

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
Tuesday, May 30, 2023, at 8:30 a.m.
at the following location:

**State Bar of Nevada
9456 Double R Boulevard, Suite B
Reno, NV 89521**

Zoom Meeting Information

<https://us06web.zoom.us/j/83154789050?pwd=NEtzdUh2UDNCaVlXZHZHJIVEV6cWJlQT09>

Zoom Meeting Telephone Number: 720-707-2699

Meeting ID: 831 5478 9050

Passcode: 578791

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics. A recording of the meeting is available for public inspection at the Commission's office and on the [Commission's YouTube channel](#).

1. Call to Order and Roll Call.

Chair Kim Wallin, CPA, CMA, CFM appeared in-person at the State Bar of Nevada office in Reno and called the meeting to order at 8:35 a.m. Vice-Chair Brian Duffrin and Commissioners Barbara Gruenewald, Esq. and Thoran Towler, Esq. also appeared in-person. Commissioner Teresa Lowry, Esq. appeared via Zoom videoconference. Commissioners James Oscarson and Amanda Yen, Esq. were excused. Present for Commission staff in Reno were Executive Director Ross E. Armstrong, Esq., Associate Counsel Elizabeth J. Bassett, Esq., Senior Legal Researcher Wendy Pfaff and Executive Assistant Kari Pedroza. Deputy Attorney General Laena St-Jules, Esq. also appeared in person in Reno.

2. Public Comment.

There was no public comment.

3. Approval of Minutes of the May 17, 2023, Personnel Subcommittee Meeting.

Chair Wallin stated that only she and Vice-Chair Duffrin were present for the May 17, 2023 Personnel Subcommittee Meeting.

Vice-Chair Duffrin moved to approve the May 17, 2023, Personnel Subcommittee Meeting Minutes as presented. Chair Wallin seconded the motion. The Motion was put to a vote and carried as follows:

Chair Wallin:
Vice-Chair Duffrin:

Aye.
Aye.

4. Approval of Minutes of the May 17, 2023, Commission Meeting.

Chair Wallin stated that all Commissioners were present for the May 17 Commission Meeting, except for Commissioners Oscarson and Towler who were excused and therefore precluded from participating in this item.

Commissioner Gruenewald moved to approve the May 17, 2023, Commission Meeting Minutes as presented. Commissioner Lowry seconded the motion. The Motion was put to a vote and carried as follows:

Chair Wallin:	Aye.
Vice-Chair Duffrin:	Aye.
Commissioner Gruenewald:	Aye.
Commissioner Lowry:	Aye.
Commissioner Towler:	Abstain.

5. Interviews and consideration of candidates for the Commission Counsel position, and possible appointment of an applicant to the Commission Counsel position. The Commission may consider the character and professional competence of the following candidates for the Commission Counsel position:

- 1.) Brandi Jensen
- 2.) Chris Davis

Chair Wallin introduced the agenda item stating that the Commission would be conducting interviews of each of the two Commission Counsel applicants, the candidates will present their presentations to the Commission and after the interviews and presentations the Commission would deliberate regarding its selection of the new Commission Counsel.

The Commission then interviewed the two candidates separately in the following order: Brandi Jensen and Chris Davis. The Commission took a twenty-minute break between interviews.

Chair Wallin expressed her gratitude to each of the applicants.

Following a ten-minute break, the Commission deliberated publicly regarding its impression of the candidates, mentioning each applicant's perceived assets and what they might bring to the Commission staff team.

Commissioner Lowry extended her gratitude to the Personnel Subcommittee for its efforts in initial interviews with the candidates. She shared her preference for Brandi Jensen as the appointee to the Commission Counsel position.

Commissioner Gruenewald agreed with Commissioner Lowry.

Commissioner Towler echoed Commissioner Lowry's appreciation of the Personnel Subcommittee and noted that Ms. Jensen was his choice as well.

Vice-Chair Duffrin moved that the Commission extend an offer of the Commission Counsel position to Brandi Jensen, Esq. contingent upon the background and reference check results. Commissioner Gruenewald seconded the motion. The motion was put to a vote and carried unanimously.

6. 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.

Chair Wallin welcomed Wendy Pfaff to the Commission's staff as the new Senior Legal Researcher.

7. Public Comment.

There was no public comment.

8. Adjournment.

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

The meeting was adjourned at 11:41 a.m.

Minutes prepared by:

/s/ Kari Pedroza

Kari Pedroza
Executive Assistant

/s/ Ross Armstrong

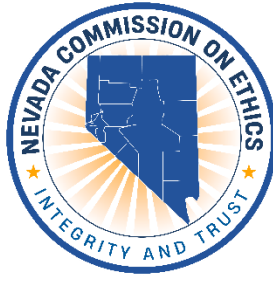
Ross Armstrong, Esq.
Executive Director

Minutes approved June 13, 2023:

Kim Wallin, CPA, CMA, CFM
Chair

Brian Duffrin
Vice-Chair

Agenda Item 4



In re **Joseph M. Lombardo**,
 Sheriff of Clark County,
 State of Nevada,

Ethics Complaint
 Case Nos. 21-062C, 21-082C
Confidential

Subject. /

MOTIONS FOR SUMMARY JUDGMENT

Hearing Book Index

TAB	ITEMS	Bates No.
1	Complaint Documents:	
	• Order Initiating Complaint, Accepting Jurisdiction and Directing Investigation - Ethics Case No. 21-062C	HB 00001
	• Complaint in Ethics Case No. 21-062C	HB 00003
	• Complaint in Ethics Case No. 21-082C	HB 00007
	• Order on Jurisdiction and Investigation – Ethics Case No. 21-082C	HB 00017
	• Order on Consolidation – Case Nos. 21-062C and 21-082C	HB 00019
	• Stipulated Facts and Documents	HB 00021
2	Pleadings Related to Motions for Summary Judgment:	
	• Executive Director's ("ED") Motion for Summary Judgment ("MSJ")	HB 00198
	○ EXHIBITS	HB 00220
	• Subject's Response to ED MSJ	HB 00238
	○ EXHIBITS	HB 00246
	• Subject's MSJ	HB 00253
	○ EXHIBITS	HB 00275
	• ED's Opposition to Subject's MSJ	HB 00303
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3	Notice of Hearing	HB 00421
4	Waivers:	
	• Waiver of Open Meeting Law Notice	HB 00423
	• Waiver of Adjudicatory Hearing 60-day requirement	HB 00424



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Joseph M. Lombardo**,
Sheriff of Clark County,
State of Nevada,

Ethics Complaint
Case No. 21-062C
Confidential

Subject. /

**ORDER INITIATING ETHICS COMPLAINT,
ACCEPTING JURISDICTION, AND DIRECTING AN INVESTIGATION**

Pursuant to NRS 281A.280 and NRS 281A.715

The Commission has jurisdiction to investigate and take appropriate action regarding an alleged violation of NRS Chapter 281A, the Ethics in Government Law ("Ethics Law") by a public officer or employee or former public officer or employee in any proceeding commenced by an ethics complaint, which is filed with the Commission or initiated by the Commission on its own motion, within 2 years after the alleged violation or reasonable discovery of the alleged violation in accordance with NRS 281A.710.

IT IS ORDERED:

The Commission hereby initiates an Ethics Complaint against Joseph M. Lombardo, Sheriff of Clark County, and candidate for Governor, and directs the Executive Director to investigate potential violations of the following statutes:

- NRS 281A.400(2)** Using his public position to secure or grant unwarranted privileges, preferences or advantages to benefit 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.
- NRS 281A.400(7)** Using governmental time, property or equipment or other facility to benefit his significant personal or pecuniary interest or that of a person to whom he is a commitment in a private capacity.

Further, the Commission directs the Executive Director to serve this order with a Notice of Complaint and Investigation as required by NRS 281A.720.

DATED this 15th day of September, 2021.

NEVADA COMMISSION ON ETHICS

/s/ Kim Wallin

Kim Wallin, CPA, CMA, CFM
Commission Chair

CERTIFICATE OF MAILING

I certify that I am an employee of the Nevada Commission on Ethics and that on this day in Carson City, Nevada, I deposited for mailing, via U.S. Postal Service, certified mail, through the State of Nevada mailroom, a true and correct copy of the foregoing **Order Initiating Ethics Complaint, Accepting Jurisdiction, and Directing Investigation**, addressed as follows:

Joseph M. Lombardo
Sheriff of Clark County
Las Vegas Metropolitan Police
Department
400 S. Martin L. King Blvd.
Las Vegas, NV 89106

Cert. Mail No.: 9171 9690 0935 0037 6363 61

Dated: 916/21



Employee, Nevada Commission on Ethics

Case No. 21-062

For official use only

Submitted Electronically on 09-01-2021



NEVADA COMMISSION ON ETHICS

ETHICS COMPLAINT

[NRS 281A.700 to 281A.790](#)

1. SUBJECT OF THE COMPLAINT - person you allege violated provisions of NRS Chapter 281A, the Nevada Ethics in Government Law. *(Please use a separate form for each individual.)*

Subject Name: <i>(Last, First)</i>	Lombardo, Joseph		Title of Public Office: <i>(Position)</i>	Sheriff
Public Entity: <i>(Name of the entity employing this position)</i>	Las Vegas Metropolitan Police Department			
Address:	400 South Martin Luther King, Jr. Boulevard		City, State, Zip Code:	Las Vegas, NV 89106
Telephone:	<u>Work:</u> 702-828-3111	<u>Other (home/cell):</u>	Email:	

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

On or about June 28, 2021, Clark County Sheriff Joseph Lombardo ("Lombardo") announced his candidacy for Governor of Nevada at a public event held at Rancho High School in Las Vegas, Nevada. The homepage for Lombardo's campaign website, www.joelombardofofnv.com, contains numerous photos of Lombardo wearing his Sheriff's uniform, including his Sheriff's badge, firearm, handcuffs and other items typically worn on the belt of police officers. The website also contains numerous photos of Lombardo in a shirt and tie, but also wearing his badge and firearm. There are also images of a protective vest with a patch stating "Police" across the front and with a Metro badge, and images of Lombardo picking up and holding these items. Lombardo's website also links to a video hosted by video hosting, sharing and services platform Vimeo, <https://vimeo.com/user143013087>. In the video Lombardo is pictured wearing his Sheriff's uniform, badge, firearm and handling the protective vest and Sheriff's badge referenced above. The Facebook page "Joe Lombardo for Governor," <https://m.facebook.com/JoeLombardoNV/>, contains a profile picture showing Lombardo in his Sheriff's uniform. The page also contains photos of Lombardo in uniform which are similar or identical to those shown on his campaign website. The Facebook page likewise offers the video hosted by Vimeo that is linked to from his campaign website. The Facebook page contains a video of Lombardo announcing his campaign

on Fox News while wearing a suit with a small Sheriff's badge on his left lapel (<https://youtu.be/WqbR2Vlp9fI>).

3. Is the alleged conduct currently pending before another administrative, law enforcement 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.**

<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, 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 the interests of 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 pecuniary 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 pecuniary interest or the interests of 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, commitment in a private capacity to the interest of another person or the nature of any representation or counseling provided to a private person for compensation before another agency in the preceeding year 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	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 Acknowledgment 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 3rd degree of consanguinity/affinity.
4. Employer or spouses/domestic partner/household member's employer
5. Substantial and continuing business relationships, i.e. partner, associate, or business entity.
6. Substantially similar relationships to those listed above, including close, personal relationships akin to family and fiduciary relationships to business entities.

5. YOU MUST SUBMIT EVIDENCE TO SUPPORT YOUR ALLEGATIONS. (NRS 281A.710 through 281A.715.)

Attach all documents or items you believe support your allegations, including witness statements, public or private records, audio or visual recordings, documents, exhibits, concrete objects, or other forms of proof.

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.

Name and Title:	Ryan Erwin			
Address:		City, State, Zip:	Las Vegas, NV 89147	
Telephone:	<u>Work:</u>	<u>Other (home/cell):</u>	Email:	
		702-240-2001		
Nature of Testimony:	Mr. Erwin is the Campaign Strategist for the Lombardo campaign. The contact information above is for Mr. Erwin's business, RedRock [sic] Strategies.			

Name and Title:	Mark Hutchison			
Address:		City, State, Zip:	Las Vegas, NV 89145	
Telephone:	<u>Work:</u>	<u>Other (home/cell):</u>	Email:	
		702-385-2500		mhutchison@hutchlegal.com
Nature of Testimony:	Mr. Hutchison is the Chairman of the Lombardo campaign. The contact information above is for Mr. Hutchison's law office, Hutchison & Steffen.			

7. Requesters Information:

Your Name:	Through Executive Director David R. Hall Nevada Commission on Ethics			
Your Address:		City, State, Zip:	Carson City, NV 89703	
Your Telephone:	<u>Day:</u>	<u>Evening:</u>	Email:	
	775-687-5469			davidhall@ethics.nv.gov

Your identity as the Requester will be provided to the Subject if the Commission accepts jurisdiction of this matter, unless:

Pursuant to NRS 281A.750, 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 in the text box below, or as an attachment, 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 house-hold to a bona fide threat of physical force or violence. Describe in the text box below, or in an attachment, the facts and circumstances that support a

reasonable likelihood of a bona fide threat of physical force or violence.

A copy of this Complaint will be provided to the Subject. If your request for confidentiality is approved by the Commission, the Complaint will be redacted to protect your identity as the Requester. 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 bona fide threat of physical force or violence.

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. Certain Commission proceedings and materials, including the Investigatory File remain confidential pursuant to NRS 281A.750 through 281A.760.



Date: 09-01-2021

Signature:

Print Name: David R. Hall

You may file a Complaint using the Commission's online form submission at ethics.nv.gov (Preferred) or You must submit this form bearing your signature to the Executive Director via:
delivery/mail to Nevada Commission on Ethics, 704 W. Nye Lane, Suite 204,
Carson City, Nevada, 89703,
email to NCOE@ethics.nv.gov, or **fax** to (775) 687-1279



NEVADA COMMISSION ON ETHICS

ETHICS COMPLAINT

[NRS 281A.700 to 281A.790](#)

1. **SUBJECT OF THE COMPLAINT** (person you allege violated provisions of NRS Chapter 281A, the Nevada Ethics in Government Law. *(Please use a separate form for each individual.)*)

Subject NAME:	Sheriff Joseph Lombardo		TITLE OF PUBLIC OFFICE: <small>(Position)</small>	Sheriff
PUBLIC ENTITY: <small>(Name of the entity employing this position)</small>	Clark County			
ADDRESS:	400 S. Martin Luther King Boulevard	CITY, STATE, ZIP CODE	Las Vegas, Nevada 89106	
TELEPHONE:	Work: 702-828-3111	Other: <small>(Home, cell)</small>	EMAIL:	pio@lvmpd.com

2. Describe the alleged conduct of the public officer or employee (subject) that you believe 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.

3. Is the alleged conduct currently pending before another administrative, law enforcement or judicial body? If yes, describe:

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.
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<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.)
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<input type="checkbox"/>	NRS 281A.430	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 Acknowledgment 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 service of the agency. (Failing to honor the one-year "cooling off" period after leaving public service, exceptions).

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

1. Spouse; domestic partner.
2. Household member.
3. Family member within 3rd degree of consanguinity/affinity.
4. Employer or spouse/domestic partner/household member's employer.
5. Substantial and continuing business relationships, i.e. partner, associate, or business entity.
6. Substantially similar relationships to those listed above, including close, personal relationships akin to family and fiduciary relationships to business entities.

5. **YOU MUST SUBMIT EVIDENCE TO SUPPORT YOUR ALLEGATIONS.** (NRS 281A.710 through 281A.715.) Attach all documents or items you believe support your allegations, including witness statements, public or private records, audio or visual recordings, documents, exhibits, concrete objects, or other forms of proof.

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

6. Witnesses: Identify 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.

NAME and TITLE: (Person #1)				
ADDRESS:			CITY, STATE, ZIP	
TELEPHONE:	Work:	Other: (Home, cell)	E-MAIL:	
NATURE OF TESTIMONY:				
NAME and TITLE: (Person #2)				
ADDRESS:			CITY, STATE, ZIP	
TELEPHONE:	Work:	Other: (Home, cell)	E-MAIL:	
NATURE OF TESTIMONY:				

7. REQUESTER INFORMATION:

YOUR NAME:	Matthew DeFalco		
YOUR ADDRESS:		CITY, STATE, ZIP:	
YOUR TELEPHONE:	Day: <input type="text"/>	Evening: <input type="text"/>	E-MAIL: <input type="text"/>

Your identity as the Requester will be provided to the Subject if the Commission accepts jurisdiction of this matter, unless:

Pursuant to NRS 281A.750, 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 in the text box below, or as an attachment, 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. Describe in the text box below, or in an attachment, the facts and circumstances that support a reasonable likelihood of a bona fide threat of physical force or violence.

A copy of this Complaint will be provided to the Subject. If your request for confidentiality is approved by the Commission, the Complaint will be redacted to protect your identity as the Requester. 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 bona fide threat of physical force or violence.

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. Certain Commission proceedings and materials, including the Investigatory File remain confidential pursuant to NRS 281A.750 through 281A.760.

member:
A9A85710-6108-4CF2-9345-506E8A8D01F
D8861127-D918-4780-A958-ACBFD430CE7C

Digitally signed by member:
A9A85710-6108-4CF2-9345-506E8A8D01F
D8861127-D918-4780-A958-ACBFD430CE7C
Date: 2021.10.20 16:08:34 -0700

October 21st, 2021

Signature:

Date:

Matthew DeFalco

Print Name:

You may file a Complaint using the Commission's online form submission at ethics.nv.gov (Preferred) or You must submit this form bearing your signature to the Executive Director via:
delivery/mail to Nevada Commission on Ethics, 704 W. Nye Lane, Suite 204, Carson City, Nevada, 89703,
email to NCOE@ethics.nv.gov, or fax to (775) 687-1279

October 21st, 2021

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

Re: Complaint Regarding Sheriff Joseph Lombardo

Dear Chairwoman Wallin:

Pursuant to Nev. Rev. Stat. Ann. 281A.400(7), this letter and the accompanying Elections Complaint Form serve as a written complaint against Sheriff Joseph Lombardo and his campaign, Lombardo for Governor. Despite serving as the chief law enforcement officer of Clark County, Nevada, Sheriff Lombardo has repeatedly violated state law by using official government resources to promote his candidacy for governor. Sheriff Lombardo's actions clearly violate the law: the Nevada Commission on Ethics (the "**Commission**") has previously considered identical conduct by other state officials, and found it to be in violation of the law. We request an immediate investigation into Sheriff Lombardo's violations, and ask the Commission to take swift remedial action to prevent the Sheriff from continuing to exploit government resources for his personal gain.

Factual Background

Joseph Lombardo is the Sheriff of Clark County, Nevada, and the Sergeant at Arms of the Nevada Sheriffs' and Chiefs' Association.¹ Sheriff Lombardo is also a candidate for Governor of Nevada, and his campaign committee is Lombardo for Governor (the "**Campaign**").²

Sheriff Lombardo frequently uses official law enforcement resources in his Campaign materials and advertisements. For example, in the Campaign video announcing his candidacy, Sheriff Lombardo appears in his official uniform and badge, carrying what appears to be his official service weapon.³ The video also includes other footage of what appears to be Sheriff Lombardo's official police vest, badge, and holstered gun.⁴ Similarly, the Campaign's website and social media pages on Facebook, Twitter, Instagram, Flickr, YouTube, and Vimeo, include numerous photographs or footage of Sheriff Lombardo wearing his official uniform and badge.⁵

¹ Las Vegas Metro. Police Dep't., Sheriff Joseph Lombardo, <https://www.lvmpd.com/en-us/Pages/officeofthesheriff-SheriffJosephLombardo.aspx>; Nev. Sheriffs' and Chiefs' Ass'n., About Us, <https://nvsca.com/>.

² Joe Lombardo for Governor, <https://www.joelombardofornv.com/>.

³ Lombardo for Governor - Protect, Vimeo (June 28, 2021), <https://vimeo.com/568396552>; see Appendix.

⁴ *Id.*

⁵ Joe Lombardo for Governor, <https://www.joelombardofornv.com/>; Joe Lombardo for Nevada, Facebook, <https://www.facebook.com/JoelLombardoNV/>; Joe Lombardo (@JoeLombardoNV), Twitter, <https://twitter.com/JoelLombardoNV>; Joe Lombardo (@JoeLombardoNV), Instagram, www.instagram.com/JoelLombardoNV; Joe Lombardo (JoeLombardoforNV), Flickr, <https://www.flickr.com/photos/193251823@N03/>; Joe Lombardo for Nevada, YouTube <https://www.youtube.com/channel/UCQ52JaFDe77QrU5OTMWiemw>; Lombardo for Governor - Protect, Vimeo (June 28, 2021), <https://vimeo.com/568396552>.

Legal Analysis

In clear violation of Nevada law, Sheriff Lombardo has repeatedly misused official government resources to promote his Campaign.

State law prohibits public officers like Sheriff Lombardo from “us[ing] governmental time, property, equipment or other facility to benefit a significant personal or pecuniary interest of the public officer.”⁶ The Commission has repeatedly found that this prohibition bars a law enforcement officer from using government property, including “physical accouterments” of the office such as a uniform and badge, to promote a political campaign.⁷ Specifically, law enforcement officers who are also candidates may not wear their official badges or uniforms in their campaign materials because it creates the appearance of a government endorsement and provides an unfair advantage to the candidate at government cost.⁸

In October 2019, the Commission sent a letter to the Nevada Sheriffs’ and Chiefs’ Association, of which Sheriff Lombardo is the Sergeant at Arms, to remind officers that “no state or local government law enforcement official, including an elected, incumbent official, may wear his/her uniform, badge or other physical accouterment of office . . . in support or opposition of a political campaign, including his/her own campaign or as an endorsement.”⁹

Despite the Commission’s clear reminder, Sheriff Lombardo has frequently worn his official uniform and badge, and what appears to be his service weapon, in his Campaign materials to promote his Campaign. Footage of Sheriff Lombardo in his official uniform and badge features prominently on the homepage of his Campaign website, and is promoted extensively throughout his Campaign’s social media pages. Far from being isolated or one-off incidents, Sheriff Lombardo’s repeated violations constitute a pattern of flouting the law in pursuit of his own personal advancement.

Public office is a public trust to be held for the sole benefit of the people.¹⁰ This responsibility is all the more crucial where the office at issue is of the sheriff, who is entrusted with upholding the law. But rather than upholding the law and the integrity of his office, Sheriff Lombardo has flagrantly violated the law and exploited government resources for his own personal gain to advance his political campaign. We urge the Commission to take action to uphold the public trust, and make clear that no one, not even the Sheriff, is above the law.

⁶ Nev. Rev. Stat. Ann. § 281A.400(7). A sheriff’s office uniform and badge, which signify the power and prestige of the office, are considered governmental property or equipment under this statute, and a public officer has a significant personal and pecuniary interest in obtaining or maintaining an elected paid position. *See In re Antinoro*, Comm’n Op. No. 18-031C, 18-052C (Nev. 2019).

⁷ *See In re Kirkland*, Comm’n Op. No. 98-41 (Nev. 1998) (finding that Nevada law prohibited a sheriff from appearing in an official uniform and badge in a political ad to endorse another candidate); *In re Kuzanek*, Comm’n Op. No. 14-61C (Nev. 2014) (concluding that an undersheriff violated Nevada law when he appeared in full uniform and used his badge in campaign photos); *In re Antinoro*, Comm’n Op. No. 18-031C, 18-052C (Nev. 2019) (holding that an elected sheriff’s use of his official uniform and badge in the course of supporting his own campaign for re-election violated state law).

⁸ *Id.*

⁹ Letter from Yvonne Nevarez-Goodson, Exec. Director, Nev. Comm’n on Ethics, to Eric Spratley, Exec. Director, Nev. Sheriffs’ and Chiefs’ Assoc. (Oct. 7, 2019).

¹⁰ Nev. Rev. Stat. Ann. § 281A.020(1)(a).

Sincerely,

Matthew P. DeFalco

Matthew DeFalco
DeFalco.Nevada@gmail.com
702-845-4431

Date: October 21st, 2021

Appendix

Campaign Website:



Get to Know JoeIssuesMediaGet Involved



DONATE



Joe is Running for Governor to Save Nevada


Joe Lombardo began his service to others in the United States Army and served bravely in the Army, National Guard, and Army Reserve - protecting Americans both domestically and abroad. After his service to his country, Joe dedicated himself to protecting our communities -- serving in law enforcement over the last 30 years.

Joe quickly rose through the ranks of the Las Vegas Metropolitan Police Department (LVMPD) and, after 26 years on the force, was elected as Sheriff of Clark County, Nevada in 2014.






Throughout Joe's career, his leadership of our communities has never faltered. He now intends to further his public service and represent, protect, and serve the entire state of Nevada.

Sheriff Lombardo maintains professional affiliations which include Major Cities Chiefs Association (MCCA), Major County Sheriffs of America (MCSA), National Sheriffs Association (NSA), FBI - Law Enforcement Executive Development Association (LEEDA), Vice-Chair Nevada Commission for Homeland Security and Federal Bureau of Investigation (FBI) National Academy Associates.


He has also served as Board Member for the LVMPD Foundation (2007-2014), After School



Get to Know JoeIssuesMediaGet Involved



DONATE



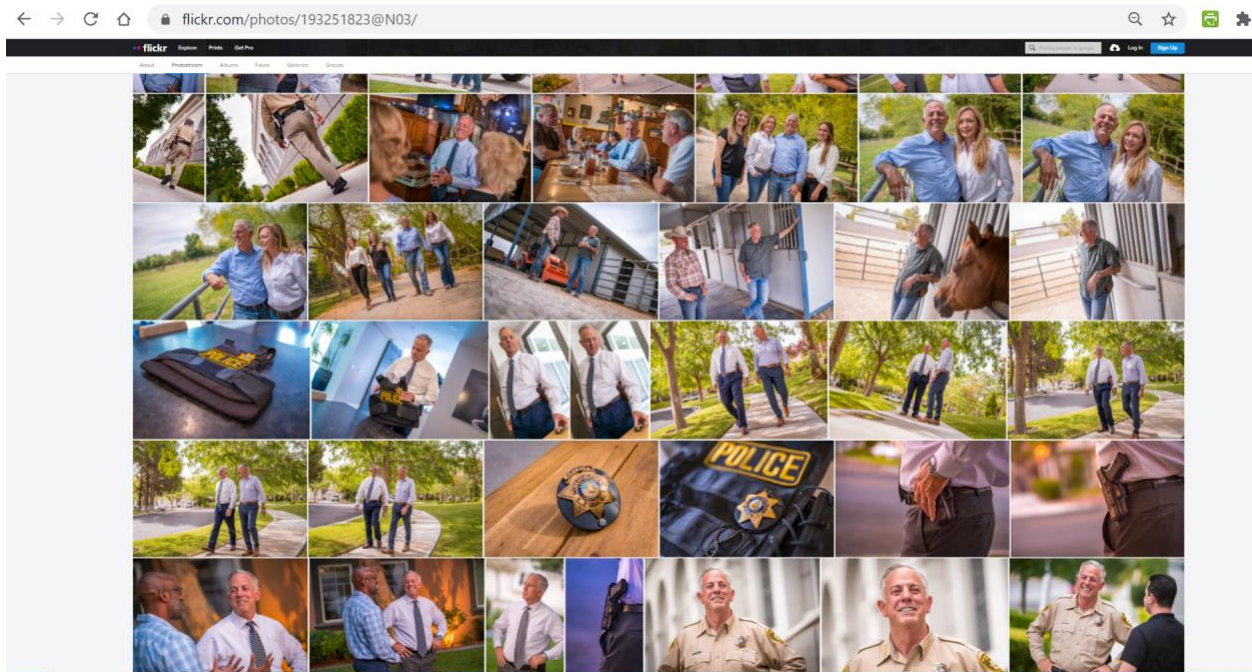
It's Time to Take Our State Back

DONATE

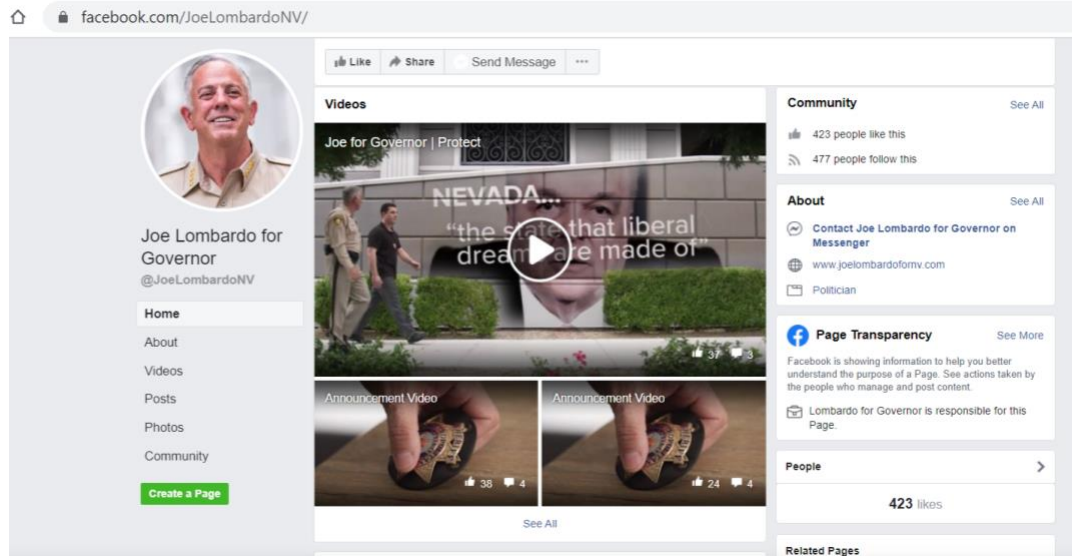
Campaign Website and Vimeo:



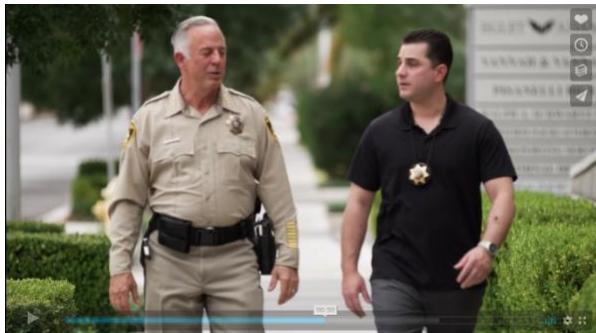
Campaign Flickr



Campaign Facebook



Campaign Announcement Video





STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Joseph M. Lombardo**, Sheriff
of Clark County, State of Nevada,

Ethics Complaint
Case No. 21-082C
Confidential

Subject. /

ORDER ON JURISDICTION AND INVESTIGATION

Pursuant to NRS 281A.715

The Nevada Commission on Ethics ("Commission") received an Ethics Complaint ("Complaint") on October 21, 2021 regarding Joseph M. Lombardo ("Subject"). On November 18, 2021, pursuant to the requirements of the Nevada Ethics in Government Law set forth in NRS Chapter 281A ("Ethics Law") and NAC 281A.405, the Commission conducted its jurisdictional and evidentiary review of the record, including the Ethics Complaint, supporting evidence and the recommendation of the Executive Director.¹

IT IS HEREBY ORDERED:

The Commission accepts jurisdiction of this Ethics Complaint and directs the Executive Director to investigate the Subject's alleged violation of the following provision of the Ethics Law for using official law enforcement equipment and resources for his campaign for Governor of Nevada:

NRS 281A.400(7) Using governmental time, property or equipment or other facility to benefit his significant personal or pecuniary interest or that of a person to whom he has a commitment in a private capacity.

The Commission further directs the Executive Director to serve this order with a Notice of Complaint and Investigation as required by NRS 281A.720.

DATED this 18th day of November, 2021.

NEVADA COMMISSION ON ETHICS

/s/ Kim Wallin

Kim Wallin, CPA, CMA, CFM
Commission Chair

¹ The following Commissioners participated in approving this jurisdictional review: Chair Wallin, Vice-Chair Duffrin and Commissioners Gruenewald, Lowry, Towler and Yen. Commissioner Sheets voted against accepting jurisdiction on the matter.

CERTIFICATE OF MAILING

I certify that I am an employee of the Nevada Commission on Ethics and that on this day in Carson City, Nevada, I deposited for mailing, via U.S. Postal Service, certified mail, through the State of Nevada mailroom, a true and correct copy of the foregoing **Order on Jurisdiction and Investigation**, addressed as follows:

Joseph M. Lombardo
Sheriff of Clark County
Las Vegas Metropolitan Police
Department
400 S. Martin L. King Blvd.
Las Vegas, NV 89106

Cert. Mail No.: 9171 9690 0935 0037 6364 84

Dated: 11/18/21



Employee, Nevada Commission on Ethics



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Joseph M. Lombardo**, Sheriff
of Clark County, State of Nevada,

Ethics Complaints
Consolidated Case Nos.
21-062C and 21-082C
Confidential

Subject. /

ORDER ON CONSOLIDATION

Pursuant to NAC 281A.260

The Nevada Commission on Ethics ("Commission") received Ethics Complaint Nos. 21-062C and 21-082C ("Complaints"), regarding Joseph M. Lombardo ("Subject"). Pursuant to the requirements of the Nevada Ethics in Government Law set forth in NRS Chapter 281A ("Ethics Law") and NAC 281A.405, the Commission issued separate Orders in each Complaint case accepting jurisdiction and directing the Executive Director to investigate the alleged violations implicating NRS 281A.400(2) and (7) in Case No. 21-062C and NRS 281A.400(7) in Case No. 21-082C.

The Commission finds that there is good cause to consolidate the Complaints for all future proceedings because they share common facts and issues. Therefore, the Commission hereby consolidates Ethics Complaint Nos. 21-062C and 21-082C.¹

IT IS SO ORDERED.

DATED this 18th day of November, 2021.

NEVADA COMMISSION ON ETHICS

/s/ Kim Wallin

Kim Wallin, CPA, CMA, CFM
Commission Chair

¹ The Commission or the Chair may consolidate, in whole or in part, two or more ethics complaints if the Commission or the Chair determines that the ethics complaints, share common facts and issues. NAC 281A.260.

CERTIFICATE OF MAILING

I certify that I am an employee of the Nevada Commission on Ethics and that on this day in Carson City, Nevada, I deposited for mailing, via U.S. Postal Service, certified mail, return receipt requested, through the State of Nevada mailroom, a true and correct copy of the foregoing **Order on Consolidation**, addressed as follows:

Joseph M. Lombardo
Sheriff of Clark County
Las Vegas Metropolitan
Police Department
400 S. Martin L. King Blvd.
Las Vegas, NV 89106

Cert. Mail No.: 9171 9690 0935 0037 6364 84

Dated: 11/18/21



Employee, Nevada Commission on Ethics

1
2
3 **STATE OF NEVADA**

4 **BEFORE THE COMMISSION ON ETHICS**

5
6 In re **Joseph M. Lombardo**,
7 Sheriff of Clark County,
8 State of Nevada,

Consolidated Ethics Complaint
Case Nos. 21-062C, 21-082C

9
10 Subject /

11 **STIPULATED FACTS AND DOCUMENTS**

12 Ross E. Armstrong, Esq., Executive Director of the Nevada Commission on
13 Ethics ("Commission"), through the Commission's Associate Counsel, Elizabeth J.
14 Bassett, Esq., and Joseph M. Lombardo, through his attorney Samuel R. Mirkovich,
15 Esq. of the law firm Campbell & Williams, hereby jointly submit the following Stipulated
16 Facts and Documents.

17 **STATEMENT OF STIPULATED FACTS**

- 18 1. Joseph M. Lombardo ("Lombardo") was the elected Sheriff of the Las Vegas
19 Metropolitan Police Department ("LVMPD") in 2014 and 2018.
20 2. Sheriff is a public officer as defined in NRS 281A.160. Sheriff is the only
21 uniformed public office in the State of Nevada. A sheriff is never "off duty,"
22 and must always be required to respond to a law enforcement emergency.
23 3. Clark County is a political subdivision as defined in NRS 281A.145.
24 4. The LVMPD is a local agency as defined in NRS 281A.119. LVMPD
25 receives funding from the federal government of the United States of
26 America.
27 5. LVMPD's Policy Manual is publicly available. See Exhibit "35." Section
28 2/114.00 sets forth LVMPD's Political Activities Policy and allows LVMPD
employees to appear in uniform for their own campaign photographs since
their doing so "does not constitute an endorsement."

- 1 6. Lombardo announced his candidacy for the office of Governor of Nevada on
2 or about June 28, 2021.
- 3 7. Lombardo campaigned as a candidate for the office of Governor of Nevada
4 from on or about June 28, 2021 to on or about election day, November 8,
5 2022.
- 6 8. Because the Nevada Legislature declined to make the position of sheriff a
7 “resign to run” position, Lombardo remained a public officer as defined in
8 NRS 281A.160 throughout his gubernatorial campaign.
- 9 9. The video located at <https://youtu.be/9E-NjOsJKN8>, Exhibit 1, features
10 Lombardo announcing his candidacy for the office of Governor of Nevada
11 on June 28, 2021.
- 12 10. Exhibit 1 was filmed at the office of Lombardo’s campaign manager, not his
13 LVMPD office. Exhibit 1 does not depict any LVMPD employees, LVMPD
14 insignia, or anything else that would give viewers a reason to believe
15 Lombardo was in his LVMPD office.
- 16 11. Lombardo is wearing a LVMPD Sheriff’s badge on his lapel in Exhibit 1.
- 17 12. During the course of Lombardo’s partisan political campaign, he created
18 certain photographs and videos. At issue below is one campaign video, a
19 still shot from that same campaign video, and two photographs. As set forth
20 in greater detail below, the foregoing images depict Lombardo in his
21 Sheriff’s uniform and/or wearing his Sheriff badge or lapel pin. The firearm
22 depicted in these images is that which he is required to carry as Sheriff, and
23 is Lombardo’s personal property (as opposed to LVMPD property).
- 24 13. The creation of the foregoing images (i) did not interfere with Lombardo’s
25 duties as Sheriff, (ii) did not violate any LVMPD policy, and (iii) to the extent
26 they posed any cost to LVMPD or the public, such cost was nominal.
- 27 14. The twitter account belonging to Lombardo’s campaign for Governor of
28 Nevada is @JoeLombardoNV.
15. Tweets posted to @JoeLombardoNV were posted in support of Lombardo’s
campaign for Governor of Nevada

- 1 16.Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
2 Sheriff's badge in Exhibit 2, which is a video posted on @JoeLombardoNV
3 on June 28, 2021.
- 4 17.Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
5 Sheriff's badge in Exhibit 3, which is a picture posted as part of a tweet on
6 @JoeLombardoNV on June 28, 2021.
- 7 18.Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
8 Sheriff's badge in Exhibit 4, which is a video posted on @JoeLombardoNV
9 on July 1, 2021.
- 10 19.Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
11 Sheriff's badge in Exhibit 5, which is a tweet posted on @JoeLombardoNV
12 on July 7, 2021.
- 13 20.Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
14 Sheriff's badge in Exhibit 6, which is a tweet posted on @JoeLombardoNV
15 on July 8, 2021.
- 16 21.Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
17 Sheriff's badge in Exhibit 7, which is a tweet posted on @JoeLombardoNV
18 on July 14, 2021.
- 19 22.Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
20 Sheriff's badge in Exhibit 8, which is a video posted on @JoeLombardoNV
21 on July 18, 2021.
- 22 23.Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
23 Sheriff's badge in Exhibit 9, which is a tweet posted on @JoeLombardoNV
24 on July 18, 2021.
- 25 24.Lombardo was wearing his LVMPD Sheriff's badge in Exhibit 10, which is a
26 tweet posted on @JoeLombardoNV on July 22, 2021.
- 27 25.Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
28 Sheriff's badge in Exhibit 11, which is a video posted on @JoeLombardoNV
on July 23, 2021.

- 1 26. Lombardo was wearing his LVMPD Sheriff's badge in Exhibit 12, which is a
2 tweet posted on @JoeLombardoNV on July 27, 2021.
- 3 27. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
4 Sheriff's badge in Exhibit 13, which is a video posted on @JoeLombardoNV
5 on July 30, 2021.
- 6 28. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
7 Sheriff's badge in Exhibit 14, which is a tweet posted on @JoeLombardoNV
8 on August 3, 2021.
- 9 29. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
10 Sheriff's badge in Exhibit 15, which is a tweet posted on @JoeLombardoNV
11 on August 5, 2021.
- 12 30. Lombardo was wearing his LVMPD Sheriff's uniform, his LVMPD Sheriff's
13 badge in Exhibit 16, which is a video posted on @JoeLombardoNV on
14 August 8, 2021.
- 15 31. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
16 Sheriff's badge in Exhibit 17, which is a tweet posted on @JoeLombardoNV
17 on August 12, 2021.
- 18 32. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
19 Sheriff's badge in Exhibit 18, which is a second tweet posted on
20 @JoeLombardoNV on August 12, 2021.
- 21 33. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
22 Sheriff's badge in Exhibit 19, which is a tweet posted on @JoeLombardoNV
23 on August 13, 2021.
- 24 34. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
25 Sheriff's badge in Exhibit 20, which is a second tweet posted on
26 @JoeLombardoNV on August 13, 2021.
- 27 35. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
28 Sheriff's badge in Exhibit 21, which is a tweet posted on @JoeLombardoNV
on August 18, 2021.

- 1 36. Lombardo was wearing his LVMPD Sheriff's uniform, his LVMPD Sheriff's
2 badge in Exhibit 22, which is a video posted on @JoeLombardoNV on
3 August 19, 2021.
- 4 37. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
5 Sheriff's badge in Exhibit 23, which is a tweet posted on @JoeLombardoNV
6 on August 20, 2021.
- 7 38. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
8 Sheriff's badge in Exhibit 24, which is a tweet posted on @JoeLombardoNV
9 on September 9, 2021.
- 10 39. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
11 Sheriff's badge in Exhibit 25, which is a tweet posted on @JoeLombardoNV
12 on September 10, 2021.
- 13 40. Lombardo was wearing his LVMPD Sheriff's badge in Exhibit 26, which is a
14 second tweet posted on @JoeLombardoNV on September 10, 2021.
- 15 41. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
16 Sheriff's badge in Exhibit 27, which is a video posted on @JoeLombardoNV
17 on September 14, 2021.
- 18 42. The Facebook account belonging to Lombardo's campaign for Governor of
19 Nevada is entitled "Joe Lombardo for Governor".
- 20 43. Posts to the Facebook page "Joe Lombardo for Governor" were made in
21 support of Lombardo's campaign for Governor of Nevada.
- 22 44. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
23 Sheriff's badge in Exhibit 28, which is Facebook post on "Joe Lombardo for
24 Governor" on July 8, 2021.
- 25 45. Lombardo was wearing his LVMPD Sheriff's badge in Exhibit 29, which is a
26 Facebook post on "Joe Lombardo for Governor" on July 27, 2021.
- 27 46. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
28 Sheriff's badge in Exhibit 30, which is a Facebook post on "Joe Lombardo
for Governor" on August 5, 2021.

1 47. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
2 Sheriff's badge in Exhibit 31, which is a Facebook post on "Joe Lombardo
3 for Governor" on September 9, 2021.

4 48. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
5 Sheriff's badge in Exhibit 32, which is a Facebook post on Joe Lombardo for
6 Governor on July 7, 2021.

7 49. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
8 Sheriff's badge in Exhibit 33, which is a Facebook post on Joe Lombardo for
9 Governor on July 14, 2021.

10 50. Lombardo was wearing his LVMPD Sheriff's badge in Exhibit 34, which is a
11 Facebook post on Joe Lombardo for Governor on July 22, 2021.

12 **STIPULATED DOCUMENTS**

13 Exhibit 1: The video located at <https://youtu.be/9E-NjOsJKN8> features Lombardo
14 announcing his candidacy for the office of Governor of Nevada on June
15 28, 2021.

16 Exhibit 2: A video posted to @JoeLombardoNV on June 28, 2021 as part of a
17 tweet announcing Lombardo's candidacy for the office of Governor of
18 Nevada.

19 Exhibit 3: A tweet posted on @JoeLombardoNV on June 28, 2021.

20 Exhibit 4: A video posted on @JoeLombardoNV on July 1, 2021.

21 Exhibit 5: A tweet posted on @JoeLombardoNV on July 7, 2021.

22 Exhibit 6: A tweet posted on @JoeLombardoNV on July 8, 2021.

23 Exhibit 7: A tweet posted on @JoeLombardoNV on July 14, 2021.

24 Exhibit 8: A video posted on @JoeLombardoNV on July 18, 2021.

25 Exhibit 9: A tweet posted on @JoeLombardoNV on July 18, 2021.

26 Exhibit 10: A tweet posted on @JoeLombardoNV on July 22, 2021.

27 Exhibit 11: A video posted on @JoeLombardoNV on July 23, 2021.

28 Exhibit 12: A tweet posted on @JoeLombardoNV on July 27, 2021.

Exhibit 13: A video posted on @JoeLombardoNV on July 30, 2021.

Exhibit 14: A tweet posted on @JoeLombardoNV on August 3, 2021.
Exhibit 15: A tweet posted on @JoeLombardoNV on August 5, 2021.
Exhibit 16: A video posted on @JoeLombardoNV on August 8, 2021.
Exhibit 17: A tweet posted on @JoeLombardoNV on August 12, 2021.
Exhibit 18: A second tweet posted on @JoeLombardoNV on August 12, 2021.
Exhibit 19: A tweet posted on @JoeLombardoNV on August 13, 2021.
Exhibit 20: A second tweet posted on @JoeLombardoNV on August 13, 2021.
Exhibit 21: A tweet posted on @JoeLombardoNV on August 18, 2021.
Exhibit 22: A video posted on @JoeLombardoNV on August 19, 2021.
Exhibit 23: A tweet posted on @JoeLombardoNV on August 20, 2021.
Exhibit 24: A tweet posted on @JoeLombardoNV on September 9, 2021.
Exhibit 25: A tweet posted on @JoeLombardoNV on September 10, 2021.
Exhibit 26: A second a tweet posted on @JoeLombardoNV on September 10, 2021.
Exhibit 27: A video posted on @JoeLombardoNV on September 14, 2021.
Exhibit 28: A Facebook post on "Joe Lombardo for Governor" on July 8, 2021.
Exhibit 29: A Facebook post on "Joe Lombardo for Governor" on July 27, 2021.
Exhibit 30: A Facebook post on "Joe Lombardo for Governor" on August 5, 2021.
Exhibit 31: A Facebook post on "Joe Lombardo for Governor" on September 9, 2021.
Exhibit 32: A Facebook post on "Joe Lombardo for Governor" on July 7, 2021.
Exhibit 33: A Facebook post on "Joe Lombardo for Governor" on July 14, 2021.
Exhibit 34: A Facebook post on "Joe Lombardo for Governor" on July 22, 2021.

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1 Exhibit 35: LVMPD's Policy Manual.

2
3 DATED this 12th day of January, 2023.

4
5 NEVADA COMMISSION ON ETHICS

CAMPBELL & WILLIAMS

6
7 /s/Elizabeth J. Bassett

8 Elizabeth J. Bassett, Esq.

9 Associate Counsel

10 704 West Nye Lane, Suite 204

11 Carson City, Nevada 89703

/s/ Samuel R. Mirkovich

Samuel R. Mirkovich, Esq.

710 South Seventh St. Ste. A

Las Vegas, NV 89101

STIPULATED DOCUMENTS
EXHIBIT 1

The video located at <https://youtu.be/9E-NjOsJKN8> featuring Sheriff Joseph Lombardo announcing his candidacy for the office of Governor of Nevada on June 28, 2021.

STIPULATED DOCUMENTS
EXHIBIT 2

The video posted to @JoeLombardoNV on June 28, 2021 as part of a tweet announcing Lombardo's candidacy for the office of Governor of Nevada.

STIPULATED DOCUMENTS
EXHIBIT 3



Joe Lombardo  @JoeLombardoNV · Jun 28, 2021



 Governor candidate, NV

Unchecked, single-party rule is destroying the Nevada we know.
It's time to take our state back - that's why I'm running for Governor of Nevada!

Help spread the word by retweeting this post! [#Joe4NV](#)

Donate:

Why I'm Running?

- Protect and defend our rights
- Say **NO** and veto any new tax increase
- Fix our broken immigration system
- Put Nevada families first by allowing them to choose what's best for their children

Joe
Lombardo
FOR GOVERNOR



secure.winred.com

Donate to Lombardo

Donate to Lombardo



 **HB00034**

STIPULATED DOCUMENTS
EXHIBIT 4


A video posted on @JoeLombardoNV on July 1, 2021

STIPULATED DOCUMENTS
EXHIBIT 5



Joe Lombardo ✓ @JoeLombardoNV · Jul 7, 2021



 Governor candidate, NV

Joe is a lifelong Republican. He understands what makes us great and he'll fight to protect it - just like he always has.



**Who is
Joe?**

- A 30-year member of the law enforcement community.
- Our Government has gone too far left.
- He knows what makes us great.

Joe Lombardo
FOR GOVERNOR



HB 00038

STIPULATED DOCUMENTS
EXHIBIT 6



Joe Lombardo ✓ @JoeLombardoNV · Jul 8, 2021

👮 Governor candidate, NV

I've served and protected for the last 33 years.

Now, I'm ready to serve as Governor of Nevada and save us from [#SocialistSisolak](#)'s extreme policies. [#Joe4NV](#)
bit.ly/3jXKI4X

Why I'm Running?

- Protect and defend our rights
- Veto any tax increase
- Pass election reform
- Put Nevada families first by allowing them to choose what is best for their children

Joe
Lombardo
FOR GOVERNOR



HB 00040

STIPULATED DOCUMENTS
EXHIBIT 7



Joe Lombardo ✓ @JoeLombardoNV · Jul 14, 2021



Governor candidate, NV

Sheriff Joe made sure our streets were not blocked, our neighborhoods were not taken over, and our [#smallbiz](#) were not harassed. He made OUR rights as law-abiding citizens his priority.

Joe knows he works for you and is committed to earning your trust in his campaign for Gov.



HB 00042

STIPULATED DOCUMENTS
EXHIBIT 8

A video posted on @JoeLombardoNV on July 18, 2021

STIPULATED DOCUMENTS
EXHIBIT 9



Joe Lombardo  @JoeLombardoNV · Jul 18, 2021



 Governor candidate, NV

What's Sheriff Joe Lombardo's plan for Election Reform?

Sheriff Joe Lombardo's Election Reform Plan

1. Eliminate ballot harvesting.
2. Stop sending ballots to people who didn't ask for them.
3. Pass voter ID.
4. Create a bipartisan panel to oversee the elections.

Joe
Lombardo
FOR GOVERNOR



2



7

HB 00046



STIPULATED DOCUMENTS
EXHIBIT 10



Joe Lombardo  @JoeLombardoNV · Jul 22, 2021

...

 Governor candidate, NV

Stay up to date with everything that's going on with Team Lombardo by following us on all of our social media platforms! You don't want to miss out. [#TeamJoeforNV](#)



 1

 1

 9

HB  00048

STIPULATED DOCUMENTS
EXHIBIT 11

A video posted on @JoeLombardoNV on July 23, 2021

STIPULATED DOCUMENTS
EXHIBIT 12



Joe Lombardo ✓ @JoeLombardoNV · Jul 27, 2021

...

Governor candidate, NV

Sheriff Joe Lombardo has a record of putting your rights FIRST.

As Sheriff, Joe made sure our streets were not blocked, our neighborhoods were not taken over, and our businesses were not vandalized.

He knows he works for YOU!

“ ”

As Sheriff, Joe Lombardo made
OUR rights as law abiding
citizens his priority.

As Governor, he will do the same.

Joe
Lombardo
FOR GOVERNOR



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10

HB 00052

STIPULATED DOCUMENTS
EXHIBIT 13

A video posted on @JoeLombardoNV on July 30, 2021

STIPULATED DOCUMENTS
EXHIBIT 14



Joe Lombardo  @JoeLombardoNV · Aug 3, 2021

...

 Governor candidate, NV

The days of single-party Democrat rule in Nevada are coming to an end.

We need to elect Sheriff Joe Lombardo as Governor of Nevada in 2022.

Share this graphic if you agree.



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 6

 14

HB 00056 

STIPULATED DOCUMENTS
EXHIBIT 15



Joe Lombardo ✓ @JoeLombardoNV · Aug 5, 2021



Governor candidate, NV

I will stop ALL efforts to Defund the Police and go one step further – I'll make the safety of law-abiding citizens THE priority.

“

Our country needs an experienced law and order leader now more than ever - **that's why I'm running for Governor.**

Joe
Lombardo
FOR GOVERNOR



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16

HB 00058

STIPULATED DOCUMENTS
EXHIBIT 16

A video posted on @JoeLombardoNV on August 8, 2021

STIPULATED DOCUMENTS
EXHIBIT 17



Joe Lombardo ✓ @JoeLombardoNV · Aug 12, 2021



Governor candidate, NV

Education Reform is a priority for Sheriff Joe Lombardo in his campaign for Nevada's Governor.

Where does Sheriff Joe Lombardo stand on Education Reform? Take a look below

Sheriff Joe Lombardo's Education Reform Plan

1. Support "Read by three"
2. Expanding charter schools, school choice, and opportunity scholarships
3. Focus on job and career training



**Joe
Lombardo**
FOR GOVERNOR



HB 00062

STIPULATED DOCUMENTS
EXHIBIT 18



Joe Lombardo ✓ @JoeLombardoNV · Aug 12, 2021



👮 Governor candidate, NV

What's one way to help better prepare our children for the future?

Career training. Career training and "real-world" experience provides the hands on approach to help students, no matter what their age, learn.

“”

We must promote
vocational and job training
across Nevada **to**
prepare our kids for the
jobs of the future.


Joe
Lombardo
FOR GOVERNOR



HB 00064

STIPULATED DOCUMENTS
EXHIBIT 19



Joe Lombardo  @JoeLombardoNV · Aug 13, 2021



 Governor candidate, NV

Our voice at the ballot box is too important not to protect - and I am committed to strengthening our elections by giving NV this much-needed reform!

Sheriff Joe Lombardo's Election Reform Plan

1. Eliminate ballot harvesting.
2. Stop sending ballots to people who didn't ask for them.
3. Pass voter ID.
4. Create a bipartisan panel to oversee the elections.

Joe
Lombardo
FOR GOVERNOR




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HB  00066

STIPULATED DOCUMENTS
EXHIBIT 20



Joe Lombardo  @JoeLombardoNV · Aug 13, 2021

 Governor candidate, NV

What I said in my announcement speech back in June still holds true. Education reform is needed in Nevada if we are going to prepare our children and grandchildren for the workforce of the future!

“ As Governor, I will block any attempt to force Critical Race Theory on our public-school children. We can teach our children to respect each other and treat everyone with dignity. We must bring back a focus on trades so Nevada can attract good paying manufacturing jobs and we must do a better job of keeping our best and brightest right here in Nevada.

- SHERIFF JOE LOMBARDO
ANNOUNCEMENT SPEECH, JUNE 28TH, 2021

”



Joe Lombardo
FOR GOVERNOR

HB 00068

STIPULATED DOCUMENTS
EXHIBIT 21



Joe Lombardo  @JoeLombardoNV · Aug 18, 2021

...

 Governor candidate, NV

Sheriff Lombardo is dedicated to keeping us safe, and he has a strong background of protecting and putting our rights as law abiding citizens FIRST. [#Joe4NV](#)

WHO IS JOE?

- *Military Background*
- *Current Sheriff*
- *Lifelong Republican*



Joe
Lombardo
FOR GOVERNOR



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 12

HB 00070 

STIPULATED DOCUMENTS
EXHIBIT 22

A video posted on @JoeLombardoNV on August 19, 2021

STIPULATED DOCUMENTS
EXHIBIT 23



Joe Lombardo  @JoeLombardoNV · Aug 20, 2021



 Governor candidate, NV

When I first ran for Sheriff, people told me I needed to switch parties in order to be elected. Let me be clear, I will never sacrifice my values & give into Single-party rule! I'm a lifelong Republican who will protect & serve our great state, just as I have for Clark County!




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HB  00074

STIPULATED DOCUMENTS
EXHIBIT 24



Joe Lombardo  @JoeLombardoNV · Sep 9, 2021

...

 Governor candidate, NV

As Governor of Nevada I will ensure sanctuary cities are banned for the safety and wellbeing of all Nevadans!

Did You Know?

Sheriff Joe Lombardo opposes sanctuary cities and when the ACLU sued to prevent law enforcement from using a national database, as Sheriff, Joe developed an internal system to identify and report illegal immigrants.


Joe
Lombardo
FOR GOVERNOR



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HB  00076

STIPULATED DOCUMENTS
EXHIBIT 25



Joe Lombardo ✓ @JoeLombardoNV · Sep 10, 2021



 Governor candidate, NV

Securing our southern border is a national security issue that's become a debacle by the left. I have a "zero tolerance" policy for illegal immigration & as your Gov. I'll implement that policy across the state to protect you, your children, & your grandchildren.

"America must secure its borders and protect its citizens from those who wish to do us harm. America must also oppose and defund Sanctuary Cities."

- SHERIFF JOE LOMBARDO, REPUBLICAN CANDIDATE FOR GOVERNOR OF NV



Joe Lombardo
FOR GOVERNOR



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HB  00078

STIPULATED DOCUMENTS
EXHIBIT 26



Joe Lombardo ✓ @JoeLombardoNV · Sep 10, 2021



📄 Governor candidate, NV

Click the link below to become part of the team to take Nevada back!

IT'S TIME TO
**TAKE
BACK
NEVADA!**

JOIN TEAM JOE

Joe Lombardo
FOR NEVADA

secure.winred.com
Join Team Joe Today!
We Want You To Join Team Joe Lombardo for Nevada!

The graphic features a dark blue background with a large red diagonal stripe on the right side. On the right, a man (Joe Lombardo) in a white shirt and tie stands with his hand on his hip. The text 'IT'S TIME TO TAKE BACK NEVADA!' is prominently displayed in white and red. Below this is a red button with 'JOIN TEAM JOE' in white. To the right of the button is the text 'Joe Lombardo FOR NEVADA'. At the bottom, a white box contains the website 'secure.winred.com', the phrase 'Join Team Joe Today!', and the statement 'We Want You To Join Team Joe Lombardo for Nevada!'.



HB 00080

STIPULATED DOCUMENTS
EXHIBIT 27

A video posted on @JoeLombardoNV on September 14, 2021

STIPULATED DOCUMENTS
EXHIBIT 28



Joe Lombardo for Governor

...

Jul 8, 2021 · 🌐

I've served and protected for the last 33 years.

Now, I'm ready to serve as Governor of Nevada and save us from **#SocialistSisolak's** extreme policies. **#Joe4NV** <https://bit.ly/3jXKl4X>

Why I'm Running?

- Protect and defend our rights
- Veto any tax increase
- Pass election reform
- Put Nevada families first by allowing them to choose what is best for their children

Joe Lombardo
for Governor



👍❤️ 62

👍 62

💬 2

HB 00084

➦ 4

STIPULATED DOCUMENTS
EXHIBIT 29



Joe Lombardo for Governor

Jul 27, 2021 · 🌐



Sheriff Joe Lombardo has a record of putting your rights FIRST.

As Sheriff, Joe made sure our streets were not blocked, our neighborhoods were not taken over, and our businesses were not vandalized.

He knows he works for YOU!

“”

As Sheriff, Joe Lombardo made **OUR** rights as law abiding citizens his priority.

As Governor, he will do the same.



Joe Lombardo
for governor

👍❤️😂 30

👍 30

💬 9 HB 00086

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STIPULATED DOCUMENTS
EXHIBIT 30



Joe Lombardo for Governor



Aug 5, 2021 · 🌐

I will stop ALL efforts to Defund the Police and go one step further – I'll make the safety of law-abiding citizens THE priority.

“”

Our country needs an experienced law and order leader now more than ever - **that's why I'm running for Governor.**

Joe Lombardo
FOR GOVERNOR



👍❤️ 42

👍 42

💬 1

HB 00088

🔗 14

STIPULATED DOCUMENTS
EXHIBIT 31



Joe Lombardo for Governor

...

Sep 9, 2021 · 🌐

As Governor of Nevada I will ensure sanctuary cities are banned.

Did You Know?

Sheriff Joe Lombardo opposes sanctuary cities and when the ACLU sued to prevent law enforcement from using a national database, as Sheriff, Joe developed an internal system to identify and report illegal immigrants.

Joe Lombardo
FOR GOVERNOR



HB 00090

STIPULATED DOCUMENTS
EXHIBIT 32



Joe Lombardo for Governor

Jul 7, 2021 · 🌐



Joe is a lifelong Republican. He understands what makes us great and he'll fight to protect it - just like he always has.



Who is Joe?

- A 30-year member of the law enforcement community
- Our Government has gone too far left
- He knows what makes us great

Joe Lombardo
FOR GOVERNOR

👍❤️ 68

👍 68

💬 1 HB 00092

➦ 34

STIPULATED DOCUMENTS
EXHIBIT 33



Joe Lombardo for Governor



Jul 14, 2021 · 🌐

As Sheriff, Joe Lombardo made sure our streets were not blocked, our neighborhoods were not taken over, and our businesses we not harassed. He made OUR rights as law abiding citizens his priority.

Joe knows he works for you and he is committed to earning your vote and trust in his campaign for Governor



👍❤️ 68

HB 00094

👍 68

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👍 5

STIPULATED DOCUMENTS
EXHIBIT 34



Joe Lombardo for Governor



Jul 22, 2021 · 🌐

Stay up to date with everything that's going on with Team Lombardo by following us on all of our social media platforms! You don't want to miss out.



Joe
Lombardo
FOR GOVERNOR



@JoeLombardoNV



Write a comment... **HB 00096**



STIPULATED DOCUMENTS
EXHIBIT 35

Las Vegas Metropolitan Police Department

Partners with the Community

2/114.00

POLITICAL ACTIVITIES POLICY

It is the policy of this department that its facilities, equipment and on-duty personnel will not be used by political candidates seeking public office for ANY political purpose. Candidates may be escorted through open work areas; however, they may not attend or interrupt meetings, conferences or briefings to campaign. They may shake hands and distribute literature while being escorted through open work areas though no campaign literature (posters, flyers, buttons, etc.) will be left for distribution, posted or prominently displayed in any department area. Candidates' visits and escorts are coordinated and approved by the Office of Intergovernmental Services.

Photographing or filming within department facilities will not be allowed, however, public areas or parking lots may be used as long as property, equipment, or personnel are not "posed" specifically for the photography (the use of shift changes and vehicle check outs as background are unavoidable). Department employees are not authorized to appear in any photograph or commercial on duty and may not appear, in uniform, while off duty. The only exception to this is for an LVMPD employee who is a candidate, appearing in his own photograph since this does not constitute an endorsement. Questions and/or authorization regarding use of department property will be directed to the Office of Intergovernmental Services.

Department members who are political candidates (or members working on their behalf) must ensure their conduct is responsive to the citizens of Clark County in a law enforcement capacity first and foremost. Any campaigning that must be done during normal work hours will require the use of leave and a leave slip must be submitted. Department issued cellular telephones will not be used for ANY unofficial purpose related to political activities. Department vehicles are provided for public safety purposes only and should not be used for political activities. If unavoidable, mileage must be logged and reimbursed to the department at the prevailing Federal rate. Such logs will be submitted to the Chief Financial Officer, Office of Finance, by the 5th of each month.

While on duty or acting under "color of law" members shall not solicit or make contributions directly or indirectly, on any pretext, to any person, committee, or association, for political purposes, nor shall they interfere or use the influence of their office for political reasons.

Department values (particularly integrity and accountability in this case) must be demonstrated by the actions of employees to ensure the community that they can depend on members of this department to act in a responsible and ethical manner at ALL times. (1/09, 2/11)■

Las Vegas Metropolitan Police Department
Partners with the Community

4/103.14

PUBLIC STATEMENTS ABOUT CONTROVERSIAL SUBJECTS

While on duty or under “color of law” members shall not publicly express an opinion on racial, religious, political, or controversial subjects, and shall refrain from public discussion of the demerits of any law, unless it is the expressed opinion of the department. Members shall not engage in political or religious discussions to the detriment of good discipline, and shall not speak disparagingly of the nationality, color, creed, or belief of any person. (7/73)■

Las Vegas Metropolitan Police Department
Partners with the Community

4/103.16 POLITICAL ACTIVITIES

While on duty or acting under “color of law” members shall not solicit or make contributions directly or indirectly, on any pretext, to any person, committee, or association, for political purposes, nor shall they interfere or use the influence of their office for political reasons. (7/73)■

Las Vegas Metropolitan Police Department

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4/103.27 SOCIAL MEDIA and ELECTRONIC COMMUNICATIONS by DEPARTMENT MEMBERS

This policy establishes the department's position on the use and management of social media and provides rules and precautions on communications, verbal or written, by department members.

DEFINITIONS

Page	The specific portion of a social media website where content is displayed and managed by an individual or individuals with administrative rights.
Post	Content an individual shares on a social media site or the act of publishing content on a site.
Profile	Personal information that a user provides on a social media site.
Public Concern	Topics that relate to a matter of political, social, or other concern to the community. It does not include topics that relate to employment/personnel matters or information learned in the course of employment.
Social Media	A category of electronic resources that integrate user-generated content and user participation, such as Facebook, Twitter, Instagram, YouTube, Snapchat, etc., and smart phone or other portable device applications.
Speech	Expressions or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, or images.

GENERAL

Public employees are public servants and are entrusted with the public trust. Because of this public trust, law enforcement personnel are held to a higher standard of professionalism than private citizens. Law enforcement personnel must work hard to gain the trust and confidence of the community they serve. Department members must give thoughtful consideration to their actions to avoid damaging the reputation and trust the department has with the community.

Department members shall abide by the following:

1. Adherence to 1/000.02, Law Enforcement Code of Ethics is required in the personal use of social media.
2. Public employees have qualified First Amendment rights. As public employees, speech, on - or off-duty, made pursuant to official duties is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the efficiency of operations of the department.
3. Department members are free to express themselves as private citizens in matters of public concern to the degree that their speech does not:
 - a. Impair working relationships of the department for which loyalty and confidentiality are important.
 - b. Impede the performance of duties.
 - c. Impair discipline and harmony among co-workers; or
 - d. Negatively impact or tend to negatively impact the department's ability to serve the public.
4. Department members will not post, transmit, or otherwise disseminate any information, documents, photos or videos, to which members have access as a result of employment, without written permission from the Sheriff, or designee.
5. Department members are prohibited from disclosing information pertaining to any other members of the Department without permission of the affected member (to include "tagging" in text or photos).
6. Officers working in a covert capacity, as defined by LVMPD 5/206.01, *Covert and Undercover Officers*, will not post any form of visual or personal identification. In addition, officers working in this capacity will not post anything that could reveal or compromise any covert operation. For officer safety purposes, it is required that officers working in a covert capacity and have posted anything, past or present, that may identify the officer as a department member must remove all such posts.

ON-THE-JOB USE OF ELECTRONIC COMMUNICATION

A. Department Sanctioned Presence:

Las Vegas Metropolitan Police Department

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- a. Each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website.
 - b. Social media page(s) will be designed for the target audiences such as potential LVMPD employees and volunteers (established and approved by the department).
1. Procedures:
 - a. All department social media sites/pages shall be approved by a Deputy Chief, or designee, or as otherwise determined and forwarded to PIO for approval and registry. All department social media sites/pages shall be regularly monitored by the bureau or section which created the page. The department member or position responsible for monitoring shall be identified to PIO.
 - b. Social media pages will clearly indicate they are maintained by the department and display department contact information prominently.
 - c. Content regarding programs, services, events or initiatives on social networking sites should point users to the LVMPD website for expanded content.
 - d. Social media content will be consistent with department strategic goals and adhere to applicable laws, regulations, and policies, including all information technology and records management policies.
 - e. Social media pages should state that the opinions expressed by visitors to the page do not reflect the opinions of the LVMPD:
 - 1) Page shall clearly indicate that posted comments will be monitored and that LVMPD reserves the right to remove postings deemed inappropriate.
 - 2) Page shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.
- B. Department-Sanctioned Use:
 1. Department members representing the department via social media outlets will do the following:
 - a. Conduct themselves at all times as representatives of LVMPD and, accordingly, shall adhere to all LVMPD 4/101.00, *General Conduct* policies and observe proper decorum.
 - b. Identify themselves as a member of the department.
 - c. Make no statements about any suspect or arrestee, or comments concerning pending prosecutions or otherwise disseminate personal or confidential information, including but not limited to photographs or videos, related to department training, activities, or work-related assignments without express written permission.
 - d. Monitor public comments and respond to those that may spread misinformation.
 - e. Conduct no political activities or private business.
 - f. Keep information current and up-to-date.
 2. Department members shall observe and abide by all copyright and trademark restrictions in posting materials to electronic media. (See LVMPD 2/125.00, *Copyright of LVMPD Emblems (Badge/Logo)*)
- C. Potential Uses:
 1. Social media is a valuable investigative tool when seeking evidence or information about missing persons, criminal investigations, etc.
 2. Social media can be used for community outreach and engagement by providing crime prevention tips, soliciting tips about crimes, etc.
 3. Social media can be used to make time-sensitive notifications related to road closures, special events, etc.

PERSONAL USE OF ELECTRONIC COMMUNICATION

- A. Precautions:
 1. Department members should be mindful that once a photo has been posted to the internet, it can never be purged out of existence. As such, department members are cautioned that the following actions could have a detrimental effect on department member's safety and the operational security of the department:
 - a. Posting/displaying department logos, uniforms, or similar identifying items on social media.
 - b. Posting/displaying on social media personal photographs or providing similar means of personal recognition that may cause a person to be identified as an officer or a department member.
 2. Department members should be aware that privacy settings and social media sites are constantly in flux, and should never assume that personal information posted on such sites is protected from public access.
 3. Department members should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the department at any time without prior notice.

Las Vegas Metropolitan Police Department

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4. Department members should be aware that they may be subject to civil litigation for:
 - a. Publishing or posting false information that harms the reputation of another person, group or organization (defamation).
 - b. Publishing or posting private facts and personal information about someone without permission that has not been previously revealed to the public, is not legitimate public concern, and would be offensive to a reasonable person.
 - c. Using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or
 - d. Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
- B. Prohibitions:
 1. Department members shall not access personal social networking site(s) while on duty.
 2. Department members shall not use the department logo, a replica of the badge or use "LVMPD" as part of a page, posting, signature or to serve as an embellishment of any statement.
 3. Department members are prohibited from speech that ridicules, maligns, disparages, or otherwise promotes discrimination against race, ethnicity, religion, sex, national origin, sexual orientation, age, disability, political affiliation, gender identity and expression or other explicit class of individuals.
 4. Department members are prohibited from speech or other expression that suggests the person is engaged in behavior reasonably considered to be unlawful or reckless toward public safety.
 5. Engaging in prohibited speech as stated in this policy, may negatively affect the department member's credibility and impair the member's ability to perform the essential job functions. A department member's speech is a reflection of character and values. Speech that fundamentally conflicts with the department's ICARE values negatively affects both the member's ability and the department's ability to serve the community. Violations of this policy or related policies (values, conduct, etc.) in the use of social media that bring the member or the department into discredit or would tend to bring the member or the department into discredit will result in the department taking appropriate action up to and including termination. (11/11, 7/15)■

Las Vegas Metropolitan Police Department

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4/107.00 APPEARANCE STANDARDS

Section 1	Purpose and Scope
Section 2	Grooming Standards
Section 3	Commissioned Uniform Standards
Section 4	Plainclothes Commissioned Dress Standards
Section 5	Civilian Dress Standards
Section 6	Uniform Management, Care, and Maintenance
Section 7	Attire for Courtroom Appearances, Administrative Hearings, and Media Briefings
Section 8	Medical Exemptions

Section 1 Purpose and Scope

It is the policy of this Department to ensure that all employees portray the most favorable image of law enforcement. Such an image should reflect a high professional standard and be consistent with public expectations, projecting uniformity and neutrality.

All supervisors are responsible for strict supervision of this policy by monitoring the daily dress and appearance of employees, conducting inspections, promptly addressing violations, and ensuring that employees' essential equipment is approved and operable.

Each area commander will ensure that a formal inspection is conducted by supervisors at least monthly to verify that employees are in compliance with Department policy. Supervisors will inspect all personnel for compliance to the grooming, uniform, equipment, and appropriate documentation/permit (e.g., possession of Nevada driver's license) guidelines established within Department policy. Additionally, supervisors will inspect all force tools (see LVMPD 6/002.02, *Use of Force*). A Squad Inspection Report (LVMPD 208) will be completed during inspections, forwarded to the bureau/area commander, and the file will be maintained for a period of one year. If bureau commanders have questions regarding an employee's professionalism or reasonableness as applicable to the standards outlined herein, they may consult the Professional Standards Division Director.

Section 2 Grooming Standards

While on duty or representing the Department, employees will be neat and clean in their public appearance. Employees will practice good personal hygiene.

DEFINITIONS

branding	The act of intentionally burning the skin for the purpose of creating designs, forms, figures, or art.
body modifications	The intentional act of modifying one's body in order to create a substitution for the natural human form. This does not include reconstructive surgeries or minor, commonly practiced cosmetic surgery.
scarification	The intentional act of cutting the skin for the purposes of creating designs, forms, figures, or art.
tattoos	The act or practice of marking the skin with indelible or semi-permanent designs, forms, figures, or art by placing ink or pigment under the skin.

HAIR

1. All Personnel
Hairstyles will be reasonable, professional, and appropriate to the business environment. Hair color will be common, natural colors with no unnaturally colored streaks. Wigs and hairpieces will also adhere to these standards.
2. Male Commissioned Personnel

Las Vegas Metropolitan Police Department

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Hair will be neat, clean, trimmed, well-groomed, and will not exceed ½ inch below the top of the buttoned shirt collar while standing. Hairstyles will be professional and conservative and will not be cut into unusual shapes (e.g., mohawk, faux-hawk, severe comb-over cuts), or have shaved designs (e.g., severe razor parts), braids, or jewelry attached. Bangs will be cut or styled so that hair will not interfere with vision. Hair on the sides of the head will be combed so as not to cover more than ½ inch of the outside portion of the ear. Sideburns will not extend past the middle of the ear, will not be any wider than one inch at the bottom, and will not be conspicuous in manner. Hair should not stand out from the head at an excessive length and will not interfere with the wearing of Departmental headwear.

3. Female Commissioned Personnel

Hair will be neat, clean, and well-groomed. Hairstyles will be professional and conservative, and will not be cut into unusual shapes (e.g., mohawk, faux-hawk, severe comb-over cuts), or have shaved designs (e.g., severe razor parts), or jewelry attached.

While in uniform, hair length will not exceed ½ inch below the top of the buttoned shirt collar while standing. Bangs will be cut or styled so that hair will not interfere with vision. Long hair may be worn if it is gathered neatly into a ponytail or braid and fastened securely to the head so that the hair does not exceed ½ inch below the top of the buttoned shirt collar while standing. Likewise, buns with loose hair extending at the end, or loose unsecured hair (not to include bangs) when medium and long hair are worn up on top of the head, are prohibited. Hair should not stand out from the head at an excessive length and will not interfere with the wearing of Departmental headwear.

Hair combs, clips, or bands may be worn to secure the hair, but they must be black, brown, or tan and without ornamentation. Combs or clips will be no longer or wider than two inches. Hairbands will be no wider than two inches.

BEARDS

1. Civilian Personnel

Beards are permitted; however, facial hair will be clipped not to exceed ¼ inch in length (not longer than a #2 clipper guard). Goatees or other customized beard creations are not permitted.

