Las Vegas Metropolitan Police Department.

---

<sup>1</sup> Stipulated Facts do not constitute part of the "Investigative File" as that term is defined by NRS 281A.755. All statutory and common law protections afforded to the Investigative File shall remain and are not affected by this Stipulated Agreement.

- d. Pursuant to NRS 284.013(1), the Board's staff is not subject to the terms and conditions of employment outlined in NRS Chapter 284 and applicable to persons within the State Personnel System. The terms and conditions of employment applicable to Board staff, including salaries and leaves of absence, must be fixed by the Board, which is the appointing or employing authority. See NRS 284.013(2).
- e. The Board approved Cooper's starting salary of \$58,488 and subsequently authorized raises for Cooper in 2007 (\$67,272), 2008 (\$80,000) and 2013 (\$92,000).
- f. Pursuant to NRS 353.005, the Board is excluded from the State Budget Act and the associated provisions governing the administration of state funding. Accordingly, the State's Department of Administration does not provide oversight of the Board's annual budgeting and accounting practices and procedures.
- g. The Board's fiscal records are audited annually by an outside accountant and a report of the audit is submitted to the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of each fiscal year. NRS 218G.400.
- h. Pursuant to NRS 640C.200, the Board employs an Executive Director to serve as the chief administrative officer of the Board at a level of compensation set by the Board.
- i. Board staff is paid bimonthly and receives a paycheck on the 15<sup>th</sup> and the last day of every month, for a total of 24 paychecks per year. Board paychecks are processed at the Board office through Quickbooks and paychecks get issued to Board staff by the Executive Director without any Board approval or oversight.
- j. During her tenure as Executive Director, Cooper was solely responsible for payroll administration and the retention of all payroll records.
- k. Sandra Anderson ("Anderson") is the current Board Executive Director and has served in the position since 2016.

- I. Anderson was notified in an October 10, 2017 letter from the Governor's Finance Office that an audit of the Board was being conducted ("Governor's Audit"). The October 2017 letter included a request for information about the salary history for the Board's Executive Director and other staff members for fiscal years 2014-2017.
- m. While reviewing and collecting the information requested for the Governor's Audit, Anderson discovered that Cooper had paid herself 10 extra paychecks between 2011 and 2014, resulting in total net compensation of \$29,907.73 and the payout of 244 hours of accrued, unused annual leave and 324 hours of sick leave. The annual breakdown of extra paychecks received was as follows:

PAY DATE	GROSS PAY	NET PAY	LEAVE PAID OUT EARLY	LEAVE PAYOUT ENTITLED TO AT TERMINATION <sup>2</sup>
09/28/11	\$3,333.33	\$2,749.00	44 hours sick 44 hours annual	22 hours sick (\$687.25) 44 hours annual (\$1374.56)
01/31/12	\$3,333.33	\$2,753.00	None	NA
11/21/12	\$3,333.33	\$2,817.00	80 hours sick	40 hours sick (\$1408.50)
01/09/13	\$3,333.33	\$2,817.00	None	NA
07/11/13	\$3,333.33	\$2,824.00	40 hours sick 40 hours annual	20 hours sick (\$706.00) 40 hours annual (\$1412.00)
09/19/13	\$3,833.33	\$3,194.75	40 hours sick 40 hours annual	20 hours sick (\$798.70) 40 hours annual (\$1597.40)
11/21/13	\$3,833.33	\$3,194.74	40 hours sick 40 hours annual	20 hours sick (\$798.70) 40 hours annual (\$1597.40)
01/02/14	\$3,833.33	\$3,202.75	None	NA
03/26/14	\$3,833.33	\$3,202.75	40 hours sick 40 hours annual	20 hours sick (\$800.70) 40 hours annual (\$1601.40)
07/10/14	\$3,833.33	\$3,152.74	40 hours sick 40 hours annual	20 hours sick (\$788.18) 40 hours annual (\$1576.35)
<b>TOTAL</b>	<b>\$35,833.33</b>	<b>\$29,907.73</b>	<b>324 hours sick 244 hours annual</b>	<b>162 hours sick leave plus 244 hours annual leave \$15,147 total</b>

<sup>2</sup> As further described in paragraph 4.aa, the Board agreed to pay out all of Cooper's accrued unused annual leave and half of her accrued unused sick time upon her termination.

- n. Cooper's extra paychecks resulted in her receiving annual compensation that exceeded the annual gross compensation levels approved by the Board between 2011 and 2014, as follows:

	Board Approved	Actual
2011	\$80,000	\$83,333
2012	\$80,000	\$86,667
2013	\$86,000 <sup>3</sup>	\$99,833
2014	\$92,000	\$103,500

- o. Cooper did not obtain Board approval before she issued the extra paychecks to herself. Additionally, Cooper did not notify any individual Board member or the Board's legal counsel that she was doing so.
- p. The extra paychecks received by Cooper were not noticed by Board members because only lump sum payroll numbers were reflected in the financial records that Cooper prepared and shared with the Board.
- q. Cooper characterizes the extra paychecks as appropriate "payouts" of accrued and unused annual and/or sick leave, paid in lieu of time off. However, the extra paychecks dated 09/28/11, 01/09/13 and 01/02/14 indicate that no annual or sick leave was being paid out to Cooper.
- r. No existing Board records or written policies exist authorizing the payout of unused annual or sick leave during employment.
- s. No other Board staff members were permitted to receive payouts of accrued unused leave, in lieu of taking time off, during their employment with the Board.
- t. The Board's annual financial reports that were prepared by an independent auditor and submitted to the Legislative Auditor were based upon annual budgets prepared by the Board's Executive Director and reviewed by the Board and complete QuickBooks files for each year subject to an audit. The Board did not review the complete QuickBooks files provided to the auditor at the time of Board meetings, but rather reviewed financial statements prepared by the Board's Executive Director. None of the information contained in the financial statements provided to the Board was specific enough to reveal the extra

---

<sup>3</sup> On July 12, 2013, the Board approved a salary increase for Cooper and her annual salary increased from \$80,000 to \$92,000. With the salary increase effective during the second half of 2013, Cooper's total annual compensation should have equaled approximately \$86,000.

- paychecks received by Cooper as purported leave payouts. Only general totals for “Personnel” and “Salaries” were provided. However, the independent auditor did have access to more detailed records.
- u. Budget documents prepared by Cooper for the Board’s review failed to report Cooper’s purported annual and sick pay buy-outs during fiscal years 2012, 2013, 2014 and 2015.
  - v. Before 2016, the Board did not have any written policies or procedures in place to govern the terms and conditions of employment for Board staff.
  - w. The Board Employee Manual dated April 2016 reflected the Board’s existing practice and policy regarding annual leave accrual - employees with less than 10 years of continuous service earn 10 hours of annual leave per month (5 hours per pay period). After 10 years of continuous service, employees earn 12 hours of annual leave per month; 14 hours of annual leave per month are earned after 15 years of service.
  - x. The Board Employee Manual permits payment of unused accrued annual leave upon termination if the employee has worked at least six months. Payout of unused accrued sick leave is not permitted.
  - y. Cooper was accruing 8 hours of annual leave per month (4 hours per pay period) between 2011 and 2014. However, she increased her annual leave accrual to 14 hours per month (7 hours per pay period), beginning with her paycheck dated March 14, 2014. As a result, Cooper accumulated over 100 hours of annual leave, worth approximately \$5,263 (net) that she was not entitled to, as calculated by the Board.
  - z. Cooper did not obtain Board approval before she increased her vacation accrual. Additionally, Cooper did not notify any individual Board member or the Board’s legal counsel that she was doing so.
  - aa. During a December 31, 2015 public meeting of the Board, the Board unanimously accepted Cooper’s resignation as Executive Director and agreed to pay out all of Cooper’s accrued unused annual leave and half of her accrued unused sick time upon her termination. As a result, Cooper received a net



amount of \$24,702.46 for her accrued unused annual and sick leave in March 2016.

bb. Had she not received the unauthorized payouts of 244 hours of annual leave and 324 hours of sick leave during her employment, Cooper would have been entitled to an additional net amount of approximately \$15,147 upon termination.