2. Commissioned Personnel

LVMPD maintains a “clean-shaven” policy and officers are not permitted to have a beard while in uniform. Beards or a growth of whiskers will be permitted only for valid medical or religious reasons (see 5/101.24 *Harassment and/or Discrimination; Prevention, and Complaint Process*), or when required by the nature of the assignment (e.g., covert officers, etc.). For medical exemption application requirements and grooming standards, see the “Medical Exemptions” section of this policy. An officer who normally works in a covert capacity and is permitted to wear a beard, will not wear the beard in uniform.

MUSTACHES

1. All Personnel

Mustaches may be worn neatly trimmed and may not extend down over the middle of the upper lip, over ½ inch out past the corners of the mouth, or more than ¼ inch below the corners of the mouth.

FINGERNAILS

1. Female Civilian Personnel

Nail polish will be appropriate to the business environment, and nails will not exceed one half inch in length from the tip of the finger (length may be further restricted based on assignment).

2. Male Civilian and Commissioned Personnel

Nails will be unadorned, neatly groomed, and not exceed the tip of the finger.

Las Vegas Metropolitan Police Department

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3. Female Commissioned Personnel

Nails will be neatly groomed and not exceed 1/4 inch past the tip of the finger. Nail polish is permissible; however, colors will be in neutral, light tones and without designs.

MAKEUP

1. Female Personnel (Civilian and Commissioned)

Makeup will be appropriate and not distracting within the business environment. Makeup will be worn in a conservative manner with neutral colors and lightly applied. Permanent eye liner and eyebrow filling/tinting in the form of cosmetic tattooing is permissible. If worn, permanent eye liner and eyebrows will be conservative, in good taste, and complimentary to the wearer's complexion. The tattoo(s) shall not be brightly colored and will be no more than 1/8 inch in width, not extending past the outer corner of the eye. Eyelash extensions will not be excessive in length or thickness and must appear natural so as not to be distracting, if worn.

JEWELRY

1. Civilian Personnel

Jewelry may be worn in a tasteful and business-like manner. Male employees will not wear earrings. Employees are prohibited from stretching their earlobes, a process called "gauging." Members are prohibited from attaching or displaying objects or jewelry on or through the nose, tongue, eyebrow, or other exposed body part (except the ears for females). All jewelry implants will not be exposed or visible.

2. Male Commissioned Personnel

Male employees will not wear earrings. Officers are prohibited from attaching or displaying objects or jewelry on or through the nose, tongue, eyebrow, or other exposed body part. Necklaces worn must not be visible while in uniform.

3. Female Commissioned Personnel

Females may wear one earring in each earlobe. They will be matching stud-type with the stone or ornamentation not exceeding 1/4 inch in diameter. Officers are prohibited from attaching or displaying objects or jewelry on or through the nose, tongue, eyebrow, or other exposed body part. Necklaces worn must not be visible while in uniform.

WRISTWATCHES

1. All Personnel

Watches/Watchbands may be worn in sizes and shapes that do not impair job performance. Styles and colors must be conservative in nature.

AFFIXED CLOTHING ACCESSORIES

1. All Personnel

- a. Employees will not affix to any uniform or civilian clothing while on duty or present in a Department facility any badge, pennant, button, insignia, emblem, device, or decoration that promotes an organization (e.g., team logo), corporation (e.g., hotel logo), or viewpoint (e.g., religious or political) unless specifically authorized by the Deputy Chief of the Professional Standards Division.
- b. Removable badge lanyards are permitted; however, designs, insignias, and logos must be professional.
 - 1) Civilian employees are permitted to accessorize removable badge lanyards as appropriate in a business environment.

BODY MODIFICATIONS

1. All Personnel

Las Vegas Metropolitan Police Department

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Employees are prohibited from having “3D dermal” implants electively placed under their skin or from altering their appearance in any significant or unconventional manner, including via surgery. Body modifications including, but not limited to, “elf ears,” tongue splitting, visible scarification, teeth sharpening, or any other body modification that deforms the conventional appearance of a visible body part (not covered by a standard duty uniform) from its original genetic design is prohibited. This does not preclude employees from commonly practiced cosmetic surgeries (e.g., facelift surgeries, cosmetic dermal fillers, or Botox).

TATTOOS, SCARIFICATION, AND BRANDING

1. All Personnel

Tattoos or branding will not be exposed or visible while on duty or while representing the Department. Such markings must be covered by clothing. For employees hired before April 15, 2012, markings that cannot be covered by clothing will be covered using makeup, neutral-toned bandages, or patches. For employees hired on or after April 15, 2012, using makeup or bandages to conceal any tattoo, brand, or scarification is not approved. Employees are prohibited from getting tattoos or any other type of markings on their hands, neck, head, or face, except as noted below.

a. Hands

A tattoo or brand in the form of a ring is permissible on the wearer’s finger (not thumb) with the limitation of one per hand. The tattoo(s) will not exceed ¼ inch in width and will be in good taste.

b. Neck

No tattoo, brand, or scarification may be visible above the collar on the neck or above the collarbone while wearing an underlying t-shirt.

c. Head/Face

Permanent makeup only as approved in “Makeup” section.

d. Content

Tattoos, brands, and scarification anywhere on the body that promote racism, discrimination, extremist or supremacist philosophies, lawlessness, violence, or contain pornographic or lewd material that do not conform with Department values are prohibited. Any tattoo that signifies “scorekeeping” related to police activity or unprofessionally signifies membership(s) in unofficial law enforcement groups is strictly prohibited. Such tattoos, brands, or scarification may render the employee ineffective in their position and/or tend to bring the Department into public discredit.

When a tattoo, brand, or scarification which may violate Department policy, though would normally be concealed by clothing, is brought to the attention of the Department (i.e., during the process of dressing for duty in a locker room), LVMPD is obligated to investigate and act appropriately.

- 1) Any member sustained for having an obscene or discriminatory tattoo, brand, or scarification will be subject to disciplinary action up to, and including, termination. In the event a disciplinary action less than termination is considered, a condition of the discipline will require the member to remove the tattoo, brand, or scarification at their own expense in order to maintain employment with LVMPD.
- 2) Members must be mindful of LVMPD 4/103.27, *Social Media and Electronic Communications by Department Members* regarding posting photographs of tattoos, brands, or scarification on any social media sites. LVMPD will not peruse member websites seeking out pictures of tattoos, brands, or scarification.

2. The Human Resources Bureau will ensure that the nature of permanent tattoos, brands, or scarification anywhere on the body are in compliance with policy for all applicants for employment. Applicants who have such tattoos, brands, or scarification will be required to remove them at their own expense if they wish to be considered for employment.

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Section 3 Commissioned Uniform Standards

Employees on duty will not wear uniforms or carry essential equipment that do not conform to Department specifications or regulations. Employees are required to maintain their uniforms and equipment in good repair and to possess only approved equipment while in the performance of their duties.

DEFINITIONS

- | | |
|-------------------|---|
| inclement weather | Stormy or extreme weather including rain, hail, sleet, snow, or cold weather. |
| | 1. "Cold weather" is a temperature under 55°F. |
| | 2. "Moderate UV day" has a UV index greater than four. |
-

MANDATORY WEARING OF UNIFORM

All commissioned personnel will work in the standard duty uniform at least three times during the year. (Officers on light duty are exempt.) The first time will be during Police Memorial Week (announced by Administrative Notice annually), the second time will be on September 11, and the third time will be on October 1. For plainclothes assignments, supervisors will inspect the appearance of the uniform for care and maintenance during these times and will document the inspection on a Squad Inspection Report (LVMPD 208).

DEPARTMENT-ISSUED IDENTIFICATION

On-duty uniformed personnel will wear their Department-issued badge or a cloth badge on their outermost garment. While in Department facilities, employees in plainclothes or civilian clothing will display the Department identification card.

UNIFORM APPEARANCE GENERAL RULES

1. Uniforms will be freshly pressed with military pleats, dry-cleaned, and adequately tailored.
2. The uniform shirt button flap will be aligned with the zipper flap on the trousers.
3. The cuffs on long-sleeved shirts will not be rolled up and will remain buttoned (exception being utility uniforms where sleeves are designed to be worn rolled up utilizing a military sleeve roll above the elbow).
4. The gun belt buckle will be centered with the trouser zipper.
5. Trousers will be worn outside the boots (with the exception of motor officers and when tactical trousers are bloused).
6. Uniform hats will be worn squarely on the head with the bill positioned approximately two fingers above the bridge of the nose.
7. Items such as chains, personal keys, and papers will not be attached to, hung on, or protruding from any portion of the uniform. (Traffic officers may wear whistle with chain attached to epaulet of the shirt.)
8. If a t-shirt is worn, it must be crewneck style, and it must be white in color (except as otherwise noted in this policy).
9. Footwear, except as specified in this policy, will be solid black in color; plain toe with no stitching designs or perforations, and must be able to hold a shine; black shoestrings required; snaps, buckles or Velcro are not permitted; trademarks, logos, or brand names cannot be visible; heel not more than 1.5 inches in height from the point of attachment at the sole.
10. Socks must be solid black if exposed when standing or sitting.
11. Tie and tie tack, if required, will be Department-issued. (When required to wear ties, personnel will wear the tie tack in the center of the tie midway between the top and lower edges of the shirt pockets.)

STANDARD-ISSUED UNIFORM SPECIFICATIONS

1. Standard Duty Uniform for Commissioned Personnel
 - a. Tan long- or short-sleeved shirt
 - b. White undershirt
 - c. Tan pants

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2. Utility Uniform

Authorized as the duty uniform for specialized units (e.g., K9, Air Support, and Recruiting as listed below) or when approved by the division commander for special duty on a case-by-case basis.

- a. Green fatigue long-sleeved shirt
- b. Green fatigue pants
- c. Green flight/jump suit
- d. Black tee undershirt (will not be worn as the outermost garment in public)
- e. A cloth unit insignia will be worn above the left breast pocket flap by personnel who wear the utility uniform as the duty uniform. A name tag will be sewn above the right breast pocket flap. LVMPD-issued patches will be worn on both shoulders and left chest.

3. Formal Dress (Class A)

Utilized for formal occasions such as academy graduations, funerals, ceremonies and at the discretion of the Sheriff.

- a. Long-sleeved green shirt
- b. Tan tie with tie tack
- c. Tan pants
- d. All ribbons and decorations
- e. Class A dress hat and cap piece (captains and above, Academy TAC staff only)

4. Formal Dress – Honor Guard

- a. White shirt
- b. Honor Guard jacket
- c. Honor Guard (Metro Green) tie with tie tack
- d. Honor Guard breast badge
- e. Class A trouser
- f. Class A dress hat with cap piece
- g. High gloss duty belt and gear
- h. Corfram dress shoes
- i. White gloves
- j. All ribbons and decorations

SPECIAL DUTY UNIFORM SPECIFICATIONS

1. All Hazard Regional Multi-Agency Operations and Response Section (ARMOR)

- a. Utility uniform specifications but with tan fatigue shirt/pants or jumpsuit
- b. Desert subdued patches
- c. Black long- or short-sleeved polo shirt
- d. Tan boots

2. Bicycle/Enduro Uniform

Only issued to officers who operate a bicycle or Enduro motorcycle for at least 75% of their duty shift. Officers wearing this uniform will not operate other patrol vehicles except in case of an emergency or to allow officers access to gear. Bicycle officers may drive a vehicle to the duty location and then deploy on bicycles.

- a. LVMPD-issued yellow long-or short-sleeved bicycle shirt
- b. Black fatigue pants (or shorts-bicycle only)
- c. Black short-sleeved tee undershirt or black long-sleeved mock-turtleneck undershirt with “LVMPD” embroidered on collar
- d. Black baseball cap
- e. Gloves (see “Gloves” section below)
- f. Sunglasses or eye protection at all times when operating a motorcycle
- g. Helmet is required at all times when operating a motorcycle or bicycle (see “Headwear”)
- h. Bicycle officers are permitted to wear athletic shoes which meet the general footwear specifications regarding color, material, and fasteners

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- i. Enduro officers must wear boots
- 3. Firearms Training and Tactics Unit (FTTU) (full-time only)
 - a. Utility uniform specifications but with tan fatigue shirt/pants or jumpsuit
 - b. Red polo shirt and red undershirt while conducting training
 - c. Tan boots
- 4. Gangs Enforcement Team (GET)
 - a. Black fatigue uniform pants
 - b. Tan long-sleeved polo shirt
 - c. In winter only – black mock-turtleneck undershirt with “LVMPD” embroidered on the collar
- 5. Homeless Outreach Team
 - a. Utility uniform specifications
 - b. No assignment name tape will be worn
- 6. Homeland Security Saturation Team (HSST)
 - a. Utility uniform specifications
 - b. In winter only – black mock-turtleneck undershirt with “LVMPD” embroidered on the collar
 - c. During training for mobile field force duties only:
 - 1) Black fatigue uniform pants
 - 2) Tan long-sleeved polo shirt
- 7. Organizational Development Bureau (ODB) (Academy, AOST, EVOC, FTTU, MACTAC, RBT)
 - a. Utility uniform specifications
 - b. Black long- or short- sleeved polo shirt
 - c. Black physical fitness uniform
- Police Academy Recruit Training
 - a. Tan shirt
 - b. Tan pants
 - c. Baseball hat
 - d. Physical fitness uniform as determined by the Training Section
- 8. Search and Rescue
 - a. Utility uniform specifications
 - b. Red undershirt
 - c. Reflective patches
- 9. DSD Special Emergency Response Team (SERT)
 - a. Utility uniform specifications
 - b. Green undershirt
- 10. SWAT
 - a. Utility uniform specifications
 - b. Green undershirt
 - c. Subdued patches
 - d. When wearing heavy body armor, may elect to wear a tactical shirt
 - e. Black baseball hat with embroidered subdued star
 - f. SWAT vest to include the LVMPD subdued patch
- 11. Traffic Bureau (Motor Unit, Traffic Training Unit)
 - a. Motor Unit
 - 1) Standard duty uniform shirt
 - a) May wear whistle with chain attached to epaulet of the shirt
 - 2) In winter only – black or yellow mock-turtleneck undershirt with “LVMPD” embroidered on the

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- collar
- 3) Tan breeches
- 4) Boots meeting the general footwear specifications regarding color, material, and fasteners (see “Uniform Appearance”). Boot tops will be of material capable of high shine and will extend past calf of leg to within 3-6 inches below the knee. Tops may have a small buckle.
- 5) Helmet is required when operating a motorcycle (See “Headwear”)
- 6) Gloves (see “Gloves”)
- 7) Sunglasses or eye protection are required when operating a motorcycle (see “Sunglasses/Eye Protection”)
- b. Traffic Officer Assigned to a Patrol Vehicle
 - 1) Standard duty uniform shirt
 - a) In winter only – black or yellow mock-turtleneck undershirt with “LVMPD” embroidered on the collar
 - b) May wear whistle with chain attached to epaulet of the shirt
 - 2) Tan breeches
 - 3) Boots meeting the general footwear specifications regarding color, material, and fasteners (see “Uniform Appearance” above). Boot tops will be of material capable of high shine and will extend past calf of leg to within 3-6 inches below the knee. Tops may have a small buckle.
- c. Traffic Training Unit
 - 1) Utility uniform specifications
 - a) Tan long-sleeved polo shirt
 - b) Green tactical uniform pants

UNIFORM EQUIPMENT

The following items are required to complete the Department uniform.

1. Badge – Commissioned employees will be issued authorized LVMPD badges.
 - a. Commissioned personnel may obtain a flat badge to use off-duty when not in uniform. Flat badges may be obtained from the Supply Section after completion of field training.
 - b. Department employees will not purchase, use, or carry an unauthorized badge for the purpose of official identification.
2. Valid Nevada driver’s license
3. Duty belt and accessories – Uniformed personnel will not mix nylon gear with basketweave gear; however, basketweave and leather gear can be mixed. Nylon, basketweave, and/or leather gear must be black in color.
 - a. Authorized firearm as listed in LVMPD 5/208.02, *Authorized Firearms & Associated Equipment*.
 - 1) Ensure weapon is loaded with duty ammunition.
 - b. Authorized holster (at least a level II retention) on the side of the strong hand (right-handed on the right or left-handed on the left).
 - 1) Cross draw position is prohibited.
 - 2) Double holsters worn on the duty belt are prohibited.
 - 3) Wearing a concealed back-up weapon in the waistband area must conform to LVMPD 5/208.02, *Authorized Firearms and Associated Equipment*.
 - 4) Drop-leg and/or thigh holsters are prohibited.
 - c. Ammunition magazine carrier(s) – Positioned on either side of the buckle and may be worn vertically or horizontally. Must be predominantly black in color to match the duty belt.
 - d. Baton and baton holder – The 22-inch auto-lock baton is standard issue. Officers may purchase a 21-inch to 26-inch friction-lock baton.
 - e. Handcuffs – Issued or personally owned handcuffs will be carried inside a secured case on the belt and must be either black or chrome in color.
 - f. Key holder (and handcuff key) – Officers must have a handcuff key on their key holder or on their person.
 - g. OC dispenser and carrying case
 - h. Electronic Control Device (ECD) – When holstered and carried on the officer’s duty belt, it will be

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placed on the weak side, opposite the duty firearm, positioned for either a weak hand draw or a strong hand cross-draw. Issued to uniformed patrol sergeants and officers as well as SWAT, GET, K9, and Headquarters Security Detail. Upon transfer to an assignment other than those listed above, sergeants and officers must return the ECD to the Supply Section. DSD will follow SOP 09.08.02, General Housing Unit Operations, reference carrying of the ECD.

- i. Belt keepers – Duty belt must be secured to under belt
- j. Flashlight and flashlight holder – Required for corrections officers, recommended for police officers
- k. Rescue knife – Required for corrections officers
4. Soft body armor (required in some instances, see Soft Body Armor section) – Carriers, if visible, must be white or tan if wearing the summer or utility uniform or black in color if wearing the dark green shirt or tactical uniform.
5. Body worn camera – Will be worn in accordance with LVMPD 5/210.01, *Body Worn Cameras*
6. Pen
7. Standard-Issued name plate/name tag – Will be worn on the right breast of the uniform shirt with the optional accompanying shooter badge
8. Unit insignia – The following are authorized to be worn while officers are assigned to the respective unit:
 - a. Traffic – One winged wheel and arrow attached on each collar
 - b. FTO, CFTO, TAC – One on each collar
 - c. Honor Guard, SWAT, K9, Academy, recruiter, crisis negotiator, gang officer, firearms instructor, defensive tactics instructor, motor instructor, SERT, investigative units such as Homicide, etc. – Unit plate will be placed on the top edge of left breast pocket.

The following items are optional to complete the Department uniform. Optional items must match the material and style of the duty belt:

1. Second pair of handcuffs (must be in a matching case)
2. Knife and knife carrier – Folding knife with blade not exceeding four inches. Knives are to be secured.
3. Flashlight and flashlight holder – optional for POs

HEADWEAR

Headwear is authorized or required as indicated and will not be worn indoors unless otherwise specified. The bill of the cap must face forward. Optional headwear items (with the exception of balaclavas) are stocked by the Logistics Bureau and are purchased by the officer authorized to wear the item.

1. Formal dress hat
Issued to captains and above and Academy TAC staff. Only worn with the formal uniform (with exception of both police and corrections academy staff during recruit inspections). The hat will not be altered in any manner, nor will the crown wire or plastic grommet be removed, bent, or otherwise fashioned to produce a bow or sag in the crown. The formal dress hat may be worn indoors and outdoors for inspections, ceremonial, or formal occasions.
2. Black LVMPD baseball cap
Only permitted to be worn during prolonged periods of time when exposed to inclement weather. Motor, bicycle, and Enduro officers may wear the cap upon removing a helmet while on duty. This item cannot be altered (e.g., custom embroidery is not permitted).
3. Black knit/fleece cap
Optional item. Only worn when outdoors to protect from exposure to cold weather. No insignia or embroidery is authorized. Must be solid black and worn and at least two inches from the eyebrow.
4. Helmet (protective)
Motor, bicycle, and Enduro officers are required to wear a helmet while operating/riding their means of transport.
5. Riot Helmet

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Matte black riot helmets outfitted with a face shield will be issued to all commissioned police and will be worn when directed by superiors. Riot helmets require a Velcro name tape affixed to the back on the bottom between the two screws. (Corrections officers are not issued riot helmets but they are distributed when needed by the DSD Supply Section.)

6. Gas Mask/Carrier and Cartridge
To be utilized during protest or riot situations (see LVMPD 5/211.09, *Protests: Peaceful Demonstrations, Civil Disobedience, and Riots*).
7. Utility hat
Optional item. A wide-brim hat often described as a sun hat, Boonie hat, or Tilly hat. Must be tan in color and embroidered with "Metro Police" on the front and the US flag in full color on the wearer's left side. Only permitted to be worn during prolonged periods of time when exposed to inclement weather or on moderate UV days.
8. Balaclava
Optional item. Must be olive green or black in color. The wearing of any cloth hood which covers the head and neck and is intended to conceal an officer's identity is prohibited in police tactical operations except on a restricted basis to prevent the identification of undercover police personnel after a tactical operation (e.g., a premises search after the service of a search warrant).

Officers wearing balaclavas will limit suspect and citizen contact and avoid public view with the following exceptions:

- a. Motor officers may wear the balaclava when operating motorcycles in cold weather. Upon any contact with citizens, motorcycle officers will immediately remove the balaclava.
- b. SWAT officers may wear the balaclava when conducting tactical operations and there is the probability of fire and/or explosives in the operational area. Under these circumstances, the balaclava is considered protective clothing for the officer.
- c. DSD SERT officers may wear the balaclava when conducting tactical operations within jail facilities or other operations as directed by the SERT commander.

SOFT BODY ARMOR

The wearing of soft body armor vests is encouraged for all officers and is mandatory as specified below. An officer's yearly uniform allowance provides funds for the purchase of soft body armor.

Wearing a soft body armor vest is mandatory for:

1. On-duty uniformed police officers hired on or after July 1, 2008
2. Uniformed corrections officers hired on or after July 1, 2008 who are on duty outside of the Clark County Detention Center
3. Patrol service representatives hired on or after July 1, 2008
4. Officers engaged in planned, high-risk tactical operations with a threat level equal to or exceeding the National Institute of Justice (NIJ) standard for Level IIA

Exceptions will be granted to:

5. Officers in an office or classroom environment
6. Officers in a ceremonial function (i.e., Honor Guard)

Any other exception must be approved by the respective division commander.

Rifle carrier or tactical vests purchased after April 11, 2019 must be black in color with the yellow LVMPD badge on the front and the large "POLICE" insignia across the front and back with yellow Velcro star on wearer's left side. Vests of a different color purchased prior to April 11, 2019 may continue to be worn until they become damaged; however, officers must still conform to the insignia requirements as documented above.

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JACKETS/VESTS

1. Standard duty
Olive drab, two-piece jacket (shell and liner)
2. Inclement weather
 - a. Brown or high-visibility color raincoat
 - b. Resident officers – 5.11 aggressor parkas (color: tundra)
 - c. FTTU – 5.11 three-in-one parka (color: range red)
3. Traffic officers
May wear authorized leather jackets (at the officer's expense) or authorized black and gold motor jackets. (Black and gold jackets in the possession of officers no longer assigned to Traffic may continue to be worn until they become damaged or worn but will not be replaced.)
4. Bicycle/Enduro officers
Black and yellow jackets will be issued to bike and Enduro officers only. (Jackets in the possession of officers no longer assigned to full-time bike duties may continue to be worn until they become damaged or worn but will not be replaced.)
5. Criminalistics Bureau personnel
May wear black or yellow jackets or vests with appropriate bureau/section markings.
6. Identification jackets
 - a. Yellow lightweight jackets with the words "METRO POLICE" or yellow jackets with the words "Crime Scene Investigations" silkscreened on the back. (The lightweight or heavy weight bike jacket will not be issued as an identification jacket.)
 - b. PEAP, chaplains, and ODB will wear black, two-piece jacket (shell and liner).
7. Identification/High visibility vests
Black CSI or yellow mesh vests may be worn for identification purposes or during instances of traffic control or overtime events.

GLOVES

Gloves are mandatory for bike, Enduro, and Motor Unit officers; outside of these sections, gloves are optional. The wearing of gloves will be at the discretion of each employee, keeping in mind the purpose of the gloves is for protection of the hand and not to promote any particular image. White dress gloves (issued by Supply Section) may be worn for formal events when appropriate. The following are the guidelines for all uniformed personnel:

1. No weighted or "sap" gloves or gloves with plastic knuckle inserts
2. Must have fingers (no fingerless gloves, except for bike officers)
3. Must be black or tan in color and made of vinyl or leather.
4. Disposable gloves may be worn when handling unclean subjects or objects, and disposable gloves with reinforced tips will be made available for use during searches as added protection from punctures.
5. When not being worn, gloves must be kept out of public view (i.e., concealed completely in a pocket and not hanging from a belt or pocket)

Leather or vinyl gloves are not to be considered as a safeguard against contact with blood or other potentially infectious materials. Leather or vinyl cannot be thoroughly disinfected once contaminated; therefore, it poses a risk of contamination and must then be discarded in the manner prescribed for hazardous waste materials.

SUNGLASSES/EYE PROTECTION

Sunglasses may be worn during the daylight hours only and must be of a color and style that portrays a professional appearance.

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The following are acceptable:

1. Non-mirror lenses – Iridium lenses (Lens colors must be conservative in nature)
2. Frames and lenses free of ornamentation
3. Frames (metal or plastic) in silver, gold, black, or brown
4. Neck straps of thin material and black or brown in color

INSIGNIA OF RANK

1. Sheriff
Will wear four stars fixed to each side of the collar of the uniform shirt (top point of star pointing toward top edge of collar, $\frac{3}{4}$ inch from the leading edge and centered between the top and bottom of the collar).
2. Undersheriff
Will wear three stars placed on the uniform in the same manner as the Sheriff.
3. Assistant Sheriff
Will wear two stars placed on the uniform in the same manner as the Sheriff.
4. Deputy Chief
Will wear one star placed on the uniform in the same manner as the Sheriff.
5. Captain
Will wear two bars fixed to each side of the collar of the uniform shirt, $\frac{3}{4}$ inch from the leading edge and centered between the top and bottom edge of the collar.
6. Lieutenant
Will wear one bar placed on the uniform in the same manner as the captain's bars.
7. Sergeant
Chevrons will be sewn to the sleeves of Department uniforms.

SERVICE STRIPES

Personnel having sufficient service with the Department may wear service stripes on the sleeve of the green uniform shirt, tan long-sleeved shirt, and PSR uniform shirts. Each stripe represents four years of service. Year of service is computed from the date the individual was commissioned as a police or corrections officer, or a combination thereof, or hired as a PSR with LVMPD, and performing duties as such on a regular basis.

SERVICE/UNIT PINS

The following pins are authorized to be worn on the corner of the flap on the right-hand breast pocket of the uniform shirt:

1. Department service pin
2. LVMPD miniature badge (in civilian dress only)
3. Small U.S. flag

SERVICE AWARDS

1. Department Commendations
A maximum of three award ribbons may be worn on the uniform for normal duty (see LVMPD 5/101.30, *Department Commendations*, for precedence order requirements).
2. Qualifications badges
One of the following qualification badges, if earned, may be worn under the name plate on the right breast

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pocket flap:

- a. Marksmanship
- b. Aviation
- c. Gang Liaison Officer
- d. Crisis Intervention Officer

Section 4 Plainclothes Commissioned Dress Standards

WEARING OF PLAINCLOTHES BY COMMISSIONED PERSONNEL

Commissioned employees of the Department wearing civilian clothing on duty will dress in accordance with their position requirements, taking into consideration the environment, public contact, and job responsibilities. Employees will be in compliance with this policy at all times while representing the Department. Officers working in plainclothes or covert assignments will maintain the ability to be deployed in uniform within one hour of notification. (Exemptions must be approved through the division commander or the Health and Safety Section.)

DEFINITIONS

business professional attire	Clothing that presents a semi-formal or formal professional appearance (conservative suit, sportcoat, dress slacks, and tie).
business casual attire	Less formal than traditional business wear, but still intended to give a professional and businesslike impression (collared shirts, polos, sweaters, pressed khakis/chinos).

GENERAL APPEARANCE

1. Clothing will be suitable for a business environment. Clothing will be clean, pressed, and not worn, torn, or patched. Clothing not widely accepted as business attire will not be allowed. Generally prohibited (clothing styles and items) are: crewneck shirts, t-shirts, sweat shirts, tank tops, halters or backless dresses, see-through fabrics, short dresses or skirts (shorter than 4 inches above the knee), sweat pants, leggings/exercise pants, sweat suits, any type of shorts, and bib overalls. (Leggings/Exercise clothing are any stretchy material designed to be form fitting and/or are meant for exercising or lounging. Exercise clothing is authorized during physical fitness or defensive tactics training sessions.)
2. Must wear clothing of a fabric which is considered “dress” in nature or look (e.g., denim/jean fabric is unacceptable).
3. Fabric of jackets, shirts, blouses, skirts, and pants must match or be of a presentable contrast of colors and materials.
4. Clothing may not have obscene or slang slogans or advertising printed on them. Trademark brand logos of commercial names such as that of hotels, casinos, or bars are prohibited.
5. Shirts/blouses will not be unbuttoned to an excess that compromises a professional appearance.
6. Shoes must be clean and in good repair. Safety issues should be considered in footwear selection; high heels and/or platforms may not be appropriate in some environments (both at the discretion of the bureau/area commander). “Flip-flops” or any casual sandals are prohibited.
7. Hats may be worn, when dressed in business casual, only outdoors, while maintaining a professional appearance. Hats must be removed when entering any building.

PLAINCLOTHES OFFICER EQUIPMENT

1. Badge

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2. Firearm (per LVMPD 5/208.02, *Authorized Firearms and Associated Equipment*)
3. Department ID on your person
4. Non-uniformed commissioned personnel the rank of lieutenant and below are required to carry at least one (1) intermediate force option (baton, oleoresin capicum [OC] spray, or electronic control device [ECD]) on their person when on duty (see LVMPD 6/002.00, *Use of Force*, “General Rules”)
 - a. Miniature canisters may be carried in place of full-size dispenser
 - b. 11.8-inch to 16-inch concealable, expandable baton may be carried in place of standard baton
 - c. ECDs are issued to plainclothes officers and sergeants assigned to the Criminal Apprehension Team (CAT) and the Repeat Offenders Program (ROP)

Section 5 Civilian Dress Standards

Employees of the Department wearing civilian clothing on duty shall dress in accordance with their position requirements, taking into consideration the environment, public contact, and job responsibilities. Employees will be in compliance with this policy at all times while representing the Department.

GENERAL APPEARANCE

1. Clothing will be suitable for a business environment. Clothing will be clean, pressed, and not worn, torn, or patched. Clothing not widely accepted as business attire will not be allowed. Generally prohibited (clothing styles and items) are: crew neck shirts, t-shirts, sweat shirts, tank tops, halters or backless dresses, see-through fabrics, short dresses or skirts (shorter than 4 inches above the knee), sweat pants, exercise pants, sweat suits, leggings, any type of shorts, and bib overalls. (Leggings/Exercise clothing are any stretchy material designed to be form fitting and/or are meant for exercising or lounging.)
2. Civilian employees may wear denim jeans upon approval of the bureau commander if they are well-fitted, clean, pressed, in good repair, and worn with an appropriate top or shirt. Denim must not be studded or faded (either by design or wear).
3. Fabric of jackets, shirts, blouses, skirts, and pants must match or be of a presentable contrast of colors and materials.
4. Clothing may not have obscene or slang slogans or advertising printed on them. Trademark brand logos of commercial names such as that of hotels, casinos, or bars are prohibited.
5. Shirts/blouses will not be unbuttoned to an excess that compromises a professional appearance.
6. Shoes must be clean and in good repair. Safety issues should be considered in footwear selection; high heels and/or platforms may not be appropriate in some environments (both at the discretion of the bureau/area commander). “Flip-flops” or any casual sandals are prohibited.
7. Hats may be worn outdoors, while maintaining a professional appearance, but must be removed when entering any building.

CIVILIAN UNIFORM SPECIFICATIONS

Civilian personnel issued uniforms will ensure that uniforms and shirts are clean, pressed, and present a professional appearance. Footwear and other accessories will be regulated by their division commander.

1. Supply clerks, custodians, supply technicians, shuttlers, and service aids
 - a. Tan long- or short-sleeved shirt with section emblem
 - b. Shuttlers – black mock turtleneck permissible
 - c. Black uniform pants
 - d. Olive drab jacket with section emblem only
 - e. Fleet personnel – dark tan baseball cap embroidered with “FLEET”

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2. Records and Fingerprint personnel assigned to the Customer Service Section and DSD technicians
 - a. Black smock, must be zipped or buttoned with two Department shoulder patches
 - 1) Cannot be worn outside LVMPD facilities
3. Metro Volunteer Program (MVP)
 - a. Yellow long- or short-sleeved polo with MVP star patch and "Volunteer" silkscreened on the back
 - b. Yellow lightweight jacket with the words "POLICE VOLUNTEER"
 - c. Dark tan baseball cap embroidered with "LVMPD VOLUNTEER"
 - d. High visibility yellow-lined jacket with MVP star patch on the left chest and "LVMPD STRT" silkscreened on the back
4. Chaplains
 - a. Yellow lightweight jacket with the word "CHAPLAIN"
 - b. LVMPD issued Polo shirt
 - c. Long- or short-sleeved Oxford shirt
5. UFRB Volunteers
 - a. Yellow long- or short-sleeved polo with "UFRB Volunteer" on the front, left chest and silkscreened on the back.
 - b. Yellow lightweight jacket with the words "UFRB Volunteer"
6. Evidence Vault Technicians
 - a. Olive drab, two-piece jacket (shell and liner) with evidence technician emblem
7. Traffic Control Assistants
 - a. Tan short-sleeved or long-sleeved shirt with unit emblem shoulder patches and unit chest emblem
 - b. Green pants
 - c. Olive drab, two-piece jacket (shell and liner) with unit emblem shoulder patches and unit chest emblem
 - d. Grooming standards must fall in compliance with commissioned personnel
8. Patrol Service Representatives
 - a. Tan short-sleeved or long-sleeved shirt with unit emblem shoulder patches and unit chest emblem
 - b. Green pants
 - c. Olive drab two-piece jacket (shell and liner) with unit emblem shoulder patches and unit chest emblem
 - d. Black baseball hat
 - e. Grooming standards must fall in compliance with commissioned personnel
9. Cadets
 - a. Tan short-sleeved or long-sleeved shirt with unit emblem shoulder patches and unit chest emblem
 - b. Green pants
 - c. Olive drab, two-piece jacket (shell and liner) with unit emblem shoulder patches and unit chest emblem
 - d. Grooming standards must fall in compliance with commissioned personnel
10. Explorers
 - a. Tan short-sleeved or long-sleeved shirt with unit emblem shoulder patches and unit chest emblem
 - b. Green pants
 - c. Olive drab, two-piece jacket (shell and liner) with unit emblem shoulder patches and unit chest emblem
 - d. Grooming standards must fall in compliance with commissioned personnel
11. Sheriff Civil Deputies
 - a. Tan short-sleeved or long-sleeved shirt with unit emblem shoulder patches
 - b. 5.11 Stryke Pants
 - c. Olive drab two-piece jacket (shell and liner) with unit emblem shoulder patches and unit star emblem on left chest
 - d. Deputy sheriff baseball hat

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- e. Grooming standards must fall in compliance with commissioned personnel

EQUIPMENT ITEMS FOR PSRs, CADETS, and EXPLORERS

1. Duty belt and accessories – Uniformed personnel will not mix nylon gear with basketweave gear; however, basketweave and leather gear can be mixed. Nylon, basketweave, and/or leather gear must be black in color.
 - a. Inner belt
 - b. OC spray and holder
 - c. MK3
 - d. Citation holder
 - e. Key snap
 - f. Keepers
 - g. Radio holder

Section 6 Uniform Management, Care, and Maintenance

All uniforms and equipment issued by the Department is LVMPD property and must be returned upon separation from the Department. Each employee is responsible for the care and maintenance of uniforms and other issued equipment.

Uniforms and associated equipment will comply with specifications as set forth by the commander of the Professional Standards Division. The Logistics Bureau is responsible for ensuring items procured by the Department meet the specifications established.

UNIFORM ISSUANCE

1. Upon completion of their respective academies, commissioned personnel and cadet/PSR personnel will be issued a basic inventory of equipment and uniforms. Civilian personnel may be issued uniforms and equipment based on their assignment.
2. All uniforms and equipment are issued via Uniform/Equipment Issue Request (LVMPD 449). This includes new and replacement issues for worn, damaged, or lost items. All requests will be reviewed and signed by the employee's chain of command through the bureau/area commander and must be received by Logistics before items will be issued.
 - a. Employees requesting replacement of a worn or damaged item must turn in the item before receiving a replacement. All turned in items must be cleaned.
 - b. Employees are responsible for replacing lost or misplaced items/uniforms, or the cost replacement dollar value of the missing item(s) will be deducted from the employee's final payroll check.
 - c. If an employee loses Department property or becomes the victim of a crime that is documented and items are lost or stolen, the employee will attach a copy of the report to the LVMPD 449 (see LVMPD 5/103.28, *Reporting Damage/Loss to Department Property and Equipment*).
3. Officers assigned part-time duties (e.g., bike patrol, Enduro, sections within ODB) will be issued a reduced inventory of those uniforms.
4. Employees are required to affix their personnel number to uniforms and equipment that are not serialized.
5. Optional, approved, non-issued items may be purchased by employees from the Department: knit cap, Tilley hat, polo shirt, etc.

CARE AND CONDITION OF UNIFORM

1. Uniforms will not be noticeably worn or patched. Overused uniforms shall be returned to the Uniform Shop and replaced.
2. All leather gear will be polished using a wax-based product. Lacquers and artificial polishing agents are prohibited.

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3. Basket-weave nylon duty gear will be cleaned using non-abrasive and non-wax products. Wax-based products should not be used. Lacquers and artificial polishing agents are prohibited.
4. The badge and hat piece will be regularly cleaned in soapy, non-abrasive solution and buffed with a soft cloth to a high luster. Metal polish is not allowed on these items as it will remove the outer protective coating.
5. Name plates and shooting badges will be regularly polished.
6. Uniforms and jackets will be dry-cleaned as needed.
7. Soft body armor and carrier will be cleaned and maintained as recommended by the manufacturer.

REQUESTS FOR CHANGES TO THE APPEARANCE STANDARDS POLICY

This policy will be strictly adhered to and any requested changes will go through the following process:

New Uniform and/or Equipment Requests

1. All requests for new uniforms and/or related equipment must be submitted via Uniform/Equipment Recommendation Request (LVMPD 387) and approved through the requester's chain of command through their division commander to the Professional Standards Division commander. The Professional Standards Division commander will determine if the request will be forwarded to the Office of the Sheriff for approval.
2. Requests must include a fiscal impact statement for all Department purchases. The Office of Finance will determine if the submitted fiscal impact statement can be accommodated by the current budget. Bureaus, area commands, and units of the agency will not purchase uniform items without approval from the Office of Finance.

Section 7 Attire for Courtroom Appearances, Administrative Hearings, and Media Briefings

1. Employees are required to wear business professional attire or the uniform of the day when appearing in any courtroom or at any Department administrative hearing (e.g., Use of Force Board, Disciplinary Board, Vehicle Collision Board).
2. Wearing a tie for male employees is mandatory when appearing in any District or Federal courtroom or administrative hearing (e.g., testifying in front of governmental boards).
3. When appearing in pre-arranged television interviews, media briefings, speaking engagements, or similar activities, employees will wear business casual or business professional attire as directed by the bureau commander.

Section 8 Medical Exemptions

Clean-Shaven Exemption Process

1. To obtain medical exemption from the clean-shaven policy the affected employee will:
 - a. Contact Risk Management and request an exemption.
 - b. Continue to comply with the Department's clean-shaven policy until an exemption has been certified by Risk Management.
 - c. Provide medical records from treating physician documenting the nature of the skin condition, the degree and/or severity of the condition, duration of condition, the extent the condition affects the ability of the member to comply with the clean-shaven policy, and clearly substantiate why the exemption is needed. The medical documentation must have been obtained within 30 days of the request for medical exemption.
 - d. If the medical documentation is insufficient, submit to an examination by a Department-appointed physician. The member will utilize personal leave time for the purposes of a medical examination intended to determine if a medical exemption should be granted.
 - e. If Risk Management certifies the exemption from the clean-shaven policy, the employee will receive a copy of the form.
2. Upon medical exemption certification:

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- a. Employees with a medical exemption will not shave. Facial hair will be clipped not to exceed ¼ inch in length (not longer than a #2 clipper guard). The hair will grow naturally and there will be no edging, trimming, or shaving of the hair on the lip, face, neck, or cheeks. Goatees or other customized beard creations are not permitted while on duty.
- b. Exemptions expire one year from the date issued, unless the medical certification provides for a shorter duration, and employees must reapply at the end of each term unless the affected employee has provided documentation from a treating physician stating that the affected employee's medical condition is permanent and chronic.
- c. In the event of a mobilization requiring the use of a gas mask, the exemption to this policy may be temporarily revoked. The employee must be prepared to shave and have a shaving kit available.

Employees who qualify for a religious exemption from the clean-shaven policy per LVMPD 5/101.24, *Harassment and/or Discrimination Prevention and Complaints*, will also adhere to the above grooming standards.

3. Risk Management will:
 - a. Forward written instructions to the member requesting an exemption.
 - b. Upon certification, ensure that the date of issuance is recorded on the member's copy of the Medical Exemption form.
 - c. Ensure that the original Medical Exemption form is placed in the member's medical file.
 - d. Ensure that the employee and their bureau/area commander receive a copy of the Medical Exemption form.
4. Bureau/area commanders will ensure that:
 - a. A copy of the Medical Exemption form is placed in the supervisor's employee performance file (SEPF).

For any other medical exemption, contact Risk Management. (4/19, 12/20)■

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4/103.19 GIVING TESTIMONIALS, SEEKING PUBLICITY

Members shall not give testimonials, or permit their names or photographs to be used for advertising purposes. Members shall not seek personal publicity either directly or indirectly in the course of their employment. (7/73)■

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4/109.10 CARE OF PROPERTY AND EQUIPMENT

It is the policy of this Department that all employees charged with the care and control of Department property and equipment will use these items responsibly and in the manner for which they are intended.

DEFINITIONS

Department property	Any item that is Department-owned, and/or Department funded, or used by an employee for its assigned use, including any personally owned weapon used on duty or as a backup weapon.
secured compartment within a vehicle	A compartment that can only be opened with a key or combination, is permanently anchored to the vehicle, and conceals the items inside (e.g., a trunk that cannot be opened directly from the driver compartment of the vehicle, locking glove box, or trunk safe).

Employees also bear the responsibility for the proper care, maintenance, and serviceable condition of any Department property issued for or assigned to their use, including equipment issued during special events. Employees will promptly report all damage, theft, or loss of Department property or equipment to their immediate supervisor and follow the procedures established in LVMPD 5/103.28, *Reporting Damage/Loss to Department Property and Equipment*. Employees may be held responsible, including disciplinary action, for the replacement or repair cost of lost or damaged Department equipment because of willful or negligent action. All equipment, clothing, and uniforms issued by the Department is LVMPD property and must be returned upon conclusion of employment.

Employees are responsible for the proper storage and security of property and equipment or animals assigned to them that if lost or stolen would constitute a breach of security. Firearms will not be left unsecured in an LVMPD facility (e.g., an office setting, briefing room, or locker room).

Department property, equipment, animals, and controlled items (e.g., uniforms, badges, identification cards, weapons, radios, body-worn cameras, computers, personnel rosters, or phone rosters) will not be left in any vehicle, except:

1. Department property locked in a marked or un-marked Department-owned vehicle while the employee is on duty unless exigent circumstances prevent the locking of the vehicle. Firearms carried on duty or as a back-up weapon will be carried in accordance with LVMPD 5/208.00, *Firearms Procedures*, and will not be left unsecured in a Department vehicle.
2. Department property stored in any vehicle that is parked in the enclosed garage of an employee's residence when the garage door is closed and secured.
3. Department property locked inside a secured compartment or locked trunk within the employee's personal vehicle or Department-owned vehicle.
4. Department property locked inside a vehicle parked within the fenced perimeter of a police facility.
5. Department-owned canines may be left in a secured canine vehicle so long as the vehicle is climate controlled and being monitored by the canine heat monitoring system.

When housed in a police facility, equipment will be secured in a locker or other type of secure compartment. When housed in a police facility, animals will be secured in a kennel or stall. Firearms will be kept from public view/access when not worn (e.g., secured and stored in a desk, briefcase, locker, or other secure location).

When housed at an employee's residence or the residence of another, Department firearms and weapons used on duty or as a backup weapon will be kept in a secure location inaccessible to children or others. Department-owned canines will be secured in an approved kennel provided by the Department and under the direction of the K-9 Detail Manual. If a question exists regarding the adequacy of an employee's Department property or equipment storage arrangements, the employee's bureau commander will make the determination. In the event of a Department-owned canine, the K-9 section lieutenant will make the determination.

Supervisors will investigate and report the circumstances of negligence, misuse, abuse, or careless loss of Department property and equipment that is readily identified as police equipment used in the line of duty or a Department-owned

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canine. All firearms that are lost or stolen will immediately be reported to the local authorities once the employee has knowledge of loss or theft.

In the case of Department-owned canine, any accidental or unintentional bites, negligent behavior, or carelessness with the animal resulting in injury to a citizen or the animal may subject the employee to disciplinary action. The only exception to this regulation is when the assigned canine is kenneled at a Department-approved animal facility or at a Department-contracted veterinarian facility. See LVMPD 6/002.00, *Use of Force Tools and Techniques, Section VIII., Use of Canine, item 4.* (8/18, 3/21)■

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4/110.02

IMPROPER USE OF ELECTRONIC COMMUNICATION DEVICES

Members will refrain from unnecessary conversation and/or the transmission of superfluous messages via voice or digital radio communications or electronic mail. All rules and regulations of the Federal Communications Commission (FCC) will pertain to department communications (i.e., the use of obscene words or language, or the willful or malicious interference with any communications). All radio and electronic communications must pertain to department/police functions. Any improper use of the communications or computer systems will result in disciplinary action.

Cell phone cameras or video recorders are not intended to be used for official purposes where photography or video is required or desirable. Due to issues involved in the collection and storage of criminal history information, record sealing, chain of custody issues and other legal concerns, members are not authorized to take, use, collect, store or distribute photographs or videos taken of suspects, crime scenes or any other official department activity, either on a department issued cell phone with photo and video capabilities or a personally owned cell phone camera or any other personally owned camera or photo/video device. Exceptions must be approved by the bureau/area commander and the camera specifications must be approved by Information Technologies Bureau.

With the exception of the Public Information Office, no one shall publish or display (i.e. Facebook, Twitter, or YouTube) any department photos or videos without the authorization of their bureau/area commander.

All employees are further advised that the department, in order to manage its communications/computer systems, may at any time, with or without warning, monitor communications, both digital and/or voice, on any of its systems, including radio, computer, pager/voice mail and telephone systems. In addition, such communications can become public record if subpoenaed. (3/09, 2/11)■

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5/111.10

ELECTRONIC COMMUNICATIONS GUIDELINES

It is the policy of this department that electronic mail, Internet, Criminal Justice Information Systems (CJIS), and telecommunications access are resources made available for department employees to communicate with each other, other governmental entities, companies and individuals for the benefit of the department. The systems are not to be used for employee personal gain or to support or to advocate any non-departmental business or purpose. In addition, all computers, databases and confidential information must be protected from unauthorized or inappropriate use. The following Computer Use Agreement will be followed by all LVMPD employees when logging onto a department computer.

This disclaimer strictly prohibits the use of device for personal reasons. Such as but not limited to:

1. Downloading, creating or accessing MP3, .WAV or sound files that are not business related.
2. Downloading, creating or accessing pictures, graphics or video files that are not business related.
3. Accessing websites that are not business related.
4. Downloading/installing application software or other programs that were not purchased by LVMPD. Including but not limited to: freeware, demo version, evaluation trial version, beta versions, toolbars, screenshots, backgrounds, themes, etc. without the permission from ITB.
5. The use of printers or any peripherals for non-business related purposes.
6. The use of portable hard drives and USB "thumb" drives which are not authorized by ITB.
7. Unauthorized tampering or modifying the operating system or hardware configuration of a computer, printer, notebook or Toughbook. Any modifications to your computer must be performed or authorized by ITB.
8. Attempting to access another member's account for which they do not have authorization or explicit consent is prohibited.

COMPUTER AND PASSWORD SECURITY

A password is a unique user access code required to enter any LVMPD computer system and application system. For CJIS security compliance, the password must be a minimum of 8 characters, the password must be different than your user name or User ID, the password may not be reused, and the password may not be a dictionary word or a proper name. A password will not be shared or otherwise compromised without the express permission of a lieutenant, or higher. If it becomes necessary to divulge a password to another member, the password should be changed as soon as the need for the "shared" password is no longer required. Information Technologies Bureau will automatically request all users to change their password every 90 days.

When necessary to leave a work area unattended, members must log out of the computer or lock their workstation to ensure security of their computer and e-mail system account. (Note: To lock a workstation, press "ctrl-alt-delete", then select "lock workstation". To unlock the workstation, select "ctrl-alt-delete," then enter your password when prompted.) Members may allow other members to "proxy" into their e-mail system account when necessary to allow for the conduct of daily business, but become responsible for any activities conducted on their account even by the proxy. (Exception: Information Technologies personnel may proxy into workstations, with verbal permission of the user, to conduct official business as necessary.)

Monitors must be positioned so as not to be in view of unauthorized personnel. If it is not possible to change the position, the monitor must be completely darkened, turned off, or covered with a monitor security screen until unauthorized personnel are not within viewing range.

Computers on the first level of buildings must not have the monitors facing the outer windows. If floor plan prohibits this, the blinds must be closed at all times to prevent unauthorized viewing of monitors.

"TO EVERYONE" E-MAIL MESSAGES

The "LVMPD_EVERYONE" and "DSD_EVERYONE" addresses in the email system allow employees to communicate with all members of the Department who have an assigned Department email address. These addresses are **not** to be used for any non-departmental business or purpose. All email correspondence addressed to "LVMPD_EVERYONE" must be routed through the respective bureau/area commander or their designee for approval

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prior to being forwarded to the Office of Public Information for publication. Information will not be published unless the email comes from the computer of a bureau/area commander or their designee. If the correspondence is extremely time-sensitive, the Office of Public Information can be contacted via telephone.

ELECTRONIC COMMUNICATIONS CONTROLS

LVMPD reserves the right to monitor and will conduct an annual audit of all aspects of electronic telecommunications including e-mail and Internet communications. No electronic communications systems within this department are considered private or confidential. It is against the policy of this department to attempt to gain access to another members account for which they do not have authorization or explicit consent. If it becomes necessary for an employee's supervisor to monitor messages to assure efficient performance and appropriate use, they must first obtain the approval of a bureau/area commander or above, before requesting access to electronic communications records (i.e., e-mail, pagers, and cell phones).

DEPARTMENT E-MAIL

The approval of the bureau/area commander or above is required before requesting Information Technologies grant monitoring capabilities of another employees' department e-mail.

Information Technologies Bureau will:

1. Upon receipt of request to monitor another employee's department e-mail, ensure approval has been obtained from a bureau/area commander or above.
2. Grant monitoring capabilities.
3. Follow up with the requestor in 30 day increments to verify if monitoring continues to be necessary.
4. When no longer necessary, disable monitoring capabilities.

CRIMINAL HISTORY SENT VIA E-MAIL

Criminal History Record Information (CHRI) that is sent through e-mail must meet the following requirements:

1. No encryption necessary for e-mails within LVMPD.COM, CCDANV.com, CityofHenderson.com, or ClarkCountyNV.gov e-mail domain addresses. All e-mails that do not fall within one of the above e-mail domains must have the CHRI encrypted.
2. Encryption software will need to be provided from, and coordinated with the receiving Agency, along with approval and coordination/oversight from ITB
3. CHRI sent to other agencies must be logged with a LVMPD 507, Secondary Dissemination Log.

DEPARTMENT PAGERS

The approval of the bureau/area commander or above is required before requesting the Information Technologies, Cell Phone Detail grant monitoring capabilities of another employees' department issued pager (i.e., pager cloning).

Radio System Bureau

1. Upon receipt of request to monitor another employee's activity, ensures approval has been obtained from a bureau/area commander or above.
2. Grants monitoring capabilities.
3. Follows up with the requestor in 30 day increments to verify if monitoring continues to be necessary.
4. When no longer necessary, disables monitoring capabilities.

DEPARTMENT CELLULAR PHONES

Bureau/area commander, or their designee, receives a paper copy of the cell phone bills/logs on a monthly basis to ensure proper usage and reimbursement. Access to another employee's cell phone records, beyond these provided monthly, must be approved by a bureau/area commander or above, prior to requesting copies from the Information Technologies, Cellular Phone Detail.

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Information Technologies Bureau, Cellular Phone Detail will:

1. Upon receipt of request to monitor another employee's activity, ensure approval has been obtained from a bureau/area commander or above.
2. Grant monitoring capabilities.
3. Follow up with the requestor in 30 day increments to verify if monitoring continues to be necessary.
4. When no longer necessary, disable monitoring capabilities. (5/12, 3/20)■

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4/109.07 UNAUTHORIZED USE OF DEPARTMENT PROPERTY, FACILITIES, OR ADDRESS

No member of the Department shall use Department property or facilities for personal, social, or unofficial purposes.

No member shall use the Department address for unofficial purposes such as vehicle registration, vehicle title, or personal mail that does not contain law enforcement related material.

DMV APPLICATION FOR ALTERNATIVE ADDRESS

At the time of application for or renewal of a driver's license, an officer may request the display of their employer's address. The address to be used will be 3141 Sunrise Ave., Las Vegas, NV 89101. The Department of Motor Vehicles (DMV) will forward the request to LVMPD. Only bureau commanders are authorized to approve the request.

LVMPD is not responsible for personal mail delivered to any Department facility. (3/09, 12/19)■

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2/125.00 COPYRIGHT OF LVMPD EMBLEMS (BADGE/LOGO)

The design of the LVMPD badge is protected by federal copyright. Reproductions of the badge must have the copyright symbol, “©1973 LVMPD.”

The emblems commemorating Metro’s anniversaries have been registered with the State of Nevada. Reproductions of the emblems are to be accompanied by the trademark (™) and Service Mark (SM) symbols.

“LVMPD” has also been registered with the State of Nevada and will be displayed as LVMPD®.

It is the policy of this department that all reproductions (other than for official use) of the badge, anniversary emblems or the logo “LVMPD,” including artwork, must be approved by the Undersheriff prior to use. Requests are not necessary for use of LVMPD copyrighted material on perishable items such as cakes for retirement ceremonies or items such as paper retirement banners, which are intended to be used for one such occasion and discarded.

SELLING OF LVMPD MERCHANDISE

Several special interest groups affiliated with the department sell merchandise bearing the LVMPD insignia or emblem to raise funds to benefit their group (i.e., Traffic and K-9 for competitions, Gangs Section for their annual convention, the Explorers, and many others). These special interest groups must meet the following criteria prior to selling any copyright merchandise:

1. Special Interest Group must be affiliated with the department. Profits must benefit the special group affiliated with the department.
2. Special Interest Group must be a current 501C3 Tax Exempt Non-Profit (applied for through the IRS).
3. All merchandise bearing the copyrighted LVMPD emblems must be pre-approved by the Undersheriff.
 - a. Submit the artwork or a prototype for the Undersheriff to view;
 - b. Submit a plan to include the number of items to be produced, the price at which they will be sold, who the projected consumer will be, and the means by which the merchandise will be sold.
4. After receiving approval of the Undersheriff, place order for items to be sold.
5. All purchases, sales and transactions must take place outside of the departmental processes. (12/10, 12/14)■

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4/103.21 CHARITABLE FUND RAISING/ SOLICITING ON DUTY

CHARITABLE FUNDRAISING

LVMPD members have a long history of being charitable and participating in non-profit events.

Vendors, persons, or department employees will be allowed to use limited department time to participate in non-profit charities/events. The on-duty time spent toward these charities will be minimal and will be limited to the time devoted to the administrative tasks of passing out and collecting pledge forms. All other time volunteered will be done during the employee's off-duty hours and hours volunteered will not be compensated. Employees who participate in events such as Brass Challenge, police memorial relays, bicycle rides, or other sporting events may be allowed vacation or bonus time to compete and will not use department time to participate.

Any department employees accepting donations on behalf of any charity must go through an auditing process established by the charity to account for the money or items collected. If a procedure for accounting and handling earned funds or donations is not available, the LVMPD Cash Handling Procedural Guidelines for Charitable Fundraising Organizations will be used and is available in the LVMPD Intranet under the Accounting Section.

LVMPD MERCHANDISE

There are multiple sections within the department which sell LVMPD apparel and keepsakes to earn funds for competitions, etc. It is the policy of this department all such sales must be approved by the Charitable Fundraising Board prior to any items being ordered for sale. A LVMPD 533, Charitable Fundraising Request Form, must be submitted after ensuring all merchandise is designed to comply with LVMPD 2/125.00, *Copyright of LVMPD Emblem (Logo/Badge)*, and there is an accounting system in place for earned funds. Such items may be advertised through the LVMPD Intranet (Everyone Notices). Units or individual employees who sponsor or lead a fundraising activity should be responsible for pickup and delivery of the items they are selling.

OTHER NON-LVMPD MERCHANDISE

The sale of non-LVMPD merchandise for charitable fundraising will not be allowed while on-duty or on department property.

Members are prohibited from soliciting contributions and buying or selling of any and all merchandise while on-duty (even if an outside employment request has been approved). This includes outside fundraisers for schools or school groups, sports teams, and any other extra-curricular activities (i.e., candy bars, cookie dough, Girl Scout cookies, etc.). In addition, the solicitation for merchandise parties (i.e., Pampered Chef, purse or jewelry parties, etc.) is also prohibited under this restriction. This will prevent any involved party from feeling intimidated or obligated to participate.

LVMPD INTRANET AND EVERYONE (E-MAIL) NOTICES

The LVMPD Public Information Office (PIO) will internally promote department sanctioned fundraising events and the sale of department affiliated merchandise through Intranet postings and Everyone Notices (e-mails).

The PIO will send press releases for department sanctioned events only after notification from the Charitable Fundraising Board Chairperson, or designee, has confirmed the event has been approved. Once the event organizer has approval to hold the event, PIO will be notified.

CHARITABLE FUNDRAISING BOARD

A Charitable Fundraising Board will be formed, with representation by the following positions:

- Division Commander, Support Division – Chairperson
- Police lieutenant or Captain
- Corrections lieutenant or Captain

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A PIO member
Director or Manager from the Accounting Section
A Director
A member from the Office of General Counsel

The Charitable Fundraising Board will meet quarterly, or as needed, and have the responsibility of reviewing LVMPD related fundraising requests. Requests for charitable fundraising can be submitted to the Charitable Fundraising Board for their approval, using the Charitable Fundraising Request Form. The board will grant a one-time approval for a specific event, grant approval on an on-going basis, or deny the request.

OTHER NON-SANCTION EVENTS

Members must refrain from soliciting or otherwise participating in non-sanctioned LVMPD charities while on-duty or in uniform, or in any manner that directly associates LVMPD with a charity. Participating in charitable events while identifying oneself as an LVMPD member gives the perception LVMPD is supporting the event. For this reason, department members may not use LVMPD vehicles or equipment to support non-sanctioned fundraising events. Having LVMPD equipment and vehicles at a fundraising event leads the public to believe LVMPD supports the charity or event. Additionally, the LVMPD cannot use taxpayer dollars to pay for equipment, vehicles, demonstrations, and manpower used for entertainment or exhibitions at non-sanctioned fundraisers.

SELLING OF FOOD ITEMS

The Southern Nevada Health District (SNHD) has jurisdiction over all public health matters in the Health District, NRS Chapter 439. This includes the adoption of regulations regarding food establishments and food handling, NRS 446.940(2). All food establishments must follow these regulations, though there are some exceptions. When selling food items, department members must acquire the exemption from SNHD prior to submitting the LVMPD 533.

VOLUNTARY SERVICES

Charitable activities and fundraising (for events such as homeless individuals, military families, Santa Cops, Turkey Drive, LVMPD family, & etc.) can still be accomplished. The planned amount of duty time spent on the event must be supported by the Division Commander, and approved by the Charitable Fundraising Board.

Off-duty officers are prohibited from volunteering their services to private or charitable organizations for the purpose of performing traffic control, security, or other law enforcement-related activities or functions.

Private organizations are not mandated by Nevada law to provide worker's compensation coverage for volunteers. As such, worker's compensation is generally not provided for personal injury incurred in voluntary police activities, even though such activity primarily benefits the private organization.

This policy applies to both uniformed and non-uniformed services.

501(c)(3) CHARITABLE ORGANIZATIONS

Individual sections within LVMPD are prohibited from setting up 501(c)(3) Charitable Organizations. Board members of these organizations assume a financial responsibility for all monies taken in, how funds are used, any misappropriations, and they are subjected to tax reporting requirements. Exceptions are the 501(c)(3) programs already established as of July 1, 2013, and those that exist through the PPA, PMSA, or PPACE. Other areas should apply to run fundraising programs through the already established Metro Foundation.

PROCEDURE

LVMPD affiliated group requesting to Fundraise will:

1. Determine if item(s) complies with LVMPD 2/125.00, *Copyright of LVMPD Emblem (Badge/Logo)*.
2. Complete the Charitable Fundraising Request Form, LVMPD 533.

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3. Submit the form through their chain to the Division Commander for approval.

Division Commander will:

4. Review request and forward form to Charitable Fundraising Board Chairperson (Support Division Commander).

Charitable Fundraising Board will:

5. Quarterly, or as needed, review all Charitable Fundraising Request Forms.
6. Determine if Fundraising Request is consistent with the LVMPD mission, ensures appropriate use of solicited funds, and can be classified as a charitable event.
7. Approve or deny request.
8. Notify group of approval or denial of request by returning a copy of the Charitable Fundraising Request Form, through the division and bureau/area commander, with decision appropriately noted.
9. Forward copy of approved requests to PIO.

LVMPD affiliated group requesting to Fundraise will:

10. Ensure the proper charitable organization receive funds collected on their behalf. (4/16, 3/17)■

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5/111.04

DEPARTMENT MEMBER IDENTIFICATION CARDS

All department members and volunteers will be issued a photo identification card by the Records and Fingerprint Bureau that will be carried with them on duty. This photo identification will be presented for viewing, upon request and whenever practical, to the public to aid identification of personnel. This section does not apply to members acting in an undercover capacity.

Upon issue, a photo identification card will be valid for five (5) years. Members shall obtain new cards within 90 days after transfer to any non-uniform assignment that may cause them to substantially alter their appearance (i.e., Vice Section or Narcotics Crime Section). Members leaving such assignments shall obtain a new identification card within 15 days after transferring to a uniform assignment or any other assignment requiring compliance to grooming standards. It will also be the responsibility of members to obtain a new card within 15 days of the expiration date or change in their name, rank or classification.

Member/Volunteer will:

1. Report to the Records and Fingerprint Bureau in proper business attire or uniform (the only exception will be upon approval of the bureau commander for officers in non-uniform assignments that may cause them to substantially alter their appearance):
 - a. New members will provide an In & Out Sheet from the Personnel Management Team, Office of Human Resources.
 - b. Volunteers provide a referral from the Office of Human Resources.
 - c. Current members provide former or expired identification card or event number for lost/stolen card (see LVMPD 5/103.28, *Reporting Damage/Loss to Department Property and Equipment*).

Note: Members who have changed their name must bring their updated social security card indicating the new name to Payroll Section prior to reporting to the Records and Fingerprint Bureau for new identification.

Retiring/Retired Members will:

2. Report to the Records and Fingerprint Bureau in proper attire or uniform for their retirement photo.
3. Request replacement identification card through the Office of Human Resources, who will verify eligibility through the Office of the Undersheriff and notify the Records and Fingerprint Bureau.

Records and Fingerprint Bureau will:

4. Verify information through the Employee Roster or notification from Office of Human Resources and photo identification.
5. Capture member/volunteer photo and signature if necessary.
6. Issue photo identification card to member/volunteer, or
7. Forward retirement identification card to the Office of the Sheriff or provide replacement card to retiree.
8. Invalidate former or expired identification card:
 - a. If the member wishes to keep the expired identification badge, the Fingerprint Bureau can return the invalidated (hole-punched) badge to the member.
 - b. If the member doesn't wish to keep the expired badge, the Fingerprint Bureau will shred the badge.

The wearing of member identification (hang badges, badges, etc.) is mandatory at all LVMPD facilities when in civilian attire. Member identification badges will be clipped on, with picture facing forward, and worn over the left pocket or left side of the chest area or worn on a lanyard around the neck.

Members will not display their identification card while off-duty or engaged in non-police activities.

ALL IDENTIFICATION CARDS, INCLUDING RETIREMENT IDENTIFICATION CARDS, REMAIN THE PROPERTY OF THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT. (5/13, 7/15)■

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4/102.13 DETENTION FACILITY SECURITY

Only authorized personnel on official police business will be admitted into the LVMPD Detention facility through the vehicle sally ports and walk-in door located on First Street. Weapons will be stored in the areas provided, prior to entrance into a detention facility security area. Non-uniformed personnel will display an authorized hang badge while inside the LVMPD Detention facility. (7/78)■

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5/101.32 REQUESTING REIMBURSABLE OVERTIME

It is the policy of this department that department members are permitted to perform reimbursable overtime only when authorized by the Events Planning Section, which schedules events, makes assignments, and ensures compliance with city and county codes, when applicable.

GENERAL

To qualify for reimbursable overtime an officer must have satisfactorily completed field training. Upon completion of Field Training, officers on probation are authorized to create an account in the Cop Logic Overtime Management System (OTMS) and sign up for any available event. If during the officer's probation, his supervisor determines that the officer's work performance is not meeting standards, the Events Planning Section (EPS) will be notified through the officer's chain of command. The officer's OMS account will be suspended by EPS until advised the officer's performance has returned to a satisfactory level. Dispatchers who have not been released to work a channel alone are not eligible to work reimbursable overtime and may not create an account.

When a supervisor is not assigned, the senior officer working the event will be responsible for ensuring a safe event by maintaining professionalism at all times, upholding the policies and standards of the department as well as the EPS. The senior officer will contact an area supervisor or watch commander in situations requiring supervisory approval of response (e.g., use of force, citizen complaints, etc.).

Officers found in violation of department policies, Events Planning Section guidelines, and/or complaints of misconduct may be prohibited from working reimbursable overtime for a period of up to 120 days. Contact reports will be forwarded to the immediate supervisor for action. Reimbursable overtime assignments are a privilege and not guaranteed for any officer. All events are subject to cancellation at any time. Events Planning overtime is handled as regular overtime, in accordance with LVMPD 5/101.33, *Overtime*, which states (in part):

“Employees who are on sick leave, worker's compensation; FMLA, military leave, maternity, paternity, extended or catastrophic leave; modified duty; leave without pay; or suspensions are not eligible to work overtime of any kind (except emergency overtime). Employees who are on suspension are considered to be suspended from the date and time indicated in the suspension notice until the beginning of their next regularly scheduled work day. (Exception: Personnel who are in an ADA Accommodated Position, in accordance with LVMPD 5/110.17, *Disability Accommodation*, may work overtime under certain conditions with the approval of the Health and Safety Services Section or by direction of the Sheriff.)

Employees are not eligible to work overtime during their regular duty hours on any day that they are on compensatory leave, vacation, bonus, off in lieu of holiday, floating holiday or professional leave. However, employees can work overtime outside their regular duty hours during this type of leave and on any RDO during those work periods. It should be noted, however, that working reimbursable overtime does not relieve the employee from the responsibility of reporting on time for any normal tour of duty. All employees are subject to emergency overtime, as necessary.

Officers who are on modified duty due to their involvement in a use of force incident are exempt from the prohibition of working overtime. However, these officers will only be allowed to work in positions that have no potential for suspect contact, such as in a Unified Command Post.”

Unless specifically requested by the Events Planning Section through the appropriate supervisors, there will be no shift-adjust or RDO adjust in order to work an event. The only exceptions to this rule are Resident Area officers working reimbursable overtime at community events within their assigned areas. This exception must be approved by the bureau commander and will be based upon operational need (i.e.: cost effective, impractical to staff otherwise due to location or distance, eliminate travel pay for non-Resident Area officers, etc.).

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STAFFING AUTHORIZATION

Department members will not casually or formally solicit overtime for their respective detail; this includes supervisors and/or officers assigned to specialty units. Members are not authorized to schedule themselves or anyone else to work any reimbursable overtime events, except as provided below. All requests from businesses or citizens for officers to work reimbursable overtime must be forwarded to and approved by the Events Planning Section. Members receiving such requests will refer requestor to the Events Planning Section and will not agree to/nor work any reimbursable overtime unless properly approved and staffed through the Events Planning Section.

Officers will not use their badges/identifications to obtain access to an event, unless on official duty. Officers working an event in an official capacity (not in a reimbursable overtime status) will sign in at the Events Planning command post (CP). If no CP is established, officers will personally contact the senior officer assigned to the event to advise him/her of their presence. Only officers on official duty, or assigned to an event are authorized access to the event. The supervisor, or senior officer assigned to an event by the Events Planning Section is responsible for ensuring that only authorized personnel gain access to the event. If admittance is obtained, the supervisor/senior officer will advise the venue manager (if possible) of the presence of additional officers. At the conclusion of the event, the supervisor/senior officer will complete a memorandum explaining the circumstances for which access was approved and forward to the Events Planning Section.

Any exceptions to staffing authorization for reimbursable overtime must be approved by the Events Planning Section lieutenant, or designee.

PROCEDURE

Events Planning Section will:

1. Coordinate and schedule authorized reimbursable overtime for motion picture and television productions, parades, rallies, sporting events, concerts, and other special events.
2. As part of the permit process for special events, administer the program to ensure strict adherence to policies, statutes, and other matters by involved members, including eligibility.
3. Provide written instructions regarding the specifics of an assignment to include, but not limited to, equipment needs, parking, briefings, peculiarities of the event, etc. Failure to abide by policies, procedures or instructions, or any other actions which bring discredit to the department, may result in disciplinary action or prohibition of future reimbursable overtime.
4. Notify officers to work events as necessary in situations including, but not limited to, the reserve list being exhausted, short notice of an event, or special equipment needs.

Officers, Dispatchers and Sergeants Requesting/Working Reimbursable Overtime will:

5. Each week after 1800 hours on Friday and before 1000 hours on Monday, log onto the Coplogic Overtime Management System (OTMS) website and review the available overtime assignments.
 - a. The Events Planning Section is responsible for the daily administration, operation, and integrity of OTMS.
 - b. Supervisors, officers and civilian coordinators assigned to the Events Planning Section are exempt from the above procedure.
 - c. The specific guidelines, oversight, and restrictions pertaining to the Events Planning Section will be detailed in the Events Planning Section Manual.
 - d. There are no limits on an officer's reimbursable overtime, however, officers assigned to the Events Planning Section will not have unlimited access to reimbursable overtime.

In order to create an account in the copLogic Overtime Management System, eligible Police Officers, Police Sergeants, Corrections Officers, Corrections Sergeants, and Dispatchers shall go to the following web sites and follow the provided directions:

Officers:	http://secure.coplogic.com/otms/usersignup/100443400/100443601
Sergeants:	http://secure.coplogic.com/otms/usersignup/100443400/100443602
Dispatchers:	http://secure.coplogic.com/otms/usersignup/100443400/100443600

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CO: <http://secure.coplogic.com/otms/usersignup/100443400/100451500>
CO Sgt: <http://secure.coplogic.com/otms/usersignup/100443400/100451501>

After an account has been created, department members are responsible for logging into the system, and prioritizing their choices for overtime between the hours indicated in step 5 above.

6. Each Monday morning the OTMS will randomly assign department members to the available overtime positions and send an e-mail notification to the officers confirming their assignment.

Additional requirements concerning the Overtime Management System:

- a. If, after being assigned, an officer cannot work the event, the officer must immediately go to the OTMS website to cancel themselves off the assignment.
 - b. Officers may sign-up for themselves and one other officer on the OTMS website. Both officers must select each other in order to be assigned together. Members who sign up another member who cannot work overtime will have their event cancelled.
 - c. Officers will not sign up for an assignment that is in conflict with normal duty hours. Ending times on most events are estimates only and cannot be guaranteed.
7. Ensure that the written instructions pertaining to the event are printed out and reviewed as soon as possible after being scheduled to work an overtime assignment. Members must confirm the information, including date, time, location and instructions for the overtime position.
 8. Pick up required authorized equipment from the station of assignment, or if not assigned to a patrol station, from the area command in which the special event is held. Unauthorized equipment will be returned to the station and pay adjusted for the time required to do so. The officer may also be subject to disciplinary action.
 9. Report to the assignment with sufficient report forms, citations, equipment, etc. If working a traffic control or pedestrian control assignment, on public or private property, wears the department approved reflective vest for visibility. Vests are available at area commands or the Supply Section.
 10. Contact the Events Planning Section immediately if unable to report to an assigned event. Members are NOT authorized to find their own replacement.
 11. Members failing to report to an assignment will be considered in violation of the department policy regarding reporting for duty, and depending on the circumstances, may be prohibited from working reimbursable overtime for a period of up to 120 days.
 12. Call the Overtime Secure Line (593-5014) upon securing from an event, and reports name, P#, event worked, and date/time logged on/off the event. Members need to be concise in their reports, and ensure that only one member calls in the times. Members will not be paid for an event until the secure times are reported to Events Planning.
 13. Sergeant or senior member send a memo to the Events Planning supervisor reporting any significant incidents during the tour of duty, such as use of force, accidents, injuries to the officer or others, liability issues, complaints or commendations and recommendations for improvement or problems encountered.

Events Planning Lieutenant/Sergeant will:

14. Research event problems and/or recommendations and provide a written response to officers/supervisors inquiries.
15. Investigate complaints of members not following Events Planning Section guidelines or complaints of officer misconduct while working reimbursable overtime. Recommend revoking the privilege of working reimbursable overtime for a specific period or completes applicable Incident Report if appropriate.
16. Make final decisions regarding member eligibility for working reimbursable overtime. Complete and submit Contact Reports through the member's chain of command and notify Payroll Section of any member's ineligible for reimbursable overtime assignments.
17. Issue specialized equipment, such as binoculars, mass casualty bags, reflective vests, etc., to supervisors and employees for specific events.
18. Monitor and complete unannounced quality checks on events on a regular basis. (10/17, 4/18)■

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5/106.04 FLYING WHILE ARMED; TRANSPORTING PRISONERS AND PROTECTING DIGNITARIES ABOARD COMMERCIAL AIRLINES

Commissioned officers, who have an operational need to fly armed on a commercial aircraft as authorized by their chain of command, must follow these procedures prior to arriving at the airport.

REQUIREMENTS TO CARRY WEAPONS ABOARD COMMERCIAL AIRCRAFT

1. Be a full-time sworn/commissioned law enforcement officer.
2. Be authorized by LVMPD to have the weapon in connection with assigned duties, and have an operational need to fly armed as defined by Title 49 Code of Federal Regulations and further explained in the next section.
3. Have completed the training program "Law Enforcement Officers Flying Armed," mandatory per Title 49 of the Code of Federal Regulations.

The bureau/area commander (as the authorizing LVMPD official) of the traveling officer is responsible for ensuring the above criteria have been fulfilled prior to authorizing the request and that the LVMPD 225/226 form has been signed and scanned into OnBase. Authorizing an officer to fly armed for reasons other than those specified in Title 49 CFR may result in the officer being restricted from boarding the aircraft, loss of this privilege to the LVMPD, and potential civil and/or criminal charges being assessed on the officer and/or agency.

OPERATIONAL NEED TO FLY ARMED

In order to carry a firearm in the cabin of the aircraft, the officer must be on official LVMPD business and meet the requirements for operational need as specified in Title 49 Code of Federal Regulation (CFR) § 1544.219 Carriage of Accessible Weapons.