**5. TERMS / CONCLUSIONS OF LAW:** Based on the foregoing, Cooper and the Commission agree as follows:

- a. Each of the stipulated facts enumerated in Section 4 of this Stipulated Agreement is agreed to by the parties.
- b. Cooper was a public officer, which constitutes a public trust to be held for the sole benefit of the people of the State of Nevada.
- c. As a former public officer, Cooper should not have sought or accepted any gift, service, favor, emolument or economic opportunity which would tend improperly to influence a reasonable person in her position to depart from the faithful and impartial discharge of her public duties (NRS 281A.400(1)). Cooper also should not have used her public position to secure unwarranted privileges, preferences, exemptions or advantages for herself (NRS 281A.400(2)). The Commission considers whether an action is unwarranted pursuant to NRS 281A.400(2) if the action was contrary to statute or otherwise against written policies that are applicable to the public officer.
- d. Cooper violated NRS 281A.400(1) because the receipt of unauthorized compensation and leave accrual was not consistent with Cooper's responsibility to carry out the faithful and impartial discharge of her public duties as the Executive Director of the Board.
- e. Cooper secured unwarranted privileges or advantages for herself, in violation of NRS 281A.400(2), because the Board did not have a policy, custom or practice of providing payouts of annual or sick leave during employment and Cooper used her position to issue additional checks to herself and increase her accrual of annual leave without obtaining Board approval to receive additional compensation or annual leave.

- f. Cooper's actions constitute a single course of conduct resulting in one violation of the Ethics Law, implicating the provisions of NRS 281A.400(1) and (2) as interpreted and applied in accordance with the provisions of NRS 281A.020.
- g. Cooper's violation was willful pursuant to NRS 281A.170 because she acted intentionally and knowingly, as those terms are defined in NRS 281A.105 and 281A.115, respectively.
- h. For an act to be intentional, NRS 281A.105 does not require that Cooper acted in bad faith, or with ill will, evil intent or malice. However, Cooper acted in reckless disregard of the Ethics Law when she voluntarily or deliberately caused extra paychecks to be issued to herself and increased her vacation accrual without Board approval. *See In re McNair*, Comm'n Op. Nos. 10-105C, 10-106C, 10-108C, 10-109C and 10-110C (2011) ("the relevant inquiry regarding willful misconduct is an inquiry into the intentional nature of the actor's conduct . . . The fact that an actor may have acted with the best of intentions does not relieve the actor of liability.") (citation omitted).
- i. NRS 281A.115 defines "knowingly" as "import[ing] a knowledge that the facts exist which constitute the act or omission." NRS Chapter 281A does not require that Cooper had actual knowledge that his conduct violated the Ethics Law, but it does impose constructive knowledge when other facts are present that should put an ordinarily prudent person upon inquiry. *See In re Stark*, Comm'n Op. No. 10-48C (2010). Even if Cooper was deemed to have no actual knowledge that her conduct would violate the provisions of NRS 281A, Cooper's career in public service should have made her aware of the statutes and regulations governing public officers.
- j. Pursuant to the factors set forth in NRS 281A.775 in determining whether a violation is willful and the penalty to be imposed, the Commission has considered the following factors:
  - 1) Cooper has not previously violated the Ethics Law.
  - 2) Cooper has been diligent to cooperate with and participate in the Commission's investigation and resolution of this matter.

- k. However, these mitigating factors are offset by the seriousness of Cooper's conduct when measured against the public's trust that public officers will not use their public position or influence to acquire economic opportunities or advantages for themselves that are not available to the general public.
- l. For the willful violation, Cooper will pay a civil penalty of \$5,000.00 pursuant to NRS 281A.790(1)(a). Pursuant to NRS 281A.790(3), Cooper will pay an additional civil penalty in the amount of \$20,023.00, which penalty is described in the chart below and equals the financial benefit realized by Cooper. The total \$25,023.00 penalty may be paid in one lump sum or in monthly installment payments, as arranged with the Commission's Executive Director, with final payment due not later than June 30, 2021.

\$29,907.00	Total net pay received from 10 unauthorized extra paychecks (paragraph 4.m)
<u>minus</u> \$15,147.00	244 hours of accrued annual leave and half (162 hours) of accrued sick leave that would have been paid to Subject upon termination if she did not receive the unauthorized extra paychecks (see 5 <sup>th</sup> column in paragraph 4.m)
= \$14,760.00	Total financial benefit realized by Subject from extra paychecks
<u>plus</u> \$5,263.00	Value of over 100 hours of unauthorized accrued annual leave that was paid to Subject upon termination (paragraph 4.y)
<b>= \$20,023.00</b>	<b>Total financial benefit realized by Subject for purposes of additional civil penalty (NRS 281A.790(3))</b>

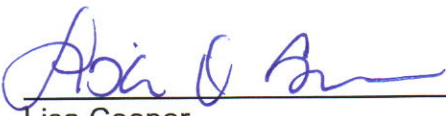
- m. This Stipulated Agreement depends on and applies only to the specific facts, circumstances and law related to the Ethics Complaint now before the Commission. Any facts or circumstances that may come to light after its entry that are in addition to or differ from those contained herein may create a different resolution of this matter.
- n. This Agreement is intended to apply to and resolve only this Ethics Complaint and is not intended to be applicable to or create any admission of liability for

any other proceeding, including administrative, civil, or criminal regarding Cooper. If the Commission rejects this Stipulated Agreement, none of the provisions herein shall be considered by the Commission or be admissible as evidence in a hearing on the merits in this matter.

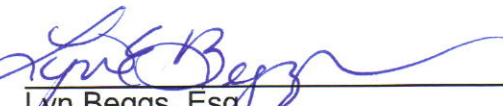
**6. WAIVER**

- a. Cooper knowingly and voluntarily waives her right to a hearing before the full Commission on the allegations in Ethics Complaint Case No. 18-005C and all rights she may be accorded with regard to this matter pursuant to the Ethics Law (NRS Chapter 281A), the regulations of the Commission (NAC Chapter 281A), the Nevada Administrative Procedures Act (NRS Chapter 233B) and any other applicable provisions of law.
- b. Cooper knowingly and voluntarily waives her right to any judicial review of this matter as provided in NRS Chapter 281A, NRS Chapter 233B or any other applicable provisions of law.

**7. ACCEPTANCE:** We, the undersigned parties, have read this Stipulated Agreement, understand each and every provision therein, and agree to be bound thereby. The parties orally agreed to be bound by the terms of this agreement during the regular meeting of the Commission on May 22, 2019.<sup>4</sup>

DATED this 29 day of May, 2019.   
Lisa Cooper

FOR LISA COOPER,  
Subject

DATED this 29 day of May, 2019.   
Lyn Beggs, Esq.  
Counsel for Subject

<sup>4</sup> Subject waived any right to receive written notice pursuant to NRS 241.033 of the time and place of the Commission's meeting to consider his character, alleged misconduct, professional competence, or physical or mental health.

The above Stipulated Agreement is approved by:

FOR YVONNE M. NEVAREZ-GOODSON, ESQ.  
Executive Director, Commission on Ethics

DATED this 29<sup>th</sup> day of May, 2019.

Judy A. Prutzman  
Judy A. Prutzman, Esq.  
Associate Counsel

Approved as to form by:

FOR NEVADA COMMISSION ON ETHICS

DATED this 29<sup>th</sup> day of May, 2019.

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

The above Stipulated Agreement is accepted by the majority of the Commission.<sup>5</sup>

DATED May 29, 2019.

By: ABSENT  
Keith A. Weaver, Esq.  
Vice-Chair

By: /s/ Kim Wallin  
Kim Wallin, CPA  
Commissioner

By: /s/ Barbara Gruenewald  
Barbara Gruenewald, Esq.  
Commissioner

By: /s/ Amanda Yen  
Amanda Yen, Esq.  
Commissioner

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

<sup>5</sup> Chair Lau and Commissioners Duffrin and Lowry participated in the Review Panel hearing and are therefore precluded from participating in this Stipulated Agreement pursuant to NRS 281A.220(4).

AARON D. FORD  
*Attorney General*

KYLE E. GEORGE  
*First Assistant Attorney General*

CHRISTINE JONES BRADY  
*Second Assistant Attorney General*



JESSICA L. ADAIR  
*Chief of Staff*

RACHEL J. ANDERSON  
*General Counsel*

HEIDI PARRY STERN  
*Solicitor General*

STATE OF NEVADA  
OFFICE OF THE ATTORNEY GENERAL

100 North Carson Street  
Carson City, Nevada 89701

## MEMORANDUM

**To:** All AGO Staff and  
All State Agencies and Law Enforcement Entities

**From:** Aaron D. Ford, Nevada Attorney General

**Date:** July 31, 2019

**Subject:** Criminal Investigation and Prosecution Referrals

---

The Nevada Attorney General's Office (AGO) handles a wide range of legal and investigative issues on behalf of the State and its agencies, as well as referrals from federal and local authorities. Your matters are important to us and we are dedicated to coordinating with you in a professional and effective manner. As a fellow State employee, government official, or law enforcement officer, you may have developed strong professional relationships with employees at our office. Providing a request for an investigation or prosecution referral to that trusted AGO employee you know is neither the most direct nor efficient way to refer your matter to us. At the same time, you may not know whom to contact. This memo is intended to assist you in submitting requests for criminal investigations and prosecutions, and contains the following information:

- **Pre-Submission Consultations**
- **Where to Submit Requests for Criminal Investigations**
  - Preferred Method for Submitting Requests
  - Where to Submit Hard Copies of Requests
- **Contact Information for Prosecution Referrals by State Agencies, Federal Law Enforcement Entities and Local Governments/Municipalities**
- **How to Prepare Requests for Investigations**
- **How to Prepare a Referral for Prosecution**
- **Follow-Up and Status Checks with the AGO After a Referral or Request has been Accepted**

**A. Pre-Submission Consultations**

The AGO investigates and prosecutes criminal matters referred by State agencies, boards, commissions, constitutional offices, departments and divisions (referred to in this memorandum as “Agencies”) as authorized by NRS Chapter 228 and other Nevada statutes.

It is important to note the AGO does not accept every prosecution referral. For this reason, we invite Agencies and county district attorneys to contact the AGO case assessment team prior to the formal submission of an investigation or prosecution request to discuss any legal jurisdictional, investigative, or other questions.

Please direct investigative inquiries to:	Please direct prosecution inquiries to:
<p><b>Rod Swanson</b> Chief of Investigations Las Vegas Office Grant Sawyer Building 555 E. Washington Ave., Suite 3900 Las Vegas, NV 89101 702-486-3781</p> <p>Assistant Cheryl Harris 702-486-3209</p>	<p><b>Michael Kovac</b> Chief DAG for Prosecutions Las Vegas Office Grant Sawyer Building 555 E. Washington Ave., Suite 3900 Las Vegas, NV 89101 702-486-5706</p> <p>Assistant Ronda Holm 702-486-6891</p>

**B. Where to Submit Requests for Criminal Investigations**

For the benefit and safety of all Nevadans, we are able to coordinate with other law enforcement agencies throughout the state, country and even internationally. We can conduct criminal investigations jointly or on behalf of Agencies with limited criminal investigative authority or resources. The AGO encourages Agencies with their own investigations divisions or other significant investigative resources to serve as primary investigators for their own cases. Where investigating a criminal matter within one’s own agency would pose a conflict of interest, Agencies may submit investigation requests to the AGO Investigations Division as listed below.

***1. Preferred Method for Submitting Requests***

The preferred method for Agencies and other law enforcement entities to submit criminal investigative requests is by email to:

**Agreferral@ag.nv.gov**

This electronic mailbox is specifically designated for Agencies and other law enforcement entities and is monitored on a daily basis.

**2. *Where to Submit Hard Copies of Requests and Corresponding Documentation***

For the convenience of the referring agency or law enforcement entity, any investigation and prosecution request can also be mailed via postal service or physically dropped off at either the Carson City or Las Vegas Office of the Attorney General to the attention of AG Investigations:

Crimes occurring in Clark, Nye, White Pine, or Lincoln County to:	Crimes occurring in Carson City and all other Nevada counties to:
Attention: AG Investigations Las Vegas Office Grant Sawyer Building 555 E. Washington Ave., Suite 3900 Las Vegas, NV 89101 702-486-3420	Attention: AG Investigations Carson City Office 100 North Carson St. Carson City, NV 89701 775-684-1100

**C. Contact Information for Prosecution Referrals by State Agencies, Federal Law Enforcement Entities and Local Governments/ Municipalities**

The Chief Deputy Attorney General for Prosecutions within approximately one week of receipt will review prosecution referrals. Except as provided herein, if the referral is approved for prosecution, a criminal complaint and warrant or summons request will be filed within approximately 30 days of receipt from the submitting agency. Cases requiring additional investigation, laboratory results, or other supporting evidence may take longer to approve and file.

The AGO will inform the submitting agency in writing of all decisions regarding the approval or denial of a prosecution request. In some cases, the AGO may require a proclamation from a governing entity in order to accept a conflict case.

Please note for cases filed by the referring agency or federal or local authority before a prosecution request was made, unless and until the Chief Deputy Attorney General for Prosecutions agrees in writing the AGO will accept the case for prosecution, the AGO will not be appearing for any hearings on the case until the matter has been accepted by the AGO for prosecution. The contact information for referrals is:



<p><b>Michael Kovac</b> Chief DAG for Prosecutions Las Vegas Office Grant Sawyer Building 555 E. Washington Ave., Suite 3900 Las Vegas, NV 89101 702-486-5706 Agregerral@ag.nv.gov</p>
<p>Assistant Ronda Holm 702-486-6891</p>

Please contact Michael Kovac by telephone immediately if the matter you are referring is time-sensitive. As stated previously, we do not accept every prosecution referral. Additionally, we cover matters throughout Nevada and may not necessarily have staff available to cover a hearing on short notice.