Operational Need, as defined by Title 49:

The "Armed LEO [Law Enforcement Officer] must have a need to have the weapon accessible from the time he or she would otherwise check the weapon until the time it would be claimed after deplaning. The need to have the weapon accessible must be determined by the employing agency, department, or service and be based on one of the following:

1. The provision of protective duty, for instance, assigned to a principal or advance team, or on travel required to be prepared to engage in a protective function.
2. The conduct of a hazardous surveillance operation.
3. On official travel required to report to another location, armed and prepared for duty.
4. Employed as a Federal LEO, whether or not on official travel, and armed in accordance with an agency-wide policy governing that type of travel established by the employing agency by directive or policy statement.
5. Control of a prisoner, in accordance with Sec. 1544.221, or an armed LEO on a round trip ticket returning from escorting, or traveling to pick up, a prisoner.
6. TSA Federal Air Marshal on duty status."

Following are examples (not all inclusive) of non-authorized reasons for flying armed. In these cases the request should be denied by the officer's bureau/area commander and the officer may not fly armed.

1. Attending a conference
2. Going on vacation
3. Wants to carry firearm for personal protection
4. Did not attend Law Enforcement Officers Flying While Armed training by the Federal Air Marshal Service
5. Not on official LVMPD business
6. Not performing VIP protection
7. Not transporting a prisoner
8. Not performing hazardous surveillance operations
9. Not required by LVMPD to report to another location, armed and prepared for duty (i.e. reporting to another jurisdiction for emergency operational assistance)
10. Has an operational need to fly, however they will be checking into a hotel immediately after landing.*

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* If the officer is not performing VIP protection, or transporting a prisoner, the firearm must be placed in a locked hard case in their check-in luggage unless the operational need by the department requires they have the weapon upon departing the plane (i.e. immediate surveillance of subject). If they are checking into a hotel first, or going to another location where the weapon is not needed immediately, then the officer is not authorized to fly armed and must have the firearm correctly secured in their check-in luggage.

OBTAINING ALPHANUMERIC IDENTIFIER

After the request to fly armed is vetted and approved by the bureau/area commander and the LVMPD 225/226 form has been signed and scanned into OnBase, the officer's bureau of assignment must send a properly formatted NLETS administrative message to the Federal Air Marshal Service (FAMS) using a pre-formatted J-Link Administrative Message (AM). A unique alphanumeric identifier code will be required for the airport of departure, and one for the airport from which the member will depart upon their return.

It is recommended that the AM be transmitted a minimum of 24 hours prior to travel. Once the AM message is received by FAMS, a return message will be sent back from the FAMS Transportation Security Operations Center (TSOC) with a unique alphanumeric identifier for verification at the airport on the day of travel. This response should be printed out and provided to the officer.

To retrieve the pre-formatted AM message, follow these steps:

1. Within J-Link, type TEMPLATE in the TranCode field and press the TAB key.
2. The TEMPLATES transaction screen will appear. Press the SEND button.
3. A list of templates will appear. Scroll down to template titled "LVMPD225/226" and click the title hyperlink.
4. A pre-formatted AM message will appear. Complete the fields as indicated below.

Completing the fields in the AM message:

NOTE: Do not remove, or add, any 'periods' (.) in the message.

1. NAM: Enter the officer's full name in Last Name, First Name format. Example: NAM/SMITH, JOHN.
2. AGY is preformatted, do not modify.
3. BCN: Enter the Personnel Number of the officer. Example: BCN/1234.
4. OFC is preformatted, do not modify.
5. NAO is preformatted, do not modify.
6. CRT: This field is used to indicate the officer has completed the mandatory flying while armed training by FAMS. Enter YES if trained. If officer is not trained, stop now and do not send the message. Example: CRT/YES.
7. CPN: Enter the cell phone of the officer, entered without dashes. Example: CPN/17028281234.
8. APN is preformatted, do not modify.
9. EIT: Explanation of Individual's Travel (previously Escorted Individual Type) per Title 49 CFR 1544.219. If transporting a prisoner specify as "PRISONER;" for VIP protection specify "PROTECTIVEDETAIL;" for official police activity that requires the officer to be "armed and prepared for duty" and the armed LEO must have an operational need to have the weapon accessible on the aircraft, specify "ENFORCEMENT" or "INVESTIGATION." Example: EIT/PRISONER.
10. EIN: Enter the escorted individuals name in Last Name, First Name format. Example: EIN/BADGUY, JOHN.
11. NOA: Enter the name of the airline. Example: NOA/AMERICAN.
12. FLN: Enter the flight number. This provides the TSA, as well as the LEO flying armed and the LVMPD, the necessary level of liability protection in the event of an incident. Multiple flight numbers can be included and should be entered in chronological order and separated by commas. Example: FLN/123456, or FLN/AA1234, AA5678, UA9012.
13. DOF: Enter the date of flight in MMDDYY format. Example: DOF/010113.
14. DAP: Enter the departing airport's three (3) digit airport code. Example: DAP/LAS. Airport "Ident" codes can be found online: <http://www.iata.org/publications/Pages/code-search.aspx>.
15. CAP: Enter the connecting airport (if any). Multiple airport codes can be included, separated by commas.

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Example: CAP/RNO, or CAP/DCA, CLT, GSP.

16. FDA: Enter the final destination airport. Example: FDA/SEA.

17. REFER: This field contains the information of the person sending the message. No period is required at the end of the REFER line. Example: REFER/DOE, JANE P#1234 702-828-1234.

18. AUTH is preformatted, do not modify.

Example completed message:

LEOFA

NAM/JOHNSON, JOHN.

AGY/LAS VEGAS METROPOLITAN POLICE DEPARTMENT.

BCN/12345.

OFC/LOCAL.

NAO/LOMBARDO, JOSEPH.

CRT/YES.

CPN/1702555555.

APN/17028283111.

EIT/PRISONER.

EIN/WESTON, MICHAEL.

NOA/AMERICAN.

FLN/A12345.

DOF/032813.

DAP/LAS.

CAP/.

FDA/LAX.

REFER/ANDERSON, JANE P#1234 702-828-5555

AUTH/JOSEPH LOMBARDO SHERIFF METROPOLITAN POLICE DEPARTMENT LAS VEGAS NEVADA

TRAVEL DATE CHANGES

If for some reason the officer's travel date changes (i.e. weather, flight delays), a new alphanumeric identifier must be obtained.

PROCEDURES FOR CARRYING WEAPONS ABOARD COMMERCIAL AIRCRAFT

Note: When time permits, officers should contact TSA at McCarran International Airport on the day prior to travel advising; name, department, airline, flight numbers, date and time of departure. TSA can be contacted via phone at (702) 577-9421 or email at lascoordinationcenter@tsa.dhs.gov.

1. On the day of travel, the officer checks-in at the airline ticket counter and identifies himself by presenting his badge, employee ID and a second form of government identification with the original Travel Authority form properly completed and signed. The LEO fills out the armed traveler paperwork provided by the airline, commonly referred to as Person Carrying Firearms (PCFA) forms, and proceeds to the Armed LEO Screening Checkpoint. ****Do not go to the main passenger screening area****
2. At the Armed LEO Screening Checkpoint, LEO provides the unique alphanumeric identifier and displays his badge, employee ID, a second form of government identification, boarding pass, and required PCFA forms.
3. The LEO will complete the LEO Logbook and proceed to the boarding gate.
4. At the boarding gate the LEO will provide the airlines' PCFA forms and inform the gate agent of the LEO's presence and status.
5. The LEO then meets with the Pilot in Command, Federal Air Marshals, Federal Flight Deck Officers, and/or other Law Enforcement Officers onboard the flight as directed.
6. Officers may not drink any alcoholic beverage(s) while armed aboard an aircraft.

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ADDITIONAL PROCEDURES FOR OFFICERS TRANSPORTING PRISONERS ABOARD COMMERCIAL AIRCRAFT

1. Notifies the airline at least one hour before departure, or as soon as practical, of the identity of the prisoner and the flight on which the prisoner will be carried.
2. Notifies the airline if the prisoner is considered dangerous. Federal Air Regulations require dangerous prisoners be accompanied by at least two officers.
3. Be equipped with adequate restraining devices to restrain prisoner, if necessary.
4. Keep the prisoner under surveillance at all times.
5. Be familiar with any additional requirements of the airline.

CARRYING A DEADLY WEAPON IN CHECKED BAGGAGE

Before any officer may be permitted to carry a deadly or dangerous weapon in checked baggage, the airline must be notified that the weapon is in the baggage (stored in a hard firearms case), must be assured the weapon is unloaded and the baggage is locked. The officer checking the baggage must retain the key or lock combination.

OBTAINING “LAW ENFORCEMENT OFFICERS FLYING ARMED” TRAINING

Before any Law Enforcement Officer will be permitted to fly armed, it is mandatory they complete “Law Enforcement Officers Flying Armed” training. The Office of Law Enforcement/Federal Air Marshal Service maintains oversight of the Law Enforcement Officers Flying Armed training program. They may be contacted using LVMPD e-mail accounts only at: leofatrn.trn@dhs.gov. The LVMPD Organizational Development Bureau posts training announcements for this training one month in advance.

GENERAL QUESTIONS AND GUIDANCE

For general questions or guidance related to Law Enforcement Officers flying armed or for time sensitive training requests, please contact the Office of Law Enforcement/Federal Air Marshal Service at (855) FLY-LEOS (359-5367) or LEOFA@dhs.gov (3/16, 10/16)■

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5/107.18 REQUESTS FOR ASSISTANCE FROM MOVIE/TELEVISION COMPANIES

All requests from movie and television companies for movie making assistance will be referred to the Office of Public Information (PIO). Requests for police assistance for normal law enforcement duties will be handled as requests from any citizen are handled by the Events Planning Section.

Office of Public Information

1. Receives the request for assistance from a movie/television company.
2. Reviews the request to ensure that:
 - a. The department and community are shown in a favorable light.
 - b. The assistance requested is in accordance with department policies and procedures; and
 - c. All involved department personnel, facilities, and equipment, (including uniforms and badges), are used and displayed in an appropriate manner. No on-duty officers; or officers working reimbursable overtime will participate in the production as an actor.
3. Forwards request to the Office of the Sheriff with a recommendation for approval or denial.
4. Notifies the requester if the request is denied; or notifies Events Planning Section if the request is approved.

Events Planning Section

5. Fills requests for traffic control and other departmental assistance in accordance with LVMPD 5/101.32, *Requesting Reimbursable Overtime*.
6. Notifies the requester of the arrangements.
7. Forwards the name and address of the requester, and the nature of the request to Accounting Section.

Officer Assigned

8. Calls the Overtime Completion Line with hours worked when the assignment is completed.

Events Planning Section

9. Submits overtime information to the Payroll Section.

Payroll Section

10. Computes the officer's overtime pay.
11. Forwards to the Accounting Section the total amount of applicable overtime paid to the officer.

Accounting Section

12. Bills the movie/television company for reimbursement of overtime expenditures. (3/94, 5/03)■

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5/107.44 COMMUNITY VOLUNTEER VIOLENCE ACTIVATION RESPONDER

It is the policy of this department to strengthen its partnership with the community by coordinating with faith-based leaders, community and business partners and stakeholders who can assist in bringing about sense of calm and peace to an affected community in the aftermath of a violent crime; help suppress future retaliatory violence stemming from that violent crime; and establish a collaborative effort to identify, develop and implement joint strategies to enhance and promote a culture of non-violence in our community.

REBUILDING EVERY CITY AROUND PEACE (RECAP)

Rebuilding Every City Around Peace (RECAP) is open to faith-based volunteers who are members of any and all religions, faiths, denominations, creeds, as well as members of the community at large who wish to serve the community in this volunteer capacity regardless of race, color, religion, gender, gender expression, age, national origin, disability, or sexual orientation.

RECAP is a collaborative partnership between faith-based and community leaders, community partners, certified Violence Responder Volunteers and the department.

RECAP consists of an Executive Board and two advisory boards: The LVMPD Advisory Board and the Faith-Based/Community board.

The Executive Board is co-chaired by the Undersheriff and the Assistant Sheriff of the Law Enforcement Operations Group, as well as the Chair and the Chair Pro Tem of the Faith-Based Advisory Board, and shall consist of members of both Advisory groups in addition to any other members that are approved of by a majority vote of the executive members.

The Executive Board will meet quarterly (at a minimum) to set goals, foster open dialogue, ensure collaboration on relevant Community Policing initiatives, review and monitor Activation Activity, in addition to any other matters the board deems necessary and appropriate.

To enhance communication and effectiveness of RECAP, the members of the Advisory Boards may, as needed, meet jointly to conduct reviews, discuss strategies and outcomes, and address RECAP recruitment, continued education and training, and any other issues as they arise.

The Executive Board will review and vote on all proposed revisions to this policy.

DEFINITIONS

Activation Event – A violent crime (i.e., shooting, stabbing, aggravated assault, etc.) has been committed and, upon review of the facts and circumstances, officers in charge of the scene determine that there is a high likelihood of retaliation by subjects associated with the victim.

Activation Responder Volunteer – An individual that has been certified by the faith-based RECAP board by or before April 1, 2014, or have participated in and completed the Violence Responder RECAP workshop, and meet all conditions set forth in the policy below.

Call-Out List – is the list of Activation Responder Volunteers from which bureau/area commanders or their designees may call to respond to Activation (see below).

Primary Activation (Phase I) – A faith-based/community response initiated by the department when a preliminary investigation of a violent event indicates the strong probability of retaliation, a violent event that involves youth crews, gangs, or racial tension; an event so egregious that it affects the safety and security of the affected community, despite the fact that there is little or no likelihood of retaliation; or circumstances prior to and/or after civil unrest incident(s) (will not be activated during the incident).

Secondary Activation (Phase II) – A follow-up event, within 72 hours, to a Primary Activation held on behalf of, and in, the affected community, conducted in collaboration with community and faith-based partners to promote peace in the aftermath of the violent event. The purpose of such events is to send the message of non-violence; to convey to

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our community that violent crime is not an acceptable social norm in our city; to create a bridge between citizens and law enforcement; to increase the opportunity for citizens to report criminal activity and increase our ability to solve homicides; and whenever possible to introduce resources to communities in need by canvassing residents and identifying service gaps.

Funeral and Prayer Vigil Call Outs (Phase III) – On a case by case basis, at the discretion of RECAP Executive Board and area/bureau commanders, the RECAP message of non-violence will be presented at a funeral, prayer vigil, or memorial services of a victim of homicide. Participation of the Faith-Based RECAP clergy in officiating these services may, from time to time allow an opportunity for law enforcement officials to attend and build further rapport with community in a time of heightened emotions and act as additional opportunity to prevent further violence and/or resulting unrest.

ACTIVATION RESPONDER VOLUNTEER LISTS

Activation Responder Volunteers are identified as connected to the department's various Community Oriented Policing (COP) units at the area commands. The Office of Community Engagement (OCE) will maintain a master list of certified Activation Volunteers who may choose to serve more than one area command. The master list will also be made available to the Communications Bureau Commander, all area commanders, and the RECAP Faith-Based Advisory Group members.

Each area commander shall have direct access to the RECAP Violence Responder Volunteer lists kept by OCE, and the Faith-Based Advisory Group lists and resources. Each area command shall maintain a list of no less than six Activation Responder Volunteers that will primarily serve in that area command to be called upon to assist the community, victims and affected families, and community residents during the immediate aftermath of an event. These volunteers will attend and assist in the coordination of all Primary and Secondary Activation events.

Should none of the individual area command Activation Responder Volunteers be available, there will be a master list of Volunteers available to respond to any area command kept by the Advisory Boards, OCE, and the Communications Bureau.

The Advisory Boards will also maintain a shared list of the most experienced Volunteers, who as mentors and trainees of newly certified Responder Volunteers, are available to attend Primary Activations in all areas of department jurisdiction.

ACTIVATION RESPONDER VOLUNTEER REQUIREMENTS

All Activation Responder Volunteers that have not been active by or before April 1, 2014 or grandfathered into call-out list by a vote of the RECAP boards will be required to:

1. Complete a certification workshop to be held at department headquarters.
2. Undergo a Personal History Check.
 - a. If a candidate has open felony warrants or active felony cases will not be certified.
3. Participate in a ride-along with patrol units from the applicable area command.
4. Partner with an established Activation Responder Volunteer for the first three call-outs.
5. Participate in at least two Secondary Activations before being certified to respond to a Primary Activation without a more experienced Activation Responder Volunteer.
6. Candidates will be presented to Executive Board for final approval by a majority vote.
7. All RECAP Violence Responders must be issued a RECAP Volunteer Identification Badge and must wear them whenever performing their RECAP functions or while on LVMPD property.

PROCEDURE

Primary/Phase I Activation Initiation

The On-scene Supervisor will:

1. Coordinate with investigators to determine if the event is a qualifying Activation Event.
2. If so, notify the area/bureau commander, or designee, and the watch commander.

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3. Notify OCE lieutenant, or designee, and the Faith-Based/Community RECAP Advisory Board Chair, or designees, utilizing the Activation Tree List.
4. Notify the on-call Activation Responder Volunteer and secondary responder from RECAP list provided by OCE and or Communications and provide the volunteer with the on-scene law enforcement contact information, including the reporting site and any other pertinent information.

The Area/Bureau Commander, or designee, will:

5. Review the facts and determine if Primary Activation is to be initiated for the purposes of interrupting the cycle of retaliatory violence:
 - a. If so, the location of the Primary Activation will be the probable retaliation location, that may include the hospital, jail, residence of the victim, crime scene, or any place determined by the supervisors and officers on-scene that they deem appropriate or necessary to the circumstances.
 - b. All Final Command and operational decisions will be in the control of the area/bureau commander, or designee.

Upon closing of the initial investigation and corresponding approvals from investigative detail, the area/bureau commander, or designee, has the discretion of including Activation Responder Volunteers in subsequent briefings regarding the incident.

Secondary/Phase II Activation - Community Follow-Up Peace Rally/Stop the Violence Event

The Area/Bureau Commander, or designee, will:

1. Determine if a Secondary Activation shall be initiated designed to address community healing and with the intent of preventing potential retaliations and to create communication between law enforcement and community with the goal to develop trust.
2. If a Secondary Activation is scheduled, the bureau commander, or designee, will notify the lieutenant (and designee) at OCE:
 - a. The event can take the form of a peace rally, neighborhood march, walk, barbecue, resource fair or other similar appropriate event.
 - b. Area command COP Units are encouraged to conduct survey of residents regarding crime, violence, and quality of life issues for assessment of needs and resources.
 - c. The event will be conducted in conjunction with community and faith-based volunteers, organizations and agencies to promote peace, good will, and calm during a challenging time and to disrupt retaliatory violence and develop trust with law enforcement.
 - d. The exact nature and coordination of the event will be at the discretion of area command COP and with the technical assistance if needed of OCE staff in collaboration with faith-based and community volunteers.

Additional Role of Area/Bureau Commanders or designee will:

3. Designate one RECAP Certified Responder Volunteer to be main point of contact for Activation coordination, outreach and participation in RECAP sub committees.
4. Send after Action Reports to OCE; RECAP Coordinator and the designated Faith-Based RECAP Advisory Board Member of the details of Primary and Secondary Activations held. Details will include date, time, place, type of activation, names of officers present, names of RECAP Volunteers present, notes on outcomes and an approximate number of community members in attendance for Phase II.

The RECAP Role and Function of OCE:

5. Partner with the RECAP Faith/community Based Advisory Board.
6. Coordinate LVMPD RECAP meetings and special events.
7. Train, certify, and coordinate continuing education and quarterly meetings of all RECAP Violence Responder Volunteers:
 - a. Training will consist of a five-hour curriculum that covers: role of the responder; crime trends; the nature of trauma and crisis intervention; Forensic Overview – the nature of preservation of crime scenes.
8. Maintain back up listings of certified volunteers by area command.

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9. Upon being notified of Primary/Phase I Activation the lieutenant or designee may, depending on the circumstances of the event, dispatch an OCE detective and/or a Fusion Liaison Officer to the scene to facilitate RECAP Violence Responder at the scene; escort them to preserve the integrity of crime scenes; collaborate with Intel and other officers.
10. In collaboration with ANSEC, the OCE will maintain data to measure the frequency and effectiveness of the RECAP efforts of each area command, issue relevant reports and share data and information with the RECAP Executive Board and its Advisory Groups for review and strategic planning purposes.
11. Assist in the development of the RECAP Initiative by providing technical assistance to law enforcement and community towards community coalition building around RECAP.
12. Provide continuity of protocols and programs that are in place to strengthen a culture of nonviolence, conflict resolution, and peace in our community. (3/16)■

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5/107.45 CRITICAL CRASH RESPONSE OUTREACH (CCRO)

It is the policy of this Department to coordinate with faith-based leaders, community and business partners, and stakeholders who can assist in bringing about a sense of calm and peace to an affected community in the aftermath of a critical injury or fatal vehicle collision. The Traffic Bureau's mission is to ensure traffic and public safety through education, enforcement, and innovation. In an effort to strengthen community support, the Critical Crash Response Outreach (CCRO) was created.

CRITICAL CRASH RESPONSE OUTREACH

CCRO is a collaborative partnership between LVMPD's Traffic Bureau and faith-based community leaders, community partners, and certified volunteers.

The Traffic Bureau and its faith-based partners will establish a collaborative effort to identify, develop, and implement joint strategies to create, enhance, and promote an awareness and implementation of traffic safety. Community partners have demonstrated a commitment and a vested interest to the area commands they serve. The Traffic Bureau will utilize volunteers from across the valley to support and promote healing and resiliency in the aftermath of a traffic fatality or serious crash.

ACTIVATION PHASES

CCRO activations are initiated on a case-by-case basis when a crash warrants results in critical bodily harm or fatality. Upon arrival, the CCRO volunteer will make contact with the officer and/or Trauma Intervention Program (TIP) volunteer to receive further direction upon making contact with the family or friends of the decedent/critically injured person.

Phase I – A response initiated by a captain or designee (i.e., Fatal Detail sergeant) when a crash occurs if the family of the decedent or critically injured person arrives on scene or to the hospital. The volunteers will respond to the scene of the crash, hospital, family's residence, or any place determined by the supervisor on-scene, as they deem appropriate or necessary due to the circumstance.

Phase II – Within 12-24 hours after a crash, or as soon as next of kin have been notified by the Coroner's Office, CCRO volunteers will make contact with the decedent or critically injured person's family, or any other involved party as deemed necessary. The volunteers may address and offer services the family may be in need of to include, but not limited to: build a rapport and fostering goodwill in a time of heightened emotions, offer condolences, grief counseling, funeral planning and preparations, prayer vigils, or other needs as deemed appropriate and necessary.

CCRO volunteers will communicate with the decedent's family about the desire for law enforcement presence during the funeral services. CCRO volunteers will communicate with the Traffic Bureau commander or designee of the family's acceptance or refusal of request. If approved, the Traffic Bureau commander or designee will attend or designate appropriate personnel.

Phase III – The Traffic Bureau and its faith-based community partners will collaborate and plan events and initiatives to go into the community and educate the public about traffic safety with the objective of reducing and preventing traffic fatalities.

AFTER-ACTION REPORT

At the conclusion of any CCRO activation, the Traffic Bureau commander or designee and the lead CCRO volunteer will complete an after action report. These reports will be collected by the designated LVPMD coordinator, as appropriate, or sent electronically to the Traffic Bureau.

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CRITICAL CRASH RESPONSE OUTREACH VOLUNTEER POLICIES

CCRO is open to faith-based volunteers who are members of any religion, faith, denomination, creed, as well as members of the community who wish to serve the community in this volunteer capacity regardless of age, race, color, religion, gender expression, national origin, disability, or sexual orientation.

CCRO volunteers are identified as connected to the Traffic Bureau's Training & Community Policing Unit. The Office of Community Engagement (OCE) will maintain a master list of certified volunteers who may choose to serve in a CCRO capacity. The Traffic Bureau will maintain a list of volunteers designated by the area command(s) they wish to serve.

CCRO volunteer training and background requirements are established in LVMPD 5/107.44, *Community Volunteer Violence Activation Responder*, and they are subject to change in writing depending on Department and community needs.

ACTIVATION CCRO VOLUNTEER REQUIREMENTS

All volunteers in a Phase I or II capacity must:

1. Complete a certification workshop to be conducted at Department headquarters, the Traffic Bureau, or faith-based location.
2. Undergo a criminal history check. An applicant who has open felony warrants or active felony cases will not be certified.
3. Partner with an established activation responder volunteer when requested.
4. Participate in continuing education and training as provided by the Traffic Bureau Office or OCE.
5. Be issued a volunteer identification badge and wear the badge whenever performing CCRO functions or while on LVMPD property. (5/19)■

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COMMISSIONED OFFICER/EMPLOYEE DEATHS

It is the policy of this department to provide caring assistance to the immediate survivors of present and past commissioned officers of the LVMPD. The department will provide all available support during this traumatic period of readjustment for the surviving family.

LINE OF DUTY DEATHS

The coordination of events following a line of duty death is an extremely important and complex responsibility. Professionalism and compassion must be exhibited as an obligation to the officer's family and the law enforcement community. The wishes of the family are of great importance and take precedence over those of the department. The department is committed to providing the best possible support for the officer's family.

Sheriff (or his designee) will:

1. Coordinate with PEAP to provide concurrent personal notification (whenever possible) to the officer's immediate family of the officer's line of duty death or life-threatening injuries, whether the death or injuries were felonious or accidental while performing a work-related function, either on or off duty.

PEAP will:

2. Coordinate with the Sheriff (or his designee) to provide concurrent notification (whenever possible) to the officer's immediate family of the officer's line of duty death or life-threatening injuries, whether the death or injuries were felonious or accidental while performing a work-related function, either on or off duty.
3. Provide transportation to the hospital for immediate family members in the case of life-threatening injuries.
4. Contact the honor guard commander in the event of death, or imminent death, to alert the honor guard members.

Designated Identified Employee will:

NOTE: Department members may choose to designate another current employee to respond with the Sheriff/PEAP to notify family members of any serious injury/death by entering an LVMPD Serious/Critical Injury Contact in Employee Self Service (ESS) under LVMPD Contact Data.

5. Respond with Sheriff (or his designee) and PEAP to provide notification and support to the immediate family of the officer's line of duty death or life-threatening injuries.

Designated Ranking Officer (for life-threatening injuries) will:

6. Respond as soon as possible to the hospital.
7. Serve as liaison between the officer's family and the hospital staff.
8. Remain at the hospital as long as the family is present, and ensures along with PEAP, that the needs of the family are met.

Bureau/Area Commander in the Officer's Chain of Command will:

9. Coordinate with the family, PEAP, the honor guard commander, and others in ensuring the needs of the family are met.
10. Determine what services will be impacted by the line of duty death and take necessary steps to ensure that personnel in the bureau/area command are properly supported in consultation with PEAP.

PEAP will:

11. Function as the liaison between the department and the officer's family regarding funeral planning.
12. Provide a source of continuous emotional support of the officer's family.
13. Remain readily available and continues to contact and follow up with the family in the period following the death.
14. Coordinate with the Sheriff regarding department representation and family support during any out-of-town dedications or ceremonies pertaining to the officer's death.
15. Ensure the family receives appropriate support during any subsequent trial or hearing pertaining to the officer's death.
16. Notify a department Chaplain to respond to the bureau/area command affected by the officer's death or life-threatening injury.

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Office of Public Information (PIO) will:

17. Make appropriate notification to department members, including the announcement of the period of symbolic display of mourning upon direction from the Sheriff (LVMPD 4/107.00, *Appearance Standards*).
18. Immediately respond to affected bureau/area command to monitor information disseminated to public and media inquiries. (Citizens/media coming in person to offer assistance get information etc.)
19. Make appropriate media releases.
20. Attend, with approval of the family, any family interviews with the media to assist the family so as not to jeopardize any future legal proceedings.

Honor Guard Commander will:

21. Activate Honor Guard to act as peer support to affected bureau/area command.
22. Assist PEAP with finalizing funeral plans.
23. Meet with Events Planning and other details, if needed, once funeral plans are finalized to address any potential contingencies.
24. Dependent on the family's wishes, conduct rehearsal sessions for the service and burial.
25. Render Police Honors as appropriate (LVMPD 5/102.42, *Honor Guard*).

Communications will:

26. Secure the officer's P number at the appropriate time.

Health and Safety Manager will:

27. Meet with the family, at an appropriate time following the funeral, to explain the various benefits due to them, and to assist in obtaining those benefits.
28. Contact OSHA within eight hours of any occupational-related death.

OTHER DEATHS - PRESENT AND RETIRED EMPLOYEES

The Sheriff or his designee may institute any part of this procedure, or other support, for the natural or accidental deaths of present and retired employees. The degree of the department's involvement in the funeral will largely depend upon the wishes of the employee's immediate survivors.

PEAP will:

1. Contact the employee's family to determine the degree of department involvement desired by the family.
2. Coordinate the department's participation in the funeral with the honor guard commander and other members as appropriate and at the direction of the Sheriff.

Communications Supervisor will:

1. Contact the honor guard commander as soon as they have been made aware that an active member of the department has died.

Honor Guard Commander will:

2. Respond, if possible, to the location of the deceased officer.

SYMBOLIC DISPLAY OF MOURNING

At the direction of the Sheriff, department employees may participate in a symbolic display of mourning by wearing a shrouded badge following the death of a fellow officer. This display of honor and respect for the fallen officer will continue through the funeral services.

When an officer dies in the line of duty, commissioned officers will immediately shroud badges and maintain shrouded badges until the end of their respective shift on the day of the fallen officer's funeral. When an officer dies a non-duty death or a retired officer (in good standing) dies, the shrouding of badges is authorized on the day of the funeral.

Uniformed Commissioned Employees - Displays the uniform breast badge with a black, one-half inch diagonally-oriented (left top to right bottom) band across the face of the badge.

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Non-uniformed Commissioned and Civilian Employees - Displays the miniature badge with a black, one-eighth inch diagonally-oriented (left top to right bottom) tape across the face of the badge. The badge may be worn on the left lapel of a coat or jacket, upper left chest or collar area of a shirt, blouse, or dress, or in a similarly professional manner.

Other Shrouded Badge Events:

1. National Peace Officers Memorial Day (May 15).
2. Southern Nevada Law Enforcement Officer Memorial Ceremony.
3. September 11.
4. October 1.
5. At the direction of the Sheriff or designee upon the line of duty death of an officer from a neighboring jurisdiction.

ANNUAL LVMPD FALLEN OFFICER MEMORIAL BADGE

During May of each year, officers will be authorized to wear this badge instead of the standard LVMPD badge. Civilian employees may wear the lapel pin at their discretion. Officers are authorized to wear this badge during police funerals and days after an officer's death leading up to the funeral. The Sheriff may designate any other day or time frame in which officers are permitted to wear this badge.

FUNERALS

Members are encouraged to attend funerals of other LVMPD members, when possible. Proper attire is:

1. On-duty – the uniform of the day.
2. Off-duty/civilian – professional attire.
3. If speaking at a funeral – the winter uniform.

FLAG PROTOCOL AND THE NATIONAL ANTHEM

Flag etiquette, as established by www.usaflag.org, will be observed with hoisting, lowering, or passing the national colors. During the ceremony of hoisting or lowering the flag, when the flag is passing in a parade or review, and during the singing or playing of the National Anthem:

1. Non-uniformed officers present will stand at attention, face the flag, and place their right hand over their heart. Any headdress will be removed and held in the right hand at the left shoulder, with the hand being over the heart.
2. Uniformed officers will render the military salute. In a moving column, the flag will be saluted at the moment it passes.
3. Exception: An officer has been assigned to actively monitor the crowd or to a post wherein saluting would jeopardize officer safety (i.e., checking people or packages entering a facility, crowded areas, handling a disturbance or a suspect, etc.).

CONTINUED SUPPORT FOR THE FAMILY

Officers of PEAP will provide a source of continuous emotional support for the officer's family. These officers will be readily available to the family and will continue to contact and follow-up with them in the period following the death.

These officers will also coordinate with the Sheriff regarding department representation and family support during any out-of-town dedications or ceremonies pertaining to the officer's death.

During the year that the fallen officer's name is added to the Police Memorial in Washington, DC and the State Memorial in Carson City, two (2) members of the department will escort the immediate survivors and act as the official representatives of the department during the ceremonies. The two members are to be selected by the immediate survivors to bring comfort and give support to them during the ceremonies. (9/17, 3/18)■

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5/211.09 PROTESTS: PEACEFUL DEMONSTRATIONS, CIVIL DISOBEDIENCE, AND RIOTS

It is the policy of this Department to protect people, their property, and rights while providing the best in public safety and service. This includes those individuals exercising their First Amendment right to peaceably assemble. Under the U.S. Constitution, persons and groups have a right to organize and participate in First Amendment assemblies on sidewalks, in parks, or other public ways near the object of their protest so they may be seen and heard.

It is neither the intention nor the desire of the Department to suppress or restrain lawful activity. First Amendment rights do not safeguard violations of established laws, advocating imminent violence, endangering or physically harassing people, rioting, looting, blocking the entrance to a building, or assembling on private property without the consent of the owner. Under federal, state, and local law, governments are allowed to place reasonable time, place, and manner restrictions on the freedom of speech. Reasonable restrictions may be applied only as necessary to maintain public safety and order and to facilitate uninhibited commerce and freedom of movement.

In the context of this policy, a protest encompasses different forms of dissent, varying in degrees of action or disruption. These forms of protest are defined as: peaceful demonstrations, civil disobedience, and riots. Protests can be unpredictable and liable to rapidly change. Accordingly, within an event, there may be a mixture of different forms of protest or activities of protesters.

DEFINITIONS

anticipated event	An activity involving large numbers of people that requires a permit or is planned and publicized beforehand, including parades, marches, rallies, concerts, religious gatherings, parties, community activities, sporting events, labor disputes, and peaceful demonstrations.
unplanned or spontaneous event	An unanticipated or unannounced public gathering where the Department did not receive prior notice or have time to preplan a response to address public safety concerns.
buffer zone	A safety zone created by officers which renders the area safe.
crowd management	Techniques used to address crowds, including a display of police officers, containment, travel lane closures, buffer zones, mobile field force tactics, dispersal tactics, and arrest procedures.
dispersal order	A verbal announcement given to the crowd to inform them of the law they are violating and the consequences of such violation.
field force extrication (FFE)	The process of safely removing protesters from protester devices intentionally used to obstruct the law. This process is completed by utilizing techniques and specialized training by the Homeland Security Saturation Team (HSST).
mobile field force	A large element of police officers specially organized to implement and apply crowd management techniques during protests through presence, maneuver, and enforcement.
protest	A form of dissent, varying in degrees of action or disruption, identified as: <ol style="list-style-type: none">1. Peaceful Demonstration – A lawful public expression of objection, disapproval, or dissent toward an idea or action2. Civil Disobedience – Nonviolent protest where there is an intentional breach of the law3. Riot – An assembly that constitutes a clear and present danger of violent or unlawful acts, including, civil unrest, destruction of property, arson, looting, or when another immediate threat to public safety, peace, or order appears
protester device	A device (e.g., bicycle locks, chains, tripods, or sleeping dragons) that physically or mechanically connects a person or animal to a stationary object in violation of the law. These devices are used to create confusion, delay law enforcement response, and tax public safety resources.
Homeland Security Saturation Team (HSST)	A team of officers who are a primary Departmental asset to rapidly respond to a protest. These officers are well-rehearsed in crowd management techniques and have the training, tools, and skills to safely extricate an individual from protester devices.

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RESPONSE PROTOCOL

The Department's response to protests (peaceful demonstration, civil disobedience, or riot) will emphasize the concept of *de-escalation* (see LVMPD 6/002.00, *Use of Force*) where the Department's intent is to slow down and stabilize any conflict as safely as possible by reducing danger through the use of verbal persuasion, tactics, and resources. The Department will ensure that tactics and resources are properly and proportionally balanced against the activities observed or anticipated, understanding that the current situation may be evolving. Additional factors, e.g., crowd size, time of day, and location, will also be considered in determining the Department's response.

Ideally, police action in peaceful demonstrations will be minimal, and the Department's primary role will be to assist in the safe movement of the crowd. In many circumstances, officers will be staged out of view of protesters, and the protest will only be monitored. In other circumstances, officers will be visible, present, and placed at critical locations to keep the peace, help with traffic control issues, and enforce violations of the law.

When it is necessary to implement crowd management measures or take enforcement action, it should be an organized and well-communicated effort involving multiple officers and supervisory oversight.

GENERAL RULES

The following are rules that apply to protests:

1. The Department utilizes the Incident Command Structure (ICS) as a standard tool for command, control, response coordination, and overall management of complex incidents, planned events, or emergencies (for further guidelines and tasks, see LVMPD 5/213.06, *Major Incident and All Hazard Plan*). ICS will be implemented in LVMPD's response to protests.
2. Department supervisors are responsible for attempting communication with protest organizers or leaders. In many protest situations, contact with formal or informal leaders can be established. Communication between the Department and protest leaders helps to clarify expectations of both demonstrators and police, and thereby increases the likelihood that a demonstration will remain a peaceful and lawful gathering.
3. Department supervisors will attempt to communicate with professional members of the media and legal observers (or their liaison). Professional members of the media should be identifiable by carrying a press pass and/or clothing that shows they work for a media company, and legal observers should be identifiable by attire from the organization they are representing. (Legal observers function as an independent entity that monitors, records, and reports on acts taken by the police or government.)
4. Officers will be identifiable by a name plate or name badge on their uniform and/or tag attached to the back of their helmet (see LVMPD 4/107.00, *Appearance Standards*). Officers will give their name and P# if asked (see LVMPD 4/102.12, *Interaction with the Public*).
5. Officers will maintain a fair and professional attitude to all parties involved in a protest and avoid expressing any personal opinion concerning the protest (see LVMPD 4/103.26, *Respect for Individual Rights of Persons*).
6. To maintain impartiality, officers will avoid fraternizing with parties involved in the protest. At any protest location, the involved parties may have food and beverage available for their personnel; officers will not accept food, beverage, or any gratuity from any persons. In labor disputes, officers should not enter the property where a protest is occurring, except for official business.
7. Officers will refrain from personal cell phone usage and will neither take photographs of the protest nor pose with protesters (see LVMPD 4/103.27, *Social Media and Electronic Communications by Department Members*).
8. Officers issued a body worn camera (BWC) will ensure they are utilized to document police actions at a protest (see LVMPD 5/210.01, *Body Worn Cameras*).
9. Officers and supervisors will be properly equipped, including protective gear such as helmets, gas masks, and carriers (see LVMPD 4/107.00, *Appearance Standards*). Officers assigned to a traffic control task will wear a reflective vest and utilize a flashlight, when necessary. Additional equipment needs (e.g., flex cuffs or fire extinguishers) will be managed by a supervisor.
10. Since the use of patrol dogs may inflame a volatile situation, the Department will place limitations on their use for crowd management and protests (see LVMPD 6/002.00, *Use of Force*).

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11. LVMPD's *Use of Force* policy does not change during periods of protest; officers' actions must remain in accordance with all regulations that pertain to use of force tools or techniques.

ANTICIPATED EVENT

The affected Patrol Bureau and the Support Operations Bureau captains are responsible for acting as the liaison with LVMPD and event organizers who are planning a protest.

Patrol Bureau and Support Operations Bureau captains or designees will:

1. Make every effort to contact the organizer(s) prior to a protest or an anticipated event to ascertain the particulars regarding the protest (e.g., permits, location, time, duration, scope, and type of planned activities).
 - a. Communicate expectations and inform organizer(s) on permissible and restricted actions during the event. Provide a handout, outlining unlawful acts or other public safety concerns.
2. Assist with the coordination of any planning meetings prior to the event between the group involved and the bureau(s) affected (e.g., Events Planning, Special Investigations, Public Information Office, Emergency Management, Detention Services Division).
 - a. Arrange for medical or fire department personnel to be staged nearby when necessary.
3. Research and assess information on past events.
4. Forward information regarding the protest(s) to Fusion Watch.
5. Determine the appropriate response based upon the form or anticipated activities of protest (peaceful demonstration, civil disobedience, or potential riot) and complete an Incident Action Plan (IAP) with the assistance of the Events Planning Section, when necessary, and evaluate the need for larger distribution of the IAP with the intent to give other Departmental resources notice. The IAP will outline the booking process for handling and care of arrestees.

UNPLANNED OR SPONTANEOUS EVENT

When responding to an unplanned or spontaneous protest or large public gathering, first-responding officer will conduct an assessment of conditions, including:

1. Location
2. Number of participants
3. Apparent purpose of the event
4. Identity of event organizers
5. Any initial indicators of unlawful or disruptive activity
6. Presence of counter-protesters

The initial assessment will be promptly communicated through Dispatch, and a supervisor will be assigned to the call. When an event requires continuous oversight or monitoring by a supervisor, the supervisor will assign themselves as the incident commander (IC). Upon responding to a protest, the supervisor or IC will evaluate the current and evolving conditions. In addition to the conditions noted by the first-responding officer(s), the supervisor or IC will assess:

1. Any evolving threat to public safety
2. Protection and preservation of citizens' civil rights
3. Unlawful actions or violations of laws or ordinances, if any, of protesters
4. Movement of vehicular traffic and pedestrian safety concerns
5. Impact of protest on business and commerce
6. Level of communication and cooperation with event organizers, legal observers, and professional members of the media
7. Anticipated duration of the event
8. Positioning of officers and crowd management tactics, including the need to designate units for overwatch
9. Need for the authorization of police protective gear
10. Need for additional units or resources (e.g., in-the-box squads, Traffic, Emergency Management, SWAT)
11. Need for a scribe to record operational decisions and actions (including logging use of force by officers)
12. Need to video record protest activities (either by BWCs or handheld recorder)
13. Necessity for medical assistance to be staged nearby
14. Environmental factors (e.g., weather and street conditions)

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At minimum, the area command captain will be made aware of the protest that requires continuous oversight. Dispatch will make appropriate notifications and requests for additional resources relayed by the IC. As circumstances warrant, the IC will provide periodic updates through the chain of command, relaying information to senior command staff regarding the event.

COMMUNICATION DURING PROTESTS

A loudspeaker or public address system should be used to increase the likelihood that all crowd members can hear police commands. Police personnel will not enter an obviously hostile crowd solely for the purpose of communication. When possible, clear instructions and advisements will be communicated to the crowd and protest organizers in an effort to seek voluntary compliance for adherence to relevant public safety concerns. Consideration should be given to providing instructions to the crowd from different advantage points, locations, or angles. The IC and supervisors are responsible to ensure that all orders given to a crowd are consistent, lawful, and appropriate for the circumstances.

ORDERS TO DISPERSE

When confronting a dangerous crowd or a situation where public safety has been compromised, the Department will declare it an unlawful assembly and attempt to provide orders to disperse multiple times, giving demonstrators ample time to leave the area. Unless there is an immediate risk to public safety or significant property damage is occurring, reasonable time will be allowed for a crowd to comply with commands before enforcement action is taken. **If a threat or harm needs to be immediately addressed, then one order for dispersal will suffice.** The determination to give the order to disperse is the responsibility of the IC upon consultation with the on-scene lieutenant. Isolated, nonviolent, unlawful activity by individuals should not automatically form the basis to declare an assembly unlawful; those acts should be addressed independently.

The order should be publicly announced as follows:

“This is the Las Vegas Metropolitan Police Department. You are committing the unlawful act of (describe unlawful action, i.e. blocking travel lanes, assault, etc.). This gathering has been declared an unlawful assembly per Nevada Revised Statute 203.020. The statute requires you to disperse immediately upon this order. You may disperse by (give most convenient routes of dispersal). If you fail to disperse, you will be subject to police action, which may include the use of force and/or tear gas. This will cause pain and discomfort. Failure to disperse will result in your arrest.”

If a contingent of the crowd are Spanish-speaking, consideration should be given to having a certified Spanish-speaking officer announce orders to disperse in Spanish (IAPs addressing protests will include a Spanish translation of the order to disperse).

Protesters should be given guidance and continued direction regarding how to disperse. The order to disperse will be logged by the IC and the Communications Bureau channel dispatcher.

Members of the press and/or legal observers perform an important function in a free society and have a constitutional right, provided they are not interfering with police operations or violating a law, to report on a newsworthy event; the Department respects this right. Once an order to disperse is announced, professional members of the media or legal observers must witness the event from a distance outside the area of the dispersal order that does not interfere with police operations. Officers should attempt to give direction and warnings to professional members of the media and legal observers (or their liaisons or organizers) prior to making detentions, arrests, or issuing citations. The failure to comply with a lawful order to disperse can transform otherwise legal conduct into a violation of the law.

ARRESTS DURING A PROTEST

Arrests during a protest will be made to address clear violations of laws or ordinances, coupled with the need to mitigate threats to public safety and to defuse a potential riot. Violent or felony crimes will require urgent or immediate response. Persons with a prohibited weapon or in possession of items prohibited at a protest (e.g., improvised weapon,

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filled balloon, stick, baseball bat, PVC pipe, brick, glass bottle, shield, etc.) will be either advised, cited, or arrested. When enforcement action is warranted in protests, selective arrests are preferred over mass arrests.

The on-scene lieutenant will authorize arrests, and time permitting, will coordinate with the IC. The IC will be made aware of all arrests.

In making an arrest, supervisors will:

1. Consider timing, location, and method of the arrest and resources available.
2. If circumstances allow, assemble an arrest team, comprised of a minimum of a supervisor and multiple officers. Individual officers are not precluded from making arrests when there is a clear violation of law and the arrest will defuse the situation.
3. Not interfere or arrest professional members of the media or legal observers performing their respective functions (observing, capturing, and/or reporting on protests or events) so long as they are performed in a safe and legal manner. If a professional member of the media or legal observer is arrested, the IC will be advised as soon as possible.

For documenting an arrest, an officer will:

1. Make certain that their P#, location, and time of arrest have been communicated to any unit that is assisting in the booking process at the time the arrestee is transferred to another officer's care.
2. Ensure individualized probable cause for the arrest and the elements of a crime for each arrestee are clearly articulated in the DOAR.
3. Citations and Class II citations should be evaluated as options to bookings for some misdemeanor offenses (Per LVMPD 5/202.04, *Misdemeanor Citation and/or Arrest*, supervisor approval is required for arrests).
4. For felony arrests (or other unusual reporting circumstances), the arresting officer will generate a separate event number from the protest to ensure that BWC and other reports are easily connected to that specific arrest.

The IC will:

1. Coordinate and direct the process for the booking of an arrestee and their prisoner transport with DSD personnel to ensure it is completed in an efficient and timely manner.
2. Assign additional officers to assist in the booking process if needed and verify all required documentation for arrests has been completed and collected.
3. Request prisoner transport vehicles to assist if mass arrests occur.

USE OF FORCE DURING A PROTEST

The Department strictly manages use of force during protests. LVMPD's Use of Force policy (see LVMPD 6/002.00, *Use of Force*) and its reporting procedures do not change during periods of protest. Uses of force occurring during enforcement actions will be documented and the IC will be notified as soon as practical. Officers should generate separate event numbers from the overall protest event for reporting a use of force (SWAT exception: In circumstances where multiple applications against several subjects or a hostile crowd are used, SWAT may create an additional blanket event number to report incidences that have occurred in a close proximity of time).

The use of aerosol irritants (e.g., tear gas, pepper ball, devastator) is intended to stop or disrupt unlawful activities and to reduce or eliminate physical confrontations between police and demonstrators. In situations where a threat of harm exists and orders to disperse have been given, aerosol irritants may be used to assist in the dispersal of the crowd when individuals pose a threat of harm to officers or another person; are actively attempting to loot, ransack, or destroy property; or attempting to take over or commandeer property where there is a threat to public safety, such as a freeway. Deployment of aerosol irritants will only be used at the direction of the IC, and only after clear warning has been given and when avenues of egress are available to the crowd. Whenever possible, aerosol irritants should be used upwind and relatively close to targeted subject(s). Due to the volume of agent dispersed, officers will assess the effect that high-capacity OC spray has on subjects in the vicinity.

The use of force and the application of force tools will not be indiscriminate; aerosol irritants deployed pursuant to a dispersal order are an exception. In situations where aerosol irritants have been used to disperse the crowd, any

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subsequent use of force or an application of a force tool must be used in compliance with LVMPD 6/002.00, *Use of Force*, and will be articulated separately from the dispersal. Force will not be used on compliant subjects or on non-threatening people who are attempting to disperse or unable to move. Officers will only target individuals who pose a threat.

FIELD FORCE EXTRICATIONS

During a protest where demonstrators have intentionally utilized a device that physically or mechanically connects a person or animal to a stationary object, officers will initially use de-escalation efforts, such as verbal persuasion, warnings, and dispersal orders, as alternatives to extrication or reasonable uses of force. When subjects refuse to release themselves from these protester devices, each individual protester will be advised they are under arrest and given an additional chance to comply before force is used to remove the devices.

For field force extrications, it is the responsibility of the IC to request HSST to respond. The HSST supervisor will give tactical options for extrication of locked protester(s) to resolve the incident.

Dispatch will:

1. Dispatch a patrol supervisor and the area lieutenant (or watch commander in their absence) to the scene after officers confirm locked protesters are present.
2. Notify the on-call HSST to respond when requested by the IC and advise the IC via radio once the notifications have been made.
3. Provide a dedicated radio channel for the incident when requested by the IC.
4. Make additional notifications as needed and requested by the IC (e.g., Office of Public Information, medical, fire department, Fusion Watch).

Officer will:

1. Confirm protesters are locked in devices.
2. Make contact with the locked protesters, gather information (protester's cause, organizer/spokesperson) and relay to Dispatch.
3. Contact Special Investigations Section (SIS) if the protest is determined to be related to an organized labor union.
4. Assess unlawful acts and evaluate police response.
 - a. Determine laws or criminal offenses that are being violated (e.g., person in a roadway or trespassing).

IC will:

1. Establish ICS.
2. Arrive at scene, determine if a criminal offense has occurred, and assess the need to have protesters immediately removed from the area.
 - a. Request the locked protesters to release themselves and disperse. If they refuse, issue the dispersal order.
 - b. If protesters still refuse to release and disperse, request the HSST through Dispatch.
3. Direct officers to create and maintain a buffer zone, ensuring inbound foot and vehicle traffic is diverted.
4. Designate an arrest team to take custodial arrest and complete booking of protesters once released from their devices by HSST (consider notification to DSD if multiple arrests).

Homeland Security Saturation Team will:

1. Proceed directly to the scene and make contact with the IC.
2. Upon communicating with IC at the scene, the HSST supervisor will direct tactics and deployment of officers to safely extricate locked protesters.

Unit supervisors will:

1. Ensure all reports are completed and send copies to the HSST supervisor who will submit the after-action report. (8/20, 9/20)■

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FIREARMS RANGE USE AND SAFETY PRACTICES

RANGE USE

The Las Vegas Metropolitan Police Department primary range is the John Moran Firearms Facility located at 7600 E. Carey which is staffed by the Firearms Training & Tactics Unit (FTTU). The department also has limited use of the Desert Sportsman's Rifle and Pistol Club located at 12201 W. Charleston for qualification and training purposes. While the Desert Sportsman's location is not staffed by the FTTU, a storage container for range equipment has been established there. However it is prohibited to store ammunition or firearms in this container.

GENERAL RANGE PROCEDURE

1. Persons desiring to use the range must contact the Range Master to ensure that there is not a conflict with another agency or group. All after-hours use of the range must be approved by the Range Master.
2. All personnel must check in with the range staff prior to utilizing any part of the range. Prior to leaving the range all personnel must check out with the range staff.
3. All non-uniformed personnel must display a badge and/or identifying credentials while at the range.
4. Two persons must be present at all times when the range is in use, one of which must be a member of the range staff or a department approved Firearms Instructor, except when approved by the Range Master or during scheduled training sessions conducted by other duly constituted law enforcement agencies.
5. Non-police individuals may use the range as a guest of an accompanying officer. Officers may have only one guest on the range at any time.
6. All guests must sign a waiver of liability and sign in a register log prior to shooting.
7. Children under 12 are not permitted to use the range.
8. Smoking at the range is only allowed in the designated areas.
9. No alcoholic beverages or controlled substances, nor any persons who have been drinking alcoholic beverages, or are under the influence of controlled substances, are permitted on the range.

Approved Firearms Instructors wishing to utilize either of these ranges must adhere to the following procedures:

1. Contact the FTTU to schedule a date and time.
2. Ensure a training outline is sent to the range at least one week prior to the scheduled date. The training outline must include the following:
 - a. Safety Briefing
 - b. Training to be conducted
 - c. Number of students
 - d. Number of instructors
 - e. Weapon calibers and ammunition needs
 - f. Equipment required
 - g. Range cleanup/Debriefing
3. FTTU will approve the training outline and contact the instructor to schedule a time to pick up range access keys.
4. If the training outline is not approved, the FTTU will contact the instructor and assist with the correction of any deficiencies.
5. Instructor will sign out keys and be given an access code. The instructor(s) assume all responsibility for the training and range.
6. Instructor will return keys within three (3) days.

RANGE SAFETY

Firearm training is inherently dangerous due to the nature of the activities and materials employed. Establishing a safe range environment depends upon the careful control of deadly weapons by its members, and such control depends upon the cooperation of all members to abide by range safety practices. Safety is the responsibility of the individual. Range personnel are responsible for operational safety and the reporting and correction of unsafe practices or conditions. Therefore, at any time, use may be terminated by the Range Master/Instructor if an unsafe condition exists or members are not observing range safety practices. At a minimum all personnel will adhere to the following procedures during any range operation:

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FOUR GENERAL FIREARM SAFETY RULES

1. All firearms will be considered loaded at all times.
2. Never point a firearm at anything you are not prepared to destroy.
3. Never put the trigger finger on the trigger until on target and ready to fire.
4. Always be able identify and isolate the target and its surroundings.

RANGE SAFETY PROCEDURES

1. Personal protection equipment consisting of both eye and hearing protection are required for everyone on the five firing ranges during any firing. Earplugs alone are not authorized. Earplugs may be used in conjunction with ear muffs. The use of hearing protection is highly recommended for anyone who is near the range house or in the bleacher areas.
2. A firearm will only be considered "SAFE" when the ammunition and/or magazine are removed, the chamber is empty, the action or cylinder is open and any safety is on.
3. No loaded firearms are allowed in the range building unless holstered or in a "SAFE" condition.
4. No firearms will be handled off the firing line unless specifically instructed and supervised.
5. All firearms will be unloaded and holstered, if available, before departing the firing line or made safe and carried maintaining muzzle awareness and control.
6. No ammunition will be allowed in the cleaning area.
7. No one will be allowed downrange when firing is occurring.
8. No unqualified department personnel or visitor will be allowed to fire without direct supervision by a trained and qualified firearm carrier or an approved instructor.
9. Rifles will be restricted to the rifle range and range #1 unless specific approval is obtained from the Range Master or his designee.
10. Steel targets are not to be used without approval and supervision of the Range Staff. Under no circumstances will any member engage a steel target at a range of less than 15 yards.
11. Any firearm needing to be inspected or repaired will be given to the FTTU in a "SAFE" condition, magazine removed, chamber empty, action open, with safety on.
12. All injuries will be immediately reported to the Range Master or a member of the FTTU staff.
13. All shooters are required to clean up their brass and targets and leave the range in an orderly condition.
14. All commands from the Range Master, FTTU staff member or authorized Firearms Instructor will be immediately obeyed.
15. On the "CEASE FIRE" command, all firing will stop immediately. All weapons will be made "SAFE" and /or holstered until the command to resume firing has been given.
16. No rounds will be fired over the berm.

SAFETY PRACTICES DURING ROLE PLAYING, PRACTICAL PROBLEM OR DEFENSIVE TACTICS TRAINING

There will be **NO LIVE WEAPONS** used during role playing, practical problems or defensive tactics training. Only red plastic weapons, simunition weapons or certified blank guns which are designed not to accept live ammunition are authorized during these training sessions.

Prior to the beginning of the training session, the training area will be designated as a "live weapons free" zone and will be marked using crime scene tape. No personnel will be allowed to enter the training area in the possession of any live rounds, magazines or live weapons of any type. Instructors will conduct an inspection of each participant and any vehicles used in the training to insure no live rounds or weapons are introduced into the training area. Instructors will be responsible for ensuring that participants leaving the training area are rechecked prior to reentering. (1/75, 1/02)■

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5/200.01 SEARCH AND SEIZURE

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Section 1 Policy Statement and the Fourth Amendment

It is the policy of this Department to strictly adhere to the Constitution of the United States. The Fourth Amendment states:

The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated and no Warrants shall issue but upon probable cause supported by Oath or affirmation and particularly describing the place to be searched and the persons or things to be seized.

The Fourth Amendment protects an expectation of privacy that must be both: (1) reasonable and (2) legitimate.

The rules in this policy apply to all interactions between police and persons within the United States, regardless of citizenship status.

DEFINITIONS

60-Minute Rule	An investigative detention based on reasonable suspicion is strictly limited to 60 minutes, NRS 171.123(4) . Any detention beyond the 60 minutes is a de facto arrest and requires probable cause to justify.
abandonment	Objective words or actions which clearly show that a person has disclaimed ownership, dominion and control over real or personal property.
administrative checkpoint	These are “policy justified” searches which do not require reasonable suspicion or probable cause; however, the intrusion in such cases must be brief and slight, and the determination of who to stop must be made according to some articulable, non-arbitrary standard and comply with NRS 484B.570 .
administrative search warrant	A warrant issued by a judge on the application of an administrative agency. Administrative agencies with enforcement powers seek administrative warrants to search for contraband or other evidence of non-compliance with the law.
arrest	The taking of a person into custody in a manner allowed by law. An arrest may be made by a peace officer or by a private person (see NRS 171.104). It is a show of authority by an officer, in words or actions or both, which would cause a reasonable person to think that they were being deprived of their liberty more than temporarily (i.e., more than an investigative detention), and involves either <ol style="list-style-type: none">1. Submission by the subject to the officer’s show of authority, or2. An actual physical touching which places the subject under the control of the officer.

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blood draw	The collection of a blood sample to determine the presence of drugs or alcohol when submitted for laboratory analysis. This sample may be obtained with consent, a search warrant or, on rare occasions, without a search warrant if exigent circumstances exist.
body cavity search	Any search involving the internal physical examination of the body. The search must be performed with a search warrant and by a physician or other medically trained personnel. NRS 179.063 defines a body cavity search as a touching or probing of the rectum or vagina of a female person, or the rectum of a male person, regardless of whether or not there is actual penetration. LVMPD further defines a body cavity as any internal organ.
community caretaking doctrine	A common law exception to the Fourth Amendment based on the public's expectation that law enforcement may take action to save life or render aid.
community caretaking search	A non-investigative entry into a vehicle, structure, or curtilage to satisfy a legitimate community concern for life safety.
consensual encounter	A completely voluntary police interaction with members of the public, requiring no legal justification for the interaction, where a reasonable person would feel free to disregard the police and go about their business.
consensual entry	Entry by invitation by a person with standing.
consent	Agreement, approval, or permission to act. A person giving consent must do so freely and voluntarily. A person consenting must: (1) be informed (tell the subject what is being searched for); (2) not be coerced; (3) have actual authority or apparent authority ("standing"); and (4) have the ability to revoke consent at any time during the search.
curtilage	Area(s) near a residence where the residents have a reasonable expectation of privacy. Considerations in determining whether an area is curtilage and subject to the protections of the Fourth Amendment are: (1) proximity of the area to the home; (2) whether the area is included in an enclosure which surrounds a home; (3) nature of uses to which an area is put; (4) steps taken to protect the area from observation from passers-by. The legal protection associated with curtilage is always determined in favor of the property owner, not law enforcement.
duplicate original search warrant	An order used in conjunction with a Telephonic Search Warrant Application and Affidavit directing officers to search particular places and/or seize persons or things.
electronic search warrant	A method for obtaining a search warrant which uses the internet to send and receive a Search Warrant Application and Affidavit to/from a judge. For security purposes, only LVMPD approved method of transmission is permitted.
evidentiary blood sample	A sample of blood which is obtained to determine the presence of drugs, or alcohol, to obtain DNA, or conduct communicable disease testing. This sample may be obtained with consent or a search warrant, or when the officer can articulate exigent circumstances.
exigent circumstance	A time critical exception to the search warrant requirement for the purpose of acting on an investigative emergency, based on probable cause for a criminal investigation. Police cannot create the exigent circumstance or use a ruse to affect a warrantless search.
forced entry	Entry into a structure or vehicle which requires a tool or use of force to gain entry and may cause damage to the structure or vehicle. A "tool" includes, but is not limited to, a ram, Halligan tool, etc.
forced evidentiary blood sample	A sample of blood which is obtained using reasonable force and is used to determine the presence of drugs, alcohol, to obtain DNA, or to conduct communicable disease testing. This type of blood draw will occur only with a search warrant and after a person has refused to provide samples in compliance with a search warrant and has been informed the search warrant authorizes the use of reasonable force to collect the blood sample.

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fresh pursuit	Occurs when there is probable cause that a person who is wanted for a serious felony is inside a home or other private place and is about to flee. (Not to be confused with hot pursuit.)
frisk of a person	See pat down
GPS covert deployment	The surreptitious installation and use of a GPS device, pursuant to a search warrant.
GPS historical data	The collection of past GPS data for a designated time period.
GPS live monitoring	Receiving GPS and/or RF data in real-time.
GPS tracker	An electronic device designed to provide approximate geographic location information.
hot pursuit	A sub-category of “exigent circumstances” allowing entry into a structure when there is probable cause to believe a dangerous person has committed a serious felony. The suspect is fleeing from law enforcement and the officer has direct knowledge of the suspect’s location. (Not to be confused with fresh pursuit.)
investigative detention	Reasonable suspicion stop, also known as a “Terry stop,” is a seizure of a person for no more than 60 minutes, with the limited scope and purpose of conducting an investigation and for which a police officer must have reasonable suspicion that a person is committing, has committed, or is about to commit a crime (NRS 171.123).
investigative emergency search	A warrantless search which requires probable cause to: (1) prevent the destruction of evidence of a serious felony offense, or; (2) effect a warrantless arrest of a violent or dangerous suspect who officers have probable cause to believe committed a serious felony or violent offense and may escape if not immediately apprehended, or; (3) hot or fresh pursuit.
judge shopping	An act, prohibited by this policy (Section 3), described as soliciting a second judge after an initial judge refuses to authorize a search warrant.
motor vehicle	Any vehicle operating or capable of operating on public streets or highways, including automobiles, trucks, trailers, recreational vehicles, mobile homes, motor homes, motorcycles, and any other type of vehicle, whether self-propelled or towed.
nighttime service request	A request for an order contained within the body of a search warrant that authorizes an affiant to serve a search warrant at any time of the day or night.
open view	What a person knowingly exposes to the public is not protected by the Fourth Amendment no matter where the exposure takes place. It does not justify a warrantless seizure. (Not to be confused with plain view.)
pat down	An open hand contact of a subject’s outer clothing to detect weapons on a person or contained within items “immediately associated with a person” (e.g., purse, backpack, etc.). The “pat down” is based on reasonable suspicion or articulable facts that the person may be armed with a dangerous weapon and is a threat to the safety of the officer.
personal property inventory	A search conducted of items that are transported to a detention facility as personal property. An inventory is not a search for evidence of crime but is justified to protect an owner’s property while it is in custody of the police to ensure against claims of lost or stolen property, and to ensure officer and institutional safety. Inventories must be done to standardized criteria which limits officer discretion and ensures that it is not a guise for a general exploratory search.
piggyback warrant	An additional warrant acquired following or during the service of a primary warrant. It is based on evidence found during the execution of the primary warrant that would exceed the scope of the primary warrant if seized.
plain feel	If during a pat down the officer feels an item that is not suspected to be a weapon, but is immediately apparent without manipulation from the mass and shape that the item is probably contraband, the officer can legally seize the item.
plain view	An exception to the search warrant requirement that must satisfy these conditions:

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	(1) the officer must be in a position in which he has a legal right to be; (2) the items must be immediately recognizable as contraband or evidence; and (3) the seizure must be made without substantial addition intrusion. (Not to be confused with open view.)
premises freeze	Entry into premises, with probable cause but without a search warrant, for the purpose of clearing persons and securing the premises in anticipation of obtaining a search warrant. No search or seizure of items will occur prior to the search warrant being issued. A premises freeze will not be used as a pre-planned investigative technique.
probable cause to arrest	Exists when the facts and circumstances known to an officer would warrant a prudent man in believing that a crime had been committed and that the accused had committed it.
probable cause to search	A “fair probability” that the items sought to be seized will be contained in the premises sought to be searched.
protective sweep	A quick and limited search of premises conducted for the safety of officers and others. It must be narrowly confined to a cursory visual inspection of those places in which a person might be hiding.
radio frequency (RF) tracker	An electrical or mechanical device capable of transmitting general location information via radio frequency.
reasonable suspicion	Specific and articulable facts or circumstances which would lead a reasonable person to believe a crime has been, is being, or is about to be committed.
sealing order	A court order issued upon a showing of “good cause” to protect the contents of an application and affidavit for a search warrant until a criminal complaint or indictment is filed or a court otherwise orders the application and affidavit for a search warrant unsealed.
search	A police intrusion on a reasonable and legitimate expectation of privacy. See also “trespass by government agent.”
search incident to arrest of a person	A complete search of the arrestee. The search of the arrestee must be conducted at the time of arrest or immediately thereafter when the officer deems it safe to do so. The search should be more thorough than a pat down and will consist of removing all items from the arrestee’s pockets, shoes, socks, etc.
search warrant	An order used in conjunction with a written application and affidavit directing officers to search particular places and/or seize persons or things.
search warrant application and affidavit	A sworn statement presented to a judge (written or verbal) supporting the issuance of a search warrant.
search warrant return of service	An inventory of items seized pursuant to the execution of a search warrant and returned to the court within ten calendar days of the court’s authorization.
search warrant return of service – DNA	An inventory of a biological specimen containing DNA seized from a person pursuant to the execution of a search warrant. Must be returned to the court within six (6) months of the court’s authorization.
seizure	A police interference with an individual’s freedom of movement by means of physical force or show of authority or meaningful interference with an individual’s possessory interests in property.
standing	Authority, apparent authority, dominion, control and access to the place or items searched.
strip search	A search of an individual requiring the removal of clothing to permit the visual inspection of private areas of the body.
telephonic search warrant	A search warrant supported by a verbal statement via telephone, given under oath.
Terry stop	See “investigative detention”
trespass by government agents	A search by a government agent, without justification, that constitutes an unreasonable intrusion into an area protected by the Fourth Amendment including a person’s residence, curtilage, vehicle, papers, or effects.
turn over order	An order obtained in conjunction with a search warrant which authorizes an affiant to “turn over” property seized during service of a search warrant to another

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	jurisdiction (e.g., task force partner or law enforcement officers from outside of Clark County).
unoccupied structure	No person is reasonably believed to be present when officers enter the structure. The affiant will be prepared to articulate what investigative means were utilized to determine the structure was reasonably believed to be unoccupied.
vehicle frisk	The frisk of a vehicle is based on reasonable suspicion or articulable facts that a person may have immediate access to a dangerous weapon and is a threat to the safety of the officer. The frisk must be confined to the areas of the vehicle where the person has access, and the officer may only enter unlocked compartments or areas where a weapon may be present.
vehicle search	An examination of all or a portion of a vehicle with either an investigatory motive (e.g., for the purpose of discovering fruits, instrumentalities, evidence of a crime, contraband, or to enter the vehicle to examine the vehicle identification or determine ownership of the vehicle), or done without an investigatory motive as in inventories of personal property conducted in conjunction with an impoundment of the vehicle.

Section 2 Law Enforcement Investigative Functions

Searches without a warrant are unlawful, per se; however, given the criminal and non-criminal investigative missions of a police officer, there are exceptions to the application of the Fourth Amendment.

An exception related to non-criminal investigations where the Fourth Amendment does not apply is special needs/administrative searches for weapons at airports, in secured areas.

Exceptions related to criminal investigations where the Fourth Amendment does not apply are:

1. Open view
2. Person has no standing to assert a legal right (property right or constitutional right)
3. Trash searches outside the curtilage
4. Detention facilities
5. Abandoned property
6. Searches by a private citizen not acting as an agent of the government

Section 3 Non-Criminal Investigations

Courts recognize “check the welfare” situations as a distinct non-criminal investigative function of law enforcement. These interactions are justified under the Community Care Taking Doctrine (Emergency Aid Doctrine). They are totally divorced from the detection, investigation, or acquisition of evidence relating to the violation of a criminal statute. The officer’s intent and motivation must be to save life or render aid. The facts and circumstances must objectively support the officer’s belief that someone is in distress. If the investigation reveals facts to indicate a crime has been committed, the officer may transition to a criminal investigation.

An entry into a structure conducted under the Community Care Taking Doctrine is limited in scope. If the search reveals that no life safety issue exists, officers must stop searching immediately. LVMPD values life and expects officers and supervisors to conduct investigations by talking to the person reporting, obtaining witness statements, and evaluating these situations based on the facts and circumstances to ensure the need for life-saving assistance. The non-criminal nature of this type of investigation allows officers to enter on to curtilage and/or make entry into a structure. Officers who enter a structure will update details in CAD.

Prior to an officer making entry into a structure for a welfare check under the Community Care Taking Doctrine, the officer will:

1. Ensure a preliminary investigation has been conducted.
2. Determine the need for other resources (i.e., additional officers and use of a catchpole and/or animal control for potential vicious animals).
3. If needed, ensure medical has been requested.

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4. Broadcast over the radio the intent to make entry into a structure.
5. Notify an area sergeant before utilizing the services of a locksmith or their personal lock picking device.

When notified, the area sergeant will:

1. Acknowledge the call over the radio, and if feasible, respond to the scene.
2. Ensure the preliminary investigation has been conducted by the officer.
3. Confirm the need for the Community Caretaking Search.
4. Determine if the use of a locksmith or the use of an officer's personal lock-picking device is appropriate.
5. Ensure additional units, resources, and medical have been requested, if needed.

While some courts have taken a more expansive view of the Community Care Taking Doctrine, it is the policy of LVMPD to limit this doctrine to welfare checks and certain traffic stops (e.g., officer stops someone for driving slow because of the suspicion that the driver may be in medical distress).

If officers damage property, officers must complete an Officer's Report and photograph the damage.

Section 4 Criminal Investigations

There are three levels of police interaction for the purpose of criminal investigation: (1) consensual encounter, which is completely voluntary and for which a police officer needs no justification; (2) the investigative detention or Terry stop, which is a seizure of no more than 60 minutes ([NRS 171.123](#)), with limited scope and purpose for conducting an investigation and for which a police officer must have reasonable suspicion the person being detained is committing, has committed, or is about to commit a crime, and; (3) the arrest for which a police officer must have probable cause.

LEVELS OF CONTACT	LEVELS OF JUSTIFICATION
consensual encounter	no justification
investigation detention/Terry stop	reasonable suspicion
arrest	probable cause

A court reviewing an officer's level of contact is objective. The intentions of the officer are not relevant; however, the action(s) of the officer is what will be evaluated. The totality of the circumstances will determine the level of contact. An officer must be aware that an investigative detention and/or arrest is supported by specific and articulable facts justifying the level of contact.

1. Consensual encounters require:
 - a. No legal justification.
 - b. A person must feel free to leave at any time, and an officer must honor the person's right not to stop or engage in conversation.
 - c. A person's freedom of movement cannot be impeded in any way by the officer's actions.
 - d. A person who has engaged in a consensual encounter may revoke consent at any time.

A consensual encounter may become an investigative detention if an officer can articulate specific facts demonstrating reasonable suspicion that the person being detained has committed, is committing, or is about to commit a crime.

2. Investigative detentions, also known as a reasonable suspicion stops or Terry stops allow an officer to stop a person to ascertain his or her:
 - a. Identity
 - b. Purpose

Officers can ask for identification; however, a person is not required to provide government-issued ID. If a person only provides a name, officers may require additional personal identifying information such as date of birth or social security number in order to verify identity. Once a person's identity and purpose have been ascertained, and the officer's reason for the stop is satisfied, detention must end, and the person must feel free to leave.

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Section 5 Traffic Stops

LVMPD officers may conduct traffic stops as part of their routine duties. Traffic laws are covered under [NRS 484A-484E](#). Traffic laws are designed to address behavior that endangers the public. Officers conducting a traffic stop are allowed to minimally detain drivers and passengers to address the unlawful driving behavior through a warning, citation, or in specific cases, arrest.

If during a traffic stop a driver becomes non-compliant when asked to provide identification and/or other requested documentation with no other actions, the driver will be considered an obstructive subject (See LVMPD 6/002.01, *Use of Force*). A supervisor will be notified and respond to determine how to proceed.

There are two types of traffic offenses – primary and secondary. Probable cause to believe that a primary offense has been committed is required to conduct a traffic stop. Officers can demand, and drivers are required, to provide a driver's license, registration, and proof of insurance. Officers can also run a records check to determine the status of the driving privilege. The detention on a traffic stop (unless the officer develops reasonable suspicion or probable cause for an arrest or the officer receives consent from the occupants) must remain minimal. Officers will not detain drivers or passengers for longer than is necessary to confirm the driving privilege status and to issue the citation or give a warning. In no event can the detention exceed sixty (60) minutes pursuant to [NRS 171.123](#) (60-Minute Rule). A secondary offense is not sufficient for a traffic stop (e.g., no seat belt).

Section 6 Types of Seizures

LVMPD officers may seize persons, residences/structures, vehicles, and property as part of their routine duties. Officers can seize with the following legal justifications:

1. Persons:
 1. Investigative Detention (60-Minute Rule)
 2. Vehicle stops (driver and passengers)
 3. Arrest
 4. Legal 2000
2. Residences/Structures:
 1. Premises freeze
 2. Search warrant
3. Vehicles:
 1. Vehicle stops
 2. Impound
 3. Search warrant
4. Property:
 1. Plain view
 2. Abandoned.
 3. Premises freeze (electronic storage devices)
 4. Search warrant
 5. Safekeeping (Protecting an item from theft or to determine ownership)
5. Safekeeping of firearms – The right to bear arms is protected by the United States Constitution. The determination to impound a firearm for safekeeping should be for life safety or to determine ownership (e.g., found firearm). The determination to impound a firearm for safekeeping will be documented and articulated in the narrative portion of the Property Report (LVMPD 67a).

When a firearm is taken for safekeeping it could take in excess of 30 days to be returned.

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Section 7 Types of Searches

WARRANTLESS SEARCHES OF PERSONS

1. **Consent Search:**
Officers can ask for consent to search a person. Consent must be freely and voluntarily given. The consenting person must know what the officer is searching for and have the ability to revoke consent at any time.
2. **Pat Down:**
A pat down (frisk of a person) is limited to the recovery of weapons which may pose a risk to officer safety. It may be conducted by any officer who has reasonable suspicion to believe that the person, who has been detained pursuant to an investigative detention, may be armed and dangerous. If the pat down discloses the presence of a weapon, the weapon shall be seized. If the pat down discloses an item that is immediately identifiable as probable contraband, the item may be seized (plain feel).

Whenever practical, a pat down should be conducted by officers of the same gender as the subject.

3. **Search Incident to Arrest of a Person:**
The search of the arrestee must be conducted at the time of arrest or immediately thereafter when the officer deems it safe to do so. The search should be more thorough than a pat down and will consist of removing all items from the arrestee's pockets, shoes, socks, etc. Personal property immediately associated to the arrestee will not be searched incident to arrest.

Whenever practical, a search should be conducted by officers of the same gender as the subject.

4. **Personal Property Inventory Search During Arrest**

For officer and institutional safety, items that are transported to a detention facility as personal property will be thoroughly searched prior to entering the detention facility. Contraband will be removed and documented on a Property Report (LVMPD 67a) by the arresting/transporting officer. Non-contraband items will be transferred to detention personnel for safekeeping and completion of the inventory documentation.