#### **D. How to Prepare Requests for Investigations**

1. Investigation requests should be accompanied by a memorandum or cover letter on agency letterhead. The referral packet should include the following information:
  - (a) Name(s) of suspect(s);
  - (b) Known dates of the criminal activity;
  - (c) Crimes believed to have been committed;
  - (d) Recitation of facts;
  - (e) Any existing reports, complaints, witness statements, electronic media, etc.
2. The AG Investigations Division and the Chief Deputy Attorney General for Prosecutions within one week of the date of receipt will initially screen all investigation requests. However, for urgent matters, such as where the suspect is in custody, is a flight-risk, or where the statute of limitations requires accelerated review, the referrals will be reviewed immediately upon receipt. **Please indicate in the cover letter or memo if such an urgency exists and the nature of the urgency.**
3. All requests will be screened to determine if the AGO has jurisdiction to investigate and prosecute, to assess whether the case has prosecutorial merit, and to determine whether additional investigation is required. The AGO retains the prosecutorial discretion to not investigate any matter. If additional investigation is required, a follow-up case review meeting will be scheduled approximately 30 days later.

4. When the investigation is concluded, the case will be referred directly to the Chief Deputy Attorney General for Prosecutions for final review and either assigned to a deputy attorney general for prosecution or denied prosecution. The submitting agency or investigator will require no additional "request for prosecution".
5. Within approximately 10 days of receipt of a referral, the AGO will confirm in writing to the submitting agency the referral has been accepted by the AGO for criminal investigation and possible prosecution. Requests containing voluminous documents, recordings or other media may take longer.
6. Please note for cases filed by the referring agency or federal or local authority before a prosecution request was made, unless and until the Chief Deputy Attorney General for Prosecutions agrees in writing the AGO will accept the case for prosecution, the AGO will not be appearing for any hearings on the case.

#### **E. How to Prepare Requests for Prosecution**

Certain Agencies and federal and local authorities have significant criminal investigative authority and resources. The AGO generally expects cases referred from these Agencies or federal and local authorities to be submitted "ready for prosecution" at the time of referral.

1. Prosecution referrals must be accompanied by a "Request for Prosecution" memorandum or cover letter on agency or federal or local authority letterhead. The prosecution referral packet should include, where possible, the following items:
  - (a) A cover letter, which includes a statement of the statutory or other authority for a request for AGO prosecution, whether it be approval of the board of county commissioners (NRS 228.130) or otherwise (e.g. concurrent jurisdiction);
  - (b) The name(s) of all known suspect(s);
  - (c) A robust witness list;
  - (d) Recommended charges and citations or state or local statutory authority;
  - (e) All investigative reports, including all complaints, statements, and evidence;
  - (f) Any affidavits or declarations in support of a subpoena, arrest or warrant;
  - (g) Any witness or suspect voluntary statements;
  - (h) Transcripts of any audio or video recorded statements;

- (i) Any evidence impound reports with a corresponding chain of custody and clear designation of where the evidence is located;
- (j) Any forensics reports and/or results of laboratory tests with a corresponding chain of custody and clear designation of where the evidence is located;
- (k) Color copies of any relevant digital images or videos, including surveillance video;
- (l) Copies of all pleadings filed in pending cases;
- (m) Certified copies of Pen-packets and other evidence relating to defendant's incarceration (for prison cases); and
- (n) Certified copies of prior judgments of conviction (where prior conviction is element of the offense, e.g. DUI 3rd offense, indecent exposure 2nd offense, etc.)

**F. Follow-Up and Status Checks with the AGO After a Referral or Request has been Accepted**

After we have accepted your request for a criminal investigation, it will be in an open and active status and we typically do not share information while the investigation is ongoing. However, we may need to follow up with you to obtain additional documentation or identify and speak with potential witnesses. If, upon completion of the investigation, we determine there is not enough of a predicate to file criminal charges, we will notify you and debrief you upon your request. Alternatively, if there is sufficient evidence to file charges, we will notify you once a criminal complaint is filed or an indictment returned.