STRIP SEARCHES

All strip searches will be conducted by officers of the same gender as the subject.

1. **Field Strip Searches:**
Field strip searches of prisoners shall be conducted only in the rarest of circumstances where the life of officers or others may be placed at risk and only with the explicit approval of a lieutenant and only in the presence of a supervisor.

Field Strip Searches of Confidential Informants (CI) will be conducted in the presence of two officers before and after the operation.

2. **Detention Strip Searches:**

- a. **Administrative Strip Search:**

All persons placed into general population at the Clark County Detention Center are subject to a strip search to ensure that no contraband enters the custodial housing units. Strip searches will not be performed on persons who are subject to release without ever entering a general population. Pretrial detainees are allowed a reasonable amount of time to secure bond before being placed in general population.

- 1) Strip searches include a visual body search. A strip search does not include a physical body cavity search.
- 2) The search will be conducted in a professional manner in an area of privacy so that the search cannot be observed by persons not participating in the search.
- 3) Strip searches are done by corrections officers of the same gender as the person who is being searched.

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- 4) Corrections officers will adhere to DSD standard operating procedures regarding strip searches.
- b. Reasonable Suspicion Strip Search:
Where reasonable suspicion exists to conduct a strip search, the arresting officer will request the search by contacting a corrections supervisor and clearly articulating the basis for suspicion. Individuals arrested for traffic violations and other minor offenses of a nonviolent nature will not be subject to strip searches unless the arresting officer has reasonable suspicion to believe that the individual is concealing contraband or weapons. Following a strip search, regardless of whether or not contraband was found, the arresting officer will include the following details in the Declaration of Arrest Report (DOAR) or Impaired Driving Report:
 - 1) Justification for requesting the search
 - 2) Date and place of the search
 - 3) Identity of the officer conducting the search
 - 4) Identity of the individual searched
 - 5) Those present during the search
 - 6) A detailed description of the nature and extent of the search
 - 7) Any weapons, evidence or contraband found during the search

SEARCHES OF PERSONS WITH A WARRANT

A search warrant may be sought to obtain an evidentiary blood draw.

Evidentiary Blood Draw

It is the policy of the Department that the collection of blood samples may be obtained either with consent or a search warrant. If the need arises for a blood sample to be obtained for evidentiary purposes, an officer must first request consent of the subject to do so. If the subject will not provide consent, a search warrant will be obtained to collect the blood sample. A voluntary breath sample is the preferred method to collect evidence for a DUI (alcohol) offense, unless a blood draw is required by NRS.

1. Corrections officer will:
 - a. Ensure the subject is held in an isolated area and under continuous supervision.
 - b. Once the subject has refused to give consent, make no further attempts to obtain consent.
2. Police officer will:
 - a. If a subject refuses to give consent, obtain a search warrant.
 - b. When a search warrant has been obtained, take the subject to the medical intake area of the detention facility for the collection of the blood sample.
 - c. Inform the subject that a search warrant has been requested and authorized by a judge to obtain a blood sample.
 - 1) If the subject refuses to comply with the search warrant and physically resists, make a reasonable number of attempts to obtain the subject's voluntary compliance with the search warrant. If the subject refuses to comply, inform the Corrections supervisor and a sample will be obtained using reasonable force procedures.

DNA (BUCCAL SWAB)

It is the policy of the Department that the collection of DNA (buccal swab) may be obtained either with consent or a search warrant. If the subject will not provide consent, a search warrant will be obtained to collect the DNA (buccal swab). (See DNA [Buccal Swab] Search Warrant [LVMPD 455]).

For collection of DNA (Buccal Swab) at CCDC see DSD SOP 17.01.14, Booking – Intake and Holding.

BODY CAVITY SEARCHES

It is the policy of the Department that subjects cannot consent to a body cavity search. A search warrant containing

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specific authorization to perform a body cavity search and the necessity for the search will be obtained. Additionally, any body cavity search or physical examination of an orifice of the human body or organ, such as the stomach cavity, will be performed by a physician or other medically trained personnel. These types of searches are highly invasive of personal privacy and are only reasonable when there is a risk of serious bodily injury or death to the subject if the suspected contraband is not removed. If an officer believes that a medical emergency exists, the subject will be immediately transported to a medical facility. Corrections personnel will ensure the subject is held in an isolated area and under continuous supervision until medical personnel arrive to assist.

The only exception to this search warrant requirement is a Buccal Swab that is obtained by consent.

MOTOR VEHICLE SEARCHES

Pursuant to a lawful stop, vehicles may be searched under the following circumstances:

P/C EVIDENCE IS CONTAINED IN VEHICLE	NO P/C EVIDENCE IS CONTAINED IN VEHICLE
Search pursuant to a search warrant	Protective Frisk for officer safety
vehicle is readily mobile	Inventory
Consent search	Consent search
	VIN inspection

1. Searches with a Warrant – When serving a search warrant, officers may search all areas of the vehicle including locked or unlocked containers that could contain the items sought pursuant to the warrant.
2. Exceptions to Search Warrant Requirement – All searches without a warrant are illegal per se unless there is a valid Fourth Amendment exception. The following are common exceptions to the warrant requirement:
 - a. Consent Searches – Consent must be freely and voluntarily given. Officers do not need probable cause or reasonable suspicion to initiate a request for consent from a person with standing; however, a consenting person shall be told what the object of the search is and the search may not exceed the scope of the consent given. During a consent, search containers may be opened, provided that the terms of the consent expressly permit or reasonably imply that containers may be opened. Consent must be documented in one of the following forms: (1) electronically recorded, (2) written, or (3) verbal. Consent may be revoked at any time by the consenting party. (An officer must be within a reasonable distance so consent may be verbally revoked.) If anyone who is present and has standing objects to a search, a search warrant must be obtained.
 - 1) Electronically Recorded – The recording must include the date, time, event number, name of person giving consent, the type of investigation and a description of the location of the search. The recording must be preserved. (BWC recordings include date, time and event numbers when tagged).
 - 2) Written – If the consent is in written form, it will be documented on the Consent to Search, (LVMPD 79 or 79a – both forms include a Spanish version on the back). The original form shall be scanned into OnBase.
 - 3) Verbal – Either electronically recorded or written consent is preferable; however, consent may be given verbally. A witness officer is preferred for verbal consent. For officer safety concerns, it is the policy of the department that two officers must be present when the search is conducted.

If no Officer's Report or DOAR is generated, the officer will document the consent given for the search in CAD prior to clearing the call.

3. Probable Cause Vehicle Search – If a vehicle is readily mobile and probable cause exists to believe it contains contraband or evidence, the Fourth Amendment permits officers to search the vehicle. The search may include all locked or unlocked containers located inside the vehicle where the item may be found.
4. Vehicle Search Incident to Arrest – Officers will not search a vehicle Incident to Arrest.
5. Frisk of a Vehicle for Weapons – Prior to allowing persons to re-enter a vehicle on a traffic or vehicle stop,

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an officer may conduct a frisk of the vehicle for weapons. The officer must be able to articulate reasonable suspicion that a weapon is contained inside the vehicle. The frisk must be confined to the area of the vehicle where any person may have immediate access. The officer may only search unlocked compartments or areas where a weapon may be present. Areas not immediately accessible to the vehicle's occupants such as a locked glove box or other locked containers shall not be frisked.

6. Entry to Examine Vehicle Identification Numbers – Federal law requires vehicles to carry a vehicle identification number (VIN) visible from the outside of the vehicle. When a vehicle is lawfully stopped, an officer may enter the vehicle to look for and examine the VIN if the VIN in the front window is obscured. The intrusion must be limited to actions reasonably necessary to accomplish these goals.
7. Inventories – An inventory is not a search for evidence of crime but is justified to protect an owner's property while it is in custody of the police to ensure against claims of lost or stolen property and to guard the police from danger. Inventories must be done to standardized criteria which limits officer discretion and ensures that it is not a guise for a general exploratory search. When a vehicle is lawfully impounded in accordance with LVMPD 5/207.05, *Motor Vehicle Towing and Impound Procedures Sections - 1 and 2*, an officer will conduct an inventory of that vehicle and containers found therein and record all personal property on the LVMPD 503, *Vehicle Impound Report*. If the inventory is part of a vehicle seizure, *see* LVMPD 5/207.05, *Motor Vehicle Towing and Impound Procedures - Section 4*, the personal property will be impounded and placed in the evidence vault.
8. Vehicle Holds – Holds on impounded vehicles to obtain search warrants must be approved by the appropriate investigative unit. Approval may be granted by radio, telephone, or in person. The approving detective's personnel number shall be indicated in the "Holds" section of the Vehicle Impound Report. Investigative Units will release "Holds" when no longer required and check monthly to ensure vehicle holds have not been overlooked and accruing fees.

STRUCTURES/RESIDENCES

1. Searches With a Warrant – When serving a search warrant, officers may search all areas of the residence and vehicles or structures contained within the curtilage of the property that could contain items sought to be seized pursuant to the search warrant. The nature and size of the items sought to be seized will dictate where officers may search for that item (i.e., officers may not look for a bicycle in a dresser drawer, etc.). Once all items sought to be seized have been recovered, the search must immediately cease.
2. Absent Exigent Circumstances or Consent, officers are required to have either an arrest warrant or a search warrant to enter a structure for the purpose of making a probable cause arrest (the Payton Rule).
3. Absent Exigent Circumstances or Consent, officers are required to obtain a search warrant to enter a structure owned by a third-party for the purpose of serving an arrest warrant or to make a probable cause arrest. The search warrant requires: (1) that officers have probable cause to believe the suspect is located within the structure; and (2) a showing of why it is reasonable to make entry into the structure instead of waiting for the suspect to exit (the Steagald Rule).
4. Exceptions to Search Warrant Requirement – All searches without a warrant are illegal per se unless there is a valid Fourth Amendment exception. The following are common exceptions to the warrant requirement:
 - a. Consent Searches – Consent must be freely and voluntarily given. Officers do not need probable cause or reasonable suspicion to initiate a request for consent from a person with standing; however, a consenting person shall be told what the object of the search is and the search may not exceed the scope of the consent given. During a consent search all areas of the property may be searched, provided that it is within the scope of the consent. Consent must be documented in one of the following forms: (1) electronically recorded, (2) written, or, (3) verbal. Consent may be revoked at any time by the consenting party. (An officer must be within a reasonable distance so consent may be verbally revoked.) If anyone who is present and has standing objects to a search, a search warrant must be obtained.
 - 1) Electronically Recorded – The recording must include the date, time, event number, name of person

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giving consent, the type of investigation and a description of the location of the search. The recording must be preserved. BWC recordings include date, time, and event numbers when tagged.

- 2) Written – If the consent is in written form, it will be documented on the Consent to Search, (LVMPD 79 or 79a - both forms include a Spanish version on the back). The original form shall be scanned into OnBase.
- 3) Verbal – Either electronically recorded or written consent is preferable; however, consent may be given verbally. A witness officer is preferred for verbal consent. For officer safety concerns, two officers must be present when the search is conducted.

If no Officer's Report or DOAR is generated, the officer shall document the consent given for the search in CAD prior to clearing the call.

- b. Frisk for Weapons – An officer who is legally present in a structure may conduct a limited protective search for weapons in the subject's area of immediate access.
- c. Protective Sweep – An officer who is legally present in a structure may conduct a protective sweep if he has reasonable suspicion to believe there is a threat to his safety from a person in the structure. The search is only for persons. Items of an evidentiary nature inadvertently discovered during a protective sweep may be potentially seized under plain view; however, officers are strongly encouraged to obtain a search warrant.
- d. Exigent Circumstances – This exception to the warrant requirement involves balancing a number of factors. It is a time-critical exception to the search warrant requirement that requires probable cause to justify a warrantless entry to:
 - 1) Prevent the destruction of evidence of a serious felony offense; or
 - 2) Effect a warrantless arrest of a violent or dangerous suspect who officers have probable cause to believe committed a serious felony or violent offense and may escape if not immediately apprehended.

When the exigent circumstances cease the search must stop immediately. Police cannot create the exigent circumstance or use a ruse to affect a warrantless search.

Section 8 Obtaining a Search Warrant

There are three methods for obtaining a search warrant – written, telephonic, and electronic.

WRITTEN SEARCH WARRANTS

A written search warrant consists of the following parts:

1. Search Warrant Application and Affidavit – (1) an officer's probable cause statement supported by oath or affirmation; (2) particularly describing the place to be searched, and; (3) particularly describing the items or things to be seized. The affidavit must also include:
 - a. The affiant's identity and experience
 - b. The crime alleged and why the items sought to be seized are evidence of the crime
 - c. Statement of probable cause establishing a nexus or link between the items sought to be seized and the place to be searched
 - d. And may include a request and justification for a(n):
 - 1) Sealing Order (LVMPD 360)
 - 2) Turn Over Order (LVMPD 562)
 - 3) Nighttime service request and/or
 - 4) Search of persons present.
2. The Search Warrant – A court order issued upon: (1) an officer's probable cause statement supported by oath or affirmation; (2) particularly describing the place to be searched, and; (3) particularly describing the items or things to be seized. If requested and good cause found, a court may include nighttime service request and issue a separate sealing order and/or turn over order as applicable.
3. Search Warrant Return of Service – A list of the items seized during the execution of the search warrant. A copy is left with the search warrant and the original is returned to the court within ten days.
4. Sealing Order (when applicable) – A court order issued upon a showing of good cause to protect the contents of an application and affidavit for a search warrant until a criminal complaint or indictment is filed or a court otherwise orders the application and affidavit for a search warrant unsealed.

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5. A Turn Over Order (when applicable) – A court, pursuant to its own inherent jurisdiction, may issue an order acknowledging and authorizing officers from other jurisdictions to be given custody of property seized.

Obtaining A Written Search Warrant

If an officer determines the need for a search warrant, the officer will confer with a supervisor to determine if a search warrant is the appropriate course of action. If the determination is made that a search warrant is to be sought, the affiant/officer will:

1. De-conflict the investigation by notifying RISSafe per LVMPD 5/106.30, *Using the RISSafe Nevada Watch Center*. Additionally, if during the investigation the officer discovers a conflict with another investigating section/detail, the investigating officer will contact the investigative section/detail associated with the crime being investigated to further de-conflict.
2. Draft the application and affidavit for search warrant establishing a probable cause nexus between the place to be searched and the items sought to be seized. To seize an item the affiant must have facts supporting why it is evidence.
3. If applicable, corroborate information received from informants, identifying their reliability, source of knowledge and motivation per LVMPD 5/206.24, *Informants and Associated Funds Management*.
4. Obtain and verify the address or location of the place to be searched and provide a detailed description.
5. Corroborate and verify all information that will be put into the application and affidavit for a search warrant.
6. If applicable, the following factors will be included in the application and affidavit for a search warrant:
 - a. The names of:
 - 1) Persons who can reasonably be expected to be inside the premises at the time the warrant is to be served.
 - 2) Persons with previous arrests for violence or intelligence stating a propensity for violence.
 - b. Threats of violence toward police made by the suspect to a covert officer, undercover officer, confidential informant, or other witness.
 - c. If the target location is fortified with bars, walls, or shrubbery, or guarded by animals or surveillance cameras.
 - 4) Likelihood that evidence will be destroyed.
 - 5) The justification for the use of SWAT during the service/execution of the search warrant.
 - 6) The justification for a nighttime clause, sealing order, and/or turn over order.
7. Once the application and affidavit for a search warrant is completed, ensure the pertinent information is identical in the Search Warrant (address of the place to be searched and the items to be seized). A second officer will review the search warrant application and affidavit for accuracy prior to being given to a supervisor for review. The name and personnel number (P#) of the second officer and the supervisor who reviewed the application and affidavit for a search warrant will be noted in the Officer's Report regarding the service of the search warrant.
8. The supervisor will:
 - a. Ensure the investigating officer has de-conflicted the investigation by notifying RISSafe per LVMPD 5/106.30, *Using the RISSafe Nevada Watch Center*. Additionally, when required, ensure the investigating officer contacted the investigative section/detail associated with the crime being investigated to further de-conflict.
 - b. Read the application and affidavit for a search warrant, ensuring the officer has established a probable cause nexus between the place to be searched and the items sought to be seized.
 - c. If applicable, ensure the officer corroborated information received from informants, identifying their reliability, source of knowledge and motivation per LVMPD 5/206.24, *Informants and Associated Funds Management*.
 - d. Verify all information that will be put into the application and affidavit for search warrant by reviewing all supporting documentation in the case file and the attached Incident Action Plan (if applicable).
 - e. Verify that all other "officer responsibilities" have been completed.
 - f. After review, authorize affiant to contact a representative of the District Attorney's Office for review and approval.
9. Once the application and affidavit for a search warrant has been approved by LVMPD supervision, the affiant/officer will:
 - a. In all search warrants except for a buccal swab, contact a representative of the District Attorney's Office

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to review the probable cause. The name and telephone number of the on-call representative can be obtained from the Communications Bureau. The name of the Assistant District Attorney who reviewed/approved the application and affidavit for a search warrant will be noted in the Officer's Report regarding the service of the search warrant.

10. Once the application and affidavit for a search warrant has been approved by a representative of the District Attorney's Office, the affiant/officer will:
 - a. Obtain the name and contact information of the on-call "signing judge" from the Communication Bureau.
 - b. Present the application and affidavit for a search warrant, search warrant, and any other applicable orders (sealing and/or turn over order), to the judge for authorization.
 - c. If the judge refuses to issue the search warrant, the officer:
 - 1) Will NOT attempt to find another judge (i.e., judge shopping).
 - 2) Will immediately notify the supervisor and a district attorney's representative who approved the warrant. The supervisor and the district attorney may review the option of finding another judge
- Family Court judges do not have jurisdiction to authorize search warrants; therefore, officers shall not utilize Family Court judges to sign search warrants.

TELEPHONIC SEARCH WARRANTS

A telephonic search warrant consists of the following parts:

1. Search warrant application and affidavit
2. Duplicate original search warrant
3. Recording of telephone conversation with the judge
4. Recording transcription
5. Search Warrant Return
6. Sealing order (when applicable)
7. Turn over order (when applicable)

Obtaining a Telephonic Search Warrant

A telephonic search warrant should be requested only when exigent circumstances exist and as determined by the supervisor. All telephonic search warrants will comply with [NRS 179.045](#).

1. The affiant/officer will:
 - a. De-conflict their investigation by notifying RISSafe (LVMPD 5/106.30, *Using the RISSafe Nevada Watch Center*). Additionally, if during the investigation the officer discovers a conflict with another investigating section/detail, the investigating officer will contact the investigative section/detail associated with the crime being investigated to further de-conflict.
 - b. Draft the application and affidavit for a telephonic search warrant establishing a probable cause nexus between the place to be searched and the items sought to be seized. To seize an item, the affiant must have facts supporting why it is evidence.
 - c. If applicable, corroborate information received from informants, identifying their reliability, source of knowledge and motivation (see LVMPD 5/206.24, *Informants and Associated Funds Management*).
 - d. Obtain and verify the address or location of the place to be searched and provide a detailed description.
 - e. Corroborate and verify all information that will be dictated into the application and affidavit for a telephonic search warrant.
 - f. If applicable, dictate into the application and affidavit for a search warrant:
 - 1) The names of persons who can reasonably be expected to be inside the premises at the time the warrant is to be served, and persons with previous arrests for violence or intelligence stating a propensity for violence.
 - 2) Threats of violence toward police made by the suspect to a covert officer, undercover officer, or confidential informant.
 - 3) If the target location is fortified with bars, walls, or shrubbery, or guarded by vicious animals or surveillance cameras.
 - 4) The likelihood that evidence will be destroyed.
 - 5) The justification for the use of SWAT during the service/execution of the search warrant;
 - 6) The justification for a nighttime clause, sealing order, or turn over order.

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- g. Verify requirements for the application and affidavit for a telephonic search warrant and duplicate original search warrant:
 - 1) The name and title of the applicant;
 - 2) A statement that there is probable cause to believe that the specific items subject to seizure under the NRS may be found in or upon a specific designated or described place, person, or thing;
 - 3) Allegations of facts supporting the statement, specifically setting forth the facts and circumstances establishing probable cause to believe that items are at the places, persons, or things to be searched; and
 - 4) A request that the court issue a search warrant directing search for and seizure of the items in question.
- h. Draft the duplicate original search warrant which will include: (1) an officer's probable cause statement supported by oath or affirmation incorporating by reference the application and affidavit for a telephonic search warrant; (2) particularly describing the place to be searched; and (3) particularly describing the items or things to be seized. NOTE: numbers 2 & 3 will exactly match what was dictated in the application and affidavit for a telephonic search warrant. If requested and good cause exists, a court may include a nighttime service request.
- i. When practicable, a second officer will review the probable cause details for accuracy prior to being given to a supervisor for review.
- j. The name and P# of the second officer (if applicable) and supervisor, who approved the telephonic search warrant affidavit will be noted in the Officer's Report regarding the service of the search warrant.
- 2. The supervisor will:
 - a. Ensure the investigating officer has de-conflicted the investigation by notifying RISSafe (LVMPD 5/106.30, *Using the RISSafe Nevada Watch Center*). Additionally, when required, ensure the investigating officer contacted the investigative section/detail associated with the crime being investigated to further de-conflict.
 - b. Read the application and affidavit for a search warrant, ensuring the officer has established a probable cause nexus between the place to be searched and the items sought to be seized.
 - c. If applicable, ensure the officer corroborated information received from informants, identifying their reliability, source of knowledge and motivation (LVMPD 5/206.24, *Informants and Associated Funds Management*).
 - d. Verify all information that will be put into the application and affidavit for a telephonic search warrant by reviewing all supporting documentation in the case file and the attached Incident Action Plan (if applicable).
 - e. Verify that all other "officer responsibilities" have been completed.
 - f. After review, authorize affiant to contact a representative of the District Attorney's Office for review/approval.
- 3. Once the application and affidavit for a telephonic search warrant has been approved by LVMPD supervision:
 - a. In all search warrants except for a buccal swab, the affiant/officer will contact a representative of the District Attorney's Office to review the probable cause. The name and telephone number of the on-call representative can be obtained from the Communications Bureau. The name of the assistant district attorney who reviewed/approved the application and affidavit for a telephonic search warrant will be noted in the Officer's Report regarding the service of the search warrant. Consulting the district attorney for the application of a telephonic search warrant is at the discretion of the bureau commander (e.g., Homicide, FIT, SWAT, ARMOR, and CNT).
- 4. Once the application and affidavit for a search warrant has been approved by a representative of the District Attorney's Office, the affiant/officer will:
 - a. Obtain the name and contact information of the on-call "signing judge" from the Communications Bureau.
 - b. Contact the judge and inform them you are requesting authorization for a telephonic search warrant and you will be recording the conversation.
 - c. With the recorder on, request permission to audio record the conversation and ask to be placed under oath.
 - d. Read the Application and Affidavit for Telephonic Search Warrant, and any other applicable orders (Sealing and/or Turn Over Order) to the judge for authorization.
 - e. Ask the judge if they would like to have the Duplicate Original Search Warrant read to them as well.

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- f. If the judge refuses to issue the Search Warrant, the officer:
 - 1) Will NOT attempt to find another judge (“judge shopping”); and
 - 2) Will immediately notify the supervisor and district attorney’s representative who approved the warrant. The supervisor and the district attorney may review the option of finding another judge.

Family Court Judges do not have jurisdiction to authorize search warrants; therefore, officers will not utilize Family Court Judges to sign search warrants.

Obtaining a Telephonic Search Warrant for Evidentiary Blood Sample

It is the policy of this Department that a telephonic search warrant must be obtained when an officer has probable cause to believe a subject was under the influence of intoxicating liquor or prohibited substance(s) while driving or in actual physical control of a motor vehicle, and when the subject has refused consent for an evidentiary blood sample. Exception: When exigency exists, an evidentiary blood sample may be taken without a warrant. For example, in the event a subject needs emergency surgery and concerns exist that medical personnel will introduce narcotics and/or saline, an officer may request for the immediate withdrawal of an evidentiary blood sample prior to surgery.

All telephonic search warrants will comply with [NRS 179.045](#). Officers who have attended the required training (Section 9) may obtain the telephonic search warrant to obtain evidentiary blood sample(s). Officers who do not have the training to obtain a search warrant will request a trained officer or traffic supervisor to assist with obtaining a telephonic search warrant.

When the arresting officer is obtaining the telephonic search warrant the officer will:

1. Articulate a probable cause nexus between the criminal offense and the subject for whom the blood sample is sought to be collected. To seize evidentiary blood sample, the affiant must have facts supporting why it is evidence.
2. Verify the location of the facility where the collection of evidentiary blood sample will occur.
3. Obtain all information that will be dictated into the application and affidavit for search warrant.
4. Verify requirements for the application and affidavit for search warrant and duplicate original search warrant:
 - a. The name and title of the applicant.
 - b. A statement that there is probable cause to believe that the blood sample is subject to seizure under NRS.
 - c. Allegations of facts supporting the statement, specifically setting forth the facts and circumstances establishing probable cause to believe the collection of the blood sample(s), when submitted to laboratory analysis, would establish an illegal level of alcohol or prohibited substance:
 - 1) Description of driving or actual physical control.
 - 2) Signs/symptoms of the subject’s impairment (bloodshot/watery eyes, slurred speech, odor of an alcoholic beverage, etc.).
 - 3) Administration of Standardized Field Sobriety Tests given and the description of the results.
 - 4) Subject’s refusal to provide a voluntary evidentiary breath or blood sample or belief the consent may be deemed invalid.
 - d. A request that the court issue a search warrant directing the collection of up to three blood samples.
 - e. A request that the court authorize the use of reasonable force to collect the blood samples if the subject refuses to comply voluntarily.
 - f. If applicable, include the justification for a nighttime service of the search warrant.
 - g. If applicable, include a turn over order.
5. Draft the duplicate original search warrant that will include:
 - a. An officer’s probable cause statement supported by oath or affirmation incorporating by reference the application and affidavit for search warrant;
 - b. Subject description (name and DOB, indicate if the subject is a juvenile);
 - c. The location of the facility where the collection of evidentiary blood sample(s) will occur, and;
 - d. The number of blood samples sought to be obtained.
 - e. If applicable, a nighttime service request.
6. Contact an authorized supervisor to review the search warrant application.
7. Contact the “on-call” judge:
 - a. Any misdemeanor DUI within the city contact Las Vegas Municipal Judges at (702) 274-4598.

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- b. Any misdemeanor DUI within the county and all felony DUIs contact LVMPD Communications for the on call “signing judge.”
- 8. Once in contact with the judge, immediately request permission to record the conversation before reading the telephonic application:
 - a. If the judge refuses to issue the search warrant, the officer:
 - 1) Will NOT attempt to find another judge (“judge shopping”).
 - 2) Will immediately notify the reviewing supervisor and the District Attorney’s Vehicular Crimes Unit.
- 9. Once the warrant is approved it must be served and witnessed in the presence of another Nevada peace officer. Exception: evidentiary blood draws may be witnessed by the medical personnel executing the blood draw at a hospital.
- 10. At the conclusion of the evidentiary blood sample withdraw:
 - a. Complete the Search Warrant Return and Property Report (LVMPD 67a), describing the items seized pursuant to the search warrant.
 - b. Request for forensic examination (property connect).
 - c. Leave a copy of the duplicate original search warrant and return with the subject’s property at the detention or medical facility.
 - d. Document in the Impaired Driving Report (LVMPD 295), where a copy of the duplicate original search warrant and return were left.

Photos are not required of the search warrant documents for evidentiary blood samples.

When the arresting officer is not obtaining the search warrant, the affiant officer will:

- 1. Obtain a probable cause statement from the arresting officer which will include a nexus between the criminal offense and the subject for whom the blood sample(s) is sought to be collected. To seize evidentiary blood sample the affiant must have facts supporting why it is evidence.
- 2. Verify the address or location of the facility where the collection of evidentiary blood sample will occur.
- 3. Obtain all information that will be dictated into the application and affidavit for search warrant.
- 4. Verify requirements for the application and affidavit for search warrant and duplicate original search warrant:
 - a. The name and title of the applicant.
 - b. The name and title of the arresting officer who has provided the probable cause statement.
 - c. A statement that there is probable cause to believe that the blood sample is subject to seizure under the NRS.
 - d. Allegations of fact supporting the statement, specifically setting forth the facts and circumstances establishing probable cause to believe the collection of the blood sample, when submitted to laboratory analysis, would establish an illegal level of alcohol or prohibited substance.
 - e. A request that the court issue a search warrant directing the collection of up to three blood samples.
 - f. A request that the court authorize the use of reasonable force to collect the blood sample if the subject refuses to comply voluntarily.
 - g. If applicable, include the justification for a nighttime service of the search warrant.
- 5. Draft the duplicate original search warrant that will include:
 - a. An officer’s probable cause statement supported by oath or affirmation incorporating by reference the application and affidavit for search warrant;
 - b. Description of the subject (name and DOB, indicate if the subject is a juvenile);
 - c. The location of the facility where the collection of evidentiary blood sample(s) will occur, and;
 - d. The number of blood samples sought to be obtained.
 - e. If applicable, a nighttime service request.
- 6. Contact their supervisor to review the search warrant application.
- 7. Contact the “on-call” judge and immediately request permission to record the conversation before reading the telephonic application. If the judge refuses to issue the search warrant, the officer:
 - a. Will NOT attempt to find another judge (“judge shopping”); and,
 - b. Will immediately notify the supervisor and district attorney’s representative.
- 8. At the conclusion of the evidentiary blood sample withdraw:
 - a. Complete the Search Warrant Return and Property Report (LVMPD 67a), describing the items seized pursuant to the search warrant.
 - b. Leave a copy of the duplicate original search warrant and return with the subject’s property at the

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detention or medical facility.

- c. Document in the DOAR where a copy of the duplicate original search warrant and return were left. Photos are not required of the search warrant documents for evidentiary blood samples.

The supervisor will:

9. Review the search warrant application to ensure it is supported with probable cause for an evidentiary blood sample, when notified by Communications that an officer is:
 - a. Making an arrest with probable cause to believe the subject is under the influence of intoxicating liquor or prohibited substance while driving or in actual physical control of a motor vehicle.
 - b. In need of a search warrant to obtain the blood sample(s).
 - c. In need of an available traffic or authorized officer to obtain the search warrant.

ELECTRONIC SEARCH WARRANTS

An electronic search warrant consists of the following parts:

1. Search warrant application and affidavit – (1) an officer's probable cause statement supported by oath or affirmation; (2) particularly describing the place to be searched; and (3) particularly describing the items or things to be seized. The affidavit must also include:
 - a. The affiant's identity and experience.
 - b. The crime alleged and why the items sought to be seized are evidence of the crime.
 - c. Statement of probable cause establishing a nexus or link between the items sought to be seized and the place to be searched.
 - d. And may include a request and justification for a:
 - 1) Sealing Order (LVMPD 360)
 - 2) Turn Over Order (LVMPD 562)
 - 3) Nighttime service request and/or
 - 4) Search of persons present.
2. The Electronic Search Warrant – A court order issued through secure electronic transmission based upon: (1) an officer's Probable Cause statement supported by oath or affirmation; (2) particularly describing the place to be searched; and (3) particularly describing the items or things to be seized. If requested and good cause found, a court may include nighttime service request and issue a separate sealing order and/or turn over order as applicable.
3. Search Warrant Return of Service – A list of the items seized during the execution of the search warrant. A copy is left with the search warrant and the original is returned to the court within ten days.
4. Sealing Order (when applicable) – A court order issued upon a showing of "good cause" to protect the contents of an Application and Affidavit for a Search Warrant until a criminal complaint or indictment is filed or a court otherwise orders the Application and Affidavit for a Search Warrant unsealed.
5. A Turn Over Order (when applicable) – A court, pursuant to its own inherent jurisdiction, may issue an order acknowledging and authorizing officers from other jurisdictions to be given custody of property seized.

Obtaining an Electronic Search Warrant

If an officer determines the need for a search warrant, the officer shall confer with a supervisor to determine if an electronic search warrant is the appropriate course of action. If the determination is made that an electronic search warrant is to be sought, the following actions shall be taken:

1. The affiant/officer will:
 - a. De-conflict their investigation by notifying RISSafe (LVMPD 5/106.30, *Using the RISSafe Nevada Watch Center*). Additionally, if during the investigation the officer discovers a conflict with another investigating section/detail, the investigating officer will contact the investigative section/detail associated with the crime being investigated to further de-conflict.
 - b. Draft the application and affidavit for search warrant establishing a probable cause nexus between the place to be searched and the items sought to be seized. To seize an item the affiant must have facts supporting why it is evidence.
 - c. If applicable, corroborate information received from informants, identifying their reliability, source of knowledge and motivation (LVMPD 5/206.24, *Informants and Associated Funds Management*).

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- d. Obtain and verify the address or location of the place to be searched and provide a detailed description.
 - e. Corroborate and verify all information that will be put into the application and affidavit for search warrant.
 - f. If applicable, the following factors will be included in the application and affidavit for search warrant:
 - 1) The names of:
 - a) Persons who can reasonably be expected to be inside the premises at the time the warrant is to be served.
 - b) Persons with previous arrests for violence or intelligence stating a propensity for violence.
 - 2) Threats of violence toward police made by the suspect to a covert officer, undercover officer, confidential informant, or other witness.
 - 3) The target location is fortified with bars, walls, or shrubbery, or guarded by vicious animals or surveillance cameras.
 - 4) Likelihood that evidence will be destroyed.
 - 5) The justification for the use of SWAT during the service/execution of the search warrant.
 - 6) The justification for a nighttime clause, sealing order, and/or turn over order.
 - g. Once the application and affidavit for search warrant is completed, ensure the pertinent information is identical in the search warrant (address of the place to be searched and the items to be seized). A second officer will review the search warrant application and affidavit for accuracy prior to being given to a supervisor for review. The name and P# of the second officer and the supervisor who reviewed the application and affidavit for search warrant will be noted in the Officer's Report regarding the service of the search warrant.
2. The supervisor will:
- a. Ensure the investigating officer has de-conflicted the investigation by notifying RISSafe (LVMPD 5/106.30, *Using the RISSafe Nevada Watch Center*). Additionally, when required, ensure the investigating officer contacted the investigative section/detail associated with the crime being investigated to further de-conflict.
 - b. Read the application and affidavit for search warrant, ensuring the officer has established a probable cause nexus between the place to be searched and the items sought to be seized.
 - c. If applicable, ensure the officer corroborated information received from informants, identifying their reliability, source of knowledge and motivation (LVMPD 5/206.24, *Informants and Associated Funds Management*).
 - d. Verify all information that will be put into the application and affidavit for search warrant by reviewing all supporting documentation in the case file and the attached Incident Action Plan (if applicable).
 - e. Verify that all other "officer responsibilities" have been completed.
 - f. After review, authorize affiant to contact a representative of the district attorney's office for review and approval.
 - g. Once the application and affidavit for search warrant has been approved by LVMPD supervision, in all search warrants except for a buccal swab, the affiant/officer will contact a representative of the District Attorney's Office to review the probable cause. The name and telephone number of the on-call representative can be obtained from the Communications Bureau. The name of the assistant district attorney who reviewed/approved the application and affidavit for search warrant will be noted in the Officer's Report regarding the service of the search warrant.
3. Once the application and affidavit for search warrant has been approved by a representative of the District Attorney's Office, the affiant/officer will:
- a. Load the application and affidavit for electronic search warrant along with the electronic search warrant and other orders (i.e. sealing order, turn over order) as applicable in the LVMPD electronic search warrant system.
 - b. Place a contact phone number into the electronic search warrant system so the judge can call the affiant when ready to complete the swear-in process:
 - 1) Judge will contact affiant to complete the "oath" or "swearing in" Process. Affiant may also need to call the signing judge to ensure judge has received the electronic search warrant application notice. Affiant will ensure that the "oath or swearing in process" box is checked in the electronic search warrant system.
 - 2) If approved, affiant will wait for electronically signed electronic search warrant and other pertinent documents to load into the electronic search warrant system. Officer will print copies of the

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application and affidavit for electronic search warrant, electronic search warrant, and any applicable orders and follow normal procedures for search warrant service.

- 3) If judge denies requesting further information, affiant will update application and affidavit for electronic search warrant with requested information and reload into electronic search warrant system.
- 4) If judge denies, affiant will make no further attempts to obtain a search warrant and call the District Attorney's Office to report denial.
- 5) Once service is complete, affiant will load the electronic search warrant return into the electronic search warrant system. Once a judge approves an electronic search warrant, all pertinent documents are immediately sent through secure electronic transmission to the court of record for filing. Likewise, when the electronic search warrant return is loaded into the electronic search warrant system, the document is immediately sent via secure electronic transmission to the court of record for filing. The electronic search warrant return must be loaded into the electronic search warrant system within ten days of search warrant authorization.

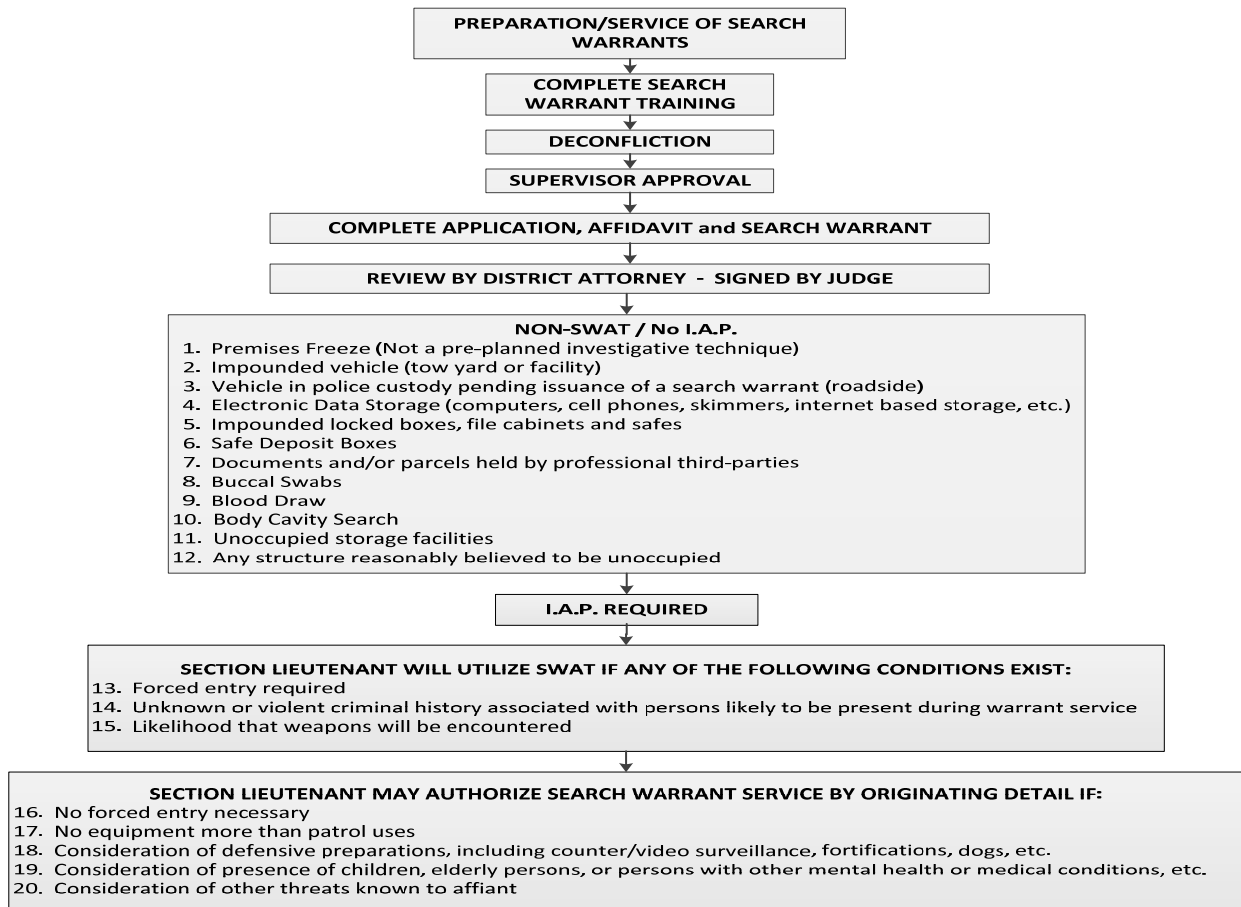
Family Court judges do not have jurisdiction to authorize search warrants; therefore, officers will not utilize Family Court judges to sign search warrants.

Section 9 Search Warrant Classifications

It is the policy of the Department that there are only two classifications of search warrants: (1) non-SWAT and (2) SWAT. It is preferred to utilize SWAT in the service of search warrants. If equipment is needed beyond what is provided to a patrol officer or forced entry is required, SWAT will be utilized to serve the search warrant.

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IAP requirements for service of search warrant are described in the chart above. The chart is in a linear structure; the affiant and supervisors will review each number to determine the need for an IAP and SWAT or non-SWAT service:

1. 1-12 no IAP is required.
2. 13-15 will require a SWAT service and a Search Warrant IAP-SWAT (LVMPD 289D), and notifications to section lieutenant and bureau captain.
3. 16-20 A non-SWAT service may be authorized with approval from the section lieutenant or lieutenant designee of equal rank and will require an LVMPD 289E, Non-SWAT Service IAP notification to bureau captain.

The use of bodily force, a key or bolt cutters to enter an unoccupied storage facility or a structure reasonably believed to be unoccupied would not require an IAP or SWAT service.

Community Policing and Tourist Safety Division officers may only serve non-SWAT warrants, reference 1-12 listed within the search warrant service chart. Additionally, patrol detectives may additionally serve non-SWAT warrants reference 16-20 listed within the search warrant service chart with bureau commander or designee approval.

No-knock search warrants are prohibited except in limited circumstances for life safety and when other tactical options have been considered and deemed unsafe. It is the policy of LVMPD for SWAT to obtain a search warrant prior to making entry under exigent circumstances when time allows. A no-knock forced entry made to immediately address

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a threat to life safety may be authorized, with or without a warrant, at the direction of the on-scene tactical commander. A planned no-knock tactical entry must be approved by the deputy chief of the Homeland Security Division or designee of equal rank. No-knock search warrants will not be used for the preservation of evidence.

Any search warrant that has not been served within ten days shall be marked as “not served” in bold letters on the top of the search warrant and will be scanned into OnBase.

Requests for “keep the peace” at an administrative search warrant service by an administrative agency must be approved by a lieutenant and notification made to the watch commander.

ADMINISTRATIVE SEARCH WARRANT

Examples of the types of administrative agencies requesting assistance include:

1. Animal Control
2. Attorney General
3. Constable
4. Gaming Control
5. Health Administration
6. Child Protective Services
7. Taxi-Cab Authority

LVMPD may assist an administrative agency in its service of an administrative search warrant under certain circumstances. The purpose of LVMPD officers assisting is to provide a safe and secure environment for administrative officers and the public. Officers may assist with clearing a structure and will focus on locating people and officer safety concerns. Officers will not search for contraband or evidence to a crime. LVMPD officers will not participate in any administrative warrant service which by LVMPD policy would require SWAT service.

Patrol sergeant will:

1. Respond to the scene of all requests for assistance in serving an administrative warrant.
2. Review the content of the administrative warrant, ensuring a judge’s signature is affixed.
3. Based on the size and design of the structure, ensure the appropriate number of uniformed officers are present to search the structure.
4. Ensure a marked police unit is placed in view of the structure.
5. Prior to entering the structure, officers should announce their presence, the existence of a warrant to enter the structure, and give occupants a reasonable amount of time to exit the structure (consider utilizing the P/A system, if applicable).
6. Before entering the structure, ensure dispatch is aware officers are entering (Code Red is not required).
7. After securing the structure, ensure control is turned over to the administrative agency. The sergeant and administrative agency personnel will confer to determine if LVMPD officers need to remain on-scene.
8. Ensure an officer receives a copy of the warrant, write the LVMPD event number on the warrant and scan the warrant into OnBase.

CRIMINAL SEARCH WARRANT

All requirements to serve an outside agency search warrant must fulfill the LVMPD standard set forth in this policy.

1. Federal Task Force.
2. Law Enforcement agency from an outside:
 - a. State
 - b. County
 - c. City

Section 10 Preparation and Service of a Search Warrant

SERVICE PREPARATION OF A NON-SWAT WARRANT (SWAT is not serving the warrant)

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1. The officer will:
 - a. Draft the Search Warrant Incident Action Plan Non-SWAT Service (LVMPD 289E), not required for numbers 1-12 reference the chart above.
 - b. For an unoccupied structure, notify the Communications Bureau that a search warrant will be served in the area.
 - c. Conduct a mandatory pre-operational briefing. The following information must be recorded on either a white board or other media:
 - 1) Event number
 - 2) Location
 - 3) Sector, beat, area command
 - 4) Case officer
 - 5) Intelligence data (known threats to the operation are not present; e.g., dogs, weapons, children, elderly, medical issues of resident)
 - 6) Route to target location
 - 7) A diagram of the residence
 - d. Ensure a photograph is taken of all diagrams (white board or other media) and placed in the case file and uploaded into OnBase.
2. The immediate supervisor will:
 - a. Ensure that Search Warrant and Search Warrant Incident Action Plan is complete and accurate.
 - b. Approve and sign the IAP, thus indicating that the supervisor has an understanding of the investigation and investigative strategy.
 - c. Ensure that briefing is conducted and that entry team members have the proper certification and equipment.
 - d. Determine entry team and search team assignments.
 - e. Ensure the area command and Communications supervisors are notified of the service of the search warrant (see LVMPD 5/209.14, Voice Radio Communications).
 - f. When necessary, coordinate with the area command supervisor for uniformed officer presence, K9 and the Air Unit to provide scene security until the event is secure.
 - g. Consider the need for the presence of medical personnel on stand-by prior to the search warrant service and have a downed officer rescue plan in place.
 - h. When feasible, establish surveillance 30 minutes prior to search warrant service.
 - i. Ensure the warrant is being served between 7 a.m. and 7 p.m., unless a nighttime service request was authorized by the judge allowing officers to search at any time of the day or night.
 - j. Consider the use of a trick or ruse to cause the occupants to exit the premise; this is lawful to do as long as the ruse does not endanger the occupants or create an impression that they are endangered. Once the subjects exit the premises, the officers will announce their authority and identify themselves before entering.
 - k. Contact the section lieutenant or authorized lieutenant designee of equal rank to approve non-SWAT search warrant service.
3. The section lieutenant or authorized lieutenant designee of equal rank will:
 - a. Ensure that the search warrant and search warrant incident action plan non-SWAT service is complete and accurate.
 - b. Approve and sign the IAP, indicating non-SWAT service.
 - c. Ensure bureau commander has been notified of non-SWAT service of the search warrant.
4. Communications will:
 - a. Upon notification that a search warrant will be served, generate an event number.
 - b. Obtain the location and approximate time of service of the search warrant.
 - c. Notify the area command supervisor and watch commander via administrative message and via telephone, except when informed by the officer, as approved by the supervisor, that the search warrant service is sensitive in nature. In that case, only contact the area command supervisor via administrative message or telephone. All information on who was contacted needs to be entered into the event.

SERVICE OF A NON-SWAT SEARCH WARRANT

1. Search Warrant Service Team will:

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- a. Prior to service and during the subsequent search phase, supervisor(s), detectives and officers will wear a polo shirt, vest, or jacket with LVMPD markings on the front, back, and sides. A hang badge or badge holder will be clipped onto their belt and clearly visible, unobstructed by clothing or equipment.
 - b. Establish a perimeter around the target location and place a marked patrol vehicle in plain sight of the target premises, when possible.
 - 1) If a marked patrol vehicle cannot be placed in plain sight of the target premises (i.e., target premises is an apartment located in the interior of the complex), a marked patrol vehicle will, nonetheless, be placed in a conspicuous location as nearby as practical to the target premises.
 - c. Give appropriate notice of IDENTITY AND PURPOSE to the person(s) to be searched or the persons in actual or apparent control of the premises to be searched before entering the premises:
 - 1) If it is unclear whether anyone is present, officers must give the notice in a manner to be heard by anyone who is present (i.e.: bull horns or vehicle public address system will be used to ensure that persons in the premises can hear the announcement).
 - d. Upon entering a structure, use the minimal amount of force necessary to serve the warrant.
 - e. Once area is secure:
 - 1) Carry out all assignments pursuant to the Search Warrant Incident Action Plan.
 - 2) Ensure photographs are taken of the interior of the structure.
 - 3) Ensure photographs are taken documenting evidence and damage that may have occurred.
 - f. At conclusion of search:
 - 1) Complete the Search Warrant Return and Property Report (LVMPD 67a) describing the items seized pursuant to the search warrant.
 - 2) Leave a copy of the search warrant, application and affidavit for search warrant, or seal and return at the location of the search.
 - 3) Complete exit photos to include search warrant documents left at location of search.
2. The supervisor will:
- a. Participate in the service phase of the search warrant. If multiple search warrants are being served simultaneously or consecutively, ensure additional supervisors are assigned and briefed for each location.
 - b. When feasible, the supervisors will be inside the residence to ensure detectives/officers complete assigned tasks and handle/document evidence appropriately.
 - c. Ensure, upon the conclusion of the search, that:
 - 1) The Search Warrant Return and Property Report (LVMPD 67a) describing the items seized pursuant to the search warrant has been properly completed.
 - 2) All evidence/confiscated property has been collected by the search teams and properly documented.
 - 3) Copies of the search warrant, application and affidavit for search warrant or seal and return are left at the location of the search.
 - 4) Complete exit photos have been taken to include search warrant documents left at location of search.
 - 5) All team members' personal and Department-issued equipment is removed from the location of search.
 - 6) Search team members do not make statements regarding liability for repairs. Such determination will be handled through the risk manager. If applicable, contact the on-call Risk Management representative regarding unusual circumstances. The name and telephone number of the on-call representative can be obtained from the Communications Bureau.
 - d. Coordinate the securing of the premises in a manner so as not to appear open to passersby.

SERVICE PREPARATION OF A SWAT WARRANT (SWAT is serving the warrant)

1. The officer will:
 - a. Determine the need for SWAT to serve the warrant.
 - b. Draft the Search Warrant Incident Action Plan SWAT Service Request (SWAT IAP) (LVMPD 289D).
2. The immediate supervisor will:
 - a. Ensure the SWAT IAP is complete and accurate.
 - b. Approve and sign the SWAT IAP, indicating the need for SWAT service.
 - c. Inform the section lieutenant of the need for SWAT service of the search warrant and coordinate the review and approval of the SWAT IAP.

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3. The section lieutenant or authorized lieutenant designee of equal rank (no acting lieutenants) will:
 - a. Ensure that the SWAT IAP is complete and accurate.
 - b. Approve and sign the SWAT IAP, indicating the need for SWAT service.
 - c. Inform the bureau commander when SWAT will be serving the search warrant and coordinate the review and approval of the SWAT IAP.
 - d. Be responsible for coordinating a Tier I response of the Tiered Response Incident Protocol (TRIP) as identified in the Watch Commander Manual with the respective area command no later than 24 hours after the warrant is served.
4. The bureau commander or authorized designee of equal rank (no acting bureau commanders) will:
 - a. Ensure the SWAT IAP is complete and accurate.
 - b. Physically sign the SWAT IAP indicating approval and the need for SWAT service.
 - c. When a warrant service is denied by the SWAT lieutenant, discuss further options with SWAT bureau commander.

SERVICE OF A SWAT SEARCH WARRANT

1. The officer will provide to SWAT as soon as possible:
 - a. The Search Warrant Incident Action Plan SWAT Service (LVMPD 289D) or federal operations plan pursuant to a federal search warrant.
 - b. The application and affidavit for search warrant and the search warrant:
 - 1) For written warrants, a copy (either signed or unsigned) will be e-mailed to the "SWAT WARRANTS" mailbox. A signed copy will be provided to the SWAT supervisor prior to service of the search warrant.
 - 2) For telephonic warrants, the affiant/officer will identify the target location and share all pertinent information with a SWAT representative. A signed copy of the duplicate original search warrant and a transcribed copy of the application and affidavit will be sent via interoffice mail to the assigned SWAT supervisor.
2. The supervisor will:
 - a. Ensure that all information has been provided by the affiant/officer to SWAT.
 - b. Prior to service and during the subsequent search phase, supervisor(s), detectives and/or officers will wear a polo shirt, vest, or jacket with LVMPD markings on the front, back, and sides. A hang badge or badge holder will be clipped onto their belt and clearly visible, unobstructed by clothing or equipment.
 - c. Ensure the area command and Communications Supervisors are notified of the search warrant (see LVMPD 5/209.14, Voice Radio Communications).
 - d. After entry by SWAT and premises is secured, place a marked patrol vehicle in view of the target premises, when possible, for scene security.
 - 1) If a marked patrol vehicle cannot be placed in view (e.g., target premises is an apartment located in the interior of the complex), a marked patrol vehicle will be placed in a conspicuous location as nearby as practical.
 - 2) In the absence of an LVMPD supervisor, detectives assigned to task forces will be responsible for ensuring a marked patrol vehicle is placed in view of the target premises for scene security.
 - e. When feasible, the supervisor will be inside the residence to ensure detectives/officers complete assigned tasks and handle/document evidence appropriately.
3. In all search warrants served by SWAT, the SWAT tactical commander must approve nighttime service (7 p.m. to 7 a.m.).

ADMINISTRATIVE REVIEW

1. The Search and Seizure Committee, chaired by the Internal Oversight and Constitutional Policing (IOCP) bureau commander, will convene quarterly to review and discuss search and seizure policy and training.
2. Any proposed changes to the search and seizure procedure must be reviewed by the Search and Seizure Committee prior to implementation.

Section 11 Post Service and Documentation of a Search Warrant

1. The affiant/officer will:

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- a. Impound all evidence pursuant to LVMPD 5/210.02, *Booking Evidence and Property*.
 - b. Complete a detailed Officer's Report including, but not limited to:
 - 1) Location
 - 2) Items seized, their location and who located it
 - 3) All persons present during service of search warrant (if applicable)
 - 4) Damage to structure or other property (if applicable)
 - 5) How structure was secured at conclusion of service of search warrant (if applicable)Search warrants for blood draws may document the above information in the DOAR.
 - c. Have the search warrant documents scanned into OnBase or maintained within a section/detail case file. The event number must be included on all information scanned into OnBase.
 - d. Send the original search warrant, application and affidavit for search warrant, return, and when applicable, a sealing and/or turn over order to the originating court within ten calendar days pursuant to [NRS 179.075](#): (exception: DNA search warrants for the collection of a biological specimen from a person will be returned to the originating court within six [6] months).
 - 1) When a telephonic search warrant is obtained the transcript of the recorded application and a disc of the recorded application must be provided.
2. The supervisor will:
- a. Ensure that all officers' responsibilities have been completed.
 - b. Coordinate the securing of the premises in a manner so as not to appear open to passersby.
 - c. If damage to the structure or property has occurred, ensure a copy of the Officer's Report has been forwarded to the Risk Management Section.
- The supervisor present at the service of the search warrant is responsible for the above listed responsibilities and approval of the Officer's Report.
3. The application and affidavit for search warrant, the search warrant and the return will be left at the place of the search or a copy may be given to the person having authority over the property.
 4. When a sealing order has been approved, only the sealing order, the search warrant and the return will be left at the place of the search or a copy may be given to the person having authority over the property.

SPECIAL CIRCUMSTANCES FOR TASK FORCE OFFICERS

Memorandums of Understanding (MOUs) creating task forces determine what policy task force officers must follow. Telephonic search warrants can only be completed pursuant to state law. Task force officers must be familiar with turn over orders and understand what circumstances require officers to request that such an order be included in a search warrant (See LVMPD 378 and definition of turn over order). No LVMPD IAP is required when a federal operations plan is generated.

Section 12 Digital Forensics Lab (DFL) & Global Positioning System Search (GPS) Warrants

SEARCHES OF DIGITAL STORAGE DEVICES

Forensic examination of all digital storage devices such as computers, cell phones, digital video recorders, and GPS will be completed by the DFL.

This policy does not apply to the recovery of data from crash data recorders or event data recorders, which are commonly affixed to motor vehicles.

Preliminary Provisions

1. Digital storage devices, whether obtained through consent, arrest, or search warrant service, will be impounded into the LVMPD Evidence Vault. Evidence will not be taken directly to DFL personnel, unless approved by the DFL supervisor and immediate preview is required.
2. All forensic examinations will require a DFL search warrant specific to the device and the crime under investigation unless an exception is approved by the DFL supervisor. The Internet Crimes Against Children (ICAC) detail will have special requirements.
3. The requesting officer will:
 - a. Complete the DFL examination package:

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- 1) The DFL Request for Service Form.
- 2) The DFL search warrant affidavit, search warrant, and return. Affiant should complete DFL search warrant return within ten days after getting warrant signed and ensure it is filed with the court.
- 3) Include copies of the Property Report (LVMPD 67a) used to impound the items.
- 4) Include copies of the original search warrant or consent to search.
- b. Deliver the DFL examination package either via email, fax, in person or by inter-department mail to the DFL supervisor for assignment.
4. The DFL examiner will:
 - a. Review the affidavit to determine the scope of the exam.
 - b. Obtain the items from the Evidence Vault and start the examination.
 - c. Return, upon completion of the examination or confirmation of obtaining a good working evidence file, the items to the Evidence Vault.
 - d. Complete a Forensic Exam Report with cover sheet. This may include a description of the media examined, forensic tools utilized, examiner's qualifications, and findings.
 - e. Forward the Forensic Exam Report to the requesting officer.

GLOBAL POSITIONING SYSTEM TRACKING DEVICES

Only specific sections will be authorized to purchase, maintain, and deploy GPS technology. These sections are:

1. TASS
2. CAT/ROP
3. VIPER
4. Narcotics HIDTA Task Force

TASS will facilitate GPS installation and removal for all Department sections not authorized to possess GPS equipment.

Obtaining a GPS Search Warrant

Department members will obtain a District Court search warrant before deploying GPS equipment in investigations where individuals have a reasonable expectation of privacy.

1. The officer will:
 - a. De-conflict their investigation by notifying RISSafe per LVMPD 5/106.30, *Using the RISSafe Nevada Watch Center*.
 - b. Complete Application and Affidavit for GPS Search Warrant, and the GPS Search Warrant Order (LVMPD 517).
 - c. Obtain approval from their immediate supervisor.
 - d. Contact a deputy district attorney for approval. This must be a specific deputy from the list authorized to review pen registers, trap and trace devices, and GPS tracker warrants. The on-call district attorney phone number will not be used for approval of GPS search warrants. The approving district attorney's name must be printed on the application and affidavit for search warrant.
 - e. Present the search warrant to a judge for issuance.
 - f. Return of service for GPS trackers is a two-part process:
 - 1) The Initial Return (LVMPD 517), along with the application and affidavit for search warrant, and the GPS Search Warrant Order, must be completed and filed with the court within ten days of authorization of the warrant.
 - 2) The Final Return (LVMPD 517), must be completed and filed with the court within ten days of concluding GPS tracking and removal of the device.

Unlike traditional search warrants, the paperwork is not left behind at the place of search or with a responsible party.

- g. All other policies and procedures pertaining to obtaining traditional search warrants will be adhered to excluding the following:
 - 1) No IAP is required for the installation or removal of a GPS tracker.
 - 2) No after service Officer's Report is required for the service of a GPS tracker warrant.
 - 3) A sergeant does not need to be present for the actual installation or removal (service) of the tracker.

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Post GPS Search Warrant Service Requirements

1. The affiant of GPS search warrants will be responsible for and must maintain a record of the track history from the entire duration of the warrant. Department members have two options to preserve the track history:
 - a. A printed or electronically stored copy of the track history may be impounded as evidence.
 - b. A printed or digitally stored copy of the track history may be maintained in the case file.

Section 13 Training

Requirements for Obtaining and Serving Search Warrants

1. Officers, sergeants, and lieutenants are required to complete the following training prior to the application, approval, and service of a SWAT or Non-SWAT search warrant:
 - a. Informant Management Class.
 - b. Search Warrant Preparation & Execution Class.
2. Officers, sergeants, and lieutenants are required to complete the DUI Telephonic Search Warrant Hybrid Course prior to the application, approval and service of search warrants for a DUI evidentiary blood sample.
3. Specialized units who conduct their own annual AOST will incorporate basic room clearing techniques/training. (9/19, 10/20)■

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5/111.12 CONTRACT EMPLOYEES AND WORKERS

OVERVIEW

It is the policy of this department to comply with the FBI's "CJIS Security Policy" which requires that contractors employed by a business or who are independent contractors performing work at an LVMPD facility unescorted, or who remotely access LVMPD information technology assets, or temporary occupants (See LVMPD 5/111.08, *Physical Access and Security to LVMPD Facilities*), will complete a background check according to the type of work performed. The background check will be performed by the Internal Affairs Section for Privileged Contract Workers (see below) and by the Fingerprint Bureau for all others. Upon successful completion of the background check, receipt of CJIS Security Awareness Training acknowledgement page, and receipt of the CJIS Security Addendum certification page (if applicable), the worker will be issued a one year LVMPD contractor badge by the Fingerprint Bureau. Contract workers found to have a background that, at the discretion of the LVMPD, is found to be incompatible with the service to be performed, shall be prohibited from providing services to LVMPD.

CONTRACT WORKER TYPES

The following table defines the types of contract workers who perform work at LVMPD facilities and the background check required for each.

TYPE OF CONTRACT WORKER	DEFINITION	REQUIRED BACKGROUND
Privileged	An individual who is contracted to provide regular, complex or analytical tasks that would regularly expose the contract worker to Law Enforcement Sensitive and/or Criminal Justice Information (such as data from J-Link, NCIC, SCOPE, etc).	Personal History Questionnaire to include National Fingerprint-Based Records Check
Remote Support	An individual who is contracted to work on specific projects or tasks for extended periods of time, such as contracted IT professionals, who will never physically be on-site at any LVMPD facilities, instead will virtually provide support, typically through VPN access.	National Fingerprint-Based Records Check
Regular	An individual who is contracted to work unescorted on specific projects or tasks within an LVMPD facility for extended periods of time, such as custodians, vending machine operators, or contracted IT professionals working at an LVMPD facility.	National Fingerprint-Based Records Check
Intermittent	<p>An individual who is contracted to work on a specific task for a very brief period of time, usually one day, such as a copier repair person, air conditioning technician, plumber, etc.</p> <p>Intermittent contract workers will not be issued Contract Cards and can be allowed to immediately attend to their duties. However, while on LVMPD premises, they must be escorted at all times, when practical. For example, it is impractical to follow an air-conditioning technician onto the roof of a facility. Bureau/area commanders must use their best judgment in each case. The escort will remain as close in proximity as possible.</p>	None. Signs in as a visitor and escort required at all times while in LVMPD facility.

BACKGROUND AND CARD REQUESTS AND PROCESSING

Privileged Contract Workers Process

Bureau Commander will:

1. Contact the IAB lieutenant via e-mail to request the initiation of the background investigation.

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2. Provide in the e-mail the company name, employee names, dates of birth, and telephone numbers of each contract worker.

IAB Lieutenant will:

3. Confirm with the bureau commander the contract worker meets the criteria for a privileged level investigation.
4. Assign an investigator.

Investigator will:

5. Make contact with the contract worker.
6. Provide them with the fingerprint referral, personal history questionnaire, CJIS Security Awareness Training, and LVMPD CJIS Security Addendum.
7. Schedule the background interview.
8. Once the criminal history check and investigation is complete, notify the bureau commander.
9. If satisfactory, refer the contract worker to the Records and Fingerprint Bureau for issuance of a card valid for one year.

Records and Fingerprint Bureau will:

10. Run the contract worker through SCOPE and JLink for warrants and prior criminal history.
11. Create a new SCOPE ID number for those with no prior criminal history.
12. Capture the contract worker's fingerprints and photo.
13. Accept the signed CJIS Security Awareness Training acknowledgement page and CJIS Security Addendum, and forward to Office of the Terminal Agency Coordinator.
14. Forward the FBI criminal history return to IAB.
15. Upon final referral from IAB, issue a card valid for one year.
16. Update the MetroWeb Contract Worker site.

Regular Contract Worker Process

Bureau commander will:

1. Contact the Records and Fingerprint Bureau for an application and CJIS Security Addendum (if applicable) by e-mail (fingerprint@lvmpd.com) or by contacting a Work Card Supervisor. (Proxy card access should be requested through Facilities, once the appropriate background check has been completed).
2. Provide the application to the contract worker to complete and sign.
3. Verify the application is complete, and that the contract worker meets the bureau's standards.
4. Sign the completed application.
5. Provide the CJIS Security Awareness Training and CJIS Security Addendum (if applicable) to the contract worker to complete and sign:
 - a. A CJIS Security Addendum is needed if the contract worker will be at any time exposed to or handle Criminal Justice Information (CJI) either in paper or electronic format and/or provide information technology (IT) duties.
6. Refer the applicant to the Records and Fingerprint Bureau.

Contract Worker will:

7. Appear at the Records and Fingerprint Bureau.
8. Present photo identification and one other form of identification, as noted on the back of the application form.
9. Present the completed and signed application, CJIS Security Awareness Training acknowledgement page, and CJIS Security Addendum (if applicable).

Records and Fingerprint Bureau will:

10. Run the contract worker through SCOPE and JLink for warrants and prior criminal history.
11. Create a new SCOPE ID number for those with no prior criminal history.
12. Capture the contract worker's fingerprints and photo.

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13. If contract worker has no prior criminal history, issue a 90 day temporary card.
14. Update MetroWeb Contract Worker site.
15. Upon receipt of the FBI return:
 - a. If no prior criminal history, issue a card valid for one year (two years for temporary occupants assigned to the SNCTC Fusion Center).
 - b. If any prior criminal history exists, notify the bureau commander for a determination.
16. Forward CJIS Security Awareness Training acknowledgement page and CJIS Security Addendum (if applicable) to the Office of the Terminal Agency Coordinator.
17. Update MetroWeb Contract Worker site.

Remote Contract Worker Process

Bureau Commander will:

1. Contact the Records and Fingerprint Bureau for an application, fingerprint submission cards, and CJIS Security Addendum by e-mail (fingerprint@lvmpd.com) or by contacting a Work Card Supervisor.
2. Mail the contract worker packet to the contracting company.
3. Receive packet via return mail and verify all information on the application is complete, and that the contract worker meets the bureau's standards.
4. Sign the completed application.
5. Send the complete packet to the Records and Fingerprint Bureau.

Remote Contract Worker will:

6. Complete and sign the application and CJIS Security Addendum, and print the CJIS Security Awareness Training acknowledgement page.
7. Appear at either a local law enforcement agency or private fingerprint facility to obtain fingerprint submission cards.
8. Mail the complete packet to the bureau commander overseeing the contract worker.

Records and Fingerprint Bureau will:

9. Receive the complete packet from the bureau commander.
10. Run the contract worker through SCOPE and JLink for warrants and prior criminal history.
11. Create a new SCOPE ID number for those with no prior criminal history.
12. Submit the fingerprint cards electronically to the FBI.
13. Upon receipt of the FBI return, notify the bureau commander of the results.
14. Forward CJIS Security Awareness Training acknowledgement page and CJIS Security Addendum to the Office of the Terminal Agency Coordinator.
15. Update MetroWeb Contract Worker site.

IT Bureau will:

16. Create and manage remote worker accounts in accordance with the ITB remote access bureau policy. All VPN access provided to contracted remote workers will be enabled strictly for specific incidents and will be tracked through the ITB Help Desk.

ANNUAL REVIEW

Contract workers or temporary occupants are required to report to the Records and Fingerprint Bureau for a renewal card with a new, signed contract worker application form, and CJIS Security Awareness Training acknowledgement page at least two weeks prior to the expiration date on their current card.

The CJIS Security Addendum (if applicable) is effective throughout the contract worker's or temporary occupant's term; therefore, this does not have to be re-submitted. The sponsoring bureau is responsible for ensuring the contract worker or temporary occupant completes the renewal process prior to the expiration of the ID card.

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LOST/STOLEN BADGES

Contract workers and temporary occupants must follow LVMPD 5/103.28, *Reporting Damage/Loss to Department Property and Equipment*. Once appropriate notifications are made, the contract worker or temporary occupant may report to the Records and Fingerprint Bureau with a new, signed contract worker application form to obtain a new contract worker ID card.

ONLINE BADGE LIST

A list of all temporary occupants, their contract worker type, and the expiration date of their ID badge is available on the Records and Fingerprint Bureau MetroWeb site. This list may be used by HQ visitor booths and all employees monitoring restricted access areas to check the contractor's status prior to admission into those areas, if they do not have a proxy card. Sponsoring bureaus may also use the list to ensure all contract workers or temporary occupants under their supervision have current, unexpired cards.

OVERSIGHT

Once a contract worker or temporary occupant has received a contract card, the worker may be allowed on LVMPD premises unescorted to attend to their duties only. All contract workers and temporary occupants must display their cards at all times. Bureau/area commanders are responsible for verifying that a contract worker's or temporary occupant's card is valid, as well as the legitimacy of the presence of any individual in LVMPD facilities. Supervisors should pay particular attention to the activities and work product of contract workers or temporary occupants who have been issued a 90-day temporary card while criminal history checks are ongoing. The bureau/area commander will also ensure that the contract worker or temporary occupants takes the CJIS Security Awareness training, as directed by the Office of the Terminal Agency Coordinator.

BADGE REVOCATION

When a temporary occupant is no longer assigned to an LVMPD facility, a contract with a vendor expires or is terminated, or a specific contract worker no longer meets the department's standards for suitability, the bureau commander will:

1. Collect all outstanding contract worker ID cards and/or Proxy Cards.
2. Notify the Records and Fingerprint Bureau by memo or e-mail to fingerprint@lvmpd.com to update the MetroWeb site and return the ID cards to Fingerprint for destruction.
3. Notify Facilities to remove Proxy Card access and return collected Proxy Cards by interoffice mail.

(5/13, 9/14)■

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5/111.08 PHYSICAL ACCESS AND SECURITY TO LVMPD FACILITIES

HEADQUARTERS AND OFFSITE FACILITIES ACCESS

All secured doors may be opened with either an issued key or access control card. Department members will carry and use their key or access card to move throughout facilities. Members shall ensure that unauthorized persons do not follow any member through a security door. All members remain responsible for the security of their assigned work areas and for locking doors to those areas as necessary. Deputy Chiefs and above have authorized, unrestricted access to all areas of the department except where otherwise stated.

HEADQUARTERS SECURITY SYSTEMS

The monitoring and use of the security systems will be at the direction of the supervisor of the LVMPD Headquarters Police Detail. System maintenance and support will be provided by the appropriate department member.

SECURED ACCESS

PUBLIC ENTRANCE

Visitors Information Station officers and/or other designated department members are responsible for properly securing headquarters and offsite location public-entrance doors. Following normal business hours, the Visitor Information Station officers and/or other designated department members shall ensure access doors are secure. Any citizen(s) requesting entrance after business hours who do not have legitimate business are not permitted to enter. If access is granted by supervisory personnel, the citizen's name(s) must be placed on the LVMPD 518, Visitor Log, and the citizen will be issued a visitor badge. The citizen must be escorted within all facilities at all times by a department member, and the visitor must be segregated from sensitive areas, viewing Criminal Justice Information (CJI)/Criminal History Record Information (CHRI), or accessing terminals or printouts that contain or access CJI/CHRI.

LVMPD HEADQUARTERS PARKING GARAGE

All department members have access to the headquarters parking garage with a proximity access card. All department members assigned to headquarters will park all personal and department-owned vehicles in the parking garage. The speed limit in the headquarters garage is five miles per hour.

The first level of the parking garage has reserved parking spaces identified by placard and/or stencil that are assigned to a designated department member through the Office of the Sheriff. The remainder of the parking spaces on the first level and all parking spaces on the second and third levels (including the ramp from the third to fourth level) are designated for on-duty department members' personal vehicles on a first-come, first-served basis. The fourth and fifth floors of the parking garage are designated for all department-owned vehicles. Unless the member is assigned a reserved parking space on the first level, all LVMPD-owned vehicles (i.e., marked vehicles, take-home vehicles, pool cars, etc.) must park on the fourth or fifth level of the parking garage.

Department members who are not assigned to headquarters, but are visiting headquarters (i.e., training classes, etc.) will park in the headquarters parking garage (subject to the same parking parameters listed above). LVMPD members are prohibited from parking in the surface lots east or south of headquarters.

HEADQUARTERS PUBLIC RESTROOMS

Visitors Information Station personnel and/or other designated department member shall monitor access to the public restrooms in the lobby.

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ALL OTHER INTERIOR HEADQUARTERS DOORS

Access doors to restricted areas within LVMPD facilities will remain locked and secured at all times. An interior secure access door that cannot be secured is to be monitored until it can be secured.

VISITORS

Headquarters facility – All visitors (including those employed by other criminal justice agencies) to the headquarters facility will be required to check-in at the Visitor's Information Station. They will be checked against the banned visitor list and their information will be recorded in the LVMPD Visitor Log at the Visitor Information Station to receive a visitor's badge.

The banned visitor list will be created, disseminated and maintained by the Headquarters Police Detail supervisor. The duration a subject remains on the list will be based on individual circumstances. These logs will be destroyed after one year.

Plain-clothes law enforcement officers will display their issued LVMPD ID badge or their LVMPD hang-badge credentials. General visitors will wear a temporary visitor's badge. Visitor badges will be designated with a large "A," "B," or "C" for their respective buildings. Training class visitors will wear a building "A" visitors badge and will be allowed access to only the training areas without an escort. Any person inside the headquarters secure area that is not a department member should display a visitor's badge, must be escorted by a department member, must be segregated from sensitive areas, and from viewing CJI/CHRI, or accessing terminals or printouts that contain or access CJI/CHRI.

Every member should report unknown individuals without identification to the Headquarters Police Detail. Exceptions can only be authorized by the supervisor of the Headquarters Police Detail, a Deputy Chief or above. Suspects and persons of interest will be escorted by a detective through the suspect entrance at the rear of building C. All other visitors will be escorted by a volunteer or the member the visitor(s) are there to meet.

Visitors will be checked-out when their visitor badge is returned.

To expedite visitor check-in, the Visitor Information Station should be notified of expected visitors with their name, time, and whom they are to visit. The Visitor Information Station will be provided a listing of all meetings and classes scheduled in the building, along with a list of the attendees prior to the meeting or class, when possible.

SECURE NETWORK COMMUNICATION/IDF ROOM

Each LVMPD Intermediate Data Facility (IDF) room is considered a secure facility and only to be accessed when necessary for the operation and maintenance of LVMPD network and infrastructure. This room cannot be used as a storage room, nor can the equipment contained within be altered or modified by any unauthorized personnel.

In accordance with Nevada Criminal Justice Information Systems (NCJIS) and Information Technologies Bureau (ITB) security compliance requirements, every LVMPD facility's secure IDF room requires separate access control and personnel access and area will be limited to select ITB and facilities support personnel, the bureau/area commander, administrative assistant, administrative lieutenant, or other principal manager of that facility or area under their direct command.

Any additional access requests must be expressly approved by the ITB Director and LVMPD CJIS Local Area Security Officer (LASO) as an exception to this policy and will be considered on a case-by-case basis.

All individuals with IDF access must agree to and have a signed [ITB IDF Access Agreement](#) on file.

Contact and coordinate through facilities for any IDF access for fire alarm or phone support as required. Contact ITB for computer-related issues associated with the IDF.

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OTHER LVMPD FACILITIES

All visitors to the facility will be required to check in and their information will be recorded in the LVMPD Visitor Log prior to being granted access. At all times, visitors must be escorted by a department member, and must be segregated from sensitive areas, and from viewing CJI/CHRI, or accessing terminals or printouts that contain or access CJI/CHRI.

VENDORS / CONTRACTORS

A vendor who is contracted to work in an LVMPD facility (who has been background checked and issued a LVMPD contractors badge) may be allowed in a facility unescorted to attend to their duties only.

All other vendors who are not issued LVMPD contractor badges must be treated as a visitor to include being recorded in the LVMPD Visitor Log, escorted by a department member at all times, and remain segregated from sensitive areas, and from viewing CJI/CHRI, or accessing terminals or printouts that contain or access CJI/CHRI.

VISITOR LOGS

All LVMPD Visitor Logs must be retained at the facility where they were used for a period of no less than four years.

ESCORTS

At all times, authorized personnel must escort visitors, inmate workers, maintenance persons, non-employees or any unauthorized personnel to areas where CJI/CHRI is viewable or accessible. An unauthorized person being escorted in a physically secure area must be escorted by a person who is sufficiently familiar with the equipment in the area and the tasks being performed. The escort must be able to identify an unauthorized act and alert security personnel. If the escort does not have this set of knowledge and skills, then the unauthorized person is not considered escorted.

TEMPORARY OCCUPANTS

Temporary occupants include extended training, contractors, vendors, and employees from other agencies assigned to the Fusion Center. These occupants will be required to sign a waiver and successfully pass a criminal history check (See LVMPD 5/111.12, *Contract Employees and Workers*). In all cases where workers will be accessing sensitive and restricted areas of this facility this check must be conducted prior to allowing access to these areas even when escorted.

ACCESS CONTROL (PROXY) CARDS

ISSUANCE OF CARDS

The Facilities Section will issue and log all access control cards through a computer database system located within the Facilities Section. All sworn and civilian police department members and those non-members designated will be issued an access control card. These cards must be carried with the department identification card at all times within the facility.

TRANSFERS/TERMINATIONS

When a department member terminates employment, the member is required to turn in their issued ID card and access control card to their supervisor. Transfer and access changes to the control card will be updated in the Facilities computer database only upon presentation of the written orders or directives changing the assignment. Terminations require immediate notification by the bureau/area commander or Labor Relations to the Facilities Section so access can be removed. The member will not be completely removed from the system until the actual card is received in the Facilities Section.

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REPLACEMENT PROCESS

MAINTENANCE OF ACCESS CARD

The department member is responsible for the condition of the access card. The card is not to be altered, defaced, punctured, trimmed or exposed to extreme heat. Replacement of the damaged card, or one that no longer operates, shall be completed by presenting the damaged card and the temporary card (if obtained) to the Facilities Section System Administrator. A member may be held accountable, if the damage was caused by the member through negligence. Damage may result in discipline or replacement costs based upon the circumstances.

LOST CARDS

Lost or stolen access cards must be reported immediately to the Facilities Section system administrator to protect and secure the integrity of department facilities. Once the card is reported missing, it can be rendered "unusable" by the system administrator. Access cards that are lost or stolen after normal business hours, (0700-1600 M-F), must be reported to the Communications Bureau (who will disable the card) via the non-emergency number. The Facilities Section will not issue a new access card without a missing/found property event number being issued. An event number can be obtained by reporting the lost/stolen card to the Communications Bureau or any area command.

ACCESS CARD OPERATION

The access control cards will allow members to hold the card within a 4-6 inch distance from the card reader to activate the unlocking mechanism. Should the card reader not be functional, contact the Facilities Section in a timely manner. Once the card has been "read," the member's information will be maintained in a database, to include which door was activated and the date and time of entry. All members shall be held responsible for the activity attributed to their cards, and for this reason, access cards will not be loaned out.

KEY SYSTEMS AND SECURITY

PERSONAL KEY SECURITY

Individually issued keys for headquarters will be issued and logged by the key control coordinator within the Facilities Section.

Members are responsible for all issued facility keys they are issued. Keys to the facility will be secured at all times. Any lost or damaged keys will be handled in the same manner as lost or damaged access cards. (Refer to the REPLACEMENT PROCESS section above.)

MASTER KEY SECURITY

Bureau/area commanders and administrative assistants will be issued sub-master keys that will open the doors in their area. Master keys will be documented on a log and stored in a locked key safe that is maintained by the Facilities Section.

LOCKSMITHS

Any locksmiths that are contracted to work within the facility will be required to sign a waiver, and must pass a criminal history check, as with any other vendor. Locksmiths will be coordinated through the Facilities Section and will be provided an escort, who will take control of any duplicate keys or locks.

HEADQUARTERS VIDEO SURVEILLANCE

The entire perimeter of the headquarters facility and some access areas are equipped with security cameras monitored by the Headquarter Police Detail. These cameras provide additional security and protection for members at headquarters. Members may contact the Visitor Information Station to verify security status or conditions around the perimeter of the building and at the Visitors Information Stations.

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MEMBER IDENTIFICATION

Members will display their LVMPD identification on their person above the waist line on the outermost garment, and will ensure that it is plainly visible. Temporary occupants assigned to the Fusion Center must display the “SNCTC” ID badge issued by the Records and Fingerprint Bureau.

OPCON CHANGES: OPERATIONAL CONTROLS

In the event that a change to the national or local operational conditions occurs, the Headquarters Police Detail will direct changes to the security levels of the facility. The implementation and adherence to the changes will be at the direction of a captain or above. Executive Staff will be briefed to the extent possible and will be kept notified of any changes. (9/18, 5/19)■

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Executive Director*

STATE OF NEVADA
BEFORE THE COMMISSION ON ETHICS

In re **Joseph M. Lombardo**,
Sheriff of Clark County,
State of Nevada,

Consolidated Ethics Complaint
Case Nos. 21-062C, 21-082C

Subject /

MOTION FOR SUMMARY JUDGMENT

Ross E. Armstrong, Esq., Executive Director of the Nevada Commission on Ethics ("Commission"), through the Commission's Associate Counsel, Elizabeth J. Bassett, Esq., submits this Motion for Summary Judgment pursuant to NAC 281A.265 and NRCP 56(c).

POINTS AND AUTHORITIES

The consolidated Ethics Complaints ("Complaints") at issue in this matter involve the alleged conduct of Joseph M. Lombardo ("Lombardo" or "Subject"), former Sheriff of the Las Vegas Metropolitan Police Department ("LVMPD"), Clark County, State of Nevada, in violating the Ethics Law, NRS 281A.

I. INTRODUCTION

Public officers and employees have a responsibility to commit themselves to avoid conflicts between their private interests and the public they serve under the Ethics Law. NRS 281A.020. "In particular, a public officer or employee **must not use a**

1 **public position in government to secure unwarranted campaign advantages for**
2 **themselves** Simply, public officers and employees **are not entitled to take**
3 **advantage of public resources to support their own campaign.”** *In re Antinoro*,
4 Comm’n Op. Nos. 18-031C/18-052C (2019) (emphasis added).

5 As the elected Sheriff of the LVMPD, Lombardo was a public officer with the
6 express responsibility to put the public good first and avoid any conflicts between his
7 private interests and the public that he serves. NRS 281A.020. The Ethics Law and the
8 Commission’s precedent have been clear for many years that the use of a uniform and
9 other accoutrements of office—including a badge—to support one’s campaign
10 constitute violations of NRS 281A.400(2) and (7).

11 Nonetheless, Lombardo posted numerous photographs of himself wearing his
12 Sherriff’s uniform and badge on his campaign social media accounts in support of his
13 campaign to be elected to the position of the Governor of Nevada. Summary judgment
14 finding that Lombardo committed multiple violations of the Ethics Law is therefore
15 warranted.

16 **II. ISSUES PRESENTED**

- 17 1. Whether Lombardo violated NRS 281A.400(2) by using his public position,
18 namely his uniform, badge, equipment and other accoutrements of his LVMPD
19 office, while campaigning for the office of Governor of Nevada.
- 20 2. Whether Lombardo violated NRS 281A.400(7) by using his uniform and other
21 accoutrements of his LVMPD office while campaigning for the office of
22 Governor of Nevada.

23 **III. APPLICABLE LAW**

24 **A. Summary Judgment Standard of Review**

25 Summary judgment should be granted where the pleadings and evidence in the
26 record demonstrate that no genuine issue of material fact exists, and the moving party
27 is entitled to judgment as a matter of law. NRCP 56(c); *Cervantes v. Health Plan of*
28 *Nevada*, 127 Nev., Adv. Op. 70 at 3, 263 P.3d 261, 264 (2011). The substantive law

controls which factual disputes are material and will preclude summary judgment; other factual disputes are irrelevant. *Wood v. Safeway, Inc.*, 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005). Where, as here, the parties have stipulated to a set of facts, Nevada courts have held that “there is obviously no issue of material fact presented and summary judgment is proper.” *Farmers Ins. Exch. v. Young*, 108 Nev. 328, 330, 832 P.2d 376, 377 (1992).

B. Standard of Proof

The standard of proof in an administrative proceeding before the Commission is a preponderance-of-the-evidence standard. NRS 281A.480(9). Preponderance of the evidence refers to “the greater weight of the evidence.” *McClanahan v. Raley’s, Inc.*, 117 Nev. 921, 925-26, 34 P.3d 573, 576 (2001) (quoting Black’s Law Dictionary 1201 (7th ed. 1999)). Thus, the factual findings of an administrative decision will only be overturned if they are not supported by substantial evidence, which is evidence that a reasonable mind could accept as adequate to support a conclusion. NRS 233B.135(4); *Nassiri v. Chiropractic Physicians’ Bd.*, 130 Nev., Adv. Op. 27, 327 P.3d 487, 489 (2014).

The Executive Director respectfully submits that he is entitled to summary judgment because the parties have stipulated to all the facts necessary to prove the violations at issue and the preponderance of evidence shows that the Subject violated NRS 281A.400(2) and NRS 281A.400(7).

IV. RELEVANT FACTUAL BACKGROUND

A. Lombardo Campaigned Using His Uniform, Badge and Other Accouterment of His Public Office

Lombardo was elected to the position of Sheriff of the LVMPD in 2014 after beginning his career with the Department in 1988. On June 28, 2021, Lombardo announced his candidacy for the office of Governor of Nevada. Lombardo made the announcement of his candidacy live on Fox News wearing a LVMPD Sheriff’s badge on his lapel. See Stipulated Fact (“SF”) Nos. 6, 9 and 11; Stipulated Exhibit (“SE”) 1.

1 As he campaigned for office of Governor, Lombardo made the visual imagery of
2 his position as Sheriff his central campaign theme. His profile pictures for his social
3 media accounts highlight him in his Sheriff's uniform and wearing his badge. The tweet
4 announcing his candidacy for the office of Governor of Nevada included a video
5 featuring Lombardo in his Sheriff uniform, showing his Sheriff badge and other
6 accouterment of his office. See SE 2.

7 Even the Nevada media took notice of Lombardo's use of his uniform and
8 badge to promote his candidacy:

9 It's no secret Joe Lombardo is running for governor on his record
10 as Clark County sheriff.

11 When he kicked off his gubernatorial campaign last month, he said
12 he would distinguish himself from his Republican primary opponents by
13 taking the "law and order lane." A biography on Lombardo's campaign
14 website emphasizes his more than 30 years of experience in law
enforcement. A campaign video touts that his life's work has been to
"serve and protect."

15 It's common for candidates to talk on the campaign trail about how
16 their day jobs and prior elected offices would shape their approach in
17 office. But Lombardo has made the fact he is the current Clark County
18 sheriff all but impossible to ignore in the first month of his campaign. A
19 photo on his website shows him grinning broadly in uniform. The
20 campaign video features clips with Lombardo in full uniform walking and
talking with constituents. A pamphlet handed out during a meet-and-greet
displays Lombardo, hands on his hips, with a sheriff's badge prominently
placed on his chest.

21 See Executive Director's Exhibit 36, Newspaper Article, Tabitha Mueller, *The Nevada*
22 *Independent*, July 19, 2021.

23 Lombardo had several campaign social media accounts, including the twitter
24 account @JoeLombardoNV and the Facebook page, "Joe Lombardo for Governor".
25 See SF Nos. 14-15 and 42-43. The tweets and posts on both of these social media
26 accounts were issued in support of Lombardo's campaign for Governor of Nevada. *Id.*

27 Between June 28, 2021, when he announced his candidacy for Governor of
28 Nevada, and September 15, 2021, the date he was provided notice of the first of the

1 two Complaints in these consolidated matters, 26 tweets were posted to
2 @JoeLombardoNV featuring pictures or videos of Lombardo wearing a combination of
3 his LVMPD badge and/or uniform. See SF Nos. 14-41; SE 2-27. During this same time
4 period, 8 pictures and videos were posted to the “Joe Lombardo for Governor”
5 Facebook page featuring Lombardo wearing a combination of his LVMPD badge
6 and/or uniform. See SF Nos. 42-50; SE 28-34.

7 Lombardo’s campaign website—www.joelombardofornv.com—links to a Flickr
8 page containing numerous pictures of Lombardo wearing his LVMPD uniform,
9 including his LVMPD badge, handcuffs and other items typically worn on the belt of
10 police officers. See SF No. 12 and SE 2. There are also images of Lombardo with a
11 protective vest with a patch stating “Police” across the front and a LVMPD badge. *Id.*
12 The campaign website also links to a Vimeo video hosting site, featuring two videos
13 both of which show Lombardo in his LVMPD uniform and with his LVMPD badge and
14 gun. See <https://vimeo.com/user143013087>.

15 Even after he received notice of the Complaints in these matters, Lombardo
16 continued to post hundreds of pictures and videos to his campaign twitter and
17 Facebook page, showing him wearing his LVMPD uniform and badge.¹

18 **V. STIPULATED FACTS AND DOCUMENTS**

19 The parties have jointly stipulated to the following facts and documents:

20 **A. STIPULATED FACTS**

21 1. Joseph M. Lombardo (“Lombardo”) was the elected Sheriff of the Las
22 Vegas Metropolitan Police Department (“LVMPD”) in 2014 and 2018.

23 2. Sheriff is a public officer as defined in NRS 281A.160. Sheriff is the only
24 uniformed public office in the State of Nevada. A sheriff is never “off duty,” and must
25 always be required to respond to a law enforcement emergency.

26 3. Clark County is a political subdivision as defined in NRS 281A.145.

27
28 ¹ The Executive Director is not currently seeking violations for any posts after September 15, 2021, the
date Lombardo received notice of the first of these two Complaints.

1 4. The LVMPD is a local agency as defined in NRS 281A.119. LVMPD
2 receives funding from the federal government of the United States of America.

3 5. LVMPD's Policy Manual is publicly available. See Exhibit "35." Section
4 2/114.00 sets forth LVMPD's Political Activities Policy and allows LVMPD employees
5 to appear in uniform for their own campaign photographs since their doing so "does
6 not constitute an endorsement."

7 6. Lombardo announced his candidacy for the office of Governor of Nevada
8 on or about June 28, 2021.

9 7. Lombardo campaigned as a candidate for the office of Governor of
10 Nevada from on or about June 28, 2021 to on or about election day, November 8,
11 2022.

12 8. Because the Nevada Legislature declined to make the position of sheriff a
13 "resign to run" position, Lombardo remained a public officer as defined in NRS
14 281A.160 throughout his gubernatorial campaign.

15 9. The video located at <https://youtu.be/9E-NjOsJKN8>, Exhibit 1, features
16 Lombardo announcing his candidacy for the office of Governor of Nevada on June 28,
17 2021.

18 10. Exhibit 1 was filmed at the office of Lombardo's campaign manager, not
19 his LVMPD office. Exhibit 1 does not depict any LVMPD employees, LVMPD insignia,
20 or anything else that would give viewers a reason to believe Lombardo was in his
21 LVMPD office.

22 11. Lombardo is wearing a LVMPD Sheriff's badge on his lapel in Exhibit 1.

23 12. During the course of Lombardo's partisan political campaign, he created
24 certain photographs and videos. At issue below is one campaign video, a still shot
25 from that same campaign video, and two photographs. As set forth in greater detail
26 below, the foregoing images depict Lombardo in his Sheriff's uniform and/or wearing
27 his Sheriff badge or lapel pin. The firearm depicted in these images is that which he is
28

1 required to carry as Sheriff, and is Lombardo's personal property (as opposed to
2 LVMPD property).

3 13. The creation of the foregoing images (i) did not interfere with Lombardo's
4 duties as Sheriff, (ii) did not violate any LVMPD policy, and (iii) to the extent they
5 posed any cost to LVMPD or the public, such cost was nominal.

6 14. The twitter account belonging to Lombardo's campaign for Governor of
7 Nevada is @JoeLombardoNV.

8 15. Tweets posted to @JoeLombardoNV were posted in support of
9 Lombardo's campaign for Governor of Nevada

10 16. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
11 Sheriff's badge in Exhibit 2, which is a video posted on @JoeLombardoNV on June
12 28, 2021.

13 17. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
14 Sheriff's badge in Exhibit 3, which is a picture posted as part of a tweet on
15 @JoeLombardoNV on June 28, 2021.

16 18. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
17 Sheriff's badge in Exhibit 4, which is a video posted on @JoeLombardoNV on July 1,
18 2021.

19 19. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
20 Sheriff's badge in Exhibit 5, which is a tweet posted on @JoeLombardoNV on July 7,
21 2021.

22 20. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
23 Sheriff's badge in Exhibit 6, which is a tweet posted on @JoeLombardoNV on July 8,
24 2021.

25 21. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
26 Sheriff's badge in Exhibit 7, which is a tweet posted on @JoeLombardoNV on July 14,
27 2021.

1 22. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
2 Sheriff's badge in Exhibit 8, which is a video posted on @JoeLombardoNV on July 18,
3 2021.

4 23. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
5 Sheriff's badge in Exhibit 9, which is a tweet posted on @JoeLombardoNV on July 18,
6 2021.

7 24. Lombardo was wearing his LVMPD Sheriff's badge in Exhibit 10, which is
8 a tweet posted on @JoeLombardoNV on July 22, 2021.

9 25. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
10 Sheriff's badge in Exhibit 11, which is a video posted on @JoeLombardoNV on July
11 23, 2021.

12 26. Lombardo was wearing his LVMPD Sheriff's badge in Exhibit 12, which is
13 a tweet posted on @JoeLombardoNV on July 27, 2021.

14 27. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
15 Sheriff's badge in Exhibit 13, which is a video posted on @JoeLombardoNV on July
16 30, 2021.

17 28. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
18 Sheriff's badge in Exhibit 14, which is a tweet posted on @JoeLombardoNV on August
19 3, 2021.

20 29. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
21 Sheriff's badge in Exhibit 15, which is a tweet posted on @JoeLombardoNV on August
22 5, 2021.

23 30. Lombardo was wearing his LVMPD Sheriff's uniform, his LVMPD Sheriff's
24 badge in Exhibit 16, which is a video posted on @JoeLombardoNV on August 8, 2021.

25 31. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
26 Sheriff's badge in Exhibit 17, which is a tweet posted on @JoeLombardoNV on August
27 12, 2021.
28

1 32. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
2 Sheriff's badge in Exhibit 18, which is a second tweet posted on @JoeLombardoNV on
3 August 12, 2021.

4 33. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
5 Sheriff's badge in Exhibit 19, which is a tweet posted on @JoeLombardoNV on August
6 13, 2021.

7 34. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
8 Sheriff's badge in Exhibit 20, which is a second tweet posted on @JoeLombardoNV on
9 August 13, 2021.

10 35. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
11 Sheriff's badge in Exhibit 21, which is a tweet posted on @JoeLombardoNV on August
12 18, 2021.

13 36. Lombardo was wearing his LVMPD Sheriff's uniform, his LVMPD Sheriff's
14 badge in Exhibit 22, which is a video posted on @JoeLombardoNV on August 19,
15 2021.

16 37. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
17 Sheriff's badge in Exhibit 23, which is a tweet posted on @JoeLombardoNV on August
18 20, 2021.

19 38. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
20 Sheriff's badge in Exhibit 24, which is a tweet posted on @JoeLombardoNV on
21 September 9, 2021.

22 39. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
23 Sheriff's badge in Exhibit 25, which is a tweet posted on @JoeLombardoNV on
24 September 10, 2021.

25 40. Lombardo was wearing his LVMPD Sheriff's badge in Exhibit 26, which is
26 a second tweet posted on @JoeLombardoNV on September 10, 2021.

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1 41. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
2 Sheriff's badge in Exhibit 27, which is a video posted on @JoeLombardoNV on
3 September 14, 2021.

4 42. The Facebook account belonging to Lombardo's campaign for Governor of
5 Nevada is entitled "Joe Lombardo for Governor".

6 43. Posts to the Facebook page "Joe Lombardo for Governor" were made in
7 support of Lombardo's campaign for Governor of Nevada.

8 44. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
9 Sheriff's badge in Exhibit 28, which is a Facebook post on "Joe Lombardo for
10 Governor" on July 8, 2021.

11 45. Lombardo was wearing his LVMPD Sheriff's badge in Exhibit 29, which is
12 a Facebook post on "Joe Lombardo for Governor" on July 27, 2021.

13 46. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
14 Sheriff's badge in Exhibit 30, which is a Facebook post on "Joe Lombardo for
15 Governor" on August 5, 2021.

16 47. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
17 Sheriff's badge in Exhibit 31, which is a Facebook post on "Joe Lombardo for
18 Governor" on September 9, 2021.

19 48. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
20 Sheriff's badge in Exhibit 32, which is a Facebook post on Joe Lombardo for Governor
21 on July 7, 2021.

22 49. Lombardo was wearing his LVMPD Sheriff's uniform and his LVMPD
23 Sheriff's badge in Exhibit 33, which is a Facebook post on Joe Lombardo for Governor
24 on July 14, 2021.

25 50. Lombardo was wearing his LVMPD Sheriff's badge in Exhibit 34, which is
26 a Facebook post on Joe Lombardo for Governor on July 22, 2021.

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1 **B. STIPULATED DOCUMENTS**

2 Exhibit 1: The video located at <https://youtu.be/9E-NjOsJKN8> features Lombardo
3 announcing his candidacy for the office of Governor of Nevada on June
4 28, 2021.

5 Exhibit 2: A video posted to @JoeLombardoNV on June 28, 2021 as part of a
6 tweet announcing Lombardo's candidacy for the office of Governor of
7 Nevada.

8 Exhibit 3: A tweet posted on @JoeLombardoNV on June 28, 2021.

9 Exhibit 4: A video posted on @JoeLombardoNV on July 1, 2021.

10 Exhibit 5: A tweet posted on @JoeLombardoNV on July 7, 2021.

11 Exhibit 6: A tweet posted on @JoeLombardoNV on July 8, 2021.

12 Exhibit 7: A tweet posted on @JoeLombardoNV on July 14, 2021.

13 Exhibit 8: A video posted on @JoeLombardoNV on July 18, 2021.

14 Exhibit 9: A tweet posted on @JoeLombardoNV on July 18, 2021.

15 Exhibit 10: A tweet posted on @JoeLombardoNV on July 22, 2021.

16 Exhibit 11: A video posted on @JoeLombardoNV on July 23, 2021.

17 Exhibit 12: A tweet posted on @JoeLombardoNV on July 27, 2021.

18 Exhibit 13: A video posted on @JoeLombardoNV on July 30, 2021.

19 Exhibit 14: A tweet posted on @JoeLombardoNV on August 3, 2021.

20 Exhibit 15: A tweet posted on @JoeLombardoNV on August 5, 2021.

21 Exhibit 16: A video posted on @JoeLombardoNV on August 8, 2021.

22 Exhibit 17: A tweet posted on @JoeLombardoNV on August 12, 2021.

23 Exhibit 18: A second tweet posted on @JoeLombardoNV on August 12, 2021.

24 Exhibit 19: A tweet posted on @JoeLombardoNV on August 13, 2021.

25 Exhibit 20: A second tweet posted on @JoeLombardoNV on August 13, 2021.

26 Exhibit 21: A tweet posted on @JoeLombardoNV on August 18, 2021.

27 Exhibit 22: A video posted on @JoeLombardoNV on August 19, 2021.

28 Exhibit 23: A tweet posted on @JoeLombardoNV on August 20, 2021.

- 1 Exhibit 24: A tweet posted on @JoeLombardoNV on September 9, 2021.
- 2 Exhibit 25: A tweet posted on @JoeLombardoNV on September 10, 2021.
- 3 Exhibit 26: A second a tweet posted on @JoeLombardoNV on September 10, 2021.
- 4 Exhibit 27: A video posted on @JoeLombardoNV on September 14, 2021.
- 5 Exhibit 28: A Facebook post on “Joe Lombardo for Governor” on July 8, 2021.
- 6 Exhibit 29: A Facebook post on “Joe Lombardo for Governor” on July 27, 2021.
- 7 Exhibit 30: A Facebook post on “Joe Lombardo for Governor” on August 5, 2021.
- 8 Exhibit 31: A Facebook post on “Joe Lombardo for Governor” on September 9,
- 9 2021.
- 10 Exhibit 32: A Facebook post on “Joe Lombardo for Governor” on July 7, 2021.
- 11 Exhibit 33: A Facebook post on “Joe Lombardo for Governor” on July 14, 2021.
- 12 Exhibit 34: A Facebook post on “Joe Lombardo for Governor” on July 22, 2021.
- 13 Exhibit 35: LVMPD’s Policy Manual.

14 VI. LEGAL ANALYSIS

15 A. The Stipulated Facts Show that Lombardo Violated NRS 281A.400(2)

16 The undisputed facts show that Lombardo’s conduct violated NRS 281A.400(2).

17 Summary judgment should be granted against Lombardo and in favor of the Executive

18 Director finding that Lombardo committed 34 violations of NR 281A.400(2).

19 NRS 281A.400(2) provides:

20 A public officer or employee shall not use the public officer’s or employee’s

21 position in government to secure or grant unwarranted privileges,

22 preferences, exemptions or advantages for the public officer or employee.

23 As used in this subsection, “unwarranted” means without justification or

adequate reason.

24 1. Lombardo is a public officer

25 As the elected Sheriff of the LVMPD, Lombardo was at all relevant times a

26 public officer as defined in NRS 281A.160. See SF Nos. 1-2.

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1 **2. Lombardo used his position as Sheriff to secure unwarranted**
2 **privileges for himself in his campaign**

3 A violation of NRS 281A.400(2) occurs when a public officer (1) uses his
4 position in government, (2) to grant himself an unwarranted privilege. Lombardo's use
5 of his uniform, badge and other accoutrements of his Sheriff position in support of his
6 campaign is the unwarranted privilege at issue.

7 The Commission previously determined in *In re Antinoro*, Comm'n Op. Nos. 18-
8 031C/18-052C (2019):

9 Public officers and employees have a responsibility to avoid conflicts
10 between their private interests and the public they serve. NRS 281A.020.
11 In particular, a public officer or employee must not use a public position in
12 government to secure unwarranted campaign advantages for themselves In addition, public officers and employees must not use government
13 time, property or resources to benefit their own campaigns Simply,
14 public officers and employees are not entitled to take advantage of public
resources to support their own campaign.

15 The Commission has therefore definitively held that public officers, such as
16 Lombardo, may not use government property, such as uniforms or badges, in support
17 of their own campaigns.

18 In a prior advisory opinion, the Commission considered the Washoe County
19 Sheriff's use of his office, title, employees, time, equipment and "physical
20 accoutrements" of the office in a televised political advertisement for a district judge.
21 *See In re Kirkland*, Comm'n Op. No. 98-41 (1999). The Commission found that the
22 Sheriff's endorsement advertisement that showed his badge, uniform and official title
23 resulted in an "advantage" and the question then became whether the advantage was
24 "unwarranted" under NRS 281.481(2), the predecessor statute to NRS 281A.400(2).
25 The Commission held that an elected public officer's use of *name and title* only were
26 not precluded by the Ethics Law, so long as their use complied with the established
27 written policies of the public entity.

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1 In *In Re Kuzanek*, Comm’n Op. No. 14-61C (2014), the Commission found that
2 the use of the uniform and badge “as a visual endorsement, affirmation and, and
3 sanction of Kuzanek’s campaign for sheriff” provided him an unfair advantage at
4 government cost. Further, in a recent opinion, the Commission emphasized:

5 The Commission continues to caution against any attempt, even an
6 incidental one, to bolster a political endorsement by the use of a public
7 office and associated accouterments or any governmental property,
8 equipment or resources. Such uses provide the impression that the public
9 officer is acting in an official capacity implicating NRS 281A.400(2).

10 *In re Public Officer*, Comm’n Op. No. 19-124A (2020), at p. 6.

11 The Commission has therefore consistently held that the use of a uniform and
12 other accoutrements of office—such as a badge—by a public officer to support their
13 own campaign is an unwarranted benefit that violates NRS 281A.400(2). In this case,
14 the Stipulated Facts show that Lombardo is a public employee (SF Nos. 1-2), he was
15 campaigning for election to the position of Governor of Nevada (SF Nos. 6-7), and he
16 posted a total of 34 photographs and videos to his campaign Twitter account and
17 Facebook page featuring him in his Sheriff uniform and badge. (SF Nos. 9-50; SE 1-
18 34). Therefore, under the existing precedent of the Commission, no genuine issues of
19 material fact exist as to whether Lombardo violated NRS 281A.400(2).

20 Summary judgment should therefore be entered in favor of the Executive
21 Director and against Lombardo as to 34 violations of NRS 281A.400(2)—one violation
22 for each of the photographs and videos at issue.

23 **B. The Undisputed Facts Show that Lombardo Violated NRS 281A.400(7) and**
24 **that the Statute’s Limited-Use Exception Does Not Apply to His Conduct**

25 The undisputed facts show that Lombardo violated NRS 281A.400(7).
26 Summary judgment should be granted against Lombardo and in favor of the Executive
27 Director finding that Lombardo committed 34 violations of NR 281A.400(7).

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1 NRS 281A.400(7) provides:

2 Except for State Legislators who are subject to the restrictions set forth in
3 subsection 8, a public officer or employee shall not use governmental time,
4 property, equipment or other facility to benefit a significant personal or
5 pecuniary interest of the public officer or employee. This subsection does
6 not prohibit:

7 (a) A limited use of governmental property, equipment or other facility
8 for personal purposes if:

9 (1) The public officer or employee who is responsible for and has
10 authority to authorize the use of such property, equipment or other facility
11 has established a policy allowing the use or the use is necessary as a
12 result of emergency circumstances;

13 (2) The use does not interfere with the performance of the public
14 officer's or employee's public duties;

15 (3) The cost or value related to the use is nominal; and

16 (4) The use does not create the appearance of impropriety;

17 **1. Lombardo is a public officer**

18 As shown above, Lombardo is a public officer.

19 **2. Lombardo used governmental time, property, equipment or other 20 facility to benefit his significant personal or pecuniary interest**

21 A violation of NRS 281A.400(7) occurs when a public officer (1) uses
22 governmental time, property, equipment or other facility, (2) to benefit his significant
23 personal or pecuniary interest.

24 Lombardo had a significant personal and financial interest in being elected
25 Governor of Nevada. See *In re Public Officer*, Comm'n Op. No.19-124A (2020), at p.
26 4; *In re Antinoro*, Comm'n Op. Nos. 18-031C/18-052C (2019); *In re Matson*, Comm'n
27 Op. No. 11-67C (2014). He used government property—his Sheriff uniform and
28 badge—in support of his efforts to be elected Governor. Lombardo therefore used
governmental property and equipment to benefit his significant personal or pecuniary
interest in being elected—a violation of NRS 281A.400(7).

Supporting this position is the education and outreach the Commission provided
to the Nevada Sheriffs' and Chiefs' Association in 2019—while Lombardo served as
Sheriff of the LVMPD—as a result of the stipulated agreement reached in *In re*

1 *Antinoro*, Comm’n Op. Nos. 18-031C and 18-052C (2019). In a letter dated October 7,
2 2019, the Commission explained:

3 The Commission has now definitively concluded that no state or local
4 government law enforcement official, including an elected incumbent
5 official, may wear his/her uniform, badge or other physical accouterment of
6 office, . . . in support or opposition of a political campaign, including his/her
own campaign or as an endorsement. Such use constitutes a violation of
NRS 281A.400(7).

7 See Executive Director’s Exhibit 37. Lombardo works for a law enforcement agency
8 and wore his uniform and other physical accouterment of his office in support of his
9 own campaign. As this Commission has previously determined, “Such use constitutes
10 a violation of NRS 281A.400(7).” *Id.*

11 **3. NRS 281A.400(7)(a)’s limited-use exception does not apply**

12 NRS 281A.400(7)(a) does not prohibit a limited-use of governmental property,
13 equipment or other facility for personal purposes if the use meets *all* of the following
14 four factors:

- 15 (1) The public officer or employee who is responsible for and has
16 authority to authorize the use of such property, equipment or other
17 facility has established a policy allowing the use or the use is
18 necessary as a result of emergency circumstances;
19 (2) The use does not interfere with the performance of the public
20 officer’s or employee’s public duties;
21 (3) The cost or value related to the use is nominal; and
22 (4) The use does not create the appearance of impropriety;

23 NRS 281A.400(7)(a). Although Lombardo meets the first three of the exception’s
24 factors, he fails to meet the fourth. Thus, the limited-use exception does not apply to
25 excuse Lombardo’s conduct.

26 The Commission established a “hard line” in *In re Kirkland*, Comm’n Op. No.
27 98-41 (1999), clearly stating: “A public officer will create an appearance of impropriety
28 under NRS 281A.481(7)(a)(4) if, in the course of endorsing a person’s candidacy, he

1 uses the physical accouterments of his office or position to bolster the endorsement.”²
2 See *In re Cochran*, Comm’n Op. No. 22-126C (2023); *In re Coverley*, Comm’n Op.
3 No. 22-055C (2022). Lombardo therefore cannot establish that he meets the
4 requirements of the limited-use exception under NRS 281A.400(7)(a) because his use
5 of his uniform and other physical accouterments of his position with LVMPD to
6 support his own campaign created an appearance of impropriety.

7 Summary judgment should therefore be entered in favor of the Executive
8 Director and against Lombardo as to 34 violations of NRS 281A.400(7)—one for each
9 use of the uniform and/or badge in Stipulated Exhibits 1 through 34.

10 **WILLFULNESS DETERMINATION**

11 **C. The Undisputed Facts Show Lombardo’s Violations Were Willful**

12 In determining whether a violation of the Ethics Law is a willful violation, NRS
13 281A.775(1) directs the Commission to consider:

- 14 (a) The seriousness of the violation or alleged violation, including, without
15 limitation, the nature, circumstances, extent and gravity of the violation
16 or alleged violation;
- 17 (b) The number and history of previous warnings, letters of caution or
18 instruction, deferral agreements or violations or alleged violations of
19 the provisions of this chapter relating to the public officer or employee;
- 20 (c) The cost to conduct the investigation and any meetings, hearings or
21 other proceedings relating to the violation or alleged violation;
- 22 (d) Any mitigating factors, including, without limitation, any self-reporting,
23 prompt correction of the violation or alleged violation, any attempts to
24 rectify the violation or alleged violation before any ethics complaint is
25 filed and any cooperation by the public officer or employee in resolving
26 the ethics complaint;
- 27 (e) Any restitution or reimbursement paid to parties affected by the
28 violation or alleged violation;

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²The NRS cited in *Kirkland* is now NRS 281A.400(7)(a)(4).

1 (f) The extent of any financial gain resulting from the violation or alleged
2 violation; and

3 (g) Any other matter justice may require.

4 Each of these factors is addressed below.

5 **1. The seriousness of the violation**

6 The Commission has determined that using a uniform and other accouterment
7 of a public officer's public position to secure an advantage for themselves in a
8 campaign is a serious Ethics Law violation. In *In re Antinoro*, Comm'n Op. Nos. 18-
9 031C/18-052C (2019) the Commission determined:

10 Public officers and employees have a responsibility to avoid conflicts
11 between their private interests and public they serve. NRS 281A.020. In
12 particular, a public officer or employee must not use a public position in
13 government to secure unwarranted campaign advantages for themselves
. . . . Simply, public officers and employees are not entitled to take
advantage of public resources to support their own campaign.

14 The Commission's holding is unequivocal—there are no circumstances under which it
15 is appropriate for public officers, such as Lombardo, to use public resources to support
16 their own campaign. This was recently confirmed by *In re Cochran*, Comm'n Op. No.
17 22-126C in which a fire chief's use of his badge and uniform in a video posted to social
18 media was determined to be a willful violation of the Ethics Law. Lombardo's conduct
19 is similar in nature to *Cochran* but the scope of the use in Cochran is dwarfed by
20 Lombardo's. The vast number of times the uniform and badge were used in campaign
21 materials increases the seriousness of the violation. There are 34 distinct uses
22 attached to this case.

23 Adding to the seriousness of Lombardo's violations of the Ethics Law is the
24 evidence that he committed them knowingly. In a July 19, 2021 article in The Nevada
25 Independent, Lombardo's campaign strategist, Ryan Erwin, **admitted** that the strategy
26 of pushing Lombardo's government-funded image in his LVMPD owned-uniform and
27 with his LVMPD-owned badge was purposeful in order to bring his position as Sheriff
28 to the forefront of voters' attention, arguing,

1 Lombardo is a police officer and sheriff, and Nevada voters are entitled to
2 know and see what he does for a living . . . Judges regularly appear in
3 robes, teachers in classrooms, and prosecutors in courtrooms as part of
4 their campaign materials - all are public employees in positions of trust.
Singling out law enforcement from other positions of public trust makes no
sense.

5 See Executive Director's Exhibit 36, Newspaper Article, Tabitha Mueller, *The Nevada*
6 *Independent*, July 19, 2021. Lombardo therefore posted the photographs and videos at
7 issue knowing that they violated the Ethics Law.

8 **2. The number and history of previous violations**

9 Lombardo has no previous ethics violations.

10 **3. The cost to conduct the investigation and hearing**

11 This matter proceeded through an investigation, to a Review Panel, and
12 through dispositive motions. The parties were able to stipulate to all relevant facts
13 which reduced investigation costs.

14 **4. Self-reporting or correction**

15 There was no self-reporting or correction of the Ethics Law violations by
16 Lombardo, nor did he attempt to rectify the violations either before or after the
17 Complaints were filed in this matter. Lombardo maintained the images on his
18 campaign social media sites after receiving notification of the investigation. In order to
19 benefit from the self-correction prong of the willfulness test, Lombardo would have
20 needed to remove the images that used his uniform and accouterments. Not only did
21 he fail to do so but he continued to produce additional campaign content featuring the
22 use of his uniform, badge, and gun all the way through the end of the campaign.

23 **5. Any restitution or reimbursement paid**

24 Lombardo has not paid any restitution or reimbursement in this matter nor is
25 this a matter where restitution or reimbursement would be contemplated.

26 **6. The extent of any financial gain**

27 Lombardo was elected Governor. Accordingly, he has realized a financial gain
28 in the amount of the salary and benefits that he receives as Governor.

1 **PENALTY**

2 The Commission has various remedies by law following a determination that a
3 violation of the Ethics Law has occurred. The Executive Director requests that the
4 following penalties be applied in this case should the Commission grant the Motion for
5 Summary Judgement:

6 **A. A censure from the Commission.** A censure is appropriate when the
7 Commission finds a willful violation and there is evidence that the violation
8 involved "bad faith, malicious intent or knowing or reckless disregard of the
9 law." NRS 281A.785(2)(b). In this matter, Lombardo was a Sheriff and a
10 member of the Sheriffs and Chiefs Association when the Commission provided
11 that organization specific notice and instructions on the impropriety of using
12 uniforms and accouterments to benefit campaigns. In addition, the campaign
13 responses in the media indicate that they had no concern about the rules of
14 Nevada's Ethics Law in highlighting Lombardo's public officer position in the
15 campaign for Governor.

16 **B. A requirement to designate an Ethics Officer within the Governor's Office.**
17 The Commission make "take any combination of such actions or any other
18 reasonable action that...will remedy the violation or alleged violation of deter
19 similar violation or conduct." NRS 281A.785(1)(c). The Executive Director is
20 requesting that as a remedy, the Governor be required to designate an existing
21 Governor's Office employee as an Ethics Officer. That Ethics Officer is to
22 receive training and technical assistance from the Executive Director with the
23 aim for the Governor's Office to have internal capacity to prevent or mitigate
24 potential future ethics violations within the Governor's Office.

25 **C. A civil penalty of \$1,665,000.** The Commission can fine up to \$5,000 for a first
26 willful violation of this chapter, \$10,000 for a separate act that constitutes a
27 second willful violation of this chapter, and \$25,000 for a separate act or event
28 that constitutes a third willful violation of this chapter. Each time Lombardo's

1 campaign posted an image, published a video, or otherwise caused a campaign
2 post to include Lombardo in his uniform, badge, or gun constitutes a separate
3 act. Therefore, as shown in the Penalty Matrix provided as Executive Director's
4 Exhibit 38, a total fine of \$1,665,000 is warranted in this matter.

5 **VII. CONCLUSION**

6 Based on the foregoing, summary judgment should be granted in favor of the
7 Executive Director and against Lombardo as follows:

- 8 • 34 violations of NRS 281A.400(2) and 34 violations of NRS 281A.400(7),
9 for a total of 68 Ethics Law violations;
- 10 • A censure from the Commission;
- 11 • A requirement to designate an Ethics Officer within the Governor's
12 Office; and
- 13 • A \$1,665,000 fine.

14
15 DATED this 22nd day of March, 2023.

16
17 NEVADA COMMISSION ON ETHICS

18 /s/ Elizabeth J. Bassett
19 Elizabeth J. Bassett, Esq.
20 Associate Counsel
21 Nevada Commission on Ethics
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Nevada Commission on Ethics

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Attorney for Ross E. Armstrong, Esq.
Executive Director

STATE OF NEVADA
BEFORE THE COMMISSION ON ETHICS

In re **Joseph M. Lombardo**,
Sheriff of Clark County,
State of Nevada,

Consolidated Ethics Complaint
Case Nos. 21-062C, 21-082C

Subject _____ /

EXHIBITS IN SUPPORT OF EXECUTIVE DIRECTOR'S
MOTION FOR SUMMARY JUDGMENT

Ross E. Armstrong, Esq., Executive Director of the Nevada Commission on Ethics ("Commission"), through the Commission's Associate Counsel, Elizabeth J. Bassett, Esq., hereby submits his Exhibits in Support of his Motion for Summary Judgment in this matter:

<u>Exhibit No.</u>	<u>Exhibit</u>
36	Newspaper Article, Tabitha Mueller, <i>The Nevada Independent</i> , July 19, 2021
37	2019 Letter to the Sheriffs' and Chiefs' Association

38	Executive Director's Penalty Matrix
----	-------------------------------------

DATED this 22nd day of March, 2023.

NEVADA COMMISSION ON ETHICS

/s/ Elizabeth J. Bassett
Elizabeth J. Bassett, Esq.
Associate Counsel

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/s/ Elizabeth J. Bassett
Employee, Nevada Commission on Ethics

EXECUTIVE DIRECTOR'S EXHIBITS
EXHIBIT 36

The **NEVADA INDEPENDENT**[Coronavirus Data](#) [2021 Legislature](#) [Nevada Recovery Dashboard](#)

As Lombardo campaigns for governor in sheriff's uniform, state law, ethics commission guidance remain hazy on propriety of doing so



Tabitha Mueller

July 19th, 2021 at 2:00 AM

State Government

SHARE



Sheriff Joseph Lombardo, left, graduates new officers during Metro Police's graduation exercises on Thursday, Oct. 19, 2017. The

It's no secret Joe Lombardo is running for governor on his record as Clark County sheriff.

When he kicked off his gubernatorial campaign last month, he said he would distinguish himself from his Republican primary opponents by taking the "law and order lane." A biography on Lombardo's campaign website emphasizes his more than 30 years of experience in law enforcement. A campaign video touts that his life's work has been to "serve and protect."

It's common for candidates to talk on the campaign trail about how their day jobs and prior elected offices would shape their approach in office. But Lombardo has made the fact he is the current Clark County sheriff all but impossible to ignore in the first month of his campaign. A photo on his website shows him grinning broadly in uniform. The campaign video features clips with Lombardo in full uniform walking and talking with constituents. A pamphlet handed out during a meet-and-greet displays Lombardo, hands on his hips, with a sheriff's badge prominently placed on his chest.

What isn't quite as clear is whether Lombardo is actually allowed to use the imagery of his elected office — including his uniform and badge — to campaign for another one. Existing decisions surrounding the topic only address cases in which a sheriff was running for re-election, and even those are not etched in stone.

When reached for comment about the legal uncertainty surrounding the topic, Lombardo's campaign strategist, Ryan Erwin, told *The Nevada Independent* that Lombardo is a police officer and sheriff, and Nevada voters are entitled to know and see what he does for a living. He also said that knowing a candidate's work experience is vital when selecting a governor.

"Judges regularly appear in robes, teachers in classrooms, and prosecutors in courtrooms as part of their campaign materials – all are public employees in positions of trust," Erwin said. "Singling out law enforcement from other positions of public trust makes no sense."

Erwin added that elections and rules governing them should always be fairly applied and politicians use photos from events in campaign materials all the time.

Under [state law](#), public officials and employees cannot use government time, property, equipment or other resources to benefit themselves or anyone else. But the law is mum on whether an officer or other public official using their uniform or badge while campaigning presents an actual conflict of interest.

David Hall, executive director of the Nevada Commission on Ethics, declined to comment on Lombardo's use of his badge and uniform in his gubernatorial campaign, noting that it's up to a public officer or employee to ask the commission for an opinion detailing the compliance obligations associated with their own conduct.

Reviews by the Commission on Ethics, an eight-member body appointed by the governor and Legislative Commission charged with interpreting and enforcing Nevada's ethics laws, occur on a case-by-case basis to account for nuance and different situations. Commission decisions can result in a letter of caution or a fine, but the consequences of any given review are case-dependent.

"We encourage these public officers and public employees to utilize the advisory opinion process should they have questions about their individual compliance obligations under the Ethics Law," Hall wrote in an email.

Though there is no word on whether the commission has been asked to take up Lombardo's case, this isn't the first time the issue of using the accoutrements of the sheriff's office to campaign has come before the commission. The commission has penned at least three orders over the last seven years relating to sheriffs' abilities to use official uniforms, badges and "other physical accouterments" of the office to support re-election campaigns — including one that prompted the commission to reach out to the state sheriffs' association in an attempt to prevent the issue from arising again.

In 2014, the commission [determined](#) that then-Washoe County Deputy Sheriff Tim Kuzanek's use of his uniform and badge in his campaign for sheriff acted as a visual endorsement and provided an unfair advantage to Kuzanek at the expense of the government. Kuzanek was not, however, punished for the use of his uniform and badge because the commission concluded that Kuzanek's actions were not a willful violation of the law in this particular case.

When the question again arose in 2016, during a commission investigation into then-Elko County Sheriff Jim Pitts, the body [dismissed the alleged violations](#) because state law does not explicitly prohibit an officer from using uniforms or badges in campaigns.

"The issue of whether an elected, incumbent sheriff may campaign in uniform is one of first impression for the State of Nevada and the Commission, and has not been addressed by Nevada's courts or Legislature," the commission wrote in its opinion. "Without State or local law governing or clarifying duties of elected incumbents regarding utilization of the accoutrements of office, the parties stipulate to dismissal of the alleged violation."

The commission's most recent ruling on the matter was in [2018](#), when the panel investigated then-Storey County Sheriff Gerald Antinoro's decision to wear his sheriff uniform during debates and in photos used in campaign materials while running for re-election. In that case, the commission decided the campaign had not violated ethics law based on prior precedent and Antinoro's lack of knowledge about rules and regulations.

However, the commission noted in its decision that an elected sheriff's use of official accouterments of office to support re-election creates an "appearance of impropriety" and violates the state's ethics law, a point it underscored by sending [a letter to the Nevada Sheriffs' and Chiefs' Association](#) recommending the association inform its members of the ethics commission's position on the matter.

"Under the Ethics Law, public officers and employees have a duty to avoid conflicts of interest and protect the public's faith in the appropriate separation between the use of government resources and private endeavors," the letter said.

As Lombardo campaigns for governor in sheriff's uniform, state law, ethics commission guidance remain hazy on propriety of doing so - The Nevada Independent
“Specifically, a public officer or employee must not use official government resources in support of a political campaign.”

That ethics commission position isn't, however, codified in state law, leaving the use of uniforms and badges in campaign materials an open question.

During the most recent legislative session, Assemblywoman Robin Titus (R-Wellington) proposed a bill, [AB218](#), that would have allowed sheriffs to use physical accouterments in campaigns. Though the bill received a hearing, it died without receiving a vote in its first committee.

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- David Hall - \$120



Tabitha Mueller

Tabitha Mueller is a general assignment reporter at *The Nevada Independent* who also covers the Legislature.



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EXECUTIVE DIRECTOR'S EXHIBITS
EXHIBIT 37

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October 7, 2019

Via U.S. mail and electronic mail:
eric@nvsca.com

Eric Spratley
Executive Director
Nevada Sheriffs' and Chiefs' Association
P.O. Box 17971
Reno, NV 89511

Re: Ethics Decisions Involving Sheriffs and Chiefs:
Uniforms/Badges/Letterhead During Campaigns

Dear Executive Director Spratley,

The Ethics in Government Law ("Ethics Law") set forth in NRS Chapter 281A gives the Nevada Commission on Ethics ("Commission") jurisdiction over the conduct of state and local government public officers¹ and public employees² regarding conflicts of interest between public duties and private interests, including state and local government law enforcement officers and employees.

The Commission has recently addressed several matters involving various state and local government law enforcement positions, and the accompanying conflicts of interest that have resulted in the context of political activity. As a courtesy, and as directed pursuant to a stipulated agreement between the Commission and Storey County Sheriff, Gerald Antinoro, I am contacting you to provide important guidance for state and local government law enforcement officials who contemporaneously seek an appointed or elected position. See *In re Antinoro*, Comm'n Op. Nos. 18-031C and 18-052C (2019), enclosed. The Commission strongly encourages the Nevada Sheriffs' and Chiefs' Association to inform its members of this guidance. The Commission has determined that it is a violation of the Ethics Law for a state or local government law enforcement officer or employee to wear or use his/her uniform, badge or other physical accouterment of office, or official letterhead or government email to support or oppose any political campaign.

¹ "Public officer" is a person serving in a position designated by NRS 281A.160 and 281A.182.

² "Public employee" is defined as a person who performs public duties under the direction of a public officer for compensation paid by the State or any county, city or other political subdivision. NRS 281A.150.

Under the Ethics Law, public officers and employees have a duty to avoid conflicts of interest and protect the public's faith in the appropriate separation between the use of government resources and private endeavors. Specifically, a public officer or employee must not use official government resources in support of a political campaign. For purposes of this matter, government resources include, without limitation, an official uniform, badge or other physical accouterment of public office, or the official letterhead or government-issued email account.

The Commission has previously determined that a public employee of a state or local government law enforcement agency is prohibited from using a uniform, badge or other physical accouterment of public office in support of his/her political campaign or as part of a political endorsement, even if the property is purchased by the public officer or employee. A public officer or employee has a significant personal and financial interest in achieving or maintaining an elected position, or endorsing another candidate for an elected position.

However, the Commission understands that there has been previous reliance by elected, incumbent law enforcement officials on a 2012 advisory opinion issued by the United States Office of Special Counsel ("OSC") regarding application of the federal *Hatch Act*, which restricts certain political activities of certain state and local government employees. The OSC Opinion advised that elected sheriffs were permitted to wear uniforms while campaigning for themselves or another candidate without violating the *Hatch Act*. However, the *Hatch Act* and the OSC's advisory opinions apply only to partisan political activities and are not binding or determinative on state or local government laws or policies that prohibit such use. Nevada has enacted the Ethics Law, which has been interpreted by the Commission to prohibit such use.

A law enforcement uniform and badge signify the power and prestige of the office and are considered governmental property for purposes of the Ethics Law. The Commission has now definitively concluded that no state or local government law enforcement official, including an elected, incumbent official, may wear his/her uniform, badge or other physical accouterment of office, and may not use official letterhead or government email, in support or opposition of a political campaign, including his/her own campaign or as an endorsement. Such use constitutes a violation of NRS 281A.400(7).

The Commission has further opined that the public's trust in government is questioned when there is an appearance of government interference or influence during an election. See *In re Parish*, Comm'n Op. No. 12-64C (2013) ("A representative democracy guarantees the right of the people to govern through elected representatives, the integrity of which is voiced through the electoral process where elected representatives are held accountable ... inherent in the electoral process are guarantees of free, open and equal participation by the voters, including assurances that government remains neutral in the process and allows all candidates a fair and equal chance to win, free of manipulation from public money, power or influence. ... While government resources should not be used to support [or oppose] any candidate during an election, the law specifically ensures that an incumbent candidate should not receive unwarranted or unfair benefits ... during an election through the use of public resources to promote his candidacy. The Legislature secures government neutrality in elections by regulating the conduct of public officers and employees who are entrusted with public resources to ensure that the election process is not manipulated through the use of public resources or other influence.")

The Commission's interest in this matter is not intended to infringe upon the operations of law enforcement. Instead, the Commission values and appreciates the public's reliance on law enforcement and balances those duties against the multitude of concerns it has received in recent years questioning the appropriate separation between the public duties and private political campaigns of state and local government law enforcement officers. Consequently, the Commission has provided clear guidance, which hereafter has precedential value and will be enforceable against all state and local government law enforcement officers and employees.

The Commission's decisions, as well as a link to NRS Chapter 281A and other relevant informational guides for public officers, are available on the Commission's website, www.ethics.nv.gov.

If you have any questions or concerns, please do not hesitate to contact me. I am also available to provide Ethics in Government Law training to your organization if further education is desired on these matters.

Sincerely,

/s/ Yvonne M. Nevarez-Goodson
Yvonne M. Nevarez-Goodson, Esq.
Executive Director

Enclosure

EXECUTIVE DIRECTOR'S EXHIBITS
EXHIBIT 38

STATE OF NEVADA

BEFORE THE COMMISSION ON ETHICS

In re **Joseph M. Lombardo**,
Sheriff of Clark County,
State of Nevada,

Consolidated Ethics Complaint
Case Nos. 21-062C, 21-082C

Subject _____ /

PENALTY MATRIX

A. Violations of NRS 271A.400(2)

Stipulated Exhibit No.	Document	Fine Amount
1	The video located at https://youtu.be/9E-NjOsJKN8 features Lombardo announcing his candidacy for the office of Governor of Nevada on June 28, 2021	\$5,000
2	A video posted to @JoeLombardoNV on June 28, 2021 as part of a tweet announcing Lombardo's candidacy for the office of Governor of Nevada	\$10,000
3	A tweet posted on @JoeLombardoNV on June 28, 2021	\$25,000
4	A video posted on @JoeLombardoNV on July 1, 2021	\$25,000
5	A tweet posted on @JoeLombardoNV on July 7, 2021	\$25,000
6	A tweet posted on @JoeLombardoNV on July 8, 2021	\$25,000
7	A tweet posted on @JoeLombardoNV on July 14, 2021	\$25,000
8	A tweet posted on @JoeLombardoNV on July 14, 2021	\$25,000
9	A video posted on @JoeLombardoNV on July 18, 2021	\$25,000
10	A tweet posted on @JoeLombardoNV on July 18, 2021	\$25,000
11	A video posted on @JoeLombardoNV on July 23, 2021	\$25,000
12	A tweet posted on @JoeLombardoNV on July 27, 2021	\$25,000
13	A video posted on @JoeLombardoNV on July 30, 2021	\$25,000
14	A tweet posted on @JoeLombardoNV on August 3, 2021	\$25,000

15	A tweet posted on @JoeLombardoNV on August 5, 2021	\$25,0000
16	A video posted on @JoeLombardoNV on August 8, 2021	\$25,0000
17	A tweet posted on @JoeLombardoNV on August 12, 2021	\$25,0000
18	A second tweet posted on @JoeLombardoNV on August 12, 2021	\$25,0000
19	A tweet posted on @JoeLombardoNV on August 13, 2021	\$25,0000
20	A second tweet posted on @JoeLombardoNV on August 13, 2021	\$25,0000
21	A tweet posted on @JoeLombardoNV on August 18, 2021	\$25,0000
22	A video posted on @JoeLombardoNV on August 19, 2021	\$25,0000
23	A tweet posted on @JoeLombardoNV on August 20, 2021	\$25,0000
24	A tweet posted on @JoeLombardoNV on September 9, 2021	\$25,0000
25	A tweet posted on @JoeLombardoNV on September 10, 2021	\$25,0000
26	A second a tweet posted on @JoeLombardoNV on September 10, 2021	\$25,0000
27	A video posted on @JoeLombardoNV on September 14, 2021	\$25,0000
28	A Facebook post on "Joe Lombardo for Governor" on July 8, 2021	\$25,0000
29	A Facebook post on "Joe Lombardo for Governor" on July 27, 2021	\$25,0000
30	A Facebook post on "Joe Lombardo for Governor" on August 5, 2021	\$25,0000
31	A Facebook post on "Joe Lombardo for Governor" on September 9, 2021	\$25,0000
32	A Facebook post on "Joe Lombardo for Governor" on July 7, 2021	\$25,0000
33	A Facebook post on "Joe Lombardo for Governor" on July 14, 2021	\$25,0000
34	A Facebook post on "Joe Lombardo for Governor" on July 22, 2021	\$25,0000
Total Penalties For Violations of NRS 281A.400(2)		\$815,000

B. Violations of NRS 271A.400(7)

Stipulated Exhibit No.	Document	Fine Amount
1	The video located at https://youtu.be/9E-NjOsJKN8 features Lombardo announcing his candidacy for the office of Governor of Nevada on June 28, 2021	\$25,000
2	A video posted to @JoeLombardoNV on June 28, 2021 as part of a tweet announcing Lombardo's candidacy for the office of Governor of Nevada	\$25,000
3	A tweet posted on @JoeLombardoNV on June 28, 2021	\$25,0000
4	A video posted on @JoeLombardoNV on July 1, 2021	\$25,0000
5	A tweet posted on @JoeLombardoNV on July 7, 2021	\$25,0000
6	A tweet posted on @JoeLombardoNV on July 8, 2021	\$25,0000
7	A tweet posted on @JoeLombardoNV on July 14, 2021	\$25,0000
8	A tweet posted on @JoeLombardoNV on July 14, 2021	\$25,0000
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16	A video posted on @JoeLombardoNV on August 8, 2021	\$25,0000
17	A tweet posted on @JoeLombardoNV on August 12, 2021	\$25,0000
18	A second tweet posted on @JoeLombardoNV on August 12, 2021	\$25,0000
19	A tweet posted on @JoeLombardoNV on August 13, 2021	\$25,0000
20	A second tweet posted on @JoeLombardoNV on August 13, 2021	\$25,0000
21	A tweet posted on @JoeLombardoNV on August 18, 2021	\$25,0000
22	A video posted on @JoeLombardoNV on August 19, 2021	\$25,0000

	2021	
23	A tweet posted on @JoeLombardoNV on August 20, 2021	\$25,0000
24	A tweet posted on @JoeLombardoNV on September 9, 2021	\$25,0000
25	A tweet posted on @JoeLombardoNV on September 10, 2021	\$25,0000
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31	A Facebook post on "Joe Lombardo for Governor" on September 9, 2021	\$25,0000
32	A Facebook post on "Joe Lombardo for Governor" on July 7, 2021	\$25,0000
33	A Facebook post on "Joe Lombardo for Governor" on July 14, 2021	\$25,0000
34	A Facebook post on "Joe Lombardo for Governor" on July 22, 2021	\$25,0000
Total Penalties For Violations of NRS 281A.400(7)		\$850,000

Total Penalties For All Violations	\$1,665,000
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STATE OF NEVADA

BEFORE THE COMMISSION ON ETHICS

In re Joseph M. Lombardo, Sheriff of Clark
County, State of Nevada,

Consolidated Ethics Complaint
Case Nos. 21-062C, 21-082C

**JOSEPH LOMBARDO'S RESPONSE TO
MOTION FOR SUMMARY JUDGMENT**

POINTS AND AUTHORITIES

I. INTRODUCTION¹

As Governor Lombardo predicted in his opening brief, the Motion for Summary Judgment (the "Motion") submitted by the Executive Director exhibits a staggering amount of administrative overreach combined with several glaring legal errors. Take, for example, the Executive Director's contention that the Commission has the power to impose fines on Governor Lombardo in the eye-watering amount of \$1.665 million based on his use of the same four Images on social media during his gubernatorial campaign. Notwithstanding that such a fine would clearly violate the Excessive Fines Clause in the United States and Nevada Constitutions, the Executive Director flatly ignores

¹ For ease of reference, Governor Lombardo will use the same capitalized terms from his Motion for Summary Judgment ("Lombardo MSJ").

1 that the plain language of NRS 281A.790 only permits the Commission to impose civil penalties for
2 three willful violations. The Executive Director then compounds that legal error by advancing the
3 specious position that the Commission can impose duplicative fines for the same “act or event” if it
4 allegedly violates multiple sub-sections of NRS 281A.400. Simply put, the Executive Director’s
5 request for civil penalties in the unprecedented amount of \$1.665 million is plainly unconstitutional,
6 premised on multiple errors of statutory interpretation, and contrary to the legislature’s unequivocal
7 directive in NRS 281A.775(3) that the Commission “treat comparable situations in a comparable
8 manner.”
9

10 The Executive Director’s unlawful attempt to extract a seven-figure fine from Governor
11 Lombardo should serve as a glaring red flag to the Commission about the other positions that are
12 advanced in the Motion. Indeed, the Executive Director flatly misrepresents the Commission’s
13 decisional history in a misguided attempt to prove Governor Lombardo violated NRS 281A.400(2)
14 even though his use of the Images on social media indisputably did not violate any applicable law or
15 policy. Similarly, the Executive Director’s contention that the Commission established a “hard line”
16 in *Kirkland* that a sheriff’s use of his uniform and badge in support of his own political campaign
17 violates the limited-use exception in NRS 281A.400(7) is directly contradicted this body’s
18 inconsistent prior rulings on the issue. The Commission should take considerable pause before
19 accepting the Executive Director’s dogmatic positions at face value and imposing civil penalties to
20 the tune of \$1.665 million in violation of Nevada law.
21
22

23 II. ARGUMENT

24 A. The Executive Director’s Depiction Of The Commission’s Application Of NRS 25 281A.400(2) Is Plainly Inaccurate.

26 In support of his contention that Governor Lombardo’s use of the Images violated NRS
27 281A.400(2), the Executive Director represents that “[t]he Commission has therefore consistently
28 held that the use of a uniform and other accoutrements of office—such as a badge—by a public

1 officer to support their own campaign is an unwarranted benefit that violates NRS 281A.400(2).”
2 *See* Mot. at 14:10-12. Suffice it to say, the Executive Director’s representation regarding the
3 Commission’s application of 281A.400(2) to a sheriff’s use of his uniform and badge in a political
4 campaign could not be further from the truth as the Commission has, in fact, consistently reached
5 the opposite result.

6
7 Nowhere is the Executive Director’s misleading approach more evident than his reliance on
8 the *Kirkland* and *Antinoro* decisions. Beginning with the latter, the Commission in *Antinoro*
9 expressly stated that “[a] preference or advantage is unwarranted, in part, if the public officer’s
10 conduct was contrary to any applicable code or policy.” *Id.* at *5. This finding comports with the
11 Commission’s interpretation of NRS 281A.400(2) in *Kirkland* where it held that the Washoe County
12 Sheriff’s use of his uniform and badge in a political endorsement for a judicial candidate did not
13 confer an “unwarranted” advantage or preference because it did not violate Nevada or Washoe
14 County law. *Id.* at *3; *see also Pitts*, at *6-7 (dismissing alleged violation of NRS 281A.400(2) due
15 to absence of “State or local law clarifying duties of elected incumbents regarding utilization of the
16 accoutrements of office”).²

17
18 To be clear, Governor Lombardo is not aware of any case in which the Commission found
19 that a sheriff’s use of his uniform and badge in a political campaign constitutes a violation of NRS
20 281A.400(2) if it is not prohibited by an applicable law or policy. *See* Lombardo MSJ at 6-7.
21 Because Governor Lombardo’s use of the Images in social media posts during his gubernatorial
22 campaign did not violate any applicable law or policy, *see id.*, the Commission should determine that
23
24
25

26 ² The Executive Director cites *Kuzanek* but conspicuously neglects to mention that the quoted excerpt
27 of the decision related to NRS 281A.400(7), not NRS 281A.400(2). *Id.* at *6. In that regard, the
28 Commission did not find that the Washoe County Undersheriff in *Kuzanek* committed a violation of
NRS 281A.400(2) by using his uniform and badge in social media posts to support his campaign for
Washoe County Sheriff. *Id.*

no violation of NRS 281A.400(2) occurred here.³

B. The Executive Director’s Analysis Of The Limited-Use Exception In NRS 281A.400(7) Is Exceedingly Cursory And Wrong.

Again, the Executive Director represents that the Commission established a “hard line” in *Kirkland* that a sheriff’s use of his uniform and badge for political purposes is a *per se* violation of the limited-use exception in NRS 281A.400(7). Not quite. Setting aside that *Kirkland* involved a sheriff’s use of the physical accoutrements of the office to endorse another candidate as opposed to his own campaign for a separate, partisan office, Governor Lombardo demonstrated in his Motion for Summary Judgment that the “appearance of impropriety” standard in the limited-use exception in NRS 281A.400(7) is vague, arbitrary and unconstitutional as applied to this specific issue. *See* Lombardo MSJ at 7-14. The Commission’s erratic decisional history on the issue speaks for itself and belies the Executive Director’s conclusory contention that Governor Lombardo’s use of the Images in support of his gubernatorial campaign constitutes a *per se* violation of NRS 281A.400(7).

C. If The Commission Finds NRS 281A.400(7) Constitutional, Then It Should Deem Governor Lombardo’s Alleged Violations Not Willful.

The Seriousness of the Violation

Governor Lombardo acknowledges the importance of Nevada’s Ethics in Government law and the critical policies behind the prohibition against the use of government property for personal gain. Nevertheless, Governor Lombardo maintains a good-faith belief that the “appearance of impropriety” standard in the limited-use exception of NRS 281A.400(7) is exceedingly vague and unconstitutionally applied as it relates the use of uniforms and badges by law enforcement officers,

³ The Executive Director’s citation to *In re Public Officer*, Comm’n Op. No. 19-124A (2020)—an abstract opinion involving a public officer’s use of his title to endorse another candidate—is puzzling given that the Commission has repeatedly addressed this exact issue and held that a sheriff’s use of his uniform and badge does not violate NRS 281A.400(2) in the absence of any applicable law or policy.

1 a group of public officers that is disproportionately impacted by the Commission’s rulings in this
2 respect. This is especially true when this matter presents an issue of first impression as the
3 Commission has yet to address a scenario where a sheriff used his uniform and badge in a campaign
4 for a different partisan office such as Governor.

5
6 Respectfully, Governor Lombardo submits that there is a better approach to addressing a
7 sheriff’s use of his uniform and badge in a political campaign that balances the relevant ethical
8 considerations without punishing law enforcement officials. While the Commission is certainly
9 entitled to adopt more stringent restrictions when interpreting Nevada’s laws, the United States Office
10 of Special Counsel (“OSC”) has interpreted the Hatch Act, 5 U.S.C. §§ 1501-1508, and advised that
11 there is no blanket prohibition on a sheriff’s use of his uniform or badge while campaigning for re-
12 election or another partisan political office.⁴ In reaching this conclusion, the OSC reasoned that
13 Congress gave elected officials greater latitude to engage in political activity when it exempted those
14 officials from the candidacy prohibition to which other state and local employees are subject. Thus,
15 a sheriff’s use of his title and uniform “when campaigning for himself and other partisan candidates
16 is a natural and foreseeable incident of the elected official being permitted to run for partisan office.”
17 *Id.* The exact same rationale applies to Nevada’s Ethics in Government Law given that Sheriff is not
18 a “resign-to-run” position.
19

20
21 That, of course, is not to say a sheriff’s use of his office and position in campaign activities
22 should be completely unrestricted. *Id.* To the contrary, the OSC instructed that a sheriff may not (i)
23 ask his employees or subordinates to work on or contribute to the campaign, (ii) use his official
24 authority to request citizens to vote for them, (iii) canvass for votes in uniform, or (iv) use his official
25 authority to offer leniency to a citizen suspected of violating the law in exchange for that person’s
26
27

28

⁴ See Exhibit A (Feb. 29, 2012 OSC Memorandum).

1 promise to vote for the sheriff.⁵ The OSC's approach strikes a logical balance by prohibiting
2 activities that would undoubtedly create a legitimate appearance of impropriety or unfair advantage
3 while still allowing the limited use of a sheriff's badge and uniform in a campaign. This Commission
4 should adopt the same approach.

5
6 ***History of Prior Violations, Letters of Caution or Warnings***

7 The Executive Director concedes that this factor favors Governor Lombardo as he has no
8 prior ethics violations.

9 ***The Cost Related to the Violation***

10 The Executive Director seemingly concedes that this factor weighs in favor of Governor
11 Lombardo due to the parties' agreement to resolve this matter with stipulated facts and cross-motions
12 for summary judgment.

13
14 ***Mitigating Factors***

15 The Executive Director does not dispute that Governor Lombardo and his counsel have
16 cooperated with the Commission, Executive Director and their respective counsel to the fullest
17 extent, including by stipulating to an agreed-upon set of facts and resolving this legal issue on the
18 briefs and oral argument. Instead, the Executive Director contends that Governor Lombardo
19 "continued to produce campaign content featuring the use of his uniform, badge, and gun through
20 the end of the campaign." See Mot. at 19:20-22. Notwithstanding that Governor Lombardo disputes
21 that his use of the Images is a violation of NRS 281A.400(2) or (7), the Executive Director's
22 suggestion that Governor Lombardo "continued to produce content" ignores that this matter involves
23 the use of the same four stock Images that were merely re-posted on social media from time-to-time.
24 Suffice it to say, Governor Lombardo strongly disagrees with the implication that he thumbed his
25
26
27

28

⁵ See Exhibit B (Aug. 14, 2018 OSC Memorandum).

nose at the Commission in connection with this issue and maintains his good-faith belief concerning the appropriate interpretation of the Ethics in Government law.

Restitution to Affected Parties and Financial Gain

The Executive Director concedes that this matter does not implicate restitution or reimbursement but contends Governor Lombardo obtained a financial gain from the use of his uniform and badge in the form of his salary and benefits as Governor. In other words, the Executive Director asserts that Governor Lombardo's victory in the 2022 Gubernatorial Election is attributable to his use of the Images in a series of run-of-the-mill social media posts. But there is no evidence whatsoever that would suggest Governor Lombardo's use of the Images had a cognizable impact on the results of the election; nor could there be as Nevada's voters knew Governor Lombardo served as the Clark County Sheriff irrespective of any social media posts. There is no evidence to support a causal connection between the Images and Governor Lombardo's salary and benefits in his current position.

D. The Executive Director's Proposed Fine Is Unconstitutional And Violative Of NRS 281A.790(1).

Now that the Executive Director has confirmed his exorbitant demand for civil penalties amounting to \$1.665 million (as opposed to the \$790,000 anticipated by Governor Lombardo), there can be no doubt that the Executive Director's request is legally defective in multiple respects. First, a fine of \$1.665 million for a series of social media posts is plainly disproportionate to the gravity of the alleged offense and, thus, unconstitutional under the Excessive Fines Clause. *See* Lombardo MSJ at 19-21. Second, the Executive Director does not provide any analysis or authority that would permit the Commission to impose civil penalties beyond the third willful act under NRS 281A.790(1). *Id.*

As if that were not sufficient to demonstrate the Executive Director's unbounded overreach in this proceeding, his demand for a fine of \$1.665 million is subject to yet another fatal flaw. Indeed,

1 as evidenced by the Executive Director’s “Penalty Matrix,” he is double-counting the alleged
2 violations by seeking duplicative civil penalties for the same act or event under NRS 281A.400(2)
3 and (7). But NRS 281A.790(1) only permits the Commission to impose fines for second or third
4 willful violations if they arise out of “a separate act or event.” Accordingly, even if the Commission
5 had the ability to fine Governor Lombardo beyond the third willful violation, it cannot impose
6 duplicative fines for the same social media post of the Images on grounds that such posts constitute
7 violations of NRS 281A.400(2) and NRS 281A.400(7). Under the Executive Director’s own theory
8 of the case, each social media post is its own “separate act or event” and, thus, Governor Lombardo
9 can only be subject to a single fine related thereto under the plain language of NRS 281A.790(1).
10 The Commission should correct the Executive Director’s seemingly unfettered view of his authority
11 under Nevada law as it is plainly unconstitutional and violative of the applicable statutes.
12

13 III. CONCLUSION

14
15 Based on the foregoing, Mr. Lombardo respectfully requests that the Commission grant
16 summary judgment in his favor and dismiss the Complaint. In the alternative, Governor Lombardo
17 respectfully requests that the Commission deem the alleged violations not willful and decline to enter
18 the excessive and unlawful penalties sought by the Executive Director.

19 DATED this 19th day of April, 2023.

20 CAMPBELL & WILLIAMS

21 By /s/ **Philip R. Erwin**

22 J. COLBY WILLIAMS, ESQ. (5549)
23 PHILIP R. ERWIN, ESQ. (11563)
24 SAMUEL R. MIRKOVICH, ESQ. (11662)
25 710 South Seventh Street, Suite A
26 Las Vegas, Nevada 89101

27 *Attorneys for Governor Joseph Lombardo*
28

EXHIBIT A
Feb. 29, 2012 OSC
Memorandum



U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505
202-254-3600

February 29, 2012

XXXXXX XXXXXXXX
Assistant XXXXXXXXX County Attorney
XXXX XXXXXXXX XXXX
XXXXXXXX, XX XXXXX

Re: OSC File No. AD-12-XXXX

Dear Xx. XXXXXXXX:

This letter responds to your request for an advisory opinion concerning the Hatch Act. The Office of Special Counsel (OSC) is authorized pursuant to 5 U.S.C. § 1212(f) to issue opinions interpreting the Act. Specifically, you ask whether an incumbent sheriff may wear his uniform to political events such as rallies, fundraisers, and campaign booths or in printed and/or electronic campaign materials. You also ask whether a sheriff may use his title in political correspondence or in connection with fundraising activities. Finally, you ask if it makes a difference whether the sheriff engages in these activities while running for reelection, running for another elected office, or while campaigning for another candidate altogether. For purposes of this opinion, you ask OSC to assume that the sheriff is subject to the Hatch Act's restrictions. As explained in more detail below, the Act generally would not prohibit any of the activities you enumerate in your request.

State and local employees who are covered by the Hatch Act are prohibited from using their official authority or influence to interfere with or affect the result of an election or a nomination for office.¹ 5 U.S.C. § 1502(a)(1). Federal employees are subject to the same restriction. See 5 U.S.C. § 7323(a)(1). The Hatch Act regulation that applies to federal employees states that an improper use of official authority or influence occurs when employees use their official titles while participating in political activity. 5 C.F.R. § 734.302(b)(1). In determining whether the use of official title by state and local employees violate the Hatch Act, OSC uses the aforementioned regulation for federal employees as guidance. Thus, OSC generally concludes that state and local employees violate the Hatch Act when they use their official titles, or otherwise trade on the influence of their positions by, for example, wearing their official uniforms, while engaged in political activity.

As you know, OSC recently reevaluated this conclusion as it applies to elected officials who are covered by the Hatch Act. Specifically, in recognition of the fact that they hold partisan political office, OSC reasoned that they would not violate the Hatch Act by wearing their uniforms or using their titles while campaigning for reelection. OSC took into account the fact that Congress gave greater latitude to individuals who are covered by the Hatch Act due to their

¹ In addition, state and local employees are prohibited from coercing other employees into making political contributions and from being candidates in partisan elections. 5 U.S.C. § 1502(a)(2)-(3).

U.S. Office of Special Counsel

Page 2

elected positions when it exempted them from the candidacy prohibition to which other state and local employees are subject. See 5 U.S.C. § 1502(c). Moreover, the Hatch Act regulations that apply to federal employees do not contemplate a scenario where an employee would be covered by virtue of his elective office. Cf. 5 U.S.C. § 7322(1) (expressly excluding the President and Vice President from Hatch Act coverage). Thus, those regulations do not translate smoothly to the state and local arena, where many elected officials are covered by the Hatch Act.

We also note that the provision exempting individuals holding elected office from the candidacy prohibition is not limited to reelection bids. Thus, a sheriff who is covered by the Hatch Act would not be prohibited from running for another elected office. Accordingly, the rationale OSC has articulated with respect use of one's official title and uniform during a reelection campaign also applies when the official runs for some other partisan political office.

OSC's reasoning also extends to an elected official's other political activities, i.e., activities not in furtherance of his own reelection. Indeed, in allowing these elected officials to run as representatives of political parties, Congress presumably anticipated that they would endorse other candidates running under their political party's banner. If these elected officials are permitted to use their official titles in their own partisan campaigns, OSC can identify no unique harm that would result if they do the same when endorsing other partisan candidates. Arguably, an elected official's use of his title when campaigning for himself and other partisan candidates is a natural and foreseeable incident of the elected official being permitted to run for partisan office. Therefore, it does not appear that an elected official's use of his title when endorsing a partisan candidate would violate the Hatch Act. In the case of a sheriff, wearing his uniform while campaigning for another candidate also would be permissible.

These principles apply to in-person campaign events, campaign advertisements, and political correspondence. Likewise, a sheriff could attend fundraisers and solicit contributions while wearing his uniform and identifying himself as the sheriff. We note, however, that a sheriff covered by the Hatch Act still is prohibited from coercing or attempting to coerce other employees into making political contributions. See 5 U.S.C. § 1502(a)(2). Asking a subordinate to make a political contribution or volunteer for a political campaign is considered inherently coercive. Special Counsel v. Acconcia, (CB-1216-06-0007-T-1, February 26, 2007 (Initial Decision at 9), rev'd on other grounds, 107 M.S.P.R. 60 (2007), citing Special Counsel v. Purnell, 37 M.S.P.R. 184, 195 (1988), aff'd sub nom. Fela v. Merit Sys. Prot. Bd., 730 F. Supp. 779 (N.D. Ohio 1989). Where the supervisor-subordinate relationship exists, no particular words are required to establish coercion because virtually any language can be threatening. Special Counsel v. Gallagher, 44 M.S.P.R. 57, 76 (1990). Thus, sheriffs should not ask their employees to contribute to political campaigns.

Similarly, while OSC concludes that the use of official authority prohibition would not preclude a sheriff from wearing his uniform and using his official title while campaigning, this provision of the Hatch Act would prohibit him from soliciting the uncompensated volunteer services of a subordinate employee. See 5 C.F.R. § 734.302. Therefore, he must not ask his employees to support his campaign or the campaign of another candidate.

U.S. Office of Special Counsel
Page 3

We hope this opinion adequately addresses your questions. Please contact me at (202) 254-3642 if we can be of further assistance.

Sincerely,

/s/

Carolyn S. Martorana
Attorney, Hatch Act Unit

EXHIBIT B
Aug. 14, 2018 OSC
Memorandum



U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505
202-804-7000

August 14, 2018

Xx. Xxxx Xxx XXXXXXXX
xxx XXXXXXXXX
XXXXXXXX, XX xxxxx

VIA ELECTRONIC MAIL: xxxxxxxxxxxxxxxxxxxxxxxx

Re: OSC File No. AD-18-xxxx

Dear Mx. Xxx XXXXXXXX:

This letter from the U.S. Office of Special Counsel (OSC) responds to your request for an advisory opinion regarding the Hatch Act.¹ Specifically, you asked whether you, an incumbent sheriff up for reelection in the Xxxxx xx Xxx Xxxx, may wear your uniform and drive your agency-issued vehicle to an event at which you gather signatures for your reelection nominating petition. As described below, the Hatch Act does not prohibit such activity.

The Hatch Act governs the political activity of certain state and local government employees in order to protect the public workforce from partisan political influence and ensure the nonpartisan administration of laws. *See generally* 5 U.S.C. §§ 1501-1508. The Hatch Act applies to state and local government employees who work in the executive branch and whose principal employment is in connection with an activity financed in whole or in part by loans or grants made by the United States or a federal agency.² 5 U.S.C. § 1501(4). Such employees generally may not: (1) use their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office; (2) coerce, attempt to coerce, command, or advise another state or local government employee to engage in political activity; or (3) be a candidate for elective office, if the employee's salary is paid completely by loans or grants made by the United States or a federal agency. 5 U.S.C. § 1502(a)(1)-(3). Individuals holding elective office are exempt from the candidacy prohibition. 5 U.S.C. § 1502(c)(4).

We have interpreted the statutory restriction on an employee using official authority or influence to affect an election to prohibit most covered employees from using an official title or wearing an agency uniform while engaging in political activity. However, we generally do not extend those prohibitions to employees holding elective office. Congress has explicitly granted employees holding elective office greater leeway to engage in political activity by exempting

¹ OSC is authorized by 5 U.S.C. § 1212(f) to issue opinions interpreting the Hatch Act.

² We assume for purposes of this advisory opinion that sheriffs in the Xxxxx xx Xxx Xxxx are within the executive branch and that you have duties in connection with an activity financed by the United States or a federal agency, and therefore that you are subject to the Hatch Act.

them from the candidacy prohibition. Because incumbents already hold partisan political office, we have reasoned that incumbents do not violate the Hatch Act by wearing a uniform or using an official title while campaigning for reelection. Thus, we have advised that a sheriff may attend campaign events while wearing his uniform and identifying himself as the sheriff or use photographs of himself in uniform for campaign purposes. Similarly, a sheriff does not violate the Hatch Act by driving an agency-issued vehicle to a campaign event.

This is not to say that sheriffs are completely exempt from the prohibition on using official authority to interfere with or affect an election or a nomination for office. Certain other actions, such as a sheriff offering leniency to an individual suspected of violating the law in exchange for that person's promise to vote for the sheriff, would constitute a prohibited use of official authority. Similarly, a sheriff may not go door-to-door canvassing for voter support while in uniform. This is so because a private citizen, not knowing whether the sheriff was there to discuss a law enforcement matter, might feel compelled to open the door when that citizen would not feel similarly compelled to open the door for campaign volunteers or a candidate not in uniform. To avoid creating any such feelings of compulsion, which would be a prohibited use of official authority, a sheriff should not engage in door-to-door canvassing while in uniform.

Additionally, sheriffs remain subject to the Hatch Act prohibition on coercing or attempting to coerce other employees into making political contributions. *See* 5 U.S.C. § 1502(a)(2). Asking a subordinate employee to make a political contribution or volunteer for a political campaign is considered inherently coercive. *See Special Counsel v. Acconcia* (CB-1216-06-0007-T-1, February 26, 2007) (Initial Decision at 9), *modified*, 107 M.S.P.R. 60 (2007), *citing Special Counsel v. Purnell*, 37 M.S.P.R. 184, 195 (1988), *aff'd sub nom. Fela v. U.S. Merit Sys. Prot. Bd.*, 730 F. Supp. 779 (N.D. Ohio 1989). Where the supervisor-subordinate relationship exists, no particular words are required to establish coercion because virtually any language can be threatening. *See Special Counsel v. Gallagher*, 44 M.S.P.R. 57, 76 (1990). Thus, sheriffs should not ask subordinate employees to contribute to a political campaign.

Please contact OSC attorney Eric Johnson at (202) 804-7044 if you have any additional questions.

Sincerely,

A handwritten signature in cursive script, reading "Erica S. Hamrick". The signature is written in dark ink and is positioned above the printed name and title.

Erica S. Hamrick
Deputy Chief, Hatch Act Unit

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Attorneys for Defendant Joseph Lombardo

STATE OF NEVADA

BEFORE THE COMMISSION ON ETHICS

In re Joseph M. Lombardo, Sheriff of Clark
County, State of Nevada,

Consolidated Ethics Complaint
Case Nos. 21-062C, 21-082C

**JOSEPH LOMBARDO'S MOTION FOR
SUMMARY JUDGMENT**

POINTS AND AUTHORITIES

I. INTRODUCTION

The Executive Director's heavy-handed approach to this proceeding is astounding. Notwithstanding that this Complaint arises out of nothing more than a handful of photographs depicting former Sheriff of Clark County and current Governor Joseph Lombardo ("Governor Lombardo") in his Las Vegas Metropolitan Police Department ("LVMPD") uniform and badge that were posted to his campaign's website and social media accounts, the Executive Director has indicated that he believes Governor Lombardo should be subject to nearly \$800,000 in civil penalties. What's more, the Executive Director has threatened Governor Lombardo with impeachment—just months after Nevada's voters elected him in the 2022 Gubernatorial Election—based on the same photographs even though the conduct occurred when Governor Lombardo held a different position

1 that was subject to different removal proceedings. Simply put, the Executive Director’s approach to
2 this proceeding is the equivalent of using a sledgehammer to swat a fly.

3 There are more than a few problems with the Executive Director’s theory of the case. *First*,
4 the Commission has repeatedly found that a sheriff’s use of his uniform and badge in campaign
5 materials does not confer an “unwarranted” advantage under NRS 281A.400(2) because no state law,
6 code or policy prohibits it. *Second*, the “appearance of impropriety” standard in the “limited use”
7 exception to NRS 281A.400(7) is subjective, arbitrary and unconstitutionally vague as evidenced by
8 the Commission’s erratic decisional history related to the use of uniforms and badges in political
9 campaigns. *Third*, even if Governor Lombardo’s campaign photographs created an appearance of
10 impropriety under NRS 281A.400(7), the factors enumerated in NRS 281A.775(1) require a finding
11 that any violation was not willful. *Fourth*, the civil penalties sought by the Executive Director are
12 plainly barred by the statutory language of NRS 281A.790(1) and, in any event, would violate the
13 Excessive Fines Clauses in the United States and Nevada Constitutions. And, *lastly*, the Executive
14 Director’s threat to seek Governor Lombardo’s impeachment in his current position based on alleged
15 ethics violations as the Sheriff of Clark County is clearly not permitted by law. The Complaint
16 against Governor Lombardo should be dismissed.

19 **II. STATEMENT OF UNDISPUTED FACTS¹**

20 **A. Factual Background.**

21 1. Governor Lombardo served as the elected Sheriff of LVMPD from 2014 through
22 2022.
23

24
25
26
27
28 ¹ Unless otherwise stated herein, Governor Lombardo’s Statement of Undisputed Facts is supported
by the parties’ Stipulated Facts and Documents submitted to the Commission on January 12, 2023.

2. Sheriff is a public officer as defined in NRS 281A.160. Sheriff is the only uniformed public office in the State of Nevada and is never “off duty.” That means a Sheriff must always be ready to respond to a law enforcement emergency in his or her jurisdiction.

3. Clark County is a political subdivision as defined in NRS 281A.145.

4. LVMPD is a local agency as defined in NRS 281A.119, which receives funding from the federal government of the United States of America.

5. LVMPD maintains a publicly available Policy Manual that contains its Political Activities Policy.² Specifically, Section 2/114.00 provides that LVMPD employees may appear in uniform for their own campaign photographs since it “does not constitute an endorsement.”

6. Governor Lombardo announced his candidacy for the office of Governor of Nevada on or about June 28, 2021, and campaigned through Election Day, November 8, 2022.

7. Because the Nevada Legislature declined to make the position of Sheriff a “resign to run” position, Governor Lombardo continued to serve in his position as Clark County Sheriff during his campaign for the office of Governor of Nevada. Thus, Governor Lombardo remained a public officer as defined in NRS 281A.160 at all relevant times during his campaign.

8. Governor Lombardo and his campaign created a video announcing his candidacy for the office of Governor of Nevada that was publicly disseminated on June 28, 2021.³ Governor Lombardo filmed the video at the office of his campaign manager, not his LVMPD office. The video does not depict any LVMPD employees, LVMPD insignia, or anything else that would give viewers a reason to believe Lombardo filmed the video in his LVMPD office. Governor Lombardo did, however, wear a LVMPD Sheriff’s badge on his lapel in the video.

² Exhibit 35 (LVMPD Policy Manual).

³ Exhibit 1 (Campaign Video), available at <https://youtu.be/9E-NjOsJKN8>.

1 9. During the course of Governor Lombardo’s partisan political campaign, he and his
2 campaign created certain photographs and videos—one campaign video, a still shot from that same
3 campaign video, and two photographs (collectively, the “Images”)—which are at issue in this
4 proceeding. The Images depict Lombardo in his Sheriff’s uniform and/or his badge or lapel pin. The
5 firearm depicted in the Images is Governor Lombardo’s personal property (as opposed to LVMPD
6 property), which he is required to carry as Sheriff.

8 10. Governor Lombardo’s campaign posted the Images of him wearing his LVMPD
9 Sheriff’s uniform and/or his badge or lapel pin on the Twitter account, @JoeLombardoNV, on 26
10 occasions during the course of Governor Lombardo’s campaign.⁴

11 11. Governor Lombardo’s campaign also posted the Images of him wearing his LVMPD
12 Sheriff’s uniform and/or his badge or lapel pin on the Facebook account, Joe Lombardo for Governor,
13 on 7 occasions during the course of Governor Lombardo’s campaign.⁵

14 12. The creation of the foregoing Images (i) did not interfere with Lombardo’s duties as
15 Sheriff, (ii) did not violate any LVMPD policy, and (iii) to the extent they posed any cost to LVMPD
16 or the public, such cost was nominal.

17 13. Notably, media organizations and news publications frequently depicted Governor
18 Lombardo wearing his Sheriff’s uniform and/or Sheriff’s badge when reporting on the announcement
19 of his candidacy or his campaign for the office of Governor of Nevada.⁶
20
21
22

23 _____
24 ⁴ Exhibits 2-27 (Twitter Posts).

25 ⁵ Exhibits 28-34 (Facebook Posts).

26 ⁶ Exhibit 36 (Assorted Media Articles). The Commission (or a court in future proceedings) may take
27 judicial notice of newspaper articles and other online publications to establish what was in the public
28 realm during Governor Lombardo’s campaign. *See, e.g., Von Saher v. Norton Simon Museum of Art*,
592 F.3d 954, 960 (9th Cir. 2009) (“Courts may take judicial notice of publications introduced to
indicate what was in the public realm at the time[.]”).

B. Procedural History.

1. Former Executive Director David Hall filed the instant Ethics Complaint (“Complaint”) against then-Sheriff Lombardo on September 1, 2021, alleging violations of NRS 281A.400(2) and NRS 281A.400(7) related to his campaign’s posting of the Images on Twitter and Facebook.

2. The Commission filed its Order Initiating Ethics Complaint, Accepting Jurisdiction, and Directing an Investigation on September 15, 2021, and Governor Lombardo submitted his Response to the Complaint on January 14, 2022.

3. In correspondence from counsel, the Executive Director has indicated that he intends to pursue a theory that each post to the campaign’s website or social media accounts containing one of the Images is a separate, willful violation that would subject Governor Lombardo to repeated monetary penalties under NRS 281A.790(1). In other words, the Executive Director contends that the Commission can impose fines on Governor Lombardo in the aggregate amount of \$790,000 for the 33 social media posts that are at issue in this proceeding.⁷ The Executive Director has also indicated his belief that the Commission can somehow seek to commence impeachment proceedings against Governor Lombardo under NRS 281A.790(4)(b) notwithstanding that the alleged violations occurred while he held the office of Clark County Sheriff, which would be subject to different removal proceedings under NRS 281A.790(4)(c).

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⁷ The Executive Director, in fact, previously threatened Governor Lombardo with civil penalties in the total amount of \$1,965,000 for an astounding 80 alleged willful violations although it is not clear how the amount of alleged violations was determined. Exhibit 37 (11/17/2022 E-mail Correspondence).

III. ARGUMENT

A. The Images Did Not Confer An Unwarranted Privilege, Preference Or Advantage To Governor Lombardo Under NRS 281A.400(2).

NRS 281A.400(2) provides that “[a] public officer or employee shall not use the public officer’s or employee’s position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for the public officer or employee, any business entity in which the public officer or employee has a significant pecuniary interest or any person to whom the public officer or employee has a commitment in a private capacity.” NRS 281A.400(2) further defines the term “unwarranted” as “without justification or adequate reason.”

The Commission has repeatedly held that an act confers an “unwarranted” advantage or preference if it violates state or local law. *See, e.g., In re Kirkland*, Comm’n Op. No. 98-41, at *3 (1998) (“*Kirkland*”) (finding Sheriff’s use of uniform and badge in political endorsement did not confer an “unwarranted” advantage or preference because it did not violate Nevada or Washoe County law); *In re Pitts*, Comm’n Op. No. 14-71C, at *6-7 (2016) (“*Pitts*”) (dismissing alleged violation of NRS 281A.400(2) due to absence of “State or local law clarifying duties of elected incumbents regarding utilization of the accoutrements of office”); *In re Antinoro*, Comm’n Op. Nos. 18-031C and 18-052C, at *5 (2019) (“*Antinoro*”) (“A preference or advantage is unwarranted, in part, if the public officer’s conduct was contrary to any applicable code or policy.”).

Here, it is undisputed that neither Nevada law nor Clark County Code prohibited Governor Lombardo from utilizing his uniform and Sheriff’s badge in his gubernatorial campaign. *See Pitts* at *6-7 (“The issue of whether an elected, incumbent sheriff may campaign in uniform [] has not been addressed by Nevada’s courts or Legislature.”); CLARK COUNTY, NV., CODE ch. 2.42. Similarly, LVMPD’s Political Activities Policy provides that department employees may appear in uniform for their own campaign photographs since it “does not constitute an endorsement.” Statement of Undisputed Facts (“UDF”) ¶ 5. Thus, Governor’s Lombardo’s use of his uniform and

1 badge in the Images did not confer an unwarranted advantage or preference because it did not violate
2 any applicable law, code or policy.⁸ The Commission should dismiss the alleged violations of NRS
3 281A.400(2).

4 **B. The Commission Should Dismiss The Alleged Violations Of NRS 281A.400(7) Or, At A**
5 **Minimum, Find That Any Violations Were Not Willful.**

6 **1. Legal Standard.**

7 NRS 281A.400(7) prohibits a public officer from using governmental time, property,
8 equipment or other facility to benefit his significant personal or pecuniary interest, or any person to
9 whom he has a commitment in a private capacity. “Limited use” of government resources is
10 permitted, however, if (i) the public officer or employee who is responsible for and has authority to
11 authorize the use of such property, equipment, or other facility has established a policy allowing the
12 use or the use is necessary as a result of emergency circumstances; (ii) the use does not interfere with
13 the public officer’s performance of public duties, (iii) the use has a nominal cost, and (iv) the use
14 does not create an appearance of impropriety. *See* NRS 281A.400(7)(a).
15

16 Thus, the Commission must analyze the alleged violations based on the unique facts and
17 circumstances at issue to determine whether Governor Lombardo’s use of his Sheriff’s uniform and
18 badge in the Images falls under the “limited use” exception of NRS 281A.400(7).⁹ *See* NRS
19 281A.710(1) (the Commission must “interpret[] the statutory ethical standard and appl[y] those
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23 ⁸ While Governor Lombardo seriously questions the rationale and effect of the October 7, 2019 Letter
24 from the Executive Director of the Commission to the Nevada Sheriffs’ and Chiefs’ Association
25 (“Sheriffs’ Letter”), *see infra* at Point III.B.2, it is undisputed that the Sheriffs’ Letter did not advise
26 that the use of the uniform and badge conferred an unwarranted advantage or preference under NRS
27 281A.400(2).

28 ⁹ The “appearance of impropriety” element is determinative in this matter as the parties do not dispute
that Governor Lombardo’s use of his uniform and badge did not (i) violate LVMPD policy or any
other applicable law or code; (ii) interfere with his performance of public duties; or (iii) incur more
than a nominal cost. *See* Statement of UDF ¶ 12.

standards to a given set of facts and circumstances regarding the propriety of the conduct of a public officer”). This particularized analysis is especially important where, as here, Governor Lombardo’s alleged violations of NRS 281A.400(7) involve a matter of first impression for the Commission. Indeed, although the Commission has previously addressed the appearance of impropriety (or lack thereof) of an incumbent sheriff using the accoutrements of the office while endorsing another candidate or campaigning for re-election to the office of Sheriff, the Commission has never addressed whether a sheriff may make limited use of his uniform, badge and/or other accoutrements of the office when running for a separate partisan office such as Governor.

Notwithstanding that the Commission’s prior opinions and stipulated agreements do not address the exact issue presented here, Governor Lombardo will briefly detail them to demonstrate the widely-varying results over the last 25 years. The Commission first addressed a sheriff’s use of his uniform and badge in *Kirkland*. There, the Washoe County Sheriff wore his uniform and badge in a televised advertisement in which he endorsed a judicial candidate, which the Commission found could lead voters to believe Washoe County or the Washoe County Sheriff’s Office endorsed the judicial candidate in question. *Id.* at *4. The Commission further reasoned that this type of endorsement might imply that the judicial candidate in question would better enforce the criminal law or that the public would be less protected if the other candidate were elected. *Id.* As a result, the Commission determined that the Washoe County Sheriff’s use of the physical accoutrements of his office to bolster his endorsement of the judicial candidate created an appearance of impropriety under NRS 281A.400(7). *Id.*

This issue next arose in *In re Kuzanek*, Comm’n Op. No. 14-61C (2014) (“*Kuzanek*”) where the Commission addressed the Washoe County undersheriff’s use of his uniform/badge at events and in photographs on the Internet and social media related to his campaign for Washoe County Sheriff. *Id.* at *3. After entering into a stipulated agreement, the Commission found that the undersheriff’s

1 use of his uniform and badge resulted in a visual endorsement, affirmation, and sanction of his
2 campaign by the Washoe County Sheriff's office that created an appearance of impropriety under
3 NRS 281A.400(7). *Id.* at *6-7. More specifically, the Commission found that allowing one candidate
4 for Sheriff to cloak himself in the office by using his uniform and badge would confer an "unfair
5 advantage" over his opponent. *Id.* Nevertheless, the Commission determined that Kuzanek's
6 violation was not "willful" and declined to impose a civil penalty. *Id.* at *7.

7
8 Then, the Commission in *Pitts* considered alleged violations of NRS 281A.400(7) by an
9 incumbent sheriff seeking re-election who appeared in uniform and badge on his campaign website
10 and social media. *Id.* at *4. Recognizing that the issue was one of first impression, the Commission
11 dismissed the alleged violations of NRS 281A.400(7) because no state or local law governed or
12 clarified the duties of elected incumbent sheriffs with respect to the use of the physical accoutrements
13 of office during a re-election campaign. *Id.* at *7.

14
15 Notwithstanding that neither state nor local law had changed in the 3 years since the *Pitts*
16 decision, the Commission in *Antinoro* reversed course and held that "[a]n elected sheriff's use of his
17 official uniform, badge and 'other physical accoutrements' of the public office in the course of
18 supporting his own campaign for re-election [] creates an appearance of impropriety and violates
19 NRS 281A.400(7)." *Id.* at *6. Nevertheless, the Commission then contradicted itself by finding that
20 Antinoro had not violated NRS 281A.400(7) by wearing his uniform and badge in campaign
21 photographs and debates. *Id.* at *7. The parties did, however, agree that the Executive Director
22 would send the Sheriffs' Letter and provide "information and guidance about the Commission's
23 position that the use of uniforms, badges and other physical accoutrements of office by elected
24 sheriffs during their campaigns for re-election creates an appearance of impropriety and violates NRS
25 281A.400(7)." *Id.* at *8.

26
27 Contrary to the Commission's limited directive in *Antinoro* that the Executive Director
28

1 should address an elected sheriff's use of physical accoutrements in a campaign for re-election, the
2 Executive Director instead issued a blanket determination that the Commission "has now definitively
3 concluded that no state or local government law enforcement official, including an elected incumbent
4 official, may wear his/her uniform, badge or other physical accouterment of office, and may not use
5 official letterhead or government email, in support or opposition of a political campaign, including
6 his/her own campaign or as an endorsement. Such use constitutes a violation of NRS 281A.400(7)."
7 See Sheriffs' Letter at *1-2. Put another way, by finding a sheriff's use of a uniform or badge in
8 connection with *any* political campaign always creates an appearance of impropriety under any set
9 of facts, the Executive Director effectively decreed an administrative prohibition that writes out the
10 statutory "limited use" exception previously codified by the Nevada legislature.
11

12 With that background, we now turn to the reasons why the Commission should dismiss the
13 alleged violations of NRS 281A.400(7) against Governor Lombardo.
14

15 **2. The "Appearance Of Impropriety" Is Vague, Arbitrary And Unconstitutional.**

16 "The void-for-vagueness doctrine is rooted in the Due Process Clauses of the Fifth and
17 Fourteenth Amendments." *Carrigan v. Comm'n on Ethics of State*, 129 Nev. 894, 899, 313 P.3d
18 880, 884 (2013). "A law may be struck down as impermissibly vague for either of two independent
19 reasons: (1) if it fails to provide a person of ordinary intelligence fair notice of what is prohibited; or
20 (2) if it so standardless that it authorizes or encourages seriously discriminatory enforcement." *Id.*
21 (quoting *Holder v. Humanitarian Law Project*, 561 U.S. 1, 18 (2010)). "The degree of vagueness
22 that the Constitution tolerates—as well as the relative importance of fair notice and fair
23 enforcement—depends in part on the nature of the enactment." *Id.* (quoting *Vill. Of Hoffman Estates*
24 *v. Flipside, Hoffman Estates, Inc.*, 455 U.S. 489, 498 (1982)). "Civil laws are held to a less strict
25 vagueness standard than criminal laws because the consequences of imprecision are qualitatively
26 less severe." *Id.* Nevertheless, "[s]ince the Ethics in Government Law carries serious sanctions for
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1 disobedience, its terms must be sufficiently explicit to inform those who are subject to it what
2 conduct will render them liable to its penalties.” *Dunphy v. Sheehan*, 92 Nev. 259, 262, 549 P.2d
3 332, 334 (1976) (holding that financial disclosure provisions in Ethics in Government Law are
4 unconstitutionally vague).

5 Here, Governor Lombardo submits that the “appearance of impropriety” standard of the
6 “limited use” exception in NRS 281A.400(7) is wholly subjective and unconstitutionally vague such
7 that it authorizes or encourages seriously discriminatory enforcement.¹⁰ Indeed, unlike the term
8 “unwarranted” in NRS 281A.400(2), the term “appearance of impropriety” is not defined in NRS
9 281A.400(7) or any other provision of the Ethics in Government Law. This lack of clarity and
10 direction is particularly glaring given that the Nevada Supreme Court has repeatedly described the
11 “appearance of impropriety” standard as “ambiguous.” *See Liapis v. Second Judicial Dist. Court*,
12 128 Nev. 414, 418-19, 282 P.3d 733, 736 (2012) (discussing the abandonment of the “appearance of
13 impropriety” standard in the Rules of Professional Conduct governing lawyers); *State v. Eighth*
14 *Judicial Dist. Court*, 130 Nev. 158, 164, 321 P.3d 882, 886 (2014) (“Using a standard that is as
15 ambiguous as the appearance-of-impropriety standard could result in many unnecessary
16 disqualifications, limit mobility from private practice, and restrict the assignment of counsel when
17 no breach of confidences has occurred.”).

18 Other courts have also criticized the “appearance of impropriety” standard as hopelessly
19 arbitrary, subjective and vague. *See, e.g., Marcum v. Scorsone*, 457 S.W.3d 710, 717-18 (Ky. 2015)
20 (describing “appearance of impropriety” standard as “vague,” “possibly deceiving,” and “question-
21 begging”); *Essex Equity Holdings USA, LLC v. Lehman Bros., Inc.*, 909 N.Y.S.2d 285, 294 (N.Y.
22 Sup. Ct. 2010) (“[T]here is a general recognition that ‘appearance of impropriety,’ without more, is
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28 ¹⁰ Governor Lombardo is not mounting a facial challenge to NRS 281A.400(7) under the first prong
of the vagueness doctrine as described by the Nevada Supreme Court in *Carrigan*.

1 too vague a standard to justify disciplinary measures or disqualification.”); *Spargo v. New York State*
2 *Comm’n on Judicial Conduct*, 244 F.Supp.2d 72, 91 (N.D.N.Y. 2003) (voiding sections of Code of
3 Judicial Conduct for vagueness and describing “appearance of impropriety” standard as “arbitrary
4 and subjective”), *rev’d on other grounds in* 351 F.3d 65 (2d Cir. 2003); *Spargo v. New York State*
5 *Comm’n on Judicial Conduct*, 2003 WL 2002762, at *4 (N.D.N.Y. April 29, 2003) (collecting
6 judicial critiques of the “appearance of impropriety” standard, including that it is “beset by legal and
7 moral complexity” and, in the words of former United States Supreme Court Justice Arthur
8 Goldberg, “unbelievably ambiguous”).

10 Nowhere is the lack of clarity and selective application of the “appearance of impropriety”
11 standard more apparent than this Commission’s decisional history concerning the “limited use”
12 exception as applied to a sheriff’s use of his uniform and badge in political campaigns. For example,
13 in *Kuzanek*, the Commission found that the undersheriff’s use of his uniform and badge in support
14 of his campaign for sheriff created an appearance of impropriety and violated NRS 281A.400(7).
15 The Commission, however, declined to find a willful violation and did not impose civil sanctions
16 against Kuzanek. Notwithstanding that *Kuzanek* was decided just two years earlier, the Commission
17 in *Pitts* determined that a sheriff’s use of his uniform and badge in his own re-election campaign did
18 **not** constitute a violation of NRS 281A.400(7) because Nevada’s courts and legislature had not
19 addressed the issue.
20

22 The Commission’s interpretation of “appearance of impropriety” standard changed yet again
23 just four years later in *Antinoro*. There, the Commission stated that an incumbent sheriff’s use of his
24 uniform and badge in support of his own re-election campaign created an appearance of impropriety
25 and violated NRS 281A.400(7). But just two paragraphs later *in the same order*, the Commission
26 found that Antinoro’s use of his uniform and badge in campaign debates and photographs only
27 “implicated” NRS 281A.400(7) and did not rise to the level of an actual violation. The Commission,
28

1 thus, opined in one breath that Antinoro’s conduct would violate NRS 281A.400(7) and, in the very
2 next breath, declined to find that his conduct did, in fact, violate the statute. In short, the
3 Commission’s interpretation and application of the “appearance of impropriety” standard to the use
4 of a sheriff’s uniform and badge for campaign purposes has changed with each consecutive decision
5 from *Kirkland* to *Antinoro*.

6
7 And, to be clear, the Commission’s inconsistent application of the vague “appearance of
8 impropriety” standard in NRS 281A.400(7) was not remedied by the non-binding Sheriffs’ Letter
9 because the Executive Director plainly expanded on the Commission’s directive in *Antinoro*.¹¹
10 Indeed, the Commission in *Antinoro* stipulated that the Executive Director would send a letter to the
11 Nevada Sheriffs’ and Chiefs’ Association advising “that the use of uniforms, badges and other
12 physical accoutrements of office by elected sheriffs *during their campaign for re-election* creates an
13 appearance of impropriety and violates NRS 281A.400(7).” *Id.* (emphasis added). The Sheriffs’
14 Letter, however, enlarged the Commission’s directive in *Antinoro* by barring sheriffs from wearing
15 their uniforms and badges “to support or oppose *any* political campaign,” including a sheriff’s
16 campaign for a different partisan office such as Governor.

17
18 Simply put, the Commission’s interpretation of the “appearance of impropriety” standard has
19 morphed from holding in *Pitts* that a sheriff’s use of his uniform and badge in a re-election campaign
20 did not violate NRS 281A.400(7) to instructing in the Sheriffs’ Letter that the statute effectuates a
21 wholesale prohibition in any political campaign. The Commission’s erratic application of this
22 subjective standard is only exacerbated by the fact that Nevada law (or, in reality, the lack thereof)
23 governing the use of sheriffs’ uniforms and badges in partisan political campaigns did not change in
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27 ¹¹ Governor Lombardo disputes that the Sheriffs’ Letter has any binding legal effect on him or other
28 law enforcement officers in the State. *See Dunphy*, 92 Nev. at 264, 549 P.2d at 336 (observing that
an advisory opinion from the Commission “carries no binding force”).

the 5 years between the *Pitts* and *Antinoro* decisions.

Suffice it to say, the Commission’s inability to consistently interpret the “appearance of impropriety” standard confirms that NRS 281A.400(7) is void for vagueness as applied to the limited use of sheriffs’ uniforms and badges in political campaigns. *See Carrigan*, 129 Nev. at 904, 313 P.3d at 887 (finding conflict-of-interest recusal provision in Ethics in Government law was not unconstitutionally vague on an as-applied basis where the Commission “evenhandedly” sanctioned similarly situated persons); *In re Discipline of Schaefer*, 117 Nev. 496, 512, 25 P.3d 191, 202 (2001) (“We conclude that the non-binding nature of Formal Opinion 8, together with the existence of conflicting authority from other jurisdictions, renders SCR 182 vague as applied to Schaefer[.]”); *Jones v. Schneiderman*, 974 F.Supp.2d 322, 340-41 (S.D.N.Y. 2013) (finding State’s “erratic history of enforcement” of mixed martial arts ban supported as-applied vagueness challenge to statute because “[c]ourts routinely consider such evidence in adjudicating vagueness claims”) (listing supporting cases).¹²

3. If The Commission Finds NRS 281A.400(7) Constitutional, Then It Should Deem Governor Lombardo’s Alleged Violations Not Willful.

In determining whether Governor Lombardo’s alleged violations of NRS 281A.400(7) were willful such that they warrant the imposition of civil penalties, the Commission must consider the

¹² In *In re Public Officer*, Advisory Op. No. 19-124A (2019), the Commission cited *Comm’n of Ethics v. Carrigan*, 564 U.S. 117 (2011) and *Carrigan v. Comm’n on Ethics of State*, 129 Nev. 894, 899, 313 P.3d 880, 884 (2013) for the proposition that “courts have determined that the phrase ‘appearance of impropriety’ is not vague and is constitutional.” This is a gross mischaracterization of the *Carrigan* decisions. Neither the United States Supreme Court nor the Nevada Supreme Court considered a vagueness challenge or addressed the constitutionality of the “appearance of impropriety” standard. *Id.* To the contrary, the Commission’s citation of the *Carrigan* decisions to buttress the constitutionality of the “appearance of impropriety” standard is the exact type of cursory and inaccurate legal analysis that the court vociferously criticized in *Spargo*, 2003 WL 2002762, at *3-4 (rejecting New York state court’s constitutional analysis of “appearance of impropriety” standard where it relied on legal authority where “[n]o constitutional question is raised in any of the cases cited”).

1 following non-inclusive factors:

- 2 1) The seriousness of the violation or alleged violation, including, without limitation, the
3 nature, circumstances, extent and gravity of the violation or alleged violation;
- 4 2) The number and history of previous warnings, letters of caution or instruction, deferral
5 agreements or violations or alleged violations of the provisions of this chapter relating to
6 the public officer or employee;
- 7 3) The cost to conduct the investigation and any meetings, hearings or other proceedings
8 relating to the violation or alleged violation;
- 9 4) Any mitigating factors, including, without limitation, any self-reporting prompt
10 correction of the violation or alleged violation, any attempts to rectify the violation or
11 alleged violation before any ethics complaint is filed and any cooperation by the public
12 officer or employee in resolving the ethics complaint;
- 13 5) Any restitution or reimbursement paid to parties affected by the violation or alleged
14 violation;
- 15 6) The extent of any financial gain resulting from the violation or alleged violation; and
- 16 7) Any other matter justice may require.

17 NRS 281A.775(1).

18 Importantly, the Commission is required to “treat comparable situations in a comparable
19 manner and shall ensure that the disposition of the matter bears a reasonable relationship to the
20 determination of the severity of the violation or alleged violation.” NRS 281A.775(3). This is
21 critical given that the Executive Director is seeking to impose almost \$2 million in fines even though
22 the Commission has *never* deemed a sheriff’s use of his uniform and badge in a political campaign
23 to be a willful violation of NRS 281A.400(7) or imposed civil penalties under NRS 281A.785. In
24 that regard, the Commission has frequently declined to find a willful violation in similar cases based
25 on the following factors: (i) the sheriff has no prior violations of the Ethics in Government law; (ii)
26 no financial gain; (iii) cooperation with the Commission’s investigation and analysis; (iv) similar
27 campaign techniques employed by other law enforcement officers; and (v) conflicts in the law and
28 prior decisions by the Commission. *See, e.g., Pitts; Kuzanek; Antinoro.* With that in mind, Governor

Lombardo will analyze the relevant factors under NRS 281A.775(1) below.

The Seriousness of the Violation

Respectfully, Governor Lombardo submits that the alleged violations of NRS 281A.400(7) are relatively inconsequential, particularly when the Executive Director is seeking approximately \$790,000 in fines as well as the commencement of impeachment proceedings. The sole conduct at issue in this proceeding is the posting of the Images to Governor Lombardo's campaign website and social media pages, which are plainly affiliated with his gubernatorial campaign and not LVMPD. There is no allegation that Governor Lombardo—unlike other sheriffs whose violations were deemed non-willful—appeared at campaign events or debates wearing his uniform or badge or sought to imply that he had received LVMPD's endorsement. There is likewise no harm from the Images as the media frequently published articles related to Governor Lombardo's campaign with photographs of him in his uniform and badge.

In short, the Images only confirm what the voting public already knew, which is that Governor Lombardo served as the Sheriff of Clark County. To that end, other non-uniformed public officials (including his opponent in the race for Governor) have routinely utilized their public titles and accoutrements of office (or former offices) without reproach. For example, Governor Sisolak regularly made appearances in support of his campaign for re-election while donning his Governor's pin.¹³ Similarly, Las Vegas Councilwoman Michele Fiore has posted campaign materials depicting her on the legislature floor and in her City Council seat.¹⁴ Clark County District Attorney Steve Wolfson has also posted photographs to social media pages for his campaign that were taken in

¹³ See Exhibit 38 (Photographs)

¹⁴ *Id.*

1 courtrooms from the Eighth Judicial District Court.¹⁵ The list of Nevada politicians who have
2 engaged in similar conduct during political campaigns goes on.

3 To be clear, Governor Lombardo does not contend that these candidates violated the Ethics
4 in Government law; rather, he submits that these examples merely represent the types of “limited
5 use” contemplated by the Legislature when it enacted NRS 281A.400(7). The only difference
6 between Governor Lombardo and these candidates is that his elected position required a uniform and
7 badge whereas all other elected positions do not. This factor weighs against a finding of willfulness.

8
9 ***History of Prior Violations, Letters of Caution or Warnings***

10 In more than 25 years as a public servant, Governor Lombardo had never been accused of
11 violating the Ethics in Government law before the instant complaint was filed. To the extent the
12 Executive Director contends that the Sheriffs’ Letter constituted a prior warning to Governor
13 Lombardo, the Commission’s decisional history and analysis of the “appearance of impropriety”
14 standard as applied to this issue is hardly a model of clarity. This is especially true because Governor
15 Lombardo’s conduct at issue here does not run afoul of the parameters of the stipulated agreement
16 in *Antinoro*, which was the premise for the Sheriffs’ letter. The Commission should not find that this
17 factor weighs against Governor Lombardo considering it has yet to interpret the “limited use”
18 exception in the same manner on consecutive occasions when addressing a sheriff’s use of his
19 uniform and badge.
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22 ***The Cost Related to the Violation***

23 The cost incurred as a result of the alleged violations by Governor Lombardo is negligible.
24 As the Commission is aware, Governor Lombardo proposed that this matter be resolved through
25 briefing and oral argument rather than forcing the Commission to participate in a time-consuming
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¹⁵ *Id.*

1 investigative proceeding with costly discovery. In short, this contested complaint has been resolved
2 in the most expedient manner possible which weighs against a willful violation.

3 ***Mitigating Factors***

4 Governor Lombardo was not given the opportunity to mitigate the alleged violations prior to
5 the filing of the complaint as the Executive Director made no such request before commencing this
6 action. Since the filing of the complaint, Governor Lombardo and his counsel have cooperated with
7 the Commission, Executive Director and their respective counsel to the fullest extent, including by
8 stipulating to an agreed-upon set of facts and resolving this legal issue on the briefs and oral
9 argument. This factor likewise favors Governor Lombardo.

11 ***Restitution to Affected Parties and Financial Gain***

12 Consistent with the absence of serious harm arising out of the use of the Images in Governor
13 Lombardo's campaign, there are no affected parties to whom restitution or reimbursement is owed.
14 Similarly, Governor Lombardo did not obtain any financial gain arising out of the use of the Images.
15 These factors clearly negate the existence of a willful violation.

17 ***Other Factors***

18 Pursuant to NRS 281A.775(3), Governor Lombardo submits that the Commission should also
19 consider certain factors applied in prior proceedings involving sheriffs and the use of uniforms and
20 badges in political campaigns. Specifically, there is a long history of sheriffs in this State wearing
21 their uniforms and badges in political campaigns with disparate results when the issue is brought
22 before the Commission. Additionally, this proceeding presents a matter of first impression as
23 Governor Lombardo did not run for re-election as Sheriff of Clark County or wear his uniform and
24 badge in support of another candidate. Rather, the Images were used in support of Governor
25 Lombardo's campaign for a different statewide office which is a factual scenario that has yet to be
26 addressed by the Commission. And, lastly, Governor Lombardo strongly maintains his good-faith
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1 position that the “appearance of impropriety” standard in the limited use exception of NRS
2 281A.400(7) is unconstitutionally vague as applied to the facts of this case.

3 Based on the foregoing factors along with this body’s uneven decisional history on this issue,
4 the Commission should find that Governor Lombardo’s alleged violations of NRS 281A.400(7) are
5 not willful if it determines the statute is enforceable as applied to these circumstances.
6

7 **C. The Civil Penalties Threatened By The Executive Director Are Grossly Excessive And**
8 **Unconstitutional.**

9 The Eighth Amendment of the United States Constitution provides “[e]xcessive bail shall not
10 be required, *nor excessive fines imposed*, nor cruel and unusual punishment inflicted.” *Id.* (emphasis
11 added). Article 1, Section 6 of the Nevada Constitution contains the same prohibition of excessive
12 fines. The Nevada Supreme Court has applied the Excessive Fines Clauses in the United States and
13 Nevada Constitutions to invalidate excessive civil penalties and/or forfeitures levied by state
14 regulatory bodies and agencies. *See City of Las Vegas v. Nevada Indus.*, 105 Nev. 174, 178-79, 772
15 P.2d 1275, 1277-78 (1989); *Levingston v. Washoe Co.*, 112 Nev. 479, 488, 916 P.2d 163, 169 (1996),
16 *modified on rehearing*, 114 Nev. 306, 956 P.2d 84 (1998).¹⁶

17 The term “fine” means “a payment to a sovereign as punishment for some offense.” *United*
18 *States v. Bajakajian*, 524 U.S. 321, 327-28 (1998) (citing *Browning-Ferris Indus. of Vt., Inc. v. Kelco*
19 *Disposal, Inc.*, 492 U.S. 257, 265 (1989)). The Excessive Fines Clause “limits the government’s
20 power to extract payments, whether in cash or in kind, as punishment for some offense.” *Austin v.*
21 *United States*, 509 U.S. 602, 609-10 (1993). “The touchstone of the constitutional inquiry under the
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24

25 ¹⁶ The Excessive Fines Clause in the United States Constitution is not limited to criminal forfeitures
26 and applies to civil proceedings where monetary penalties are imposed. *See, e.g., Hudson v. United*
27 *States*, 522 U.S. 93, 103 (1997) (“The Eighth Amendment protects against excessive civil fines...”);
28 *United States v. \$100,438.00 in U.S. Currency*, 354 F.3d 1110 (9th Cir. 2004) (same); *United States*
v. Mackby, 261 F.3d 821 (9th Cir. 2001) (applying Excessive Fines Clause to civil sanctions imposed
under the False Claims Act).

1 Excessive Fines Clause is the principle of proportionality: [t]he amount of the forfeiture must bear
2 some relationship to the gravity of the offense that it is designed to punish.” *Bajakajian*, 524 U.S. at
3 334. Although this is not the case here, the Excessive Fines Clause applies even when there is “a
4 permitted statutory basis for the penalty [as] it will not always be constitutional as applied.” *Id.* at
5 338-39.

6
7 Beginning with the latter point, the plain language of NRS 281A.790(1) does not permit the
8 Commission to impose serial or aggregated fines for each alleged violation of NRS 281A.400(7) by
9 Governor Lombardo. *Platte River Ins. Co. v. Jackson*, 137 Nev. Adv. Op. 82, 500 P.3d 1257, 1259
10 (2021) (“In interpreting a statute, we begin with its plain language.”). Assuming *arguendo* that each
11 post of the Images constitutes a “separate act or event” under NRS 281A.790(1)(b)-(c)—which is
12 highly questionable at best—the fact remains that the statute only allows the Commission to impose
13 civil penalties not to exceed \$5,000 for the “first willful violation,” \$10,000 for the “second willful
14 violation,” and \$25,000 for the “third willful violation.” Put another way, if the Commission finds
15 that Governor Lombardo committed three willful violations of NRS 281A.400(7) then it has the
16 discretion to impose fines in the aggregate amount of \$40,000. That is it.

17
18 Indeed, contrary to the Executive Director’s flawed interpretation, NRS 281A.790(1) does
19 not contain any language that would permit the Commission to impose civil penalties beyond the
20 “third willful violation.” For example, the legislature could have easily drafted NRS 281A.790(1)
21 to allow civil penalties for “each” willful violation of the statutory scheme. Similarly, the legislature
22 could have crafted NRS 281A.790(1)(c) to provide that the Commission may impose a fine of
23 \$25,000 for the “third and each subsequent willful violation.” But the legislature did not employ
24 language in NRS 281A.790(1) that would permit the Commission to impose civil penalties for each
25 subsequent willful violation beyond the third.
26

27 That omission is presumed to be intentional under Nevada law. *Moore v. State*, 117 Nev.
28

659, 661, 27 P.3d 447, 449 (2001) (“In construing a statute, our primary goal is to ascertain the legislature’s intent in enacting it, and we presume that the statute’s language reflects the legislature’s intent.”). This is especially true where NRS 281A.790(4)(c)(2)—a different section in the same statutory scheme—expressly contemplated that a public officer may commit “three *or more* willful violations” when addressing removal proceedings for public officers. *See Williams v. State Dep’t of Corr.*, 133 Nev. 594, 598-99, 402 P.3d 1260, 1264 (2017) (courts “must presume that the variation in language indicates a variation in meaning” when interpreting statutes to ascertain legislative intent) (listing cases).

Even if NRS 281A.790(1) granted the Commission the ability to impose civil penalties on Governor Lombardo in excess of \$40,000—and it does not—the fines sought by the Executive Director clearly violate the Excessive Fines Clauses in the United States and Nevada Constitutions. To be sure, the Executive Director is seeking to impose civil penalties on Governor Lombardo in the approximate amount of \$790,000 because the Images were posted to his campaign website and social media accounts on 33 occasions—a purported violation that is not a crime, did not cause any financial harm to the public, or create any identifiable advantage for Governor Lombardo in the gubernatorial race. Suffice it to say, the Executive Director’s threat to seek several hundreds of thousands of dollars based on a handful of photographs on Governor Lombardo’s campaign website and social media accounts is grossly disproportionate to the gravity of the alleged offense and blatantly unconstitutional.

D. The Executive Director’s Threat Of Impeachment Is Patently Absurd.

In addition to pursuing an eye-watering amount of civil penalties for the purported violations, the Executive Director unequivocally threatened Governor Lombardo with impeachment proceedings before the legislature pursuant to NRS 281A.790(4)(b). That subsection of the statute, however, only applies when the Commission has found “[o]ne of more violations of this chapter

1 have been committed *by a state officer removable from office only through impeachment.*” *Id.*
2 (emphasis added). Here, Governor Lombardo committed the alleged violations while he was a public
3 officer—*i.e.* the Sheriff of Clark County—and subject to judicial removal proceedings under NRS
4 281A.790(4)(c). *Id.* (if the Commission finds “one or more violations have been committed *by a*
5 *public officer other than a public officer described in paragraphs (a) and (b)*” then the appropriate
6 remedy is commencing a proceeding for judicial removal).
7

8 In short, the Executive Director cannot take alleged violations committed by Governor
9 Lombardo in his capacity as Sheriff of Clark County—a position subject to judicial removal under
10 subsection (c)—and use them to seek his impeachment under subsection (b). These provisions
11 expressly provide separate mechanisms for the removal of a public officer from the office in which
12 he or she “committed” the alleged violations. The Executive Director cannot blend the statute to
13 obtain his desired result. Regardless, the issue of removal from office is moot because Governor
14 Lombardo no longer serves as the Sheriff of Clark County.
15

16 IV. CONCLUSION

17 Based on the foregoing, Mr. Lombardo respectfully requests that the Commission grant
18 summary judgment in his favor and dismiss the Complaint. In the alternative, Governor Lombardo
19 respectfully requests that the Commission deem the alleged violations not willful and decline to enter
20 the excessive and unlawful penalties sought by the Executive Director.
21

22 DATED this 22nd day of March, 2023.

23 CAMPBELL & WILLIAMS

24 By /s/ **Philip R. Erwin**

25 J. COLBY WILLIAMS, ESQ. (5549)

26 PHILIP R. ERWIN, ESQ. (11563)

27 SAMUEL R. MIRKOVICH, ESQ. (11662)

28 710 South Seventh Street, Suite A

Las Vegas, Nevada 89101

Attorneys for Governor Joseph Lombardo

EXHIBIT 36
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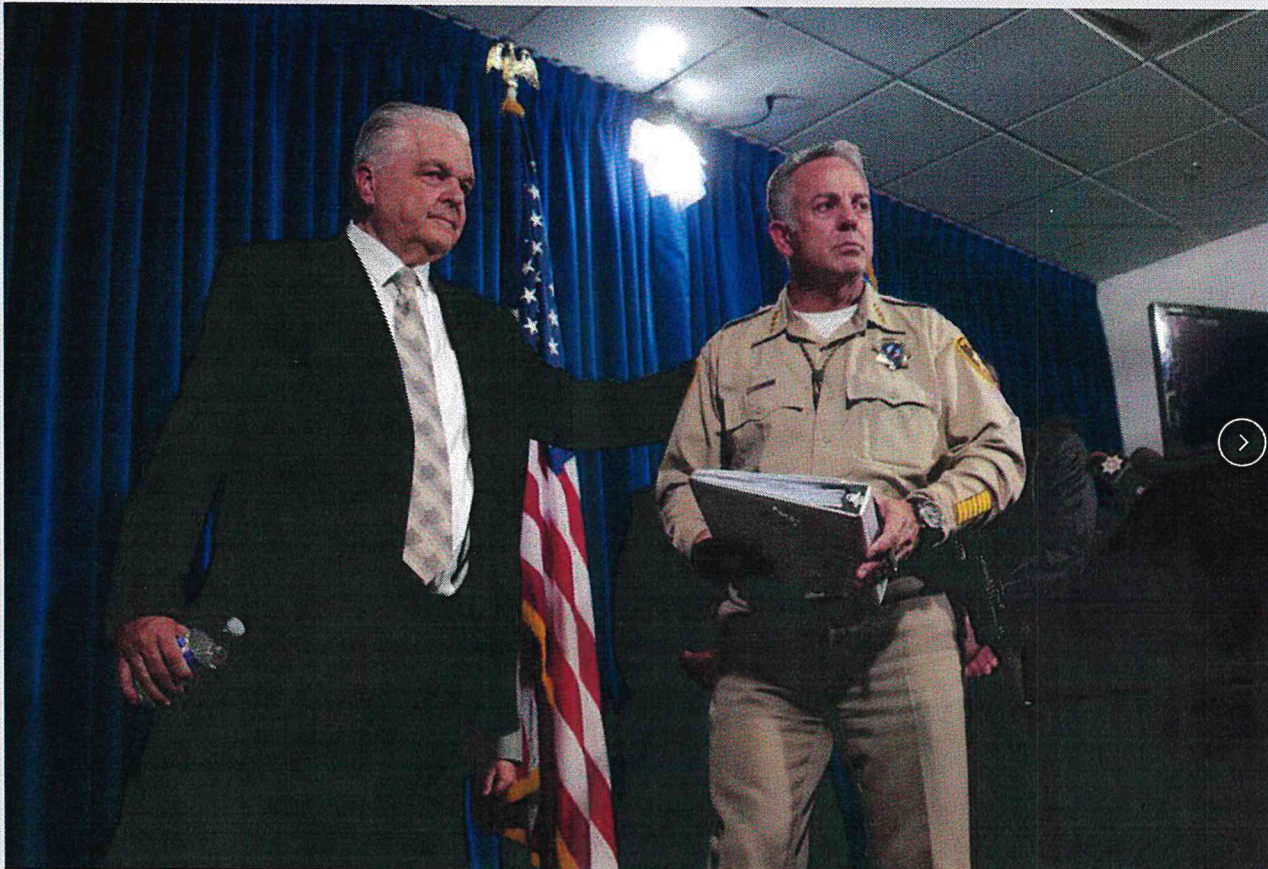


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No fondness between GOP, Dem candidates for Nevada governor

By KEN RITTER October 18, 2022



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LAS VEGAS (AP) — Five years ago, Nevada Gov. Steve Sisolak and Joe Lombardo stood together in the national spotlight, kicking off a fund that raised millions of dollars for victims of the deadliest mass shooting in modern U.S. history on the Las Vegas Strip.

Sisolak, a Democrat, at the time was chairman of the powerful Clark County Commission, the elected body with jurisdiction over Las Vegas. He praised Lombardo, the nonpartisan elected Clark County sheriff and head of the Las Vegas Metropolitan Police Department, the largest



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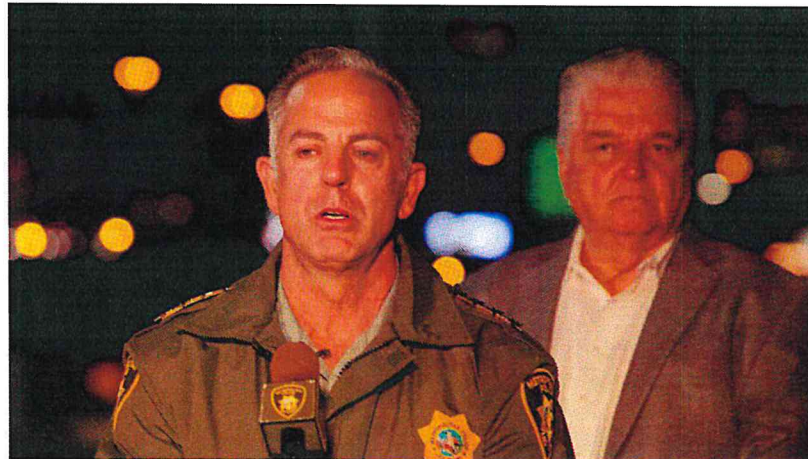
Clark County Sheriff Joe Lombardo slams Sisolak, touts executive experience on campaign trail

GOP governor hopeful and longtime Las Vegas trying to make inroads in Washoe



James DeHaven
Reno Gazette Journal

Published 9:54 a.m. PT July 1, 2021 | Updated 5:25 a.m. PT Nov. 2, 2021



Clark County Sheriff Joe Lombardo briefs members of the media outside Metro Police headquarters early Monday, Oct. 2, 2017, after a mass shooting at a music festival on the Las Vegas Strip on Sunday. Clark County Commission Chairman Steve Sisolak stands behind Lombardo at right. (Yasmina Chavez/Las Vegas Sun via AP) Yasmina Chavez, AP

Joe Lombardo wants Northern Nevada voters to know he's more than just a cop.

But at this early stage in Republicans' race to replace Gov. Steve Sisolak, he has to make sure they know him at all.

That's why the two-term Clark County sheriff opened his inaugural campaign for governor with a Tuesday media blitz in Reno — the same place where Lombardo initially confirmed his candidacy in May.

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ELECTIONS

Trump endorses Lombardo in Nevada's governor race

Republicans are seeking to topple Gov. Steve Sisolak.



Clark County Sheriff Joe Lombardo is running for governor of Nevada. | Ethan Miller/Getty Images

By **ZACH MONTELLARO**

04/27/2022 09:36 PM EDT



Former President Donald Trump has waded into the contentious Nevada Republican gubernatorial primary, throwing his support behind Clark County Sheriff Joe Lombardo.

Nevada is among the top gubernatorial targets for Republicans this cycle.

Trump's statement Wednesday praised Lombardo on the Second Amendment, immigration and other issues: "Joe Lombardo is the leader Nevada needs, and he has my Complete and Total Endorsement for Governor!"

The primary is in mid-June. Trump endorsed former state Attorney General Adam Laxalt last summer to face Democratic Sen. Catherine Cortez Masto.

Laxalt has been a chief proponent of Trump's lies about the 2020 election in the state. In a [recent interview with The Nevada Independent](#), Lombardo recognized President Joe Biden as the duly elected president but said he would support repealing the state's recently enacted universal mail voting system.

Biden narrowly carried the state in 2020.

State of the race: A pair of polls earlier this month have painted a muddled picture of a potential general election match-up between Lombardo and Sisolak.

A [poll from the Nevada Independent/OH Predictive Insights](#) had Sisolak with a nine point lead over Lombardo — 44 percent to 35 percent — while a [Reno Gazette Journal/Suffolk University](#) had the two deadlocked, with Lombardo at 39 percent to Sisolak's 37 percent.

Sisolak is carrying a significant war chest into the race, however. His campaign has [nearly \\$10 million in the bank](#) as of the end of the first quarter of the year,

FILED UNDER: ELECTIONS, DONALD TRUMP, DONALD TRUMP 2020, STEVE SISOLAK

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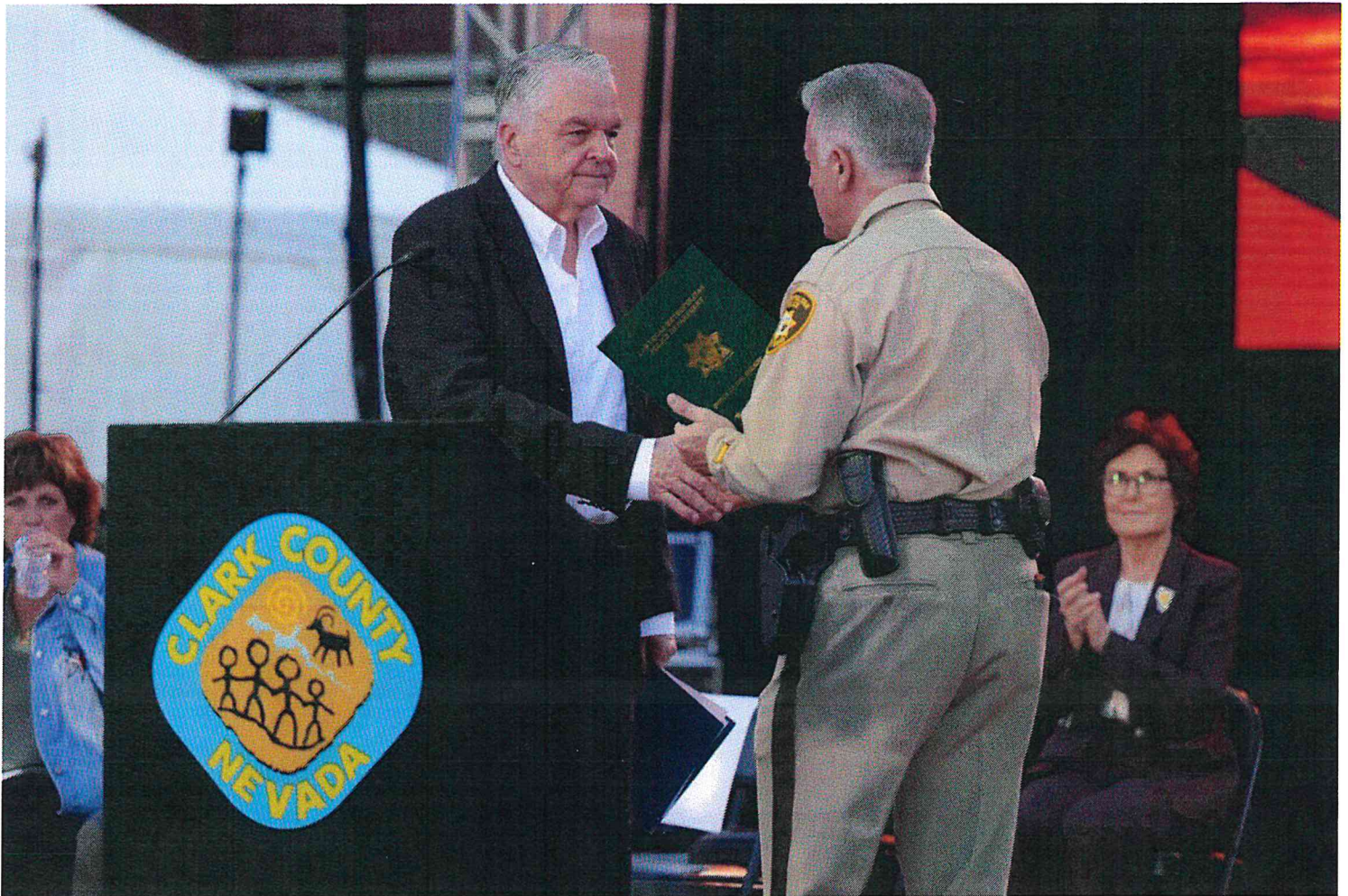
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2022 ELECTION

In Nevada governor's debate, Trump-backed Lombardo seeks distance from former president

The 90-minute showdown between Democratic Gov. Steve Sisolak and Republican challenger Joe Lombardo was most likely their only faceoff before Election Day.



— Nevada Gov. Steve Sisolak, left, and Clark County Sheriff Joe Lombardo shake hands during a remembrance ceremony Saturday, the fifth anniversary of the mass shooting at the Route 91 Harvest music festival in Las Vegas. David Becker / Getty Images

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Oct. 2, 2022, 2:42 PM PDT / Updated Oct. 2, 2022, 4:05 PM PDT

By Adam Edelman

LAS VEGAS – In a wide-ranging and mostly civil debate in Las Vegas, Democratic Gov. Steve Sisolak and Republican challenger Joe Lombardo, the sheriff of Clark County, duked it out over education, taxes, inflation and abortion.

Notably, they agreed on only one issue: that the 2020 election was not stolen.

Asked by moderator Jon Ralston whether he agreed with former President Donald Trump's false claims that the last presidential election in Nevada was "rigged," Lombardo said, "No, I do not.

"There was modicum of fraud, but nothing to change the election," he said.

Asked whether he thought Trump was a "great president," Lombardo said, "I wouldn't use that adjective.

"He was a sound president," he said, with policies that were "beneficial" to the country that helped "move it forwards versus backwards."

But about Trump's claims of 2020 election fraud, Lombardo said, "It bothers me.

"I'm not shying away from that," Lombardo said. "I don't stand by him in that aspect."

Asked whether Trump, with such claims, "undermined confidence" in the system, Lombardo replied, "Yes, he did.

"You're never going to agree with anybody 100% and everything they do. Even in my own party, there's people that don't agree with 100% of what I present forward, but you know, you gotta look at the totality of the person and their leadership," Lombardo added, in reference to Trump.

Lombardo, whom Trump endorsed, has said that he didn't think there was widespread fraud in the 2020 election in Nevada and that Joe Biden was legitimately elected president.

But his latest comments marked a shift further away from Trump, putting more political distance between them less than a week before he is set to campaign with the former president and Republican Senate candidate Adam Laxalt at a large rally in Reno.

Elizabeth Ray, a spokesperson for the Lombardo campaign, said Lombardo had been "very consistent on where he has stood with election integrity and election fraud."

Meanwhile, Sisolak, in a brief interview with reporters after the debate, criticized Lombardo for suggesting there was even a "modicum" of fraud in Nevada elections.

“There’s no fraud,” Sisolak said.

Sunday's 90-minute showdown, organized by the Nevada Independent news organization at a studio in Las Vegas, was expected to be the candidates' only faceoff before Election Day. Lombardo and Sisolak, considered one of the most vulnerable Democratic governors in the U.S., haven't agreed on any additional debates or town halls, although several have been proposed.

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WHITE HOUSE

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The pair are locked in a tight race in the closely watched battleground state.

The nonpartisan Cook Political Report has [rated](#) the race a “toss-up,” and RealClearPolitics' latest polling [average](#) shows Lombardo leading Sisolak by 1.6 percentage points in the state, which Biden won in 2020 [by 2.4 percentage points](#) – or a little less than 33,600 votes. Sisolak won his first term in 2018 against Laxalt, who is now running for the Senate, by about 4 percentage points.



— Clark County Sheriff Joe Lombardo speaks Saturday at the Sunrise Remembrance ceremony in Las Vegas. David Becker / Getty Images

Sisolak was asked whether he thought Biden – whose approval rating in Nevada has slumped below 40% – is a “great president.”

He called Biden a “very good president” who “inherited a lot of problems from Donald Trump that he’s working through.”

“A lot of what he’s being accused of – this inflation situation – [is] not necessarily his fault,” Sisolak said. “He doesn’t control the price of gasoline, no more than I control the price of a chicken and ground beef at the stores. So I think that the president has done well with what he’s been presented with.”

Sisolak and Lombardo also sparred over education and abortion – an issue on which Sisolak has accused Lombardo of frequently changing his positions.

Asked to clarify his position on abortion, Lombardo maintained that, even though his “personal belief is pro-life,” abortion is legal under Nevada law until the 24th week of pregnancy.

“It’s codified in law,” he said. “There’s nothing that the governor can do to change it.

“I have no intention of re-addressing the issue,” he said.

In May, Lombardo [said](#) he would support a voter referendum that would propose changing the law to ban abortion after the 13th week of pregnancy – a position he has since disavowed.

He has also said at various points that he would support parental notification measures and waiting periods for abortions. He said this year that he would, as governor, consider repealing an executive order implemented [by Sisolak that created protections](#) for women from out of state seeking abortion care in Nevada – but [last week he said](#) he would commit to not repealing the order if he is elected.

Asked about his changing support for the 13-week ban, Lombardo said he had “thought about it more and evaluated.”

Asked whether, if he is elected, he would propose or support any measure that would “weaken” the right to abortion, Lombardo said, “I would support the vote of the people.”

But after Ralston pointed out that the governor still has power to “erode” abortion protections, Lombardo asked the moderator to go through a list of specific measures – including waiting periods and mandatory ultrasound scans – and responded with a different answer to each one.

“I’m supportive of whatever’s the benefit to a woman and her baby,” Lombardo said during the exchange.

In a brief interview, Ray, the Lombardo campaign spokesperson, said Lombardo's position was that specifics about abortion access were issues that “need to be decided by Nevadans and Nevadans alone.” She said Lombardo would “be supportive of anyone bringing forward a ballot measure” about abortion restrictions, because Lombardo supports “the vote of the people.”



Adam Edelman

Adam Edelman is a political reporter for NBC News.



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Gov. Steve Sisolak, Sheriff Joe Lombardo set Oct. 2 debate in Nevada governor race

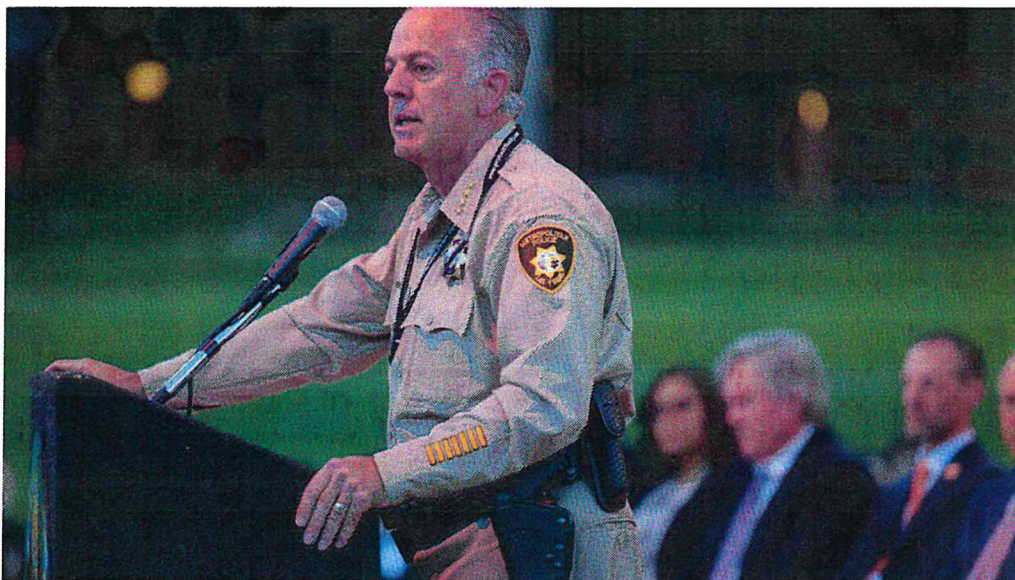


Photo by: LAS VEGAS NEWS BUREAU

Sheriff Joe Lombardo speaks during the 1 October Sunrise Remembrance ceremony Tuesday, October 1, 2019, at the Clark County Government Center amphitheater. (Sam Morris/Las Vegas News Bureau)

**AP** By: Associated Press

Posted at 2:19 PM, Aug 29, 2022 and last updated 2:19 PM, Aug 29, 2022

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Gov. Steve Sisolak, a Democrat seeking a second term, will square off at the Oct. 2 forum in Las Vegas with Clark County Sheriff Joe Lombardo, the Republican nominee, during a third annual policy and politics forum hosted by the Nevada Independent and dubbed IndyFest.

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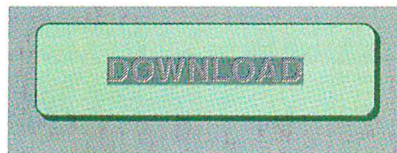
Representatives from the news site and both campaigns confirmed the plans on Friday. A specific time for the event to be streamed online from a media studio was not announced.

Longtime Nevada political journalist and news site CEO Jon Ralston will moderate the 90-minute town hall and invited questions submitted by readers, said Elizabeth Thompson, Nevada Independent editor.

The rival campaigns have made announcements in recent weeks about "debates" but have not confirmed other plans featuring the two candidates at the same place at the same time.

Lombardo campaign aide Elizabeth Ray pointed to a statement last week about "committing to three debates across the state," in Elko, Las Vegas and Reno.

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Sisolak campaign aide Reeves Oyster said in a statement that "Lombardo has yet to accept the previously agreed to debates."

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EXHIBIT 37
E-Mail Correspondence

Subject: Ethics Case Nos. 21-062, 21-082, 22-107C (Lombardo)- FOR SETTLEMENT PURPOSES ONLY
Date: Thursday, November 17, 2022 at 8:58:37 AM Pacific Standard Time
From: Elizabeth Bassett
To: Sam Mirkovich
CC: Ross Armstrong
Attachments: image001.jpg

Hi Sam-

Considering the upcoming deadlines and scheduled hearings in Case Nos. 21-062C and 21-082C, before either party needs to put significant work into Case No. 22-107C, and before your client is sworn into his new position and our statutes require that additional actions be taken, the Executive Director and I wanted to make a global settlement offer to settle all three of your client's currently pending ethics matters. The Executive Director offers to settle all three of these matters for the following terms:

- Sheriff Lombardo would stipulate to three willful violations of the Ethics Law: 2 willful violations for violations as identified in Case Nos. 21-062C and 21-082C and 1 willful violation for violations as identified in Case No. 22-107C
- A total fine of \$50,000
- Censure from the Commission
- Ethics training for all staff within 30 days of your client's inauguration as Governor
- A designated ethics officer in his office for his first term as Governor (this would be a member of his team with this designation, not an entire separate position)

There are a number of reasons that we believe this is an extremely fair offer to resolve all three of these cases. We reasonably believe that we can prove and obtain at least 80 willful violations against Sheriff Lombardo in these three matters. Pursuant to NRS 281A.790(1), the total potential civil penalties that could be imposed for 80 willful violations would be \$1,965,000. A fine of \$50,000 is therefore a very reasonable offer.

Additionally, NRS 281A.7904(c) currently applies to Sheriff Lombardo as a public officer prior to his taking office as Governor. Once he is sworn in as Governor, he becomes a state officer to whom (b) of that statute applies. Under (c), the Commission "[s]hall file a complaint in the appropriate court for removal of the public officer pursuant to NRS 283.440 when the public officer is found . . . to have committed three or more willful violations of this chapter." However, if we were able to enter into a stipulation at our December meeting while he is still Sheriff, since Sheriff Lombardo would no longer be subject to (c) by early January, we believe the issue of filing such a complaint would be moot and would not pursue that issue.

Please let me know if you have any questions or would like to discuss the offer or anything else in this email further. I know that I am asking for a quick turn-around at a very busy time, but to be able to have a proposed stipulated agreement before the Commission for their review and approval before your client's inauguration, we would need to have a draft prepared by roughly the end of this month.

Thank you,
Liz

Elizabeth J. Bassett, Esq.
Associate Counsel

Nevada Commission on Ethics



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(775) 687-5469, ext. 229
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EXHIBIT 38

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Dean Heller: Heart of Nevada



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Dean Heller: Heart of Nevada



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October 19 ·

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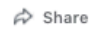
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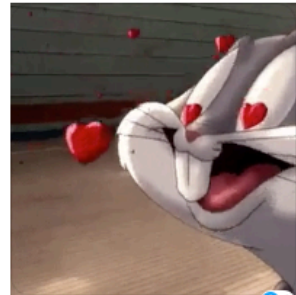
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Steve Sisolak
January 7 at 11:54 AM · 🌐
3 years ago, I took an oath.

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One-on-one with Nevada Gov. Steve Sisolak on COVID-19, the economy and Republican attacks

by Ben Margiott | Friday, October 29th 2021



Nevada Gov. Steve Sisolak sits for an interview with News 4-Fox 11 in Carson City on Oct. 29, 2021.



CARSON CITY, Nev. (News 4 & Fox 11) — Nearly three years into his term as Nevada governor, Steve Sisolak sat down with News 4-Fox 11 for an exclusive one-on-one interview about COVID-19, the economy and more.

With Election Day 2022 just over a year away, the 67-year-old Democrat is also gearing up for campaign season while his Republican opponents duke it out in a crowded primary field.

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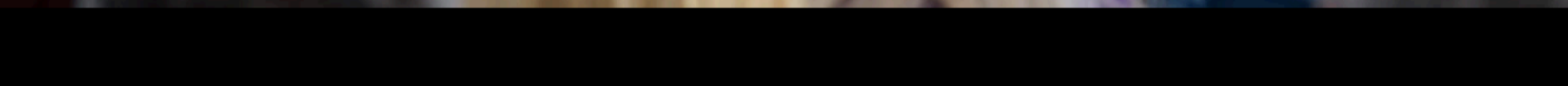
We're getting in the holiday spirit with [@985KLUC](#) & [@chetbuchanan](#) at [@NVEnergy](#)

This year, my family brought the trifecta - 3 bikes, 3 board games & 3 gift cards for my third year in office as Gov.

Come down before Dec 13 - one bike, one toy, one gift card makes a difference.



8:16 AM · Dec 9, 2021 · Twitter for iPhone





Steve Wolfson District Attorney

October 13, 2022 · 🌐

District Attorney Steve Wolfson's prosecutors seek justice daily, prosecuting violent and repeat offenders. Because public safety is Steve Wolfson's #1 priority. EXPERIENCE MATTERS – Re-elect District Attorney Steve Wolfson



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*Attorney for Ross E. Armstrong, Esq., Executive Director
Nevada Commission on Ethics*

STATE OF NEVADA

BEFORE THE COMMISSION ON ETHICS

In re **Joseph M. Lombardo**,
Sheriff of Clark County,
State of Nevada,

Consolidated Ethics Complaint
Case Nos. 21-062C, 21-082C

Subject /

**EXECUTIVE DIRECTOR'S OPPOSITION TO
SUBJECT'S MOTION FOR SUMMARY JUDGMENT**

Ross E. Armstrong, Esq., Executive Director of the Nevada Commission on Ethics ("Commission"), through the Commission's Associate Counsel, Elizabeth J. Bassett, Esq., submits this Opposition to Subject Joseph M. Lombardo's ("Subject or "Lombardo") Motion for Summary Judgment ("Motion").

ARGUMENT

I. INTRODUCTION

A. Subject Misrepresents the Contents of the Executive Director's Protected, Private Settlement Negotiations

In his "Procedural History" section, Subject refers to and attaches correspondence from Executive Director's counsel to Subject's counsel, alleging the correspondence contains "threats" regarding the Ethics Law violations alleged in these matters. What Subject fails to disclose, however, is that the referenced

1 correspondence was a ***private, protected settlement communication***, as is clearly
2 indicated in the subject line of the attached email.

3 As is customary in settlement negotiations, the Executive Director's counsel
4 provided Subject's counsel with information regarding what violations and penalties
5 the Executive Director reasonably believed he could obtain against Subject and then
6 made a settlement offer to resolve these matters, along with a third matter. No threats
7 were made against Subject in the correspondence.

8 The Motion also misrepresents the contents of the correspondence, arguing
9 that the Executive Director's counsel stated a belief "that the Commission can
10 somehow seek to commence impeachment proceedings against Governor
11 Lombardo". This is the exact opposite of what was stated. In fact, the information
12 provided in the correspondence was that once he was sworn in as Governor, NRS
13 281A.790(4)(b) would apply to Lombardo and he could then ***only*** be impeached by
14 the Assembly, not the Commission.

15 What the correspondence brought to Subject's attention is the ***requirement***
16 within the Ethics Law that if the Commission finds a single willful violation against
17 Lombardo after he were sworn in as Governor, that it ***must*** provide that information to
18 the Speaker of the Assembly and the Majority Leader of the Senate. The Commission
19 would not have any discretion on this issue. What the Legislature does with the
20 information once received is then wholly within the Legislature's constitutional powers,
21 which may include a variety of sanctions, up to and including impeachment.¹

22 Subject's attempt to misrepresent the contents of a private, protected
23 settlement negotiation, which never should have been shared in the context of a
24 dispositive motion, must be disregarded.

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27 ¹ For example, former Comptroller Kathy Augustine was impeached, but not removed, by the
28 Legislature when she was found to have committed a willful violation of the Ethics Laws during her
reelection campaign.

1 **B. Legal Standard on Summary Judgment**

2 To be entitled to summary judgment, the moving party must demonstrate both
3 the absence of genuinely contested material facts as well as a prima facie entitlement
4 to judgment as a matter of law based upon undisputed evidence that would be
5 admissible at trial. See *Cuzze v. Univ. & Cmty. Coll. Sys. of Nev.*, 123 Nev. 598, 602-
6 03, 172 P.3d 131, 134 (2007) (moving party must make initial showing of both an
7 absence of genuinely disputed material facts as well as entitlement to judgment as a
8 matter of law before burden shifts to opposing party). "Summary judgment cannot be
9 granted unless and until all of these requirements are satisfied." See *Nutton v. Sunset*
10 *Station, Inc.*, 357 P.3d 966, 131 Nev. Adv. Op. 34 (Nev. App., 2015).

11 **II. LEGAL ANALYSIS**

12 **A. The Executive Director Has Shown He Is Entitled to Summary Judgment**
13 **on Both Claims Alleged Against Lombardo**

14 In his Motion for Summary Judgment in this matter, the Executive Director has
15 shown that he is entitled to summary judgment as to all claims alleged against
16 Subject. As the Executive Director is entitled to summary judgment as to both NRS
17 281A.400(2) and (7), Subject's Motion necessarily fails.

18 **B. Subject's Argument Regarding NRS 281A.400(2) is Based on a**
19 **Misstatement of the Ethics Law**

20 Subject argues that for a violation of NRS 281A.400(2) there must be a
21 separate violation of state or local law. This is a misstatement of the Ethics Law.
22 NRS 281A.400(2) provides:

23 A public officer or employee shall not use the public officer's or
24 employee's position in government to secure or grant unwarranted
25 privileges, preferences, exemptions or advantages for the public officer or
26 employee. As used in this subsection, "unwarranted" means without
27 justification or adequate reason.

28 Nothing in the statute requires a separate violation of state or local law.

1 In *In re Public Officer*, Comm'n Op No. 19-124A (2020), citing to the very same
2 cases Subject alleges support his position, the Commission "continued to caution" that
3 the use of any accouterments of office in a campaign or endorsement is unwarranted
4 and violates NRS 281A.400(2). The advisory opinion also states that local
5 government policies cannot violate or be materially different from State laws;
6 therefore, Clark County's Codes and LVMPD's Political Activities Policies do not
7 overrule the Ethics Law.

8 In *In re Kirkland*, Comm'n Op. No. 98-041 (1999), the Commission
9 reviewed whether an elected public officer's use of an official title, uniform
10 and badge to provide a private political endorsement was unwarranted.
11 The Commission found that an elected public officer's use of only a name
12 and title were not precluded by the Ethics Law. However, any use of an
13 official position including any accouterments of public office to bolster the
14 political endorsement was inappropriate because it creates the impression
15 of government sanction. A hard line was established to guide elected
16 public officers to assure compliance with the Ethics Law and opinion
17 precedent. "The power and prestige of the [public] office" may not be used
18 to bolster private political endorsements." *In re Antinoro*, Comm'n Op. No.
19 18-031C/18-052C (2019), at p. 6, citing *In re Kuzanek*, Comm'n Op. No.
20 14-61C (2014).

21 The Commission **continues to caution** against any attempt, even an
22 incidental one, to bolster a political endorsement by the use of a public
23 office and associated accouterments or any governmental property,
24 equipment or resources. **Such uses provide the impression that the
25 public officer is acting in an official capacity implicating NRS
26 281A.400(2).** Likewise, the use of official authority to excuse a public
27 officer's own compliance or to create or manipulate established policies in
28 order to secure private campaign advantages will be considered by the
Commission to determine whether there is compliance with NRS
281A.400, the Code of Ethical Standards. See *In re Antinoro*, Comm'n Op.
No. 16-54C (2017). It is a fundamental principle of law that established
local governmental policies may not be violative of or materially
inconsistent with State Law. See *Clark County Social Serv. Dep't v.
Newkirk*, 106 Nev. 177, 789 P.2d 227 (1990).

In re Public Officer, Comm'n Op. No.19-124A (2020), pgs. 5-6 (emphasis added).

The stipulated facts establish that Subject used the power and prestige of his
office through the use of uniform and badge to bolster his private interest. Subject

therefore fails to meet the summary judgment standard as to the NRS 281A.400(2) violations and his Motion must be denied.

C. Subject Does Not Meet the Standard for Summary Judgment as to the Allegation Regarding NRS 281A.400(7)

a. Even if Subject Prevailed on His Argument Regarding the Constitutionality of the Exception to NRS 281A.400(7), It Would Not Relieve His Violations of The Ethics Law

The entirety of Subject's argument in opposition to the Executive Director's allegation that he violated NRS 281A.400(7) is that the fourth prong of the exception to that statute is unconstitutionally vague. Even if Subject were to prevail on this argument, however, it would not result in the entirety of NRS 281A.400(7) being deemed unconstitutional—only the *exception* contained in subsection 7(a) to that statute would be unconstitutional.

NRS 0.020 provides:

1. If any provision of the Nevada Revised Statutes, or the application thereof to any person, thing or circumstance is held invalid, such invalidity shall not affect the provisions or application of NRS which can be given effect without the invalid provision or application, and to this end the provisions of NRS are declared to be severable.

2. The inclusion of an express declaration of severability in the enactment of any provision of NRS or the inclusion of any such provision in NRS, does not enhance the severability of the provision so treated or detract from the severability of any other provision of NRS.

Therefore, even if Subject could show that the exception to NRS 281A.400(7) is unconstitutional (which the Executive Director disputes²) the only effect would be that

² Subject argues that NRS 281A.400(7)(a)(4) is unconstitutionally vague because it encourages "seriously discriminatory enforcement". The Nevada Supreme Court considered, and rejected, a similar argument in *Carrigan v. Comm'n on Ethics of Nev.*, 129 Nev. 894, 904, 313 P.3d 880, 887 (2013) finding "Analyzed on an as-applied basis, see *United States v. Jones*, 689 F.3d 696, 702 (7th Cir. 2012) ("Vagueness challenges are normally evaluated in light of the particular facts of the case, not in general."), Carrigan's claim that NRS 281A.420(2)(c) and NRS 281A.420(8)(e) are so lacking in

1 the invalid sections of the exception would be severed from the remainder of NRS
2 281A.400(7), which would still apply to Subject.

3 As shown in the Executive Director's Motion for Summary Judgment, a violation
4 of NRS 281A.400(7) occurs when a public officer (1) uses governmental time,
5 property, equipment or other facility, (2) to benefit his significant personal or pecuniary
6 interest. NRS 281A.400(7).

7 Subject had a significant personal and financial interest in being elected
8 Governor of Nevada. See *In re Public Officer*, Comm'n Op. No.19-124A (2020), at p.
9 4; *In re Antinoro*, Comm'n Op. Nos. 18-031C/18-052C (2019); *In re Matson*, Comm'n
10 Op. No. 11-67C (2014). He used government property—his Sheriff uniform and
11 badge—in support of his efforts to be elected Governor. Subject therefore used
12 governmental property and equipment to benefit his significant personal or pecuniary
13 interest in being elected—a violation of NRS 281A.400(7).

14 Subject's Motion therefore fails to meet the summary judgment standard.

15 **b. The Commission's Legal Precedent Regarding NRS 281A.400(7)**

16 In addressing his violation of NRS 281A.400(7), Subject's Motion cites to and
17 discusses some of the Commission's previous cases involving campaigns and the use
18 of uniforms, badges and the accouterments of office, but fails to include all of the
19 relevant information necessary to understand the Commission's findings in each case.
20 The following table summarizes all the Commission's cases on this issue, notes any
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24 standards as to authorize or encourage "seriously discriminatory enforcement," *Humanitarian Law*
25 *Project*, 561 U.S. at 18, 130 S. Ct. at 2718 (*quoting United States v. Williams*, 553 U.S. 285, 304, 128
26 S. Ct. 1830, 170 L. Ed. 2d 650 (2008)), also fails. Nothing in the record suggests that the bipartisan
27 [Ethics] Commission harbored an improper motive or failed to sanction other similarly situated persons.
28 On the contrary, the Commission evenhandedly sanctioned another council member for his vote
against the Lazy 8 project because of an undisclosed business relationship with the Nugget, a
competing casino that opposed the Lazy 8. See *In re Salerno*, No. 08-05C (Nev. Comm'n on Ethics,
Dec. 2, 2008). *Id.* Regarding NRS 281A.400(7) violations for the use of uniforms, badges and
accouterments of office in campaigns, the Commission has consistently treated all similarly situated
subjects even handedly. Subject's argument would therefore fail.

special facts that impacted the outcome and shows the development of the Commission's precedent:

<u>Case</u>	<u>Complaint /Advisory Opinion</u>	<u>Violation</u>	<u>Willful</u>	<u>Special Facts</u>
98-41A (Kirkland)	Advisory	None	N/A	The Commission advised Sheriff Kirkland not use his uniform, badge, employees or other physical accouterments of his office in support of political endorsements to avoid the appearance of impropriety under the previous version of NRS 281A.400(7).
14-61C (Kuzanek)	Complaint- Stip. Agmt.	NRS 281A.400(7)	Non Willful	Washoe County Undersheriff filed his candidacy for Sheriff and obtained advice from the DA that no legal authority prohibited the use of his badge or uniform in campaign materials. Once notified of ethics investigation he removed all photos with his badge and uniform.
14-71C (Pitts)	Complaint- Stip. Agmt.	None	N/A	Pitts campaign website for reelection as Sheriff displayed pictures of him in his Sheriff's uniform and badge. In posting the pictures, Pitts relied on opinion of the US Office of Special Counsel.
18-031C, 18-052C (Antinoro)	Complaint- Stip. Agmt.	None	N/A	Antinoro posted campaign pictures and appeared at debates in his uniform and badge. Antinoro relied in good faith upon the <i>Pitts</i> Stipulated Agreement as it was represented to him and other sheriffs at a meeting of the Nevada Sheriffs' and Chiefs' Association and the opinion of the US Office of Special Counsel created legal uncertainty for Antinoro and other Sheriffs. The Stipulated Agreement in this matter also called for the Commission to provide a letter to the Nevada Sheriffs' and Chiefs' Association providing information and guidance about the Commission's position that the use of uniforms, badges and other physical accouterments of office by elected sheriffs violates the Ethics Law.

22-055C (Coverley)	Complaint- Stip. Agmt.	NRS 281A.400(7)	Non Willful	Coverley appeared at a campaign event for a Senate candidate in his Sheriff's uniform. He took full responsibility for his actions in his Response to the Complaint and obtained information from the Commission's staff to ensure his future compliance with the law.
22-126 (Cochran)	Complaint- Stip. Agmt.	NRS 281A.400(7)	Willful	Cochran appeared in a video supporting a Senate candidate. Cochran did not wear his official City of Reno uniform or identify himself as the City of Reno Fire Chief. He also did not expressly endorse the candidate for whom he made a campaign video.
23-051C (Rodriguez)	Complaint- Adj. Hear. (final opinion pending)	NRS 281A.400(2) NRS 281A.400(7)	Willful	Commission orally announced four willful violations (two of each statute) against Rodriguez for posting two photographs in his uniform, badge and gun on his campaign website for election as a Washoe County School District Trustee.

D. The Undisputed Facts Show Lombardo's Violations Were Willful

Subject argues that his violations of the Ethics Law should be found non willful because, unlike previous sheriffs whose violations were found non willful, he did not appear at campaign events or debates wearing his uniform or badge nor did he seek to imply that he had received LVMPD's endorsement. Subject's analysis of the Commission's previous precedent is incorrect. The following matters resulted in non willful violations for the noted reasons:

<u>Case</u>	<u>Reason(s) for Non Willful Violation</u>
14-61C (Kuzanek)	Subject obtained advice from the DA that no legal authority prohibited the use of his badge or uniform in campaign materials; therefore, his violation was not willful pursuant to NRS 281A.790(5)
22-055C (Coverley)	Subject was not aware of the requirements of the Ethics Law prior to the violation; Subject immediately took responsibility for his violation and took actions to prevent violations in the future.

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The following matters resulted in willful violations for the noted reasons:

<u>Case</u>	<u>Reason(s) for Willful Violation</u>
22-126 (Cochran)	Subject was aware of the Ethics Laws before he appeared in the election video and specifically wore the uniform with the intent to bolster a campaign.
23-051C (Rodriguez)	Subject was aware of the Ethics Law before he posted the photographs at issue on his website and did not remove them after receiving notice of the Ethics Complaint.

Subject argues that the Commission is required to treat comparable situations in a comparable manner, and the Executive Director agrees. See NRS 281A.775(3). The evidence shows that Subject was aware of the Ethics Laws at issue prior to his campaign and prior to posting the photographs at issue on his campaign website and social media sites. In a July 19, 2021 article in The Nevada Independent, Lombardo's campaign strategist, Ryan Erwin, **admitted** that the strategy of pushing Lombardo's government-funded image in his LVMPD owned-uniform and with his LVMPD-owned badge was purposeful in order to bring his position as Sheriff to the forefront of voters' attention, arguing,

Lombardo is a police officer and sheriff, and Nevada voters are entitled to know and see what he does for a living . . . Judges regularly appear in robes, teachers in classrooms, and prosecutors in courtrooms as part of their campaign materials - all are public employees in positions of trust. Singling out law enforcement from other positions of public trust makes no sense.

See Executive Director's Exhibit 36, Newspaper Article, Tabitha Mueller, *The Nevada Independent*, July 19, 2021.

Additionally, Assembly Bill, AB 218, was introduced in March 2021 during the 2021 Legislative Session entitled "AN ACT relating to public office; authorizing a sheriff or constable to campaign for reelection to office wearing the physical accouterments of the office; and providing other matters properly relating thereto."

The digest for AB 218 describes the proposed act as follows:

Existing law requires, with limited exception, that: (1) sheriffs must be elected by the qualified electors of their respective counties; and (2)

1 constables must be elected by the qualified electors of their respective
2 townships. (NRS 248.010, 258.010) Sections 1 and 2 of this bill authorize
3 a sheriff and constable, respectively, to campaign for reelection wearing
4 the physical accouterments of the office, including, without limitation, a
5 uniform and badge.

6 Thus, had it passed, AB 218 would have expressly provided Subject with the right to
7 campaign in his uniform and badge, including posting the photographs at issue on his
8 campaign website and social media sites.

9 A review of the March 17, 2021 Minutes of the Meeting of the Assembly
10 Committee on Government Affairs on AB 218 shows that both Eric Spratley, the
11 Executive Director of the Nevada Sheriffs' and Chiefs' Association and Christopher
12 Ries, an employee of the LVMPD, were present at the hearing and testified in support
13 of AB 218. See Minutes of the Meeting of the Assembly Committee on Government
14 Affairs on AB 218, March 17, 2021, ED MSJ Exhibit No. 39. AB 218 ultimately died in
15 committee, evidencing the Legislature's intent that the Ethics Law's prohibition on
16 Sheriffs' campaigning in their uniforms, badges and other accouterments of their office
17 remain in place.

18 What AB 218 and the Minutes from its hearing also show is that Subject was
19 well aware of the Ethics Law's rules regarding Sheriffs' campaigning in their uniforms
20 and badges and that his office participated in an effort to change that law prior to
21 announcing his candidacy for Governor. One of Subject's own employees testified in
22 support of AB 218, as did the Executive Director of an Association of which LVMPD is
23 a member. ***Subject therefore posted the photographs and videos at issue to his
24 campaign website and social media sites knowing they violated the Ethics Law.***

25 Additionally, Subject made no attempt to rectify his violations of the Ethics Law
26 after he received notice of the Complaints in these matters. Instead, he continued to
27 maintain all the images at issue on his campaign website and social media sites. Not
28 only that, but he produced additional campaign content featuring the use of his
uniform and badge all the way through the end of the campaign.

1 **E. The Penalty Requested Is Supported by Statute and Subject's Post-**
2 **Election Fundraising**

3 Subject argues that the Commission is limited to imposing a maximum penalty
4 of \$40,000 and a maximum of three violations of the Ethics Law. This argument is
5 without basis.

6 A plain reading of NRS 281A.790(1) shows that the statute sets an increasing
7 maximum penalty for each of the ***first three violations*** found by the Commission. It
8 does not limit the Commission to three violations, nor does it limit the Commission to
9 the penalties set for those first three violations for the violations beyond the third. To
10 limit the Commission to penalties for only three violations would make no sense in the
11 structure of the rest of the statutory scheme. As noted by Subject in his own Motion,
12 other statutes within NRS 281A refer to “three or more” violations of the Ethics Law.
13 See, e.g., NRS 281A.790(4)(c)(2). If the Commission were limited to finding and
14 imposing penalties for only three violations, the references to “three or more
15 violations” would not make sense within the broader scheme of the Ethics Law.

16 Such a limitation would also prevent the Ethics Commission from effectively
17 enforcing its laws. For example, in this matter Subject made a ***knowing*** decision to
18 violate the Ethics Law by wearing his uniform and badge in photographs, taking a
19 calculated risk that it would assist him in being elected as Governor—a strategy that
20 was ultimately successful. Following his election as Governor, but before he was
21 sworn in, Subject received an additional nearly \$2 million in campaign donations. See
22 Subject's 2022 Contributions and Expenses Report No. 4, ED MSJ Exhibit No. 40.

23 If the Commission were limited to a \$40,000 penalty for Subject's knowing and
24 blatant disregard of the Ethics Laws, there would be no reason for any candidate to
25 comply with the law when they know they can pay a small penalty compared with the
26 potential to raise millions of dollars in campaign donations on top of being elected.
27 The purpose of the penalties contained in NRS 281A.790(1) is to deter violations of
28 the Ethics Law and to do so the amount of the penalty must be in line with the

1 particular violation. In this case, the penalty requested by the Executive Director is
2 reasonable and warranted given the scope and severity of Subject's violations.

3 Subject also questions the propriety of the Executive Director's charging of
4 each instance of Subject using or posting the uniform and badge photographs and
5 videos as a separate violation. The Commission has treated repeated similar ethical
6 misconduct as separate violations in previous Opinions following hearings on
7 dispositive Motions. See Order on Dispositive Motions, Case No 19-088C (Ramos),
8 ED MSJ Exhibit No. 41.

9 The Commission should therefore grant the Executive Director's requested
10 penalty in this matter.

11 **III. CONCLUSION**

12 Subject's motion should be denied and Summary Judgment should be granted
13 in favor of the Executive Director as requested in his Motion.

14 DATED this 19th day of April, 2023.

15 NEVADA COMMISSION ON ETHICS

16
17 /s/ Elizabeth J. Bassett

18 Elizabeth J. Bassett, Esq.
19 Associate Counsel
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Executive Director*

STATE OF NEVADA
BEFORE THE COMMISSION ON ETHICS

In re **Joseph M. Lombardo**,
Sheriff of Clark County,
State of Nevada,

Consolidated Ethics Complaint
Case Nos. 21-062C, 21-082C

Subject _____ /

**EXHIBITS IN SUPPORT OF EXECUTIVE DIRECTOR'S OPPOSITION TO
SUBJECT'S MOTION FOR SUMMARY JUDGMENT**

Ross E. Armstrong, Esq., Executive Director of the Nevada Commission on Ethics ("Commission"), through the Commission's Associate Counsel, Elizabeth J. Bassett, Esq., hereby submits his Exhibits in Support of his Opposition to Subject Joseph Lombardo's Motion for Summary Judgment in this matter:

<u>Exhibit No.</u>	<u>Exhibit</u>
39	Minutes of the Meeting of the Assembly Committee on Government Affairs on AB 218, March 17, 2021
40	Joseph Lombardo's 2022 Contributions and Expenses Report No. 4

DATED this 19th day of April, 2023.

NEVADA COMMISSION ON ETHICS

/s/ Elizabeth J. Bassett

Elizabeth J. Bassett, Esq.

Associate Counsel

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/s/ Elizabeth J. Bassett
Employee, Nevada Commission on Ethics

**EXECUTIVE DIRECTOR'S EXHIBITS
EXHIBIT 39**

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS**

**Eighty-First Session
March 17, 2021**

The Committee on Government Affairs was called to order by Chair Edgar Flores at 9 a.m. on Wednesday, March 17, 2021, Online. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/81st2021.

COMMITTEE MEMBERS PRESENT:

Assemblyman Edgar Flores, Chair
Assemblywoman Selena Torres, Vice Chair
Assemblywoman Natha C. Anderson
Assemblywoman Annie Black
Assemblywoman Tracy Brown-May
Assemblywoman Venicia Considine
Assemblywoman Jill Dickman
Assemblywoman Bea Duran
Assemblyman John Ellison
Assemblywoman Susie Martinez
Assemblyman Andy Matthews
Assemblyman Richard McArthur
Assemblywoman Clara Thomas

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblywoman Robin L. Titus, Assembly District No. 38

STAFF MEMBERS PRESENT:

Jered McDonald, Committee Policy Analyst
Judith Bishop, Committee Manager
Geigy Stringer, Committee Secretary
Cheryl Williams, Committee Assistant

Minutes ID: 556



HB 00320

OTHERS PRESENT:

Eric Spratley, Executive Director, Nevada Sheriffs' and Chiefs' Association
Christopher Ries, representing Las Vegas Metropolitan Police Department
Annemarie Grant, Private Citizen, Quincy, Massachusetts

Chair Flores:

[The meeting was called to order. Committee protocol was explained.] Happy Saint Patrick's Day. Thank you to our amazing committee manager, Judith Bishop, for getting the festivities started early and always having the right energy. Our very own Assemblywoman Titus will be joining us to present Assembly Bill 218. At this time, I would like to open up the hearing on Assembly Bill 218.

**Assembly Bill 218: Revises provisions governing certain elected county offices.
(BDR 20-195)**

Assemblywoman Robin L. Titus, Assembly District No. 38:

Assembly Bill 218 is an act relating to public office, authorizing a sheriff or a constable to campaign for reelection to office while wearing the physical accoutrements of their office. I represent District 38, which is all of Churchill County and most of Lyon County.

Assembly Bill 218 clarifies that a sheriff or constable campaigning for reelection to office may indeed wear the uniform of their office. As a wife of a retired sheriff, I know that the job is 24 hours a day, 7 days a week, 365 days a year. The uniform they wear is theirs. When elected, they choose what the uniform looks like; they choose the colors that they and their officers will wear. Assembly Bill 218 clarifies that indeed they may wear that uniform anytime, including when they are campaigning for reelection. They are never not on duty.

I am now going to ask Eric Spratley, the executive director of Nevada Sheriffs' and Chiefs' Association, to give some further comments. I will be available to answer questions, if there are any, at the end.

Eric Spratley, Executive Director, Nevada Sheriffs' and Chiefs' Association:

The Nevada Sheriffs' and Chiefs' Association is the professional association composed of your 17 elected sheriffs, chiefs of police, and law enforcement leaders throughout the state of Nevada. The association is grateful to Assemblywoman Titus for bringing forth this legislation, and I am truly honored to be in front of this Committee to discuss the need for Assembly Bill 218 and the main points for why we ask you to consider this legislation.

Mr. Chair, if I may take a few minutes of your time to go over those points?

Chair Flores:

Please.

Eric Spratley:

The office of sheriff in the state of Nevada is a political, nonpartisan office in which a candidate for sheriff is elected by the majority of voters in each of the 17 Nevada counties with elections occurring every four years. It is the same for the office of the county constable. The sheriff's qualifications, duties, responsibilities, and other provisions or limitations are spelled out in Chapter 248 of *Nevada Revised Statutes* (NRS); constables are in NRS Chapter 258. This bill seeks to amend these two chapters by adding language permitting a sheriff and/or a constable to wear the "accoutrements of the office"—which are a badge and gun—while campaigning. Here is why this is important. I will speak to sheriffs specifically:

1. Each Nevada sheriff is the chief law enforcement officer in the entire county—24 hours a day, for every day of the year that they are in office, as you heard Assemblywoman Titus say.
2. In that law enforcement capacity, the sheriff has—as the main outward identifiers for their position—a uniform, a badge, and a gun.
3. Even if a sheriff is not in full agency uniform, they will almost always have their badge and gun with them, and the badge and gun are considered what are known as accoutrements of the uniform—whether or not the sheriff personally paid for and owns these items.
4. They wear the uniform and their accoutrements due to their statutory responsibility under NRS 248.090 to “keep and preserve the peace in their respective counties.” This is key. They have the unquestionable personal responsibility to respond to crisis and apprehend criminals.
 - a. Under NRS 248.040, sheriffs have the ability to appoint deputies. This is what you know as command structure—executive staff, supervisors, and deputies. These folks help assist them in carrying out these statutory duties, but the responsibility rests with the elected sheriff.
 - b. There are police departments in cities, but the elected sheriff retains their law enforcement authority at all times.
 - c. Similar to an “is there a doctor in the house?” call during a medical emergency, if there is a need for a law enforcement response at any particular moment in the sheriff's presence, the elected sheriff has the personal duty to respond and handle the issue; they need to have at least the minimum uniform accoutrements on their person to do so.
5. For over 160 years, each Nevada sheriff has worn, and continues to wear, the official uniform and its accoutrements—badge and gun, minimally—while in public and carrying out the wide variety of statutory duties, such as emergencies, traffic control, search and rescue, coroner calls, crime scenes, jail operations, calls for service, officer backup, and things such as that. They also have public service opportunities, such as community meetings, safety meetings, media interviews, recruitment opportunities, speaking events, fish fries, bake sales, town halls, all those fun things they get to do—and that they like to do as well—that are regularly presented to them.

What keeps sheriffs and constables accountable so they are not behaving improperly with this perceived power and prestige of the office? The answer is NRS Chapter 281A and the federal Hatch Act of 1939. The Hatch Act applies to state and local government employees who work in the Executive Branch and whose principal employment is in connection with any activity financed in whole or in part by loans or grants made by the United States or a federal agency. Sheriff's offices fall under this authority—we get grants from the federal government and we are bound by certain things regarding the federal government. The Hatch Act was specifically addressed by the U.S. Office of Special Counsel in 2012 and 2018, regarding whether or not it was a violation of the Hatch Act for an incumbent sheriff to wear the uniform while campaigning for office. The answer, in plain terms, was no. In its interpretation of the Hatch Act, the Office of Special Counsel says, No, it is not a violation. Some of the language they used in the memo on that determination says:

Because incumbents already hold partisan political office, we have reasoned that incumbents do not violate the Hatch Act by wearing a uniform or using an official title while campaigning for reelection. Thus, we have advised that a sheriff may attend campaign events while wearing his uniform and identifying himself as the sheriff or use photographs of himself in uniform for campaigning purposes. Similarly, a sheriff does not violate the Hatch Act by driving an agency-issued vehicle to a campaign event.

That is from the Office of Special Counsel, August 14, 2018.

Our Nevada sheriffs are well aware of the Hatch Act and the code of ethical standards in NRS Chapter 281A, and they confidently operate within those requirements. However, neither the Hatch Act nor NRS Chapter 281A applies to nonincumbents who may feel free to dress in a law enforcement uniform for the purposes of campaigning for the office of the sheriff. That law, that Hatch Act, does not apply to nonincumbent people running for the office. You would think that if someone is throwing on a uniform and campaigning for the office of the sheriff, that NRS 199.430, impersonating an officer, would apply. But unless that candidate tried to do something official in the uniform and injured or defrauded another person, that statute does not apply. Now the scales would be tipped in favor of that person, whereas the current incumbent Nevada sheriff, who rightfully wears the uniform, is being questioned for wearing his.

Over the past decade or so, there have been complaints filed against incumbent sheriffs claiming that it is improper for the sheriff to wear the official uniform or its accoutrements. As you are well aware, campaigns are difficult enough to navigate, and a wide variety of things are thrown around to try to derail an opponent's momentum. I am not familiar with it, but you are and our sheriffs are. Campaigns are difficult. Congratulations to you for being successful in yours.

To make matters worse, there is no official start date for a sheriff's campaign cycle, so in the case of complaints against an incumbent sheriff, any behavior of a sheriff in uniform, or their simply wearing the badge and gun at any time they are in office, may be used as a basis for a

complaint for a violation of NRS 281A.400 regarding ethics. It should be noted here that while there have been a few campaigning in uniform complaints filed against Nevada sheriffs over the past decade, none that we are aware of have been found as violation of law by the Commission on Ethics. The Ethics Commission has acknowledged that the use of uniforms and badges in campaign materials in Nevada has been employed by candidates for other law enforcement offices in Nevada. They also state that without a state or local law governing or clarifying duties of elected incumbents regarding utilization of the accoutrements of office, the Ethics Commission had to stipulate to the dismissal of these allegations over this past decade.

These complaints, though none have been sustained, really do wear on the sheriff accused, and the other sheriffs as well, during the time the case is being handled by the Ethics Commission. It has them all walking on eggshells rather than freely and confidently focusing on the job at hand and the public service duties they were elected by the people to do.

I will wrap it up with a couple of considerations. Is it reasonable to have a sheriff in uniform deny a citizen conversation simply because it might lead to or be interpreted as campaigning? Should a sheriff not hold a press conference for a critical incident in October of an election year simply because it is close to Election Day, or must that sheriff hold the press conference without wearing a uniform, a badge, or a gun because someone might consider it a campaign advantage? Certainly not.

You have the opportunity with this bill to support that elected sheriff—your elected sheriff—and elected constable, if you have one in your county, so they may continue to perform their statutory duties and daily functions without worrying whether or not their actions in uniform will be used as a basis for yet another complaint. Assembly Bill 218 will make it clear that our elected officials may wear the uniform they have the right to wear—to perform the duties they have been elected to perform—and to do so within the guidelines of the Nevada code of ethical standards and the federal Hatch Act.

For those reasons, the Nevada Sheriffs' and Chiefs' Association asks for your support and affirmative vote for Assembly Bill 218.

Mr. Chair, that concludes my testimony.

Chair Flores:

Thank you for that detailed explanation. I appreciate your going to other sections of the NRS that may have triggered some questions by folks and preemptively addressing them. At this time, we will start with questions.

Assemblywoman Dickman:

I think you touched on my question, but say a deputy was going to run against the incumbent sheriff, or the Sparks police chief decided he wanted to run for the Washoe County Sheriff's

position. In those two examples, would they both be able to wear their uniforms while campaigning, or is it just the incumbent sheriff who is included?

Eric Spratley:

It is questionable. I believe NRS Chapter 281A, the way I read it, covers the fact that elected officials and their employees cannot—and I am just trying to pull it up as I am speaking to you, so I am multitasking—I believe it covers them as well. I, Eric Spratley, not a law enforcement officer, can buy some uniform accoutrements, put on patches and a badge that says Las Vegas Metropolitan Police Department, and run for that office. The Hatch Act, NRS Chapter 281A, ethics—none of that applies to me. If I do not try to do something official with that uniform and harm another person in doing it, I am not impersonating an officer. There is nothing that really prohibits a person from doing that. When it comes to employees, directly to your question, I believe they are covered under NRS Chapter 281A and would be prohibited from doing that.

Assemblywoman Dickman:

It basically gives the incumbent sheriff an advantage over someone else who might have a uniform but cannot wear it. Why not just include every law enforcement officer in this bill and allow them all to wear their uniform if they are campaigning for sheriff?

Eric Spratley:

I guess that would be a decision for this Committee to make.

Assemblywoman Anderson:

Assemblywoman Titus, I emailed you two questions yesterday, and Assemblywoman Dickman just brought up one of them, so I greatly appreciated it. This is my other question: Say there is someone who runs for office and wins in 2015, and then runs again and loses. He decides to run for sheriff for a third time against the incumbent sheriff. Are both individuals able to wear their uniforms because they have both served as sheriffs? Or is it only the current sheriff who is able to wear the uniform while campaigning?

Eric Spratley:

In your scenario, the nonincumbent sheriff—the one who was sheriff, did not win, and is coming back—can actually wear that uniform again. The incumbent sheriff would not be able to, under current law—or current lack of law. He could, but then people file complaints and the Ethics Commission deals with the complaints. The Commission states in some of their determinations that it is not prohibited without a state statute or local law. They do not provide very clear direction; they have to go off of what seems to be impartial. That is why we are asking for a state law. To that point, it can still be a local government's choice and even a policy decision by that sheriff's office. If there is a policy against it, or a local government says, Hey, we do not want our sheriff wearing the uniform while campaigning, that is up to the local government. We are asking for the state level to say, Yeah, it is appropriate. That would get rid of the ability for ethics complaints to be filed and avoid people having to deal with that and keeping the sheriffs on eggshells as to whether or not they can wear their uniform in an election campaign.

Assemblywoman Anderson:

If I understand correctly, the current format is the complaint would be done at the local level. For clarification purposes, could you walk through how that complaint is made? Is it done at the state level or the local level?

Eric Spratley:

I believe complaints of this nature would go directly to the Ethics Commission at the state level.

Assemblywoman Anderson:

Then the Ethics Commission would utilize the state law. But based on your answer, it sounds like there is also a way to get the local level involved in making that decision as well. I guess that is where my confusion is coming from.

Eric Spratley:

Your local county commission can pass a county ordinance handling the matter of whether a sheriff or elected official can wear a certain uniform during the campaign or not. Yes, they can. Right now, the Ethics Commission does not see any of those at the local level or, for example, that there are no prohibitions in a sheriff's policy manual or a county policy. The Ethics Commission reverts back to the language in NRS Chapter 281A and tries to make a decision based off of that. We are asking for it to be clear: Yes, a sheriff can wear the accoutrements. He is elected for four years and he gets to be the sheriff the entire time. He does not have to pull back or dress down when he has a press conference and a microphone comes up and somebody thinks he is campaigning in uniform when he is just being the sheriff and doing his or her job at a traffic crash scene.

Assemblywoman Duran:

My question is this: Basically, you cannot wear campaign gear while you are near voting sites. Is it going to be a violation if a sheriff wears his uniform to vote?

Eric Spratley:

I do not know. I do not have an answer. I think our sheriffs would be very cautious in that regard.

Assemblywoman Titus:

I think this bill does not affect that. I think for a sheriff in uniform—or anybody in uniform going to vote on their way to work—there is no prohibition. We could ask our legal counsel, if they are not too busy helping finish some of the bill draft requests. I think there could be a problem if the sheriff wore a reelection campaign button or that sort of thing. But if somebody wears their uniform—whether it be for the military, National Guard, or something else—to vote on their way to work, I would say that is not a campaign violation. They are not wearing the T-shirt they wore in their reelection campaign—I think there would be a difference. If our legal counsel is available, we could certainly have them get some clarification on that.

Assemblywoman Duran:

If they are available, we would like to get that clarification for the record.

Chair Flores:

We will have our policy analyst reach out with an inquiry. I am sure that by the conclusion of today's hearing, we will have a response from the legal counsel. As we all know, we are responsible for having them work really late and not being available since we have so many bill draft requests. They are out drafting, but I am sure we will get a response later during the hearing.

Assemblywoman Thomas:

I have one question for clarification. I am a retired veteran, and I think it would be great if I could show up at campaigns in my military uniform. Even though I am a veteran, I am still allowed to wear my uniform. Would that be appropriate?

Assemblywoman Titus:

Thank you for your service. Nothing in this bill interferes with whether you can wear your uniform or not while you are campaigning. It is your uniform. We have veterans show up in their uniforms to campaign; there would be nothing that restricts that based on this bill or the current law we have. That is not really this bill's purpose and would not affect your ability to wear your uniform at any time.

Assemblywoman Thomas:

Would that be an advantage that I would have over my opponent?

Assemblywoman Titus:

I certainly cannot address who your opponent might be and whether or not he is a veteran. Again, this bill is not about giving advantages. This bill is about clarification on ethics complaints about the sheriff. I think this is a one-page bill that we need to put in statute to say sheriffs and constables can wear their uniform. Going back to Assemblywoman Dickman's question of whether or not the captain of the Sparks police force could wear his uniform while campaigning, this bill does not prohibit nor does it address whether he can do that. That is a company policy. This is just going to clear up in statute that, indeed, the sheriff is able to wear his uniform because of the uniqueness of that uniform. However, if the Sparks city police have no problem with their captain wearing his uniform, and he is on duty 24/7, that could be a policy. None of this bill affects whether they can be wearing their uniform in all these unique situations. Nothing prohibits it either.

Assemblywoman Considine:

After I read this bill, I had so many questions running through my head. Assemblywoman Titus, I know I sent you a bunch of those questions. For example, I asked if the sheriff could wear his uniform when he is fishing, if he wears it 24/7. To boil it down: I understand what this bill is for, but from the other side, how does anyone know whether the sheriff is being the sheriff or is in campaign mode if he looks the same in both situations?

Assemblywoman Titus:

Being married to a sheriff, I know he had his badge and gun when we went fishing. He never left those behind, whether he was in the supermarket, or fishing, or wherever he was. He was the sheriff, and we could have gotten—and have gotten—calls during any situation. There is none in which you could describe whether or not he would have his badge or gun—because he did. Did he have some other stuff in the car? Yes. As Eric Spratley expressed, that is the purpose because they could be at a car accident in October or the day of the election. They could be there anytime; they would be in uniform. Your question is well taken because how do you know if they are campaigning or not? When does X happen? Someone is in campaign mode and then is the sheriff—and a transition does not happen because they are always in sheriff mode and it may be a reelection year. That is where the gray zone is and that is why there is a need for this bill. Anybody can say the sheriffs are just out campaigning, when in reality the sheriffs are working. We are trying to clarify that it does not matter when something happens; they are entitled to be wearing it.

Assemblywoman Considine:

Again, having thought about this all night, reading the letter that is attached, and listening to Mr. Spratley today, I am wondering if the problems coming up that Mr. Spratley had mentioned could be taken care of by tweaking or working on campaign laws to tighten them up as opposed to what this bill does.

Assemblywoman Titus:

Mr. Spratley can address this also, but I will say there was a lot of discussion prior to this bill being presented about what the best fix was in terms of clarity. As we all know, sitting in this hearing on both sides of the Zoom meeting, campaigns can be tough. None of us want to have an ethics violation filed against us, and there can be issues out there. We looked at the different options—what would provide the most clarity with a simple wording change and the simplest processes to make it clear. This is where we landed. Now I will have Mr. Spratley add anything he might want to add.

Eric Spratley:

That is right. It is really about going for the clearest option in this regard. Sheriffs and constables are unique—especially sheriffs—in that they have to wear that uniform, as well as the accoutrements of the uniform, which is what it really comes down to. It used to be thought that if the sheriff buys his uniform, badge, and gun, then those are his personal property and he can wear them whenever he wants. But it has been determined that this is not the case; it is the official uniform of the sheriff's office. It is unique in that regard, so when you get into the campaign side of things, it starts affecting everybody. Maybe an elected official is in his official position, wearing a tweed jacket with leather patches on the elbows all the time. Then all of a sudden he is campaigning in that same tweed jacket and he can get an ethics complaint filed against him. It is kind of a stretch, but that is the idea. For example, my little pin here is an accoutrement of my position in this organization.

The sheriffs have a duty; they have been elected to do that job 365 days a year. Certainly, they do not sleep in the uniform or sit in a uniform while fishing, but they have the badge and

the gun, and they are ready to respond to a law enforcement crisis at any time. It really made sense to put it specifically into NRS Chapter 248 for sheriffs and NRS Chapter 258 for constables.

Assemblywoman Considine:

Personally, I am trying to look at some sort of fair balance on this, so I do appreciate the answers.

Assemblywoman Brown-May:

Thank you, Assemblywoman Titus, for bringing this bill forward and giving us an opportunity to consider this decision. I have one clarifying question. I certainly appreciate that a sheriff would need to carry a badge and gun at all times so he can be easily identified in the duties of his office. I am curious, though. When there is campaigning going on, is there any distinction between appearing in person in uniform—in the action of his or her duty—and appearing in TV ads or other media ads that would be specific to campaigning events? Has any thought been given to that?

Eric Spratley:

There is no distinction here, especially when you look at the Hatch Act of 1939, when this was addressed in 2012 and 2018 regarding sheriffs. In simple terms, they said, No, it is not improper, so go ahead and do it. They even included the vehicle, and I am thankful that they did because, as I said, of our rural sheriffs. In Nye County, Sheriff Sharon Wehrly will be out driving and come across a traffic crash or hear of an officer needing assistance. She drives a marked patrol vehicle and will show up on scene, so the person on scene knows who she is—I guess they would probably consider her a deputy of the department; they would not know she is the sheriff. It is not inappropriate, and it is for all aspects of the campaign—left to the discretion of the sheriff.

Assemblywoman Torres:

I am looking at the legislation, and I know it talks about the uniform and badge. In the conversation today during the hearing, we also talked about the gun the sheriff or constable would have. I do not see that specified here in the legislation. I think the disagreement here with the Committee is specifically with the uniform, not with the other two items. I can understand that an officer would have the badge on their person at all times. But even for our state offices, a state employee could not wear their badge to attend a campaign event. I suppose I have concerns about the specific part of the uniform, and I think part of the conversation has included the arms. That is not included in this legislation, and I am wondering if there was the intent to add it.

Assemblywoman Titus:

Are you speaking to their carrying a firearm at all times?

Assemblywoman Torres:

I think the idea that they should be able to carry their badge and gun was a big part of Mr. Spratley's conversation. It is not specified, though obviously the legislation does say

"without limitation." I just feel "without limitation" might be a little general. They cannot use a government car off duty as desired, right? Could we get more clarification on that?

Assemblywoman Titus:

Again, they are not off duty. They are issued a car and they always have that car. They are always on duty. Just to clarify, this is not somebody who is hired through a department and is assigned a car while on duty, like all government officials—like any of our employees here and our officers who do such a good job. Those employees are hired, they do their shift, and when they are off duty, they are off duty.

The distinction here is a sheriff is an elected official who is never off duty. As everyone here in this meeting knows, we are never not assemblymen. We are elected. There is a distinction between an elected official and an employee who has set hours and certain things they do at certain times. That is the distinction we are making—this person has this position at all times. Again, my husband takes his boots off and puts the gun beside the bed—he does not wear it to bed, but it is never far away, I will tell you. That is the reality here. There was this gray zone of going home to change and going to an event or something. I was asked to carry this bill because of the concern about the ethics. Are they entitled to do this? We are trying to make this distinction. It does not roll over to others who are employees; that would be a limited policy.

Again, the gun stays with them no matter what. Even if a sheriff is out campaigning in a suit, he will have his gun on. That is just part of the process.

Eric Spratley:

Just to add to that, even if the person is wearing a suit like mine, he is still wearing the accoutrements of the office. If he becomes visible at any time, it could be an issue—for example, if he unbuttons his jacket and the badge appears. The accoutrements of the office are important. Again, it comes down to an elected sheriff who has a specific uniform he wears the majority of the time. They want to be able to wear it without question and complaint, to do their normal duties if it turns into something that could be perceived as campaigning—for example, if they are answering media questions and somebody says, No, they are campaigning. It just gets rid of that gray area.

The Hatch Act says it does not apply to a sheriff in uniform going door to door campaigning. The Hatch Act says that because a person feels compelled to open the door to talk to a law enforcement officer, door-to-door campaigning would maybe put the person back on their heels a bit. This bill does not apply to that; it is not free rein to do anything you want in uniform. Our sheriffs in Nevada are very cognizant of that. They are cognizant of NRS Chapter 281A ethics violations and the Hatch Act. They just wanted clarity. That is all we are asking for here today—that NRS Chapter 248 and NRS Chapter 258 be clear on what sheriffs and constables are allowed to do.

Assemblywoman Torres:

I would advise caution about saying what this bill does and does not apply to. I believe it would actually apply to that. If that was the discussion, I think there needs to be more clarification on what type of campaigning this could apply to—is it just photos on literature or is this more general? Is it door-to-door campaigning? Because when I look at the phrase "campaign for reelection," I think those examples are central parts of it. I do not need a response; I just urge the sponsor to consider putting more clarifying language into the bill.

Assemblywoman Martinez:

If they are campaigning with their uniforms on, would that mean taxpayers are paying for them to campaign?

Assemblywoman Titus:

To clarify, they are salaried whether they are campaigning or not. What they do is what they do; this does not change any of that behavior. I am sensing some pushback from folks who think it is giving sheriffs and constables undue abilities. I think we can get some clarification for your question, Assemblywoman Martinez, and Vice Chair Torres' point about whether they can go door to door campaigning. That would be inappropriate, and it is not the intent of the bill. The questions folks have raised are well-intentioned, and I do appreciate them. If you have those questions, what does the system have? So I appreciate your bringing that up and asking whether taxpayers are paying for sheriffs and constables to go door to door.

Whether they are wearing their uniform or not while they campaign, they are campaigning at times when they are the elected official because they are salaried and work 24 hours a day. This bill does not affect whether they will go door to door and campaign when they are salaried employees, just to be clear on that.

Back to the Vice Chair's question: I think those are great questions, great points, and we can certainly get some more clarity.

Assemblywoman Considine:

A similar question to mine was asked, but mine is a little narrower. It has been mentioned that part of the sheriff's accoutrements is the car. My specific question was a bit different, but Assemblywoman Titus may be able to follow up with it: I know that is not necessarily part of the salary if they are using the car to go to and from campaign events, but is that something the taxpayers are paying for whether it is for the campaign or not?

Assemblywoman Titus:

A vehicle is assigned to you, for X amount, wherever you are going with that vehicle. I can assure you my husband would not even drop his child off at school in the sheriff's vehicle because that is just not something he did. To clarify: This bill does not address that; it does not say you can or cannot take the car somewhere. A sheriff has to be responsible and know what is right and wrong. For anybody out there who has an issued vehicle, we would hope they would only ever use it for the intended purpose. I would hope the sheriffs also follow that rule. Just to be clear, that is not what this bill is trying to do.

Eric Spratley:

The accoutrements of the office, as defined by Nevada, include the badge and the gun; they do not include a vehicle. In the statement I read, I talked about the vehicle not being a violation of the Hatch Act—the Hatch Act is the one that talked about door-to-door campaigning as well. That is where it comes from.

Assemblywoman Considine:

To me, this goes back to the distinctions and how gray they are. I think we could probably go on for hours coming up with situations where it is unknown whether the person in question would be the sheriff as sheriff or sheriff as campaigner. I just feel like the distinctions, as we go on, are getting harder and harder to define.

Assemblyman Matthews:

Under this bill, what would happen if an incumbent sheriff was campaigning for another office? The way it is written in the bill is "for reelection," which at least implies it is for the office currently held. If an elected sheriff campaigned for county commissioner or some other office, would that sheriff be allowed to wear the uniform under those circumstances?

Assemblywoman Titus:

At this point in time, they can because it is their uniform. They can show up in their uniform now and campaign for that next office. It is not addressed in this bill. The complaint was they were campaigning for their own office in uniform and they should not; that was the ethics concern. I think a sheriff would have to make the choice whether or not he would show up in his uniform and campaign for the office, and whether it was a good decision on his part. I would go back to the scenario you described. If they filed and ran for county commissioner but are now going to an accident scene and reporting on that, somebody might file a complaint on them—now they are in uniform and running for office. Again, we have opened a lot of gray zones and are just trying to get clarity about whether they can wear their uniform for any office they are running for. I will turn it over to Mr. Spratley to see what his comments are.

Eric Spratley:

I do not have an answer to that question. I do not know.

Chair Flores:

Maybe we can get some clarification in a little bit on that particular question.

Assemblyman Ellison:

As a rural person, a lot of these sheriffs might get called in to speak and talk about campaigns—they are still on duty. They would still go in wearing their full uniform; if there is any event, they are there as a sworn officer but still might be campaigning. I support this bill; I think it is a good bill, mostly for some of the people in Ely, Eureka, and Elko—all these other small counties. I strongly support this bill.

I just want to let you know I am trying to follow two meetings. I was not ignoring everything; I am just trying to do both at one time. I want to get on the record that this is a good bill. I could not believe we had to go to this point to put a bill in for something that is common sense.

Assemblywoman Dickman:

One of my colleagues—I cannot remember who it was—brought up a topic I think is kind of important here. The fact that under this bill, they would be able to use their uniform in TV ads and campaign material, it seems to me it would give them an unfair advantage. What if we clarified that a little bit, since the point of this bill seems to be to make it easier for sheriffs not to have ethics complaints filed when they are performing their duties. Would you consider being more specific on what this allows? I want to support this bill. Years ago, I had a sheriff who took a picture with me. He was on duty. We used it on a campaign piece and found out afterward that we had to destroy the 5,000 pictures we had printed because no one was sure if it would be an issue.

Assemblywoman Titus:

We will certainly try to be thoughtful about where we need to fix this and about your concerns regarding when they can and cannot wear the uniform. It is all gray zones, and I appreciate everyone's questions and comments. They were all thoughtful. I appreciate everybody on the Committee because each of you had a unique question and observations. We have hearings to vet these bills before they go forward, if we can get you on board with the need for this, and to clarify what this addresses and what it does not. All the questions and thoughts were great and obviously needed to be asked. I can guarantee that we will try to work on that. I hear your question, Assemblywoman Dickman, and I do not have an answer. I think we can certainly follow through with that and see if we can clarify some of this for you.

Assemblywoman Dickman:

That would be great because I really want to support this bill, but I do see some issues with it.

Chair Flores:

I do not believe we have additional questions. At this time, I would like to invite those wishing to testify in support of Assembly Bill 218.

Christopher Ries, representing Las Vegas Metropolitan Police Department:

I would like to echo Director Spratley's testimony to allow elected sheriffs to campaign in uniform, and we are in support of A.B. 218. Sheriffs have been duly elected and in turn have earned that title as well as the ability to wear the uniform which identifies them as such. This bill decreases confusion for both the elected sheriff and the citizens of Nevada.

Chair Flores:

Is there anyone else wishing to testify in support of Assembly Bill 218? [There was no one.] At this time, I would like to invite those wishing to speak in opposition to Assembly Bill 218 to call in.

Annemarie Grant, Private Citizen, Quincy, Massachusetts:

I am opposed to this bill. It is important to me who becomes the elected sheriff, given that my brother was killed at a jail run by a sheriff in Nevada. There needs to be that separation between the politician and the position, which is the highest-ranking law enforcement office in the county. Many hypotheticals have been presented; I am curious about the actual yearly number of ethics complaints regarding this issue. This bill does not strengthen transparency and accountability. How many times has a former law enforcement officer running for office worn their uniform? I know that Allan Fox was running for sheriff in 2018 in Washoe County. He did not wear his uniform; he was a former member of the Reno Police Department. Also, Adam Hopkins ran for sheriff in 2018; he was a former Washoe County sergeant, or maybe even higher ranking. He did not campaign in uniform.

As a previously uninformed voter—and I admit it, I was—that is something that would sway me. Being an uninformed voter—I am not anymore, but I was—seeing somebody in their uniform would be something that would sway me to vote for them, and I do not think it is right. Please do not support this bill. Please support bills that strengthen transparency and accountability from law enforcement.

Chair Flores:

Is there anyone else wishing to speak in opposition to Assembly Bill 218? [There was no one.] At this time, we will invite those wishing to speak in the neutral position to A.B. 218 to call in. [There was no one.] Assemblywoman Titus, I invite you to come forward with any closing remarks you may have.

Assemblywoman Titus:

I really appreciate all the wonderful questions that were brought up by members of your Committee today. Trust that I will take each and every question to heart, try to get some clarifying language, and answer your concerns. To those of you who have reached out to me via email, I still have about 15,000 emails in my inbox—I am trying to get through them as best I can, so I apologize for not responding prior to this meeting. Happy Saint Patrick's Day to you all.

[[Exhibit C](#) was submitted but not discussed and is included as an exhibit for the hearing.]

Chair Flores:

I am sure the members will continue to reach out with questions and work with you on this bill. At this time, we will close out the hearing on Assembly Bill 218. Thank you again, Mr. Spratley, for joining us this morning, and for all the work you all do to help our Nevada citizens. At this time, I would like to invite those wishing to speak in public comment to call in.

Annemarie Grant, Private Citizen, Quincy, Massachusetts:

My brother, Thomas Purdy, was 38 years old when he was hog-tied by Reno Police and asphyxiated to death by four deputies at the Washoe County Jail. Those officers' names were Christopher Good, David Tallman, Jorge Aparicio, and Officer Maxwell, Brendan Glynn, Timothy Senger, and Paul Hubbell.

It is the little things I miss the most about my brother: a hug, a phone call, the way he was so protective of my son in order to make sure nobody was bothering him and made sure that my son was doing right. There is not a single day—I am sorry—I miss hearing him say, I love you, Anne, at the end of our conversations. My brother was a father of two children who were ten and eight years old when he was killed by Reno police on October 8, 2015. I have to bear witness to the profound and detrimental effects it has had on their lives. Myself, I have not slept over three hours a night since October 4, 2015. Can you try to imagine being a child and having to process your parent being asphyxiated to death by those who we have taught them are there to protect them?

Kenny Stafford was also a father of three when he was killed by Sparks police. Niko Smith was a father when he was asphyxiated to death by the Washoe County Sheriff's Office. Johnny Bonta was a father when he was shot and killed by Sparks police. Kyle Zimbelman was a father of three when he was killed by multiple law enforcement agencies in Nevada. Nick Farah was a father when he was asphyxiated to death at the Clark County Detention Center.

There is not a single day, hour, or minute that my brother, and the torture and terror he experienced, is not on my mind. This is why I continue until my last breath to be his voice and advocate for change. I do not want your families to know this pain, and it is a real reality. I, too, once lived on an imaginary pedestal, where my loved one would never be murdered by police without consequence either. Please promote bills that support transparency and accountability from law enforcement.

Chair Flores:

Thank you again for joining us, and as always, we are sorry to hear about the tragic loss of your brother. Is there anyone else wishing to speak in public comment? [There was no one.]

Members, as you know, tomorrow we will be having a hearing on Assembly Bill 253 that will be presented by our very own Assemblywoman Considine. Please give yourself an opportunity to review that bill and reach out preemptively if there is anything you would like to get clarified. This meeting is adjourned [at 10 a.m.].

RESPECTFULLY SUBMITTED:

Geigy Stringer
Recording Secretary

RESPECTFULLY SUBMITTED:

Lindsey Howell
Transcribing Secretary

APPROVED BY:

Assemblyman Edgar Flores, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a letter dated March 12, 2021, submitted by Sharon Wehrly, Sheriff, Nye County, in support of Assembly Bill 218.

**EXECUTIVE DIRECTOR'S EXHIBITS
EXHIBIT 40**

CONTRIBUTIONS AND EXPENSES REPORT		State of Nevada
Joseph Lombardo	Governor	Clark County
Name 50 S Jones #201, Las Vegas, NV, 89107	Office (if applicable)	District (if applicable) 702-259-5559
Mailing Address reports@incompliance.net		Telephone No.
E-Mail Address		

Select Appropriate Box(es) <input type="checkbox"/> Report #1 - Due April 15, 2022 Period: Jan 01, 2022 - Mar 31, 2022 <input type="checkbox"/> Report #2 - Due July 15, 2022 Period: Apr 01, 2022 - Jun 30, 2022 <input type="checkbox"/> Report #3 - Due October 15, 2022 Period: Jul 01, 2022 - Sep 30, 2022 <input checked="" type="checkbox"/> Report #4 - Due January 15, 2023 Period: Oct 01, 2022 - Dec 31, 2022 <input type="checkbox"/> Annual Filing - Due January 15, 2023 Period: Jan 01, 2022 - Dec 31, 2022	<input checked="" type="checkbox"/> CANDIDATE <input type="checkbox"/> LEGAL DEFENSE FUND What is this? <input type="checkbox"/> AMENDED	<div style="border: 2px solid black; padding: 10px; margin: 0 auto; width: 80%;"> <p style="font-size: 24pt; font-weight: bold; margin: 0;">FILED</p> <p style="font-size: 14pt; margin: 0;">Jan 17 2023</p> <p style="font-size: 12pt; margin: 10px 0 0 0;">FRANCISCO V. AGUILAR SECRETARY OF STATE</p> <p style="font-size: 10pt; margin: 0;">FOR OFFICE USE ONLY</p> </div>
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* Report #4 suffices for the 2023 Annual CE Filing only if Report #'s 1, 2, 3, are previously filed this period.

CONTRIBUTIONS SUMMARY		This Period	Cumulative From Beginning of Report Period #1 Through End of This Reporting Period
1. Total Monetary Contributions Received in Excess of \$100		\$ 3,667,205.90	\$ 7,414,883.20
2. Total Monetary Contributions in the Form of Loans Guaranteed by a 3rd-Party in Excess of \$100		\$ 0.00	\$0.00
3. Total Monetary Contributions in the Form of Loans that were Forgiven in Excess of \$100		\$ 0.00	\$0.00
4. Total Amount of Written Commitments for Contributions in Excess of \$100		\$ 0.00	\$0.00
5. Total Value of In Kind Contributions in Excess of \$100		\$ 29,888.08	\$155,881.81
6. Total Value of Written Commitments for In Kind Contributions in Excess of \$100		\$ 0.00	\$0.00
7. Total Amount of all Contributions of \$100 or less		\$ 29,447.42	\$118,761.59
8. Total Amount of All Contributions (Add Lines 1 through 7)		\$ 3,726,541.40	\$7,689,526.60
EXPENSES SUMMARY			
9. Total Monetary Expenses Paid in Excess of \$100		\$ 3,600,528.81	\$8,315,671.47
10. Total Value In Kind Expenses in Excess of \$100		\$ 29,888.08	\$155,881.81
11. Total Amount of all Expenses of \$100 or less		\$ 1,457.33	\$9,681.58
12. Total Amount of All Expenses (Add Lines 9 through 11)		\$ 3,631,874.22	\$8,481,234.86
ENDING FUND BALANCE			
13. Fund balance at the end of the reporting period			\$1859805.16
AFFIRMATION			

☒ **I Declare Under an Oath to God that the Forgoing is True and Correct***
 * A declaration under an oath to God is subject to the same penalties as declaration under penalty of perjury
 AND
☒ **I have agreed to the following terms and conditions:**

I declare, under penalty of perjury or under an oath to God, that the information I submitted herein to the Secretary of State for the State of Nevada is true and correct, and is not submitted for any improper purpose, and that I am authorized to submit the information, and to the best of my knowledge complies with NRS Chapter 294A. I have reviewed the NRS 225.083 Notice. I understand it is unlawful to submit any illegal, unauthorized, fraudulent, forged, deceptive, defamatory, illicit, or improper information, as defined by state and federal law, to the Secretary of State, and agree to indemnify the Secretary of State, and any other parties entitled thereto, for any damages incurred for any unlawful, unauthorized, fraudulent, forged, deceptive, defamatory, illicit, or improper information, as defined by the federal and state law, submitted to the Secretary of State by my use of this electronic filing system. I further understand that I may be subject to criminal (NRS 239.330) and/or civil (NRS 225.084) penalties for submitting any unlawful unauthorized, fraudulent, forged, deceptive, defamatory, illicit, or improper information, as defined by federal and state law. I understand and agree that all information submitted is the property of the Secretary of State, and may be monitored for all lawful purposes. I further understand that during such monitoring, all information, including personal information placed on this system, may be examined, copied, and used for any authorized purpose. By submitting this report I intend to identify myself as the authorized person signing this document and with the present intent to authenticate my signature as such.

Cameron Phillips

01/17/2023

Signature

Date

**MONETARY
CONTRIBUTIONS**

Report Period

4

Joseph Lombardo

Governor

Clark County

Name (print)

Office (if applicable)

District (if applicable)

**MONETARY CONTRIBUTIONS IN EXCESS OF \$100 OR,
WHEN ADDED TOGETHER FROM ONE CONTRIBUTOR, THAT EXCEED \$100**

(Transfer Total Amount of All Monetary Contributions to Lines 1, 2, or 3, As Applicable, of Contributions Summary)

<u>NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE CONTRIBUTION</u>	<u>DATE OF CONTRIBUTION</u> ↑	<u>AMOUNT OF CONTRIBUTION</u>	<u>CHECK HERE IF LOAN</u>	<u>NAME AND ADDRESS OF 3rd PARTY IF LOAN GUARANTEED BY 3rd PARTY</u>	<u>NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO FORGAVE THE LOAN, IF DIFFERENT THAN CONTRIBUTOR</u>
<u>John Cole</u> 1050 Country Ln Gardnerville, NV 89460	10/06/2022	\$4.00			
	10/06/2022	\$100.00			
<u>Marvin May</u> 10620 Southern Highlands Pkwy #110- 173 Las Vegas, NV 89141	10/06/2022	\$5,000.00			
<u>John Boogaard</u> 14003 Leahy Ave Bellflower, CA 90706	10/06/2022	\$250.00			
<u>Herb Santos</u> 14205 Prairie Flower Ct Suite C Reno, NV 89501	10/06/2022	\$5,000.00			
<u>Sheila Mehrens</u> 1829 Swallow Hill Ave Henderson, NV 89012	10/06/2022	\$20.00			
	10/23/2022	\$2.50			
	10/23/2022	\$10.00			

	10/31/2022	\$10.00			
	10/31/2022	\$10.00			
	10/31/2022	\$20.00			
	11/02/2022	\$25.00			
	11/06/2022	\$25.00			
Margaret Vander Laan 1915 Wild Onion Ct Gardnerville, NV 89410	10/06/2022	\$150.00			
	10/06/2022	\$6.00			
	10/23/2022	\$6.00			
	10/23/2022	\$150.00			
Burt Clements 2050 Dunes Cir Reno, NV 89509	10/06/2022	\$2,500.00			
	10/10/2022	\$500.00			
William Heaton 245 S Bay Harbor Dr Key Largo, FL 33037	10/06/2022	\$100.00			
	10/06/2022	\$25.00			
David Fandel 2800 Settlers Bay Ln Las Vegas, NV 89134	10/06/2022	\$100.00			
	10/31/2022	\$100.00			
Andrew Polluck 2840 Augusta Dr Las Vegas, NV 89109	10/06/2022	\$200.00			
Kevin Tice 2931 Edgemont Dr Henderson, NV 89074	10/06/2022	\$4.00			
	10/06/2022	\$100.00			
Thomas McDonald 3 Sable Ridge Ct Las Vegas, NV 89135	10/06/2022	\$500.00			
Mark Terry 3256 Ella Lee Ln Houston, TX 77019	10/06/2022	\$150.00			
Shandell Auten 3406 Cinnamon Creek Ave North Las Vegas, NV 89031	10/06/2022	\$4.00			
	10/06/2022	\$100.00			
Ann Silver 3407 Skyline Blvd Reno, NV 89509	10/06/2022	\$100.00			
	10/15/2022	\$100.00			
	10/15/2022	\$50.00			
	10/24/2022	\$100.00			
	10/31/2022	\$100.00			
	11/01/2022	\$100.00			
	11/09/2022	\$100.00			
	11/19/2022	\$50.00			
	11/19/2022	\$100.00			
	11/19/2022	\$100.00			
	12/03/2022	\$100.00			
	12/03/2022	\$100.00			
	12/06/2022	\$100.00			
	12/17/2022	\$50.00			
	12/17/2022	\$100.00			
	12/25/2022	\$100.00			
	12/31/2022	\$100.00			

	12/31/2022	\$100.00			
Mark Hicks 38 Remington Ln Aliso Viejo, CA 92656	10/06/2022	\$100.00			
	10/23/2022	\$100.00			
Michael Miranda 421 N Lamb Blvd Unit C Las Vegas, NV 89110	10/06/2022	\$4.00			
	10/06/2022	\$100.00			
Elise Carey 4401 Charneta Ct Las Vegas, NV 89130	10/06/2022	\$50.00			
	12/31/2022	\$100.00			
Derrek Yelton 4569 Atlantico St Las Vegas, NV 89135	10/06/2022	\$50.00			
	10/15/2022	\$50.00			
	10/21/2022	\$100.00			
	10/30/2022	\$100.00			
	10/31/2022	\$100.00			
	11/02/2022	\$100.00			
	11/08/2022	\$100.00			
	11/08/2022	\$100.00			
Elena Boriga Harns 5230 Ithaca Ave Las Vegas, NV 89122	10/06/2022	\$25.00			
	10/06/2022	\$100.00			
	11/06/2022	\$100.00			
	11/08/2022	\$100.00			
Paul Mossman 531 Keolu Dr Kailua, HI 96734	10/06/2022	\$200.00			
Paolo Tiramani 5345 E North Belt Rd Las Vegas, NV 89115	10/06/2022	\$5,000.00			
	10/06/2022	\$5,000.00			
John Jaidinger 601 N Menge Rd Marengo, IL 60152	10/06/2022	\$62.50			
	10/06/2022	\$250.00			
	10/15/2022	\$25.00			
	10/15/2022	\$100.00			
	10/31/2022	\$250.00			
Mike Manning 6423 Hook Creek Ct Las Vegas, NV 89130	10/06/2022	\$35.00			
	10/15/2022	\$25.00			
	10/31/2022	\$35.00			
	11/08/2022	\$25.00			
Thomas Torrey 6725 W Oquendo Rd Las Vegas, NV 89118	10/06/2022	\$10.00			
	10/06/2022	\$250.00			
Daniel Cummings 710 Saddlespur Rd Reno, NV 89511	10/06/2022	\$2,000.00			
	11/01/2022	\$500.00			
Lawrence Miller 7081 Magic Moment Ln Las Vegas, NV 89119	10/06/2022	\$25.00			
	10/25/2022	\$25.00			
	10/31/2022	\$50.00			
	11/06/2022	\$50.00			
Tyra Bellholland 7226 Estonian Dr Las Vegas, NV 89113	10/06/2022	\$250.00			

Bob Canfield 7260 W Azure Dr #140-18 Las Vegas, NV 89130	10/06/2022	\$100.00			
	10/15/2022	\$100.00			
James Huesing 7452 Jager Ct Cincinnati, OH 45230	10/06/2022	\$500.00			
	10/23/2022	\$500.00			
David Contis 774 Mays Blvd Incline Village, NV 89451	10/06/2022	\$500.00			
Gregory Jolley 9550 Crassula Pagoda Ave Las Vegas, NV 89139	10/06/2022	\$50.00			
	10/06/2022	\$2.00			
	10/15/2022	\$50.00			
	10/15/2022	\$2.00			
	10/29/2022	\$2.00			
	10/29/2022	\$50.00			
	10/30/2022	\$50.00			
	10/30/2022	\$2.00			
	11/08/2022	\$35.00			
Liesl K. Freedman 9804 Piper Glen Pl Las Vegas, NV 89134	10/06/2022	\$500.00			
Paul Page PO Box 18604 Reno, NV 89511	10/06/2022	\$50.00			
	10/06/2022	\$2.00			
	10/23/2022	\$2.00			
	10/23/2022	\$50.00			
	10/31/2022	\$50.00			
	10/31/2022	\$12.50			
Guy Bowers PO Box 8090 Ruidoso, NM 88355	10/06/2022	\$100.00			
	10/06/2022	\$100.00			
	11/08/2022	\$50.00			
	11/08/2022	\$50.00			
Spirit of Virginia PO Box 3950 Merrifield, VA 22116	10/07/2022	\$5,000.00			
	10/07/2022	\$5,000.00			
Battle Born Women PAC PO Box 17041 Reno, NV 89511	10/07/2022	\$5,000.00			
Coeur Rochester Inc PO Box 1057 Lovelock, NV 89419	10/07/2022	\$5,000.00			
	12/15/2022	\$5,000.00			
George Ogilvie 9105 Sandy Bluff Court Las Vegas, NV 89134	10/07/2022	\$1,000.00			
Epic Events Group, LLC 8905 West Post Road Ste 200 Las Vegas, NV 89148	10/07/2022	\$2,500.00			
BM Old Seward LLC 7326 West Cheyenne Avenue #120 Las Vegas, NV 89129	10/07/2022	\$5,000.00			
	10/07/2022	\$5,000.00			
Blizz Vegas Holdings LLC 6975 South Decatur Boulevard #110 Las Vegas, NV 89118	10/07/2022	\$2,500.00			

Summit Spirits & Wine 6975 South Decatur Boulevard #100 Las Vegas, NV 89118	10/07/2022	\$5,000.00			
	10/07/2022	\$5,000.00			
Charles Lilley 520 Southwest Yamhill Street Portland, OR 97204	10/07/2022	\$1,000.00			
Claggett & Sykes Law Firm 4101 Meadows Lane #100 Las Vegas, NV 89152	10/07/2022	\$5,000.00			
Washoe Republican Women 3495 Lakeside Drive #84 Reno, NV 89509	10/07/2022	\$1,000.00			
Christopher Stimson 35 Hawk Ridge Drive Las Vegas, NV 89135	10/07/2022	\$5,000.00			
N&P LV Holdings LLC dba Socks & Bottoms 3545 Las Vegas Boulevard South Las Vegas, NV 89109	10/07/2022	\$2,500.00			
Professional Massage, Inc 3560 Polaris Avenue #18 Las Vegas, NV 89103	10/07/2022	\$3,000.00			
Charles Watkins 150 Las Vegas Boulevard North #1705 Las Vegas, NV 89101	10/07/2022	\$2,500.00			
Associated General Contractors Build PAC 150 N. Durango Dr. Ste. 100 Las Vegas, NV 89145	10/07/2022	\$5,000.00			
	10/07/2022	\$5,000.00			
Innovative Food Brands 12207 Los Nietos Road #A Santa Fe Springs, CA 90670	10/07/2022	\$2,500.00			
James Kelly 120 Jaunita Dr #24 Incline Village, NV 89451	10/10/2022	\$4.00			
	10/10/2022	\$100.00			
	10/15/2022	\$100.00			
	10/23/2022	\$100.00			
	10/23/2022	\$4.00			
	10/26/2022	\$4.00			
	10/26/2022	\$100.00			
Steve Roberts 10300 Huxley Cross Ln Las Vegas, NV 89144	10/10/2022	\$250.00			
Patrick Mckenna 10391 Tewa Ct Reno, NV 89511	10/10/2022	\$100.00			
	10/10/2022	\$4.00			
Allen Simon 1383 N Criss St Chandler, AZ 85226	10/10/2022	\$50.00			
	10/15/2022	\$50.00			
	11/08/2022	\$50.00			
	11/19/2022	\$50.00			
Nhien Le 2362 Bellows Place Woodland, CA 95776	10/10/2022	\$50.00			
	10/23/2022	\$50.00			
	10/31/2022	\$25.00			

Dennis Houge 2049 Wind Ranch Rd #C Reno, NV 89521	10/10/2022	\$25.00			
	10/23/2022	\$12.50			
	10/31/2022	\$20.22			
	11/06/2022	\$50.00			
Timothy Walker 213 Campbell Drive Las Vegas, NV 89107	10/10/2022	\$5,000.00			
Bombard Mechanical 3933 West Ali Baba Lane Las Vegas, NV 89118	10/10/2022	\$5,000.00			
David Gubler 521 Mountain City Hwy #9 Elko, NV 89801	10/10/2022	\$100.00			
	10/10/2022	\$4.00			
C.C.B. Enterprises Inc. dba Crisci Builders 5020 East Cartier Avenue Las Vegas, NV 89115	10/10/2022	\$5,000.00			
Marshall Tripp 4616 W Sahara Ave #560 Las Vegas, NV 89102	10/10/2022	\$25.00			
	10/15/2022	\$25.00			
	10/23/2022	\$20.22			
	10/25/2022	\$35.00			
Jamie Rhodes 765 San Antonio Ranch Road Washoe Valley, NV 89704	10/10/2022	\$500.00			
Penn Air Control Inc. 5941 Lakeshore Dr Cypress, CA 90630	10/10/2022	\$5,000.00			
Tyler Bennet 9833 Ridge Rock Ct Las Vegas, NV 89134	10/10/2022	\$2,500.00			
L Witt C/O The Witt Family Trust 5756 North Rainbow Boulevard Las Vegas, NV 89130	10/10/2022	\$5,000.00			
Vernon Tyerman PO Box 3791 Incline Village, NV 89450	10/10/2022	\$250.00			
	10/15/2022	\$10.00			
	10/15/2022	\$250.00			
Astellas Pharma US, Inc. Astellas Astellas Way Northbrook, IL 60062	10/11/2022	\$5,000.00			
T Nickolas Co 3710 West Sunset Road Las Vegas, NV 89118	10/11/2022	\$5,000.00			
	10/11/2022	\$5,000.00			
James Pope 3324 Granville Drive Raleigh, NC 27609	10/11/2022	\$2,500.00			
Christopher Vito 1316 Eagle Meadow Court Las Vegas, NV 89123	10/11/2022	\$1,000.00			
Joyce Seeco 10269 Copper Cloud Drive Reno, NV 89511	10/11/2022	\$250.00			
David Hockaday 12 Juanita Lane Smith Valley, NV 89444	10/11/2022	\$250.00			

i3 Public Affairs 1575 Delucchi Lane Reno, NV 89502	10/13/2022	\$5,000.00			
	10/13/2022	\$500.00			
Npm & Csa 1575 Delucchi Lane #201 Reno, NV 89502	10/13/2022	\$4,500.00			
	10/13/2022	\$5,000.00			
Amt Investments 1627 U.S. Highway 395 North Minden, NV 89423	10/14/2022	\$5,000.00			
	10/14/2022	\$5,000.00			
Steven Loye 1410 Webster Way Reno, NV 89509	10/14/2022	\$1,000.00			
The Ferraro Group 165 West Liberty Street #210 Reno, NV 89501	10/14/2022	\$5,000.00			
	10/14/2022	\$2,500.00			
Guy Nohra 16880 Salut Court Reno, NV 89511	10/14/2022	\$3,000.00			
Republican Governors Association 1747 Pennsylvania Avenue Northwest Suite 250 Washington, DC 20006	10/14/2022	\$5,000.00			
	10/14/2022	\$5,000.00			
Cafe Leone LLC dba Cafe Leone 1215 South Fort Apache Road #120 Las Vegas, NV 89117	10/14/2022	\$5,000.00			
	10/14/2022	\$5,000.00			
Sahara Center LLC 1215 South Fort Apache Road #120 Las Vegas, NV 89117	10/14/2022	\$5,000.00			
	10/14/2022	\$5,000.00			
Gregor Jackson 10080 Alta Drive #101 Las Vegas, NV 89145	10/14/2022	\$5,000.00			
	10/14/2022	\$5,000.00			
Richard Haddrill 10 Ridge Blossom Road Las Vegas, NV 89135	10/14/2022	\$3,000.00			
Lance Bradford 3145 Saint Rose Parkway #200 Henderson, NV 89052	10/14/2022	\$3,750.00			
Leilani Bradford 3145 Saint Rose Parkway #200 Henderson, NV 89052	10/14/2022	\$3,750.00			
Village At St Rose LLC 3145 Saint Rose Parkway #200 Henderson, NV 89052	10/14/2022	\$2,500.00			
Andy Russo Jr., Inc. 3030 Valley View Blvd. Las Vegas, NV 89102	10/14/2022	\$2,500.00			
George Lee 311 Greenwich Street #4H New York, NY 10013	10/14/2022	\$200.00			
Chris Davidson 306 Rosegate Avenue Henderson, NV 89052	10/14/2022	\$5,000.00			
JDC I LLC 2505 Anthem Village Drive #E-594 Henderson, NV 89052	10/14/2022	\$5,000.00			
	10/14/2022	\$5,000.00			

Croveti Bone and Joint Institute of Southern Nevada Ltd 2779 West Horizon Ridge Parkway #200 Henderson, NV 89052	10/14/2022	\$5,000.00			
	10/14/2022	\$5,000.00			
Rapid Tote Systems LLC 2450 Saint Rose Parkway #200 Henderson, NV 89074	10/14/2022	\$5,000.00			
Lisa Manning 381 Rancho Rosario Court Las Vegas, NV 89138	10/14/2022	\$500.00			
Golssa Moridi 405 Royalton Drive Las Vegas, NV 89144	10/14/2022	\$5,000.00			
	10/14/2022	\$4,000.00			
DRZ, Inc. 3970 Ponderosa Way Las Vegas, NV 89118	10/14/2022	\$5,000.00			
Power Parent Inc 400 South 4th Street 3rd floor Las Vegas, NV 89101	10/14/2022	\$200.00			
Jill Straub 426 Mountain Lake Court Incline Village, NV 89451	10/14/2022	\$350.00			
Edward Stockton 44 Emerald Dunes Circle Henderson, NV 89052	10/14/2022	\$5,000.00			
	10/14/2022	\$5,000.00			
E-z Management Group LLC 5160 South Rogers Street Las Vegas, NV 89118	10/14/2022	\$2,000.00			
General Design & Construction Co Inc 5160 South Rogers Street Las Vegas, NV 89118	10/14/2022	\$2,000.00			
Bumble Breeze Plumbing 5130 South Valley View Boulevard, #112 Las Vegas, NV 89118	10/14/2022	\$5,000.00			
Buenos Aires Air Conditioning & Heating Inc 5200 Vegas Drive Las Vegas, NV 89108	10/14/2022	\$5,000.00			
Albert Pistrutto 5345 North Campbell Road Las Vegas, NV 89149	10/14/2022	\$500.00			
Roxanne Caviola 5 Paradise Valley Court Henderson, NV 89052	10/14/2022	\$500.00			
Paul W. Robarts 6450 Spring Mountain Road Ste. 12 Las Vegas, NV 89146	10/14/2022	\$5,000.00			
Paul Skittone 7 Cambria St Staten Island, NY 10305	10/14/2022	\$1,000.00			
	10/26/2022	\$100.00			
	10/31/2022	\$25.00			
NextEra Energy Resources LLC 700 Universe Boulevard Juno Beach, FL 33408	10/14/2022	\$10,000.00			
Las Vegas Motor Speedway 7000 Las Vegas Boulevard North	10/14/2022	\$1,000.00			

Las Vegas, NV 89115					
Kenneth D. Goodrich 9324 Canyon Classic Drive Las Vegas, NV 89144	10/14/2022	\$10,000.00			
Wendy A. Garner 9324 Canyon Classic Drive Las Vegas, NV 89144	10/14/2022	\$10,000.00			
Richard Warneka PO Box 30973 Laughlin, NV 89028	10/14/2022	\$1,000.00			
Pegram LLC PO Box 9 Minden, NV 89423	10/14/2022	\$5,000.00			
	10/14/2022	\$5,000.00			
Elizabeth McGinnis PO Box 777637 Henderson, NV 89077	10/14/2022	\$2,900.00			
Fred Muhs PO Box 778148 Henderson, NV 89077	10/14/2022	\$2,900.00			
Cathay Development Corp PO Box 80898 Las Vegas, NV 89180	10/14/2022	\$1,500.00			
Christina M. Strickland LLC PO Box 94924 Las Vegas, NV 89193	10/14/2022	\$5,000.00			
Delia Ross PO Box 81496 Las Vegas, NV 89180	10/15/2022	\$4.00			
	10/15/2022	\$100.00			
ernest aguirre PO Box 33359 Laughlin, NV 89028	10/15/2022	\$12.50			
	10/15/2022	\$50.00			
	10/29/2022	\$35.00			
	11/08/2022	\$6.25			
	11/08/2022	\$25.00			
Andrea Carlton PO Box 58258 Nashville, TN 37205	10/15/2022	\$5,000.00			
	10/15/2022	\$5,000.00			
Ryan Erwin 9500 W Flamingo #203 Las Vegas, NV 89147	10/15/2022	\$2,500.00			
Mike Slanker 9045 Waterfield Ct Las Vegas, NV 89134	10/15/2022	\$1,000.00			
William Cockerell Box 1637 Zephyr Cove, NV 89448	10/15/2022	\$250.00			
Malcolm Wittig HC 60 Box 50 Wells, NV 89835	10/15/2022	\$10.00			
	10/15/2022	\$250.00			
	10/24/2022	\$100.00			
	11/02/2022	\$50.00			
	11/08/2022	\$50.00			
	11/08/2022	\$100.00			
Tom Ahlborn 9808 Old Camp Ln Windsor, CA 95492	10/15/2022	\$250.00			

Steve Capp 9811 W Charleston Blvd #2296 Las Vegas, NV 89117	10/15/2022	\$500.00			
Brett Tibbitts PO Box 10600 Zephyr Cove, NV 89448	10/15/2022	\$250.00			
Lacy Williams NP63 Lake Cherokee Longview, TX 75603	10/15/2022	\$50.00			
	10/15/2022	\$1,000.00			
Judith Otto 6755 Quaking Aspen Rd Reno, NV 89510	10/15/2022	\$2.00			
	10/15/2022	\$50.00			
	10/31/2022	\$50.00			
Paul Petrucelly 7445 E Eaglecrest Mesa, AZ 85207	10/15/2022	\$50.00			
	11/06/2022	\$50.00			
	11/08/2022	\$100.00			
Thomas Macdiarmid 7506 Ulysses Dr Sparks, NV 89436	10/15/2022	\$2.00			
	10/15/2022	\$50.00			
	11/01/2022	\$2.00			
	11/01/2022	\$50.00			
Patti Carter 7671 Gracemoor Ct Las Vegas, NV 89149	10/15/2022	\$100.00			
	10/15/2022	\$4.00			
	10/23/2022	\$102.43			
	10/31/2022	\$100.00			
	11/19/2022	\$102.43			
	12/17/2022	\$102.43			
Paula Hammack 8300 Mooses Ct Las Vegas, NV 89131	10/15/2022	\$50.00			
	11/19/2022	\$50.00			
	12/17/2022	\$50.00			
Lisa Cannito 8560 S Miller Ln Las Vegas, NV 89113	10/15/2022	\$1,000.00			
Walt Walters 6688 Valley View Rdg Ct Las Vegas, NV 89110	10/15/2022	\$250.00			
	11/19/2022	\$250.00			
Orestes Guerra 6063 Stone Rise St Las Vegas, NV 89135	10/15/2022	\$100.00			
	10/15/2022	\$4.00			
Stephen E. Thorne 621 Majestic Rim Henderson, NV 89012	10/15/2022	\$5,000.00			
	10/15/2022	\$5,000.00			
Teresa Mogg 5912 Karnes Ranch Ave Las Vegas, NV 89131	10/15/2022	\$2.00			
	10/15/2022	\$50.00			
	10/29/2022	\$2.00			
	10/29/2022	\$50.00			
William Crozer 601 13th St NW, 11th Floor S Washington, DC 20005	10/15/2022	\$1,000.00			
John Alex 540 Christina Dr Saint Augustine, FL 32086	10/15/2022	\$250.00			

Richard Florino 58 Blackstone Dr Raymond, NH 3077	10/15/2022	\$100.00			
	10/15/2022	\$25.00			
Craig Podesta 585 Lakeshore Blvd Incline Village, NV 89451	10/15/2022	\$250.00			
Charlie Shalvoy 59 Damonte Ranch Pkwy #B-598 Reno, NV 89521	10/15/2022	\$250.00			
Mary Weneta 4205 Longknife Rd Reno, NV 89519	10/15/2022	\$10.00			
	10/15/2022	\$250.00			
Paula Reber 3809 Old Orchard Ct Las Vegas, NV 89108	10/15/2022	\$150.00			
Joseph Dutra 405 Edison Way Reno, NV 89502	10/15/2022	\$250.00			
	10/15/2022	\$10.00			
Martha Peralta 2421 Oak Ridge Dr Carson City, NV 89703	10/15/2022	\$1.00			
	10/15/2022	\$25.00			
	10/24/2022	\$5.00			
	10/24/2022	\$20.00			
	10/24/2022	\$25.00			
	10/31/2022	\$25.00			
	11/08/2022	\$10.00			
Michael Cirillo 2321 East 4th St Santa Ana, CA 92705	10/15/2022	\$5,000.00			
Larry Morris 220 Desert Rose Ct Boulder City, NV 89005	10/15/2022	\$100.00			
	10/15/2022	\$25.00			
	10/23/2022	\$4.00			
	10/23/2022	\$100.00			
	10/24/2022	\$100.00			
	10/31/2022	\$100.00			
George E McCall 218 Via D Este#1308 Delray Beach, FL 33445	10/15/2022	\$100.00			
	11/19/2022	\$100.00			
	12/17/2022	\$100.00			
Kyle Stephens 2231 S Monte Cristo Way Las Vegas, NV 89117	10/15/2022	\$500.00			
	10/23/2022	\$1,000.00			
	10/23/2022	\$500.00			
James Gregory 2110 Pratt Dr Elko, NV 89801	10/15/2022	\$500.00			
	10/15/2022	\$20.00			
Daniel Hughes 2005 Fern Hill Ct Henderson, NV 89052	10/15/2022	\$250.00			
John O'Donnell 2065 Eaglepath Cir Henderson, NV 89074	10/15/2022	\$150.00			
Brad Mora 2090 Rice Rd Fallon, NV 89406	10/15/2022	\$100.00			
	10/25/2022	\$50.00			

C. Edward Cotton 1919 Racine Dr Las Vegas, NV 89156	10/15/2022	\$20.00			
	10/15/2022	\$20.00			
	10/23/2022	\$20.22			
	10/31/2022	\$20.22			
	11/08/2022	\$20.00			
	11/19/2022	\$20.00			
	12/03/2022	\$20.22			
	12/17/2022	\$20.00			
	12/17/2022	\$20.00			
Cameron Hopkins 194 Mount St Helens Henderson, NV 89012	10/15/2022	\$100.00			
	11/19/2022	\$100.00			
	12/17/2022	\$100.00			
Ali Shahrestani 20 Meadowhawk Ln Las Vegas, NV 89135	10/15/2022	\$2,000.00			
Juliane Tran 2011 Pray St Fullerton, CA 92833	10/15/2022	\$1,000.00			
Vicki Paulbick 2980 S Jones Blvd Las Vegas, NV 89146	10/15/2022	\$250.00			
Jim Battista 284C E Lake Mead Pkwy Henderson, NV 89015	10/15/2022	\$50.00			
	10/31/2022	\$100.00			
	11/19/2022	\$50.00			
	12/17/2022	\$50.00			
Thomas Claridge 2878 Quartz Cyn Dr Henderson, NV 89052	10/15/2022	\$100.00			
	10/25/2022	\$50.00			
	10/26/2022	\$100.00			
Heather Mercer 2857 Paradise Rd #3001 Las Vegas, NV 89109	10/15/2022	\$5,000.00			
Yolanda Sargent 28 Panorama Crest Ave Las Vegas, NV 89135	10/15/2022	\$5,000.00			
	10/15/2022	\$5,000.00			
Robert Laurie 2808 Kimberlite Rd Sparks, NV 89436	10/15/2022	\$500.00			
	10/24/2022	\$200.00			
Paul Sherman 3250 Orange Sun St Las Vegas, NV 89135	10/15/2022	\$12.50			
	10/15/2022	\$50.00			
	10/31/2022	\$50.00			
	11/05/2022	\$100.00			
Terry Coffing 10001 Park Run Dr Las Vegas, NV 89145	10/15/2022	\$4.00			
	10/15/2022	\$100.00			
Della Bynum 10128 Indian Ridge Dr Reno, NV 89511	10/15/2022	\$500.00			
	10/15/2022	\$20.00			
Randi Thompson 12575 Overbrook Dr Reno, NV 89511	10/15/2022	\$250.00			

Michael Grodzicki 115 Crestview Ct San Carlos, CA 94070	10/15/2022	\$50.00			
	10/24/2022	\$50.00			
	11/01/2022	\$35.00			
Lou Tarter 11524 Bohemian Forest Las Vegas, NV 89138	10/15/2022	\$1,000.00			
Carla Slagle 11197 Antonine Wall Ct Las Vegas, NV 89141	10/15/2022	\$20.00			
	10/23/2022	\$20.00			
	10/29/2022	\$25.00			
	11/08/2022	\$50.00			
	11/08/2022	\$35.00			
Robert Cummins 1685 Apple Blossom Dr Cumming, GA 30041	10/15/2022	\$100.00			
	10/15/2022	\$4.00			
Nord Andresen 1700 Shattuck Ave #107 Berkeley, CA 94709	10/15/2022	\$250.00			
Michael Shetler 1845 Rustling Oaks Ln Prescott, AZ 86303	10/15/2022	\$250.00			
	10/15/2022	\$10.00			
Wells Cargo Inc 10191 West Park Run Drive Las Vegas, NV 89145	10/18/2022	\$5,000.00			
NV First 316 California Avenue #519 Reno, NV 89509	10/18/2022	\$5,000.00			
	10/18/2022	\$4,000.00			
Sean McConnell 2855 Dalsetter Drive Henderson, NV 89044	10/18/2022	\$2,000.00			
Marion Camp 2702 Wind Feather Trail Reno, NV 89511	10/18/2022	\$250.00			
Matthew Ricciardella 2212 Paiute Meadows Drive Las Vegas, NV 89134	10/18/2022	\$3,500.00			
Brian Chapman 3701 Freightliner Drive North Las Vegas, NV 89081	10/18/2022	\$1,500.00			
Henderson Chamber Of Commerce IMPAC 590 South Boulder Highway Henderson, NV 89015	10/18/2022	\$2,500.00			
Champions Tavern LLC dba Aces East 7272 South El Capitan Way Las Vegas, NV 89148	10/18/2022	\$1,500.00			
Encore Commercial Inc 7272 South El Capitan Way Las Vegas, NV 89148	10/18/2022	\$1,000.00			
Encore Real Estate Services Inc dba Home Smart Encore 7272 South El Capitan Way Las Vegas, NV 89148	10/18/2022	\$500.00			
Wedgies Sports Bar LLC 7272 South El Capitan Way Las Vegas, NV 89148	10/18/2022	\$1,500.00			

Raising The Kilt LLC 7272 South El Capitan Way #2 Las Vegas, NV 89148	10/18/2022	\$1,500.00			
Rajarataka LLC 7272 South El Capitan Way #2 Las Vegas, NV 89148	10/18/2022	\$1,000.00			
National Association of Insurance & Financial Advisors PAC 9187 West Flamingo Road Las Vegas, NV 89147	10/18/2022	\$500.00			
Urban Jungle Contractors Ltd PO Box 60609 Boulder City, NV 89006	10/18/2022	\$250.00			
Pj2Investments LLC PO Box 777926 Henderson, NV 89077	10/19/2022	\$1,500.00			
	12/27/2022	\$1,500.00			
Truline Corporation 9390 Redwood Street Las Vegas, NV 89139	10/19/2022	\$5,000.00			
	10/19/2022	\$5,000.00			
RJS Inc 9777 South Las Vegas Boulevard Las Vegas, NV 89183	10/19/2022	\$5,000.00			
	10/19/2022	\$5,000.00			
James Daniel Carpenter 2505 Anthem Village Drive #E594 Henderson, NV 89052	10/19/2022	\$5,000.00			
	10/19/2022	\$5,000.00			
Eye & Cosmetic Surgery LLC 2505 Anthem Village Drive #E-594 Henderson, NV 89052	10/19/2022	\$5,000.00			
	10/19/2022	\$5,000.00			
Edgewater Gaming LLC 2020 South Casino Drive Laughlin, NV 89029	10/19/2022	\$5,000.00			
	10/19/2022	\$5,000.00			
Aquarius Casino Resort 1900 South Casino Drive Laughlin, NV 89029	10/19/2022	\$5,000.00			
	10/19/2022	\$5,000.00			
American Comeback Committee 1747 Pennsylvania Avenue Northwest Suite 1747 Washington, DC 20006	10/20/2022	\$5,000.00			
	10/20/2022	\$5,000.00			
Andrea Hendrick 14 Sable Ridge Court Las Vegas, NV 89135	10/21/2022	\$5,000.00			
Kirk Hendrick 14 Sable Ridge Court Las Vegas, NV 89135	10/21/2022	\$5,000.00			
Pain & Orthopedic Of Southern Nevada 1485 East Flamingo Road Las Vegas, NV 89119	10/21/2022	\$2,000.00			
Appiah Tours Inc 10161 West Park Run Drive #150 Las Vegas, NV 89145	10/21/2022	\$1,000.00			
Red Arrow Marketing LLC 10777 West Twain Avenue #215 Las Vegas, NV 89135	10/21/2022	\$5,000.00			
	10/21/2022	\$5,000.00			
Jerry Wenger 1090 Road 10 Powell, WY 82435	10/21/2022	\$2,900.00			

Damon Young 11212 Campsie Fells Court Las Vegas, NV 89141	10/21/2022	\$200.00			
WJS Consulting LLC 11035 Lavender Hill Drive #160-524 Las Vegas, NV 89135	10/21/2022	\$250.00			
Jing Las Vegas 10975 Oval Park Drive #100 Las Vegas, NV 89135	10/21/2022	\$1,500.00			
	11/02/2022	\$2,500.00			
Patrick McNulty 10981 Keymar Drive Las Vegas, NV 89135	10/21/2022	\$250.00			
Capital Healthcare Solutions 11700 West Charleston Boulevard #170-220 Las Vegas, NV 89135	10/21/2022	\$1,000.00			
Lori Chavez 11280 Granite Ridge Drive #1045 Las Vegas, NV 89135	10/21/2022	\$500.00			
Meow LLC 195 East Reno Avenue #A Las Vegas, NV 89119	10/21/2022	\$2,500.00			
Donald Weir 2250 Del Monte Lane Reno, NV 89511	10/21/2022	\$5,000.00			
	10/21/2022	\$5,000.00			
James B Manning 2680 Crimson Canyon Drive Las Vegas, NV 89128	10/21/2022	\$1,000.00			
Cook's Truck & Tractor LLC 2590 Nature Park Drive #200 North Las Vegas, NV 89084	10/21/2022	\$5,000.00			
	10/21/2022	\$5,000.00			
Patriot Contractors LLC 2590 Nature Park Drive #200 North Las Vegas, NV 89084	10/21/2022	\$5,000.00			
	10/21/2022	\$5,000.00			
Strategic Medical Management LLC 3050 Raywood Ash Drive Las Vegas, NV 89138	10/21/2022	\$2,000.00			
Frontline Medical Group LLC dba Sassan Kevah MD 3150 North Tenaya Way #400 Las Vegas, NV 89128	10/21/2022	\$500.00			
Omni Limousine Inc 335 Bond Street Brooklyn, NY 11231	10/21/2022	\$2,500.00			
Ryan Alexander Chtd 3017 West Charleston Boulevard #58 Las Vegas, NV 89102	10/21/2022	\$500.00			
LBC Law Group 723 South 7th Street Las Vegas, NV 89101	10/21/2022	\$150.00			
Balle Management 8213 Long Buffalo Avenue Las Vegas, NV 89131	10/21/2022	\$5,000.00			
	10/21/2022	\$5,000.00			
Donna A Ruthe 7904 Rockwind Court Las Vegas, NV 89117	10/21/2022	\$5,000.00			
	10/21/2022	\$5,000.00			

Randolph Townsend 8 Quail Run Road Henderson, NV 89014	10/21/2022	\$5,000.00			
Robyne Brooks Townsend 8 Quail Run Road Henderson, NV 89014	10/21/2022	\$5,000.00			
Sierra Medical Services LLC 8068 West Sahara Avenue # C Las Vegas, NV 89117	10/21/2022	\$2,500.00			
Jefferies Company Inc 8068 West Sahara Avenue #C Las Vegas, NV 89117	10/21/2022	\$2,500.00			
Retail Concepts Corporations 5415 Cameron Street #119 Las Vegas, NV 89118	10/21/2022	\$2,000.00			
Jo Ann Acres 64 Tapadero Lane Las Vegas, NV 89135	10/21/2022	\$5,000.00			
	10/21/2022	\$5,000.00			
John Acres 64 Tapadero Lane Las Vegas, NV 89135	10/21/2022	\$5,000.00			
	10/21/2022	\$5,000.00			
Acres 4 0 6415 South Tenaya Way #110 Las Vegas, NV 89113	10/21/2022	\$5,000.00			
	10/21/2022	\$5,000.00			
Acres Manufacturing Company 6415 South Tenaya Way #110 Las Vegas, NV 89113	10/21/2022	\$5,000.00			
	10/21/2022	\$5,000.00			
Acres Technology 6415 South Tenaya Way #110 Las Vegas, NV 89113	10/21/2022	\$5,000.00			
	10/21/2022	\$5,000.00			
Brian M Collins 3670 West Oquendo Road Las Vegas, NV 89118	10/21/2022	\$2,000.00			
William Weinberger 3754 Mesa Linda Drive Las Vegas, NV 89120	10/21/2022	\$1,000.00			
AK Global Investment LLC 4495 West Hacienda Avenue #1 Las Vegas, NV 89118	10/21/2022	\$2,000.00			
XL Concrete Masonry LLC 4460 Riviera Ridge Avenue Las Vegas, NV 89115	10/21/2022	\$5,000.00			
	10/21/2022	\$5,000.00			
	10/21/2022	\$5,000.00			
	10/21/2022	\$5,000.00			
NV Chiropractic Rehab Center 3900 West Charleston Boulevard #140 Las Vegas, NV 89102	10/21/2022	\$1,500.00			
Desert Cab LLC 4675 Wynn Rd. Las Vegas, NV 89103	10/21/2022	\$5,000.00			
Derrick Warfel PO Box 3448 Tequesta, FL 33469	10/21/2022	\$900.00			
Lazaro R Chavez PO Box 370187 Las Vegas, NV 89137	10/21/2022	\$500.00			

Vincent Lorenzo PO Box 2157 Ballston Spa, NY 12020	10/23/2022	\$100.00			
	10/29/2022	\$100.00			
NV Auto Dealers Election Action Committee PO Box 7320 Reno, NV 89501	10/23/2022	\$5,000.00			
Buddy Manwill PO Box 90884 Henderson, NV 89009	10/23/2022	\$50.00			
	10/23/2022	\$2.00			
	10/24/2022	\$20.22			
	10/31/2022	\$50.00			
	12/03/2022	\$20.22			
Mike Korlin PO Box 5229 Sevierville, TN 37864	10/23/2022	\$100.00			
	10/23/2022	\$50.00			
	10/23/2022	\$100.00			
Mynda Smith 9825 Glenrock Las Vegas, NV 89134	10/23/2022	\$200.00			
	10/23/2022	\$5,000.00			
Stanley Van Vleck PO Box 1878 Crystal Bay, NV 89402	10/23/2022	\$2,500.00			
Pawan Agrawal 9392 Jeremy Blaine Ct Las Vegas, NV 89139	10/23/2022	\$100.00			
	10/31/2022	\$100.00			
Paul Latour 9434 Grand Isle Houston, TX 77044	10/23/2022	\$100.00			
	10/23/2022	\$25.00			
	10/23/2022	\$4.00			
	10/23/2022	\$25.00			
	10/29/2022	\$25.00			
Desert Institute of Spine Care 9339 West Sunset Road Suite 100 Las Vegas, NV 89148	10/23/2022	\$2,000.00			
Marshall Hunt 8258 San Fernando Way Dallas, TX 75218	10/23/2022	\$5,000.00			
Frederick Zimmerman 5 Hedwig Cir Houston, TX 77024	10/23/2022	\$250.00			
Fabulous Freddy's Car Wash 4350 S Durango Las Vegas, NV 89147	10/23/2022	\$5,000.00			
	10/23/2022	\$200.00			
Shannon Petersen 4380 Maltese Crest Cir Las Vegas, NV 89129	10/23/2022	\$1,000.00			
James Upton 4190 Houston Dr Reno, NV 89502	10/23/2022	\$100.00			
	10/23/2022	\$4.00			
William Jacob 4471 Dean Martin Dr #1406 Las Vegas, NV 89103	10/23/2022	\$100.00			
	10/23/2022	\$4.00			
Danny Sanders 440 E Paradise Hills Dr Henderson, NV 89002	10/23/2022	\$1,000.00			

GENE KRAMETBAUER 4450 PALISADES CANYON CIR LAS VEGAS, NV 89129	10/23/2022	\$30.00			
	10/23/2022	\$750.00			
	11/08/2022	\$250.00			
	11/08/2022	\$10.00			
Chad Christensen 3750 Las Vegas Blvd S #3508 Las Vegas, NV 89158	10/23/2022	\$5,000.00			
	10/23/2022	\$5,000.00			
Daniel Brasov 3750 Las Vegas Blvd S #3508 Las Vegas, NV 89158	10/23/2022	\$5,000.00			
	10/23/2022	\$5,000.00			
David Belding 395 E Sunset Rd Las Vegas, NV 89119	10/23/2022	\$5,000.00			
Richard Fabbro 38 Bretton Rd Scarsdale, NY 10583	10/23/2022	\$250.00			
David Blumberg 415 Centre Island Golden Beach, FL 33160	10/23/2022	\$2,000.00			
	10/29/2022	\$1,000.00			
Alex Boggs 4159 Dover Rd La Canada Flintridge, CA 91011	10/23/2022	\$2,500.00			
	10/23/2022	\$100.00			
Robert Bagnato 40 Autumn Ln Reno, NV 89511	10/23/2022	\$10.00			
	10/23/2022	\$250.00			
Tom Klauer 330 Juniper Hill Rd Reno, NV 89519	10/23/2022	\$500.00			
	10/31/2022	\$250.00			
Tom Foure 3514 McPherson St Waxhaw, NC 28173	10/23/2022	\$500.00			
Scott Loughridge 3579 Red Rock St Las Vegas, NV 89103	10/23/2022	\$2,000.00			
Lee Eliseian 3681 Mayberry Dr Reno, NV 89509	10/23/2022	\$500.00			
	10/31/2022	\$500.00			
Richard Schank 6162 Ocean View Dr Oakland, CA 94618	10/23/2022	\$100.00			
	10/31/2022	\$100.00			
Kenneth Alber 619 Cityview Ridge Dr Henderson, NV 89012	10/23/2022	\$80.00			
	10/23/2022	\$2,000.00			
James Buckley 6116 Blossom Knoll Ave Las Vegas, NV 89085	10/23/2022	\$100.00			
	10/23/2022	\$4.00			
Linda Carper 613 Rabbit Ridge Ct Reno, NV 89511	10/23/2022	\$250.00			
	10/23/2022	\$10.00			
Andy Masi 6445 S Teneya Way #150 Las Vegas, NV 89113	10/23/2022	\$5,000.00			
	10/23/2022	\$400.00			
	10/23/2022	\$5,000.00			
Creel Holdco LLC DBA Creel 6330 West Sunset Road	10/23/2022	\$5,000.00			

Las Vegas, NV 89118					
Ronald Brooks 5655 Silver Creek Valley Dr #311 San Jose, CA 95138	10/23/2022	\$1,000.00			
	10/23/2022	\$40.00			
Edward Stevenson 6000 Cartier Dr Reno, NV 89511	10/23/2022	\$250.00			
	10/23/2022	\$10.00			
John Turco 815 S Casino Center Blvd Las Vegas, NV 89101	10/23/2022	\$1,000.00			
	10/23/2022	\$40.00			
Kenneth Kleeman 7996 Oak Creek Dr Reno, NV 89511	10/23/2022	\$50.00			
	11/26/2022	\$50.00			
	12/25/2022	\$50.00			
Michelle Koski 7635 Devonshire Ln Reno, NV 89511	10/23/2022	\$150.00			
Jae Park 8657 W Sahara Ave Las Vegas, NV 89117	10/23/2022	\$50.00			
	10/23/2022	\$2.00			
	10/30/2022	\$100.00			
	10/30/2022	\$4.00			
Terrance Shirey 750 E Warm Springs Rd Las Vegas, NV 89119	10/23/2022	\$5,000.00			
David Semas 7 Marisol Newport Coast, CA 92657	10/23/2022	\$100.00			
	10/23/2022	\$2,500.00			
Theresa Santos 3005 Rustic Manor Cir Reno, NV 89509	10/23/2022	\$50.00			
	12/31/2022	\$500.00			
Cory Santos 3005 Rustic Manor Cir RENO, NV 89509	10/23/2022	\$200.00			
	12/31/2022	\$500.00			
Elizabeth Coyne 2595 Painted River Trail Reno, NV 89523	10/23/2022	\$500.00			
Janice Colvin 2549 Sun Reef Rd Las Vegas, NV 89128	10/23/2022	\$200.00			
	10/23/2022	\$5,000.00			
Jill Bell 2785 Josephine Dr Henderson, NV 89044	10/23/2022	\$500.00			
James Clark 2777 Paradise Rd #3701 Las Vegas, NV 89109	10/23/2022	\$1,000.00			
Gordon Zumwalt 2866 Rio Vista Dr Minden, NV 89423	10/23/2022	\$100.00			
	10/23/2022	\$100.00			
	10/23/2022	\$4.00			
	10/23/2022	\$4.00			
	10/26/2022	\$100.00			
	10/26/2022	\$4.00			
William Sullivan 2877 Paradise Rd Las Vegas, NV 89109	10/23/2022	\$2,500.00			

James Fuchs 2901 Red Arrow Dr Las Vegas, NV 89135	10/23/2022	\$1,000.00			
Rick Thomas 2939 Moose Ridge Dr Reno, NV 89523	10/23/2022	\$1,000.00			
	10/23/2022	\$40.00			
Sean Hoel 2405 Northshore Dr Reno, NV 89519	10/23/2022	\$250.00			
Nathan Judd 242 Terragona Breeze Dr Las Vegas, NV 89138	10/23/2022	\$500.00			
Micah Phillips 1958 Larkspur Ranch Ct Henderson, NV 89012	10/23/2022	\$20.00			
	10/23/2022	\$500.00			
Elaine Lazell 12 Mashie Ct Springfield, IL 62707	10/23/2022	\$2.00			
	10/23/2022	\$50.00			
	10/24/2022	\$25.00			
	10/31/2022	\$50.00			
Stephen Seink 12 Spellbound Ct Henderson, NV 89012	10/23/2022	\$1,000.00			
Ginny Wood 13 S High Point Rd Round Lake, IL 60073	10/23/2022	\$150.00			
Michael Lane 12024 Vento Forte Ave Las Vegas, NV 89138	10/23/2022	\$250.00			
Patrick Migliorini 1213 S Gertruda Ave Redondo Beach, CA 90277	10/23/2022	\$100.00			
	10/23/2022	\$4.00			
Buenas Noches LLC 10845 Griffith Peak Drive #520 Las Vegas, NV 89135	10/23/2022	\$5,000.00			
Erna Bailey 1045 Desert Jewel Ct Reno, NV 89511	10/23/2022	\$150.00			
Artistic Iron Works 105 W Charleston Blvd Las Vegas, NV 89102	10/23/2022	\$5,000.00			
Amber Turner 1008 Marsha Ln Gardnerville, NV 89460	10/23/2022	\$1,000.00			
Tamara Patrick 10128 Via Verona Reno, NV 89511	10/23/2022	\$250.00			
	10/23/2022	\$10.00			
Jlynn Grahamnair 15250 Ashwood Ln Chino Hills, CA 91709	10/23/2022	\$50.00			
	11/08/2022	\$250.00			
David Sajdak 1500 S 6th St Las Vegas, NV 89104	10/23/2022	\$4.00			
	10/23/2022	\$100.00			
Cristi Milazzo 1638 Broken Bow Rd Gardnerville, NV 89410	10/23/2022	\$100.00			
	10/23/2022	\$2,500.00			

Ying Yu 14170 Squirrel Hollow Ln Saratoga, CA 95070	10/23/2022	\$20.00			
	10/23/2022	\$500.00			
Alan Hilton 143 Denio Dr Dayton, NV 89403	10/23/2022	\$100.00			
	10/23/2022	\$4.00			
Mynda Smith 18 Garden Rain Dr Las Vegas, NV 89135	10/23/2022	\$5,000.00			
	10/23/2022	\$200.00			
Rima Demarais 170 Imperial Ave Westport, CT 6880	10/23/2022	\$125.00			
	10/24/2022	\$75.00			
	11/02/2022	\$100.00			
	11/06/2022	\$50.00			
	11/06/2022	\$2.00			
Daniel McGrath 1881 Stablegate Ave Henderson, NV 89012	10/23/2022	\$50.00			
	10/23/2022	\$2.00			
	10/30/2022	\$100.00			
Mitchell Ogron 1918 Bannie Ave Las Vegas, NV 89102	10/23/2022	\$5,000.00			
Kathy Siegfried 1830 Masters Way Chadds Ford, PA 19317	10/23/2022	\$2,500.00			
Robert Siegfried 1830 Masters Way Chadds Ford, PA 19317	10/23/2022	\$2,500.00			
Michael Melnicke 1637 50th St Brooklyn, NY 11204	10/24/2022	\$1,000.00			
Michael Dayton 1851 Steamboat Pkwy #7504 Reno, NV 89521	10/24/2022	\$250.00			
	11/26/2022	\$500.00			
David Smith 181 Stoney Creek Rd Gardnerville, NV 89460	10/24/2022	\$40.00			
	10/24/2022	\$1,000.00			
Mathew Werber 1430 Shewmaker Ct Reno, NV 89509	10/24/2022	\$4.00			
	10/24/2022	\$100.00			
David Lewis 1465 Morning Sun Way Las Vegas, NV 89110	10/24/2022	\$250.00			
Skyracer Consulting LLC 12381 Skyracer Drive Las Vegas, NV 89138	10/24/2022	\$1,000.00			
John Gianoli 1 Iron Drive Ely, NV 89301	10/24/2022	\$200.00			
Steve Smith 10641 Apple Mill Dr Reno, NV 89521	10/24/2022	\$50.00			
	10/24/2022	\$2.00			
	10/31/2022	\$2.00			
	10/31/2022	\$50.00			
Oxborrow Trucking Inc 2050 Kleppe Lane	10/24/2022	\$250.00			

Sparks, NV 89431					
Jun Ye 2121 Bryant St Palo Alto, CA 94301	10/24/2022	\$202.20			
Joe Vidal 2103 Mountain Echo Ave Henderson, NV 89074	10/24/2022	\$50.00			
	10/26/2022	\$20.00			
	11/01/2022	\$20.00			
	11/08/2022	\$15.00			
	11/08/2022	\$20.00			
Wendi Miller 214 N Royal Ascot Dr Las Vegas, NV 89144	10/24/2022	\$5,000.00			
V Is For Victory 1930 Village Center Circle #3-179 Las Vegas, NV 89134	10/24/2022	\$4,000.00			
	10/24/2022	\$5,000.00			
Thomas Murphrey 1953 Alcova Ridge Dr Las Vegas, NV 89135	10/24/2022	\$200.00			
	10/31/2022	\$200.00			
Maurice Gallagher 1980 Festival Plaza Drive #770 Las Vegas, NV 89135	10/24/2022	\$5,000.00			
	10/24/2022	\$5,000.00			
Kevin Elder 24 Painted Feather Way Las Vegas, NV 89135	10/24/2022	\$5,000.00			
	10/24/2022	\$5,000.00			
J. Stephen Pullum 250 International Pkwy Lake Mary, FL 32746	10/24/2022	\$1,000.00			
Antoinette Stanfield 232 Gold Leaf Lane Carson City, NV 89706	10/24/2022	\$200.00			
Charlotte M. Bible 275 Antelope Village Cir Henderson, NV 89012	10/24/2022	\$1,000.00			
	10/24/2022	\$40.00			
KIM BACCHUS 2702 LAKERIDGE Shores E RENO, NV 89519	10/24/2022	\$250.00			
	10/24/2022	\$10.00			
	10/26/2022	\$1,000.00			
	12/06/2022	\$250.00			
David Andreas 2605 87th Ter E Palmetto, FL 34221	10/24/2022	\$32.95			
	10/30/2022	\$68.95			
Scott Waller 3111 Bel Air Dr #5A Las Vegas, NV 89109	10/24/2022	\$50.00			
	10/24/2022	\$50.00			
	11/26/2022	\$50.00			
	11/26/2022	\$50.00			
	12/25/2022	\$50.00			
	12/31/2022	\$50.00			
Sharisse Chavez 320 timbercreek Ct Reno, NV 89511	10/24/2022	\$10.00			
	10/24/2022	\$250.00			
	10/31/2022	\$100.00			
	10/31/2022	\$25.00			

James Shephard 7500 W Camp Wisdom Rd Cowan #203 Dallas, TX 75236	10/24/2022	\$2.00			
	10/24/2022	\$25.00			
	10/24/2022	\$50.00			
	10/31/2022	\$35.00			
David Clark 7456 Brothers Ln Washoe Valley, NV 89704	10/24/2022	\$1,000.00			
George Del Carlo 874 Ophir Peak Rd INCLINE VILLAGE, NV 89451	10/24/2022	\$250.00			
	10/24/2022	\$10.00			
Thomas Adams 8608 Villa Ridge Dr Las Vegas, NV 89134	10/24/2022	\$2,500.00			
Mark Wimbush 605 Rose Peak Ct Reno, NV 89511	10/24/2022	\$250.00			
Richard Temple 57 S Concord Forest Cir The Woodlands, TX 77381	10/24/2022	\$500.00			
Sean Characky 5478 Valensole Ave Las Vegas, NV 89141	10/24/2022	\$5,000.00			
Rukshana Hussain 655 Angel Aura St Las Vegas, NV 89138	10/24/2022	\$4.00			
	10/24/2022	\$100.00			
E. A. Collis 360 Coconut Row Palm Beach, FL 33480	10/24/2022	\$500.00			
Ronald Allen 3605 Taurus Dr Racine, WI 53406	10/24/2022	\$250.00			
Sean Aldabbagh 3470 Callahan Ave Las Vegas, NV 89120	10/24/2022	\$300.00			
Scott Smith 3411 Cheechako Dr RENO, NV 89519	10/24/2022	\$200.00			
	10/24/2022	\$8.00			
Kenneth Kreider 3440 White Mountain Ct Reno, NV 89511	10/24/2022	\$250.00			
Steven Sultan 35554 Laurel Tree Ct Winchester, CA 92596	10/24/2022	\$250.00			
Selvin Passen 401 E Las Olas Blvd #1260 Fort Lauderdale, FL 33301	10/24/2022	\$500.00			
	10/31/2022	\$1,000.00			
Tom Newton 4525 Alpes Way Reno, NV 89511	10/24/2022	\$500.00			
Thomas Westfall 444 Flower St Los Angeles, CA 90071	10/24/2022	\$500.00			
Todd Roberts 4270 San Alivia Ct Las Vegas, NV 89141	10/24/2022	\$5,000.00			
	10/24/2022	\$5,000.00			

Bob Tennison 5 Oak Hill Way Stuart, FL 34996	10/24/2022	\$35.00			
	10/31/2022	\$2.00			
	10/31/2022	\$20.22			
	11/06/2022	\$5.00			
	11/06/2022	\$20.00			
	11/08/2022	\$20.00			
	11/08/2022	\$5.00			
Marshall Cromer 4701 Oakport St Oakland, CA 94601	10/24/2022	\$500.00			
	11/01/2022	\$500.00			
Matt Womble 515 N Flagler Dr West Palm Beach, FL 33401	10/24/2022	\$250.00			
Greg Dye 5111 Convair Dr Carson City, NV 89706	10/24/2022	\$4,000.00			
	11/01/2022	\$1,500.00			
	11/01/2022	\$60.00			
Scott Sibley 930 S 4th St 100 Las Vegas, NV 89101	10/24/2022	\$5,000.00			
Healthy Kitchen LLC dba Bowlology 9107 West Russell Road Las Vegas, NV 89148	10/24/2022	\$5,000.00			
	10/24/2022	\$5,000.00			
Nextgen Technology LLC 9107 West Russell Road Las Vegas, NV 89148	10/24/2022	\$5,000.00			
	10/24/2022	\$5,000.00			
Mathew Smith 9533 Orient Express Ct Las Vegas, NV 89145	10/24/2022	\$5,000.00			
Lawrence Masini PO Box 1518 Yerington, NV 89447	10/24/2022	\$500.00			
Richard Parra PO Box 13975 San Diego, CA 92170	10/24/2022	\$250.00			
Robert Whiteley 9777 Jamies Jewel Way Las Vegas, NV 89149	10/24/2022	\$250.00			
Alexander Aviation LLC 9970 West Cheyenne Avenue Las Vegas, NV 89129	10/24/2022	\$5,000.00			
	10/24/2022	\$5,000.00			
Garrett Toft 9804 Moonridge Ct Las Vegas, NV 89134	10/24/2022	\$500.00			
	10/24/2022	\$20.00			
John Estill PO Box 320 Gerlach, NV 89412	10/24/2022	\$2,000.00			
	10/26/2022	\$2,000.00			
Joanne Chao PO Box 18182 Reno, NV 89511	10/25/2022	\$500.00			
	11/05/2022	\$10.00			
	11/05/2022	\$250.00			
Albert Siniscal 93 Quail Run Rd Henderson, NV 89014	10/25/2022	\$50.00			
	10/25/2022	\$50.00			
	10/31/2022	\$50.00			

	11/05/2022	\$12.50			
	11/05/2022	\$50.00			
	11/08/2022	\$50.00			
Jim Coover 930 Tahoe Blvd 802-383 Incline Village, NV 89451	10/25/2022	\$2,500.00			
Brad Friedmutter 4022 Dean Martin Dr Las Vegas, NV 89103	10/25/2022	\$40.00			
	10/25/2022	\$1,000.00			
Rex Massey 5450 Goldenrod Dr Reno, NV 89511	10/25/2022	\$250.00			
Kevin Mitnick 5455 S Fort Apache Rd #108-166 Las Vegas, NV 89148	10/25/2022	\$250.00			
David Ritch 5747 Indigo Run Dr Reno, NV 89511	10/25/2022	\$250.00			
	10/25/2022	\$10.00			
William Paulos 29 Cascade Creek Ln Las Vegas, NV 89113	10/25/2022	\$2,500.00			
Annette Fiala 208 E Levi Ave Las Vegas, NV 89183	10/26/2022	\$100.00			
	10/31/2022	\$2,500.00			
	11/08/2022	\$10.00			
Valley Health System LLC 2075 East Flamingo Road Las Vegas, NV 89119	10/26/2022	\$5,000.00			
Bruce Breslow 2055 Blue Boy Lane Reno, NV 89521	10/26/2022	\$250.00			
Don Maland 2000 Angel Ridge Dr Reno, NV 89521	10/26/2022	\$250.00			
k J Brown LLC 2333 Fairview Drive Carson City, NV 89701	10/26/2022	\$500.00			
Sierra Executive Solutions Inc 2235 Green Vista Drive #309 Sparks, NV 89431	10/26/2022	\$500.00			
James Marchesi 2187 Orchard Mist Court Las Vegas, NV 89135	10/26/2022	\$2,000.00			
Gardner Engineering Inc 270 East Parr Boulevard Reno, NV 89512	10/26/2022	\$5,000.00			
Nevada Housing Alliance 316 California Avenue #428 Reno, NV 89509	10/26/2022	\$5,000.00			
Todd Rawle 301 West 3540 North Street Provo, UT 84604	10/26/2022	\$2,500.00			
NRA Political Victory Fund 11250 Waples Mill Road Fairfax, VA 22030	10/26/2022	\$4,500.00			

Committee to Elect Ken Gray 1128 Cheatgrass Drive Dayton, NV 89403	10/26/2022	\$250.00			
Alan Liebman 11005 Montano Ranch Court Reno, NV 89511	10/26/2022	\$150.00			
Premiere Holdings, Inc. 11035 Lavender Hill Drive #160-439 Las Vegas, NV 89135	10/26/2022	\$5,000.00			
Lisa Piazza Patin 12365 High Vista Drive Reno, NV 89511	10/26/2022	\$200.00			
Jan Leggett 12375 Creek Crest Drive Reno, NV 89511	10/26/2022	\$5,000.00			
Sierra Rental & Transportation Company Inc 1305 Kleppe Lane Sparks, NV 89431	10/26/2022	\$2,500.00			
Allegiant Air LLC 1201 North Town Center Drive Las Vegas, NV 89144	10/26/2022	\$5,000.00			
	10/26/2022	\$5,000.00			
Darlene Ruedy 10656 Fort Morgan Way Reno, NV 89521	10/26/2022	\$200.00			
Jin Tu 10711 Patina Hills Ct Las Vegas, NV 89135	10/26/2022	\$2,500.00			
Geoffrey Lavel 1090 Wigwam Pkwy Henderson, NV 89074	10/26/2022	\$1,000.00			
John Krmpotic 1 E 1st St #1400 Reno, NV 89501	10/26/2022	\$250.00			
S3 Development Company, LLC 1 East Liberty Street #444 Reno, NV 89501	10/26/2022	\$2,500.00			
Maralene Martin 10280 Copper Cloud Drive RENO, NV 89511	10/26/2022	\$1,000.00			
Sandra Mazolewski 10238 Via Bianca Reno, NV 89511	10/26/2022	\$250.00			
Marjorie Kenny 10254 Via Como Reno, NV 89511	10/26/2022	\$250.00			
Jerry Matsumura 1394 Amado Ct Reno, NV 89511	10/26/2022	\$250.00			
Raymond Avansino 165 West Liberty Street Reno, NV 89501	10/26/2022	\$5,000.00			
James Mace 15005 Edmands Drive Reno, NV 89511	10/26/2022	\$2,500.00			
A-1 Steel Inc 1523 South Stanford Way	10/26/2022	\$5,000.00			

Sparks, NV 89431					
USA Cash Services Management Inc 1752 Combe Road Ogden, UT 84403	10/26/2022	\$3,000.00			
MVP Development Inc 1701 South Sutro Terrace Carson City, NV 89706	10/26/2022	\$5,000.00			
D & D Plumbing, Inc 1655 Greg Court Sparks, NV 89431	10/26/2022	\$1,000.00			
Holly Wilson 761 Dragon Ridge Drive Henderson, NV 89012	10/26/2022	\$5,000.00			
	10/26/2022	\$5,000.00			
Plenium Builders 825 Steneri Way Sparks, NV 89431	10/26/2022	\$2,500.00			
QC HOLDINGS INC 8208 MELROSE DRIVE LENEXA, KS 66214	10/26/2022	\$5,000.00			
Larry Livingston 7859 Edmonton Park Germantown, TN 38138	10/26/2022	\$500.00			
Andy Mersha 801 Aquitaine Ct Las Vegas, NV 89145	10/26/2022	\$1,500.00			
Burt Garavaglia 575 McDonald Drive Incline Village, NV 89451	10/26/2022	\$250.00			
Margaret Ciorciari 5905 Flowering Sage Court Reno, NV 89511	10/26/2022	\$250.00			
Darin Balaam dba Friends of Darin Balaam 5953 Axis Drive Sparks, NV 89436	10/26/2022	\$1,000.00			
Jason Jaeger 6592 North Decatur Boulevard #115 Las Vegas, NV 89131	10/26/2022	\$5,000.00			
Jeffrey Fine 650 S Main St Las Vegas, NV 89101	10/26/2022	\$1,000.00			
Jose Refugio Banuelos 6500 Rio Vista Street Las Vegas, NV 89131	10/26/2022	\$5,000.00			
Richard DeLong 6544 Champetre Court Reno, NV 89511	10/26/2022	\$250.00			
Susan Cote 6800 Oak Grass Court Reno, NV 89511	10/26/2022	\$400.00			
Harris Law Practice LLC 6151 Lakeside Drive #2100 Reno, NV 89511	10/26/2022	\$250.00			
Judith Coulter Wros 403 Hill Street Reno, NV 89501	10/26/2022	\$250.00			

Western States Contracting, Inc. 4129 W. Cheyenne Ave. Ste. B N. Las Vegas, NV 89032	10/26/2022	\$5,000.00			
	10/26/2022	\$5,000.00			
Racetrack Television Network 4075 Volunteer Boulevard Henderson, NV 89044	10/26/2022	\$5,000.00			
	10/26/2022	\$5,000.00			
Samantha Aldabbagh 3470 Callahan Ave Las Vegas, NV 89120	10/26/2022	\$250.00			
	10/26/2022	\$10.00			
Karen Bingham 340 Juniper Hill Road Reno, NV 89519	10/26/2022	\$4,000.00			
Jan Rawle 340 Stone Brook Lane Provo, UT 84604	10/26/2022	\$2,500.00			
James Coyne 36 Brookridge Drive Henderson, NV 89052	10/26/2022	\$500.00			
Joshua Aldabbagh 4570 S Eastern Ave #28 Las Vegas, NV 89119	10/26/2022	\$300.00			
Honey Badger Investments LLC 4270 San Alivia Court Las Vegas, NV 89141	10/26/2022	\$5,000.00			
	10/26/2022	\$5,000.00			
Donald Nelson 4342 Cantamar Court Sparks, NV 89436	10/26/2022	\$250.00			
Mark Knobel 4165 Powderkeg Cir Reno, NV 89519	10/26/2022	\$250.00			
Nevada Disseminator Service Inc 4175 Cameron Street #B-10 Las Vegas, NV 89103	10/26/2022	\$5,000.00			
	10/26/2022	\$5,000.00			
Roberts Investment Company Inc 4175 Cameron Street #B-10 Las Vegas, NV 89103	10/26/2022	\$5,000.00			
	10/26/2022	\$5,000.00			
Simeon Ting 511 E 73rd St #25 New York, NY 10021	10/26/2022	\$150.00			
	11/08/2022	\$100.00			
Community Choice Financial 5165 Emerald Parkway #100 Dublin, OH 43017	10/26/2022	\$5,000.00			
Miller Foundation 5176 Fading Sunset Drive Las Vegas, NV 89135	10/26/2022	\$1,500.00			
Jill Marchesi 4755 Clay Peak Drive Las Vegas, NV 89129	10/26/2022	\$5,000.00			
LLG Holdings 5 Wild Horse Canyon Drive Sparks, NV 89434	10/26/2022	\$250.00			
Joe Willardsen 9061 W Post Rd Las Vegas, NV 89148	10/26/2022	\$4.00			
	10/26/2022	\$100.00			
1864 PAC PO Box 10904	10/26/2022	\$1,000.00			

Reno, NV 89510					
Savage & Son PO Box 11800 Reno, NV 89510	10/26/2022	\$5,000.00			
Wilde Brough HC 60 Box 156 Wells, NV 89835	10/26/2022	\$1,000.00			
Moody Weiske Contractors PO Box 3296 Reno, NV 89505	10/26/2022	\$2,500.00			
Mark Munson PO Box 2021 Belton, TX 76513	10/26/2022	\$357.77			
	10/31/2022	\$357.77			
Jeffery Siri PO Box 2071 Reno, NV 89505	10/26/2022	\$1,000.00			
David TRUE PO Box 2360 Casper, WY 82602	10/26/2022	\$5,000.00			
Benjamin Scott Lurie PO Box 370774 Las Vegas, NV 89137	10/26/2022	\$2,500.00			
Midtown Investments LLC PO Box 401424 Las Vegas, NV 89140	10/26/2022	\$500.00			
David W Wilson 761 Dragon Ridge Drive Henderson, NV 89012	10/26/2022	\$5,000.00			
	10/26/2022	\$5,000.00			
K A Banuelos 6500 Rio Vista Street Las Vegas, NV 89131	10/26/2022	\$5,000.00			
Friends of Victoria Seaman PO Box 751271 Las Vegas, NV 89136	10/27/2022	\$5,000.00			
	10/27/2022	\$4,000.00			
Nevada Pic A Part LLC 330 South Rampart Boulevard #340 Las Vegas, NV 89145	10/27/2022	\$2,500.00			
Raymond Conrad 401 Quay Commons #1801 Sarasota, FL 34236	10/27/2022	\$1,000.00			
Harlan Crow 3819 Maple Avenue DALLAS, TX 75219	10/27/2022	\$5,000.00			
Jeffrey Ramer 1487 Cilento Court Henderson, NV 89052	10/27/2022	\$200.00			
Manufactured Home Community Owners PAC 1201 Terminal Way Ste 220 Reno, NV 89502	10/27/2022	\$5,000.00			
John Breslow 11035 Lavender Hill Drive #160-156 Las Vegas, NV 89135	10/28/2022	\$5,000.00			
	10/28/2022	\$5,000.00			
Bryan Iriye 11716 Oakland Hills Drive Las Vegas, NV 89141	10/28/2022	\$5,000.00			

David A. Giannotti 19 Green Spun Dr Las Vegas, NV 89141	10/28/2022	\$5,000.00			
Chapman Dodge 3175 East Sahara Avenue Las Vegas, NV 89104	10/28/2022	\$2,500.00			
Dawn Madrigano 28 Vintage Valley Drive Las Vegas, NV 89141	10/28/2022	\$5,000.00			
	10/28/2022	\$5,000.00			
Brazil Granite Co LLC 3710 West Sunset Road Las Vegas, NV 89118	10/28/2022	\$5,000.00			
	10/28/2022	\$5,000.00			
Pura Vida 1 LLC 3710 West Sunset Road Las Vegas, NV 89118	10/28/2022	\$5,000.00			
	10/28/2022	\$5,000.00			
Sunset VV LLC 3710 West Sunset Road Las Vegas, NV 89118	10/28/2022	\$5,000.00			
	10/28/2022	\$5,000.00			
Duane Roberts 4100 Newport Place #400 Newport Beach, CA 92660	10/28/2022	\$5,000.00			
David Daniels 36 Olympia Canyon Way Las Vegas, NV 89141	10/28/2022	\$5,000.00			
J Patrick Mulcahy 44 Olympia Canyon Way Las Vegas, NV 89141	10/28/2022	\$5,000.00			
	11/04/2022	\$5,000.00			
JLTM LLC 6415 South Tenaya Way #105 Las Vegas, NV 89113	10/28/2022	\$5,000.00			
	10/28/2022	\$5,000.00			
Royce Hackworth PO Box 2370 Elko, NV 89803	10/28/2022	\$250.00			
Champion American Values PO Box 2485 Springfield, VA 22152	10/28/2022	\$1,000.00			
Robert Anderson PO Box 2294 Minden, NV 89423	10/28/2022	\$5,000.00			
Susan Anderson PO Box 2294 Minden, NV 89423	10/28/2022	\$4,000.00			
Commerce Park Medical LLC PO Box 777547 Henderson, NV 89077	10/28/2022	\$5,000.00			
	10/28/2022	\$5,000.00			
Chapman Chrysler Jeep 930 Auto Show Drive Henderson, NV 89014	10/28/2022	\$2,500.00			
Robert Rodie 9480 Gateway Dr Reno, NV 89521	10/29/2022	\$250.00			
Eli Dawson 963 Topsy Ln Carson City, NV 89705	10/29/2022	\$1,000.00			
Cathryn Benitez PO Box 176	10/29/2022	\$100.00			

Jamul, CA 91935	10/29/2022	\$4.00			
Gerald Schlieff 5773 Woodway Dr #800 Houston, TX 77057	10/29/2022	\$2,500.00			
Larry Duerr 455 Lakeview Dr Verdi, NV 89439	10/29/2022	\$200.00			
Todd Slusher 4775 W Teco Ave #210 Las Vegas, NV 89118	10/29/2022	\$5,000.00			
Fredrick Kammernan 378 Harrier Ln Mesquite, NV 89027	10/29/2022	\$4.00			
	10/29/2022	\$100.00			
Robert Goldberg 255 N Sierra St #2314 Reno, NV 89501	10/29/2022	\$2,500.00			
Michael Carducci 3021 Hammerwood Dr Las Vegas, NV 89135	10/29/2022	\$500.00			
	10/29/2022	\$20.00			
Greg Struhl 3001 Westwood Dr Las Vegas, NV 89109	10/29/2022	\$1,000.00			
	11/06/2022	\$1,000.00			
Patrick Zarate 191 Hillhaven Ct Ventura, CA 93003	10/29/2022	\$25.00			
	10/29/2022	\$100.00			
	11/02/2022	\$50.00			
	11/02/2022	\$2.00			
Kenneth Misch 1794 Amarone Way Henderson, NV 89015	10/29/2022	\$20.00			
	10/29/2022	\$500.00			
John Morotti 11372 Villa Giovanni Ct Las Vegas, NV 89141	10/30/2022	\$5,000.00			
	10/30/2022	\$5,000.00			
Adam Beren 1739 Duckcross Cove Wichita, KS 67206	10/30/2022	\$2,000.00			
Ellen Beren 1739 Duckcross Cove Wichita, KS 67206	10/30/2022	\$2,000.00			
James Taylor 1603 Duhamel Way North Las Vegas, NV 89032	10/30/2022	\$100.00			
	10/30/2022	\$4.00			
Scott Scherer 2025 Horse Prairie Rd Reno, NV 89521	10/30/2022	\$100.00			
	10/30/2022	\$25.00			
Michael Wendling 2815 Corte Esmeralda San Clemente, CA 92673	10/30/2022	\$250.00			
Jeffrey Morris 7265 Tara Ave Las Vegas, NV 89117	10/30/2022	\$100.00			
	12/03/2022	\$100.00			
	12/31/2022	\$100.00			
Richard Steinberg 97 Quail Run Rd Henderson, NV 89014	10/30/2022	\$25.00			
	10/31/2022	\$50.00			
	11/06/2022	\$25.00			

	11/08/2022	\$25.00			
Alex Yemenidjian One Hughes Center Dr #1902 Las Vegas, NV 89169	10/31/2022	\$4,000.00			
	10/31/2022	\$5,000.00			
Arda Yemenidjian One Hughes Center Dr #1902 Las Vegas, NV 89169	10/31/2022	\$5,000.00			
	10/31/2022	\$5,000.00			
Southwest Airlines PO Box 36611 Dallas, TX 75235	10/31/2022	\$400.98			
	10/31/2022	\$400.98			
ELKO CONVENTION & VISITORS AUTHORITY 700 MOREN WAY ELKO, NV 89801	10/31/2022	\$200.00			
David Lanferman 700 Illinois St San Francisco, CA 94107	10/31/2022	\$100.00			
	11/08/2022	\$50.00			
Jeffrey Iverson 840 S Rancho Dr #4-613 Las Vegas, NV 89106	10/31/2022	\$1,000.00			
Dene E. Krametbauer 8055 Romine Ct Las Vegas, NV 89149	10/31/2022	\$500.00			
Leanne Chilton 800 Lacy Ln Las Vegas, NV 89107	10/31/2022	\$1,000.00			
	10/31/2022	\$1,000.00			
Gregory Munson 5509 Timber Crest Ave Las Vegas, NV 89131	10/31/2022	\$100.00			
	10/31/2022	\$4.00			
Harris Simmons 475 E Oak Forest Rd Salt Lake City, UT 84103	10/31/2022	\$500.00			
Alberto Milo 6390 SW 120th St Pinecrest, FL 33156	10/31/2022	\$500.00			
Rafael Velez 500 D St Petaluma, CA 94952	10/31/2022	\$250.00			
Michael Barnes 5245 Vista Blvd Ste F3 PMB 306 Sparks, NV 89436	10/31/2022	\$100.00			
	11/06/2022	\$100.00			
	11/08/2022	\$25.00			
	11/08/2022	\$100.00			
Daniel Warren 35 Hidden Lake Dr Reno, NV 89521	10/31/2022	\$20.00			
	10/31/2022	\$500.00			
Li Chen 3237 S Torrey Pines Dr Las Vegas, NV 89146	10/31/2022	\$2,500.00			
Taylor Boyd 20 Sun Glow Ln Las Vegas, NV 89135	10/31/2022	\$500.00			
robert williams 1972 pulaski dr Beaufort, SC 29906	10/31/2022	\$35.00			
	10/31/2022	\$1.40			
	11/06/2022	\$1.60			
	11/06/2022	\$40.00			

	11/08/2022	\$12.50			
	11/08/2022	\$50.00			
Todd Tibbetts 2165 Big Pine Dr Hiawasse, GA 30546	10/31/2022	\$250.00			
Merrie Jo Leite 2171 Stage Stop Dr Henderson, NV 89052	10/31/2022	\$250.00			
	10/31/2022	\$10.00			
Polaris Wellness Center LLC 11553 Bohemian Forest Ave Las Vegas, NV 89138	10/31/2022	\$2,500.00			
Wayne Riggs 1141 Mohave Dr Mesquite, NV 89027	10/31/2022	\$50.00			
	12/03/2022	\$50.00			
	12/31/2022	\$50.00			
Azam Hakim 10437 Orkiney Dr Las Vegas, NV 89144	10/31/2022	\$1,000.00			
	10/31/2022	\$1,000.00			
	11/06/2022	\$1,000.00			
Mark Elston 10395 Thomas Creek Rd RENO, NV 89511	11/01/2022	\$8.00			
	11/01/2022	\$200.00			
Gary Pestello 10198 Via Verona Reno, NV 89511	11/01/2022	\$125.00			
Charles Johnson 13100 Welcome Way RENO, NV 89511	11/01/2022	\$10.00			
	11/01/2022	\$250.00			
Ileana Heath 1600 S Valley View Blvd Las Vegas, NV 89102	11/01/2022	\$1,000.00			
William R Boyd 20 Sun Glow Lane Las Vegas, NV 89135	11/01/2022	\$5,000.00			
	11/01/2022	\$5,000.00			
Sean Johnson 30 Ridge Blossom Road Las Vegas, NV 89135	11/01/2022	\$5,000.00			
Larry Blumberg 3002 Foxridge Rd Dothan, AL 36303	11/01/2022	\$250.00			
Kelly Roberts 4100 Newport Place #400 Newport Beach, CA 92660	11/01/2022	\$5,000.00			
Rita Golleher 50 Greenhorn Road Hailey, ID 83333	11/01/2022	\$250.00			
Robert Winkel 4785 Caughlin Parkway Reno, NV 89519	11/01/2022	\$500.00			
Marianne Boyd Johnson 6465 South Rainbow Boulevard Las Vegas, NV 89118	11/01/2022	\$5,000.00			
	11/01/2022	\$5,000.00			
State Of Nevada Association Of Providers 529 West 300 South Street Orem, UT 84058	11/01/2022	\$200.00			

George Alexander 809 Pont Chartrain Dr LAS VEGAS, NV 89145	11/01/2022	\$100.00			
	11/01/2022	\$25.00			
Advanced Orthopedics & Sports Medicine 7195 Advanced Way Las Vegas, NV 89113	11/01/2022	\$5,000.00			
Dennis Ehrreich PO Box 309 West Wareham, MA 2576	11/01/2022	\$500.00			
Patricia Hinds 7 Mountain Cove Ct Henderson, NV 89052	11/02/2022	\$500.00			
Glen Amador 7432 Doe Avenue Las Vegas, NV 89117	11/02/2022	\$2,500.00			
Peter Kyte 7407 Lemon Gulch Way Castle Rock, CO 80108	11/02/2022	\$400.00			
Mark Brenner 5846 N 46th St Phoenix, AZ 85018	11/02/2022	\$10.00			
	11/02/2022	\$250.00			
Lauren Kitt Carter 5950 Canoga Ave Los Angeles, CA 91367	11/02/2022	\$5,000.00			
	11/02/2022	\$5,000.00			
Steven Solomon 4405 Belclaire Ave Dallas, TX 75205	11/02/2022	\$5,000.00			
Albert Babbitt 39 Panorama Crest Ave Las Vegas, NV 89135	11/02/2022	\$2,000.00			
	11/02/2022	\$80.00			
S and D Wholesale 3260 East Charleston Boulevard Las Vegas, NV 89104	11/02/2022	\$5,000.00			
Chad Roy 37 Pebble Dunes Ct Las Vegas, NV 89141	11/02/2022	\$5,000.00			
noah herrera 2672 sunday grace dr HENDERSON, NV 89052	11/02/2022	\$1,000.00			
Ken Hill 2005 Barber St Knoxville, TN 37920	11/02/2022	\$500.00			
Grand Sierra Resort & Casino 2500 East 2nd Street Reno, NV 89502	11/02/2022	\$5,000.00			
	11/02/2022	\$5,000.00			
Rahul Sodhi 1350 East Flamingo Road #G Las Vegas, NV 89119	11/02/2022	\$2,500.00			
Hitesh Chokshi 11129 Scotsraig Court Las Vegas, NV 89141	11/02/2022	\$250.00			
Keith Flatt 12 Wild Dunes Las Vegas, NV 89113	11/02/2022	\$5,000.00			
	11/02/2022	\$400.00			
	11/02/2022	\$5,000.00			

Ashok Mirchundani 10570 Hope Mills Dr Las Vegas, NV 89135	11/02/2022	\$2,500.00			
National Shooting Sports Foundation Inc 6 Corporate Drive #650 Shelton, CT 6484	11/03/2022	\$5,000.00			
	11/03/2022	\$5,000.00			
Omar Habbas 675 North 1 Street Ste. 1000 San Jose, CA 95112-5137	11/03/2022	\$5,000.00			
Capitol Hill Group 6135 Kansas Avenue Northeast Washington, DC 20011	11/04/2022	\$2,500.00			
Highland Holding Group LLC 16 Vintage Valley Drive Las Vegas, NV 89141	11/04/2022	\$2,500.00			
Larry Carter 22 Innisbrook Ave Las Vegas, NV 89113	11/04/2022	\$1,000.00			
Nathan Hillstad 255 Desatoya Court Reno, NV 89511	11/04/2022	\$1,500.00			
Sahara 2535 South Las Vegas Boulevard Las Vegas, NV 89109	11/04/2022	\$5,000.00			
	11/04/2022	\$5,000.00			
Sarah Hummel 9824 Winter Palace Dr Las Vegas, NV 89145	11/04/2022	\$10,000.00			
R & J Joy Inc PO Box 19219 Reno, NV 89511	11/04/2022	\$5,000.00			
Ward Pearce PO Box 50337 Sparks, NV 89435	11/05/2022	\$500.00			
	11/05/2022	\$20.00			
Rusty Graf 2741 Bayo Ct Las Vegas, NV 89102	11/05/2022	\$4.00			
	11/05/2022	\$100.00			
Fritz Kummer 2834 Bellini Dr Henderson, NV 89052	11/05/2022	\$100.00			
	11/05/2022	\$2,500.00			
Roger Westra 3162 Olivia Heights Ave Henderson, NV 89052	11/05/2022	\$25.00			
	11/05/2022	\$100.00			
	11/08/2022	\$100.00			
Joel Dowling 146 W Ridley Ave Norwood, PA 19074	11/05/2022	\$400.00			
Patricia Miller 17530 Bain spring rd Reno, NV 89521	11/05/2022	\$8.00			
	11/05/2022	\$200.00			
Jeffrey Daniels 3802 NE 207th St Aventura, FL 33180	11/05/2022	\$400.00			
	11/05/2022	\$16.00			
Hawk Hill Management Company LLC 416 Randolph Ave Seattle, WA 98122	11/06/2022	\$5,000.00			
	11/06/2022	\$5,000.00			

Patrick Lewis 1620 Bayonne Dr Las Vegas, NV 89134	11/06/2022	\$5,000.00			
	11/06/2022	\$5,000.00			
	11/06/2022	\$5,000.00			
	11/06/2022	\$5,000.00			
Hugh Bassewitz 15 Morning Glow Ln Las Vegas, NV 89135	11/06/2022	\$500.00			
Loren Monroe 1513 Highwood Dr Mc Lean, VA 22101	11/06/2022	\$1,000.00			
Lenore Frank 2269 Maywood Ave San Jose, CA 95128	11/06/2022	\$100.00			
	11/06/2022	\$4.00			
	11/08/2022	\$25.00			
Kathryn Bahneman 8720 Carlitas Joy Ct Las Vegas, NV 89117	11/06/2022	\$500.00			
Scott Bahneman 8720 Carlitas Joy Ct Las Vegas, NV 89117	11/06/2022	\$500.00			
Edward Bartell PO Box 130 Orovada, NV 89425	11/06/2022	\$1,000.00			
James Gipson 9663 Santa Monica Blvd Beverly Hills, CA 90210	11/06/2022	\$2,900.00			
	11/06/2022	\$116.00			
Miller-Meeks For Congress PO Box 183 Hudson, WI 54016	11/07/2022	\$2,000.00			
Meruelo Group LLC 9550 Firestone Boulevard Downey, CA 90241	11/07/2022	\$5,000.00			
	11/07/2022	\$5,000.00			
Odyssey Realty LLC PO Box 34976 Las Vegas, NV 89133	11/07/2022	\$500.00			
John Francis Miller 2361 Villandry Court Henderson, NV 89074	11/07/2022	\$1,000.00			
E James Greenwald 10000 Dryden Drive Reno, NV 89511	11/07/2022	\$1,000.00			
Fuji Food Products Inc 14420 Bloomfield Avenue Santa Fe Springs, CA 90670	11/07/2022	\$5,000.00			
	11/07/2022	\$5,000.00			
Cayenne Investments LLC 63101 Nels Anderson Road Bend, OR 97701	11/07/2022	\$5,000.00			
	11/07/2022	\$5,000.00			
Meruelo Media LLC 4975 West Pico Boulevard Los Angeles, CA 90019	11/07/2022	\$5,000.00			
	11/07/2022	\$5,000.00			
Dennis Bassford 4380 92nd Avenue Southeast Mercer Island, WA 98040	11/07/2022	\$5,000.00			
Victor Muro 38 Quail Hollow Drive Henderson, NV 89014	11/07/2022	\$2,500.00			

Ronald Soto 3750 Las Vegas Blvd S #3904 Las Vegas, NV 89158	11/08/2022	\$40.00			
	11/08/2022	\$1,000.00			
Robert Anderson 43725 Monterey Ave Palm Desert, CA 92260	11/08/2022	\$1,000.00			
KLRT Utah Properties LLC 4270 Cameron Street #2 Las Vegas, NV 89103	11/08/2022	\$2,000.00			
Michael Dermody 4795 Caughlin Pkwy #100 Reno, NV 89519	11/08/2022	\$5,000.00			
Adriane Milner 4819 Beaconsfield St Las Vegas, NV 89147	11/08/2022	\$50.00			
	11/08/2022	\$50.00			
	11/08/2022	\$2.00			
Roy Edgington for Mayor 516 Pioneer Court Fernley, NV 89408	11/08/2022	\$500.00			
LaPour Partners 5525 S Decatur Blvd Las Vegas, NV 89118	11/08/2022	\$5,000.00			
James Marx 1501 Windhaven Cir Las Vegas, NV 89117	11/08/2022	\$200.00			
Garrett Thompson 10489 Hope Mills Dr Las Vegas, NV 89135	11/08/2022	\$500.00			
	11/08/2022	\$20.00			
Jay Parmer 13085 Broili Dr Reno, NV 89511	11/08/2022	\$250.00			
	11/08/2022	\$10.00			
	12/10/2022	\$500.00			
Gregory Yankovsky 2165 Mt City St Henderson, NV 89052	11/08/2022	\$100.00			
	11/08/2022	\$4.00			
David Podber 2125 Rainbow Falls Dr Las Vegas, NV 89134	11/08/2022	\$4.00			
	11/08/2022	\$100.00			
marlene wheeler rennie PO Box 90192 Henderson, NV 89009	11/08/2022	\$5,000.00			
	11/08/2022	\$5,000.00			
Franko Marretti 9345 W Sunset Rd #101 Las Vegas, NV 89148	11/08/2022	\$400.00			
	11/08/2022	\$5,000.00			
	11/08/2022	\$5,000.00			
JML Holdings LLC 9331 Cool Creek Avenue Las Vegas, NV 89147	11/08/2022	\$5,000.00			
	11/08/2022	\$5,000.00			
Neil McQueary HC 60 Box 677 Ruby Valley, NV 89833	11/08/2022	\$1,000.00			
Thomas Mikulich 7134 Nodding Thistle Court Las Vegas, NV 89178	11/18/2022	\$2,500.00			
Frank J Fertitta IV 10801 West Charleston Boulevard	11/18/2022	\$5,000.00			

#600 Las Vegas, NV 89135	11/18/2022	\$5,000.00			
Kelley Ann Fertitta 10801 West Charleston Boulevard #600 Las Vegas, NV 89135	11/18/2022	\$5,000.00			
	11/18/2022	\$5,000.00			
Nicco Fertitta 10801 West Charleston Boulevard #600 Las Vegas, NV 89135	11/18/2022	\$5,000.00			
	11/18/2022	\$5,000.00			
Victoria G Fertitta-Crowe 10801 West Charleston Boulevard #600 Las Vegas, NV 89135	11/18/2022	\$5,000.00			
	11/18/2022	\$5,000.00			
Scott Kreeger 908 Pont Chartrain Drive Las Vegas, NV 89145	11/18/2022	\$5,000.00			
	11/18/2022	\$5,000.00			
Michael Britt 9 Tapadero Lane Las Vegas, NV 89135	11/18/2022	\$2,500.00			
	12/02/2022	\$2,500.00			
Angelia Teresa Fertitta PO Box 379045 Las Vegas, NV 89137	11/18/2022	\$5,000.00			
	11/18/2022	\$5,000.00			
Frank J Fertitta III PO Box 379045 Las Vegas, NV 89137	11/18/2022	\$5,000.00			
	11/18/2022	\$5,000.00			
Jill Fertitta PO Box 379045 Las Vegas, NV 89137	11/18/2022	\$5,000.00			
	11/18/2022	\$5,000.00			
Lorenzo Fertitta PO Box 379045 Las Vegas, NV 89137	11/18/2022	\$5,000.00			
	11/18/2022	\$5,000.00			
Teresa Fertitta PO Box 379045 Las Vegas, NV 89137	11/18/2022	\$5,000.00			
	11/18/2022	\$5,000.00			
Victoria K Fertitta PO Box 379045 Las Vegas, NV 89137	11/18/2022	\$5,000.00			
	11/18/2022	\$5,000.00			
Andrew Abboud 9 Club Vista Dr Henderson, NV 89052	11/19/2022	\$200.00			
	11/19/2022	\$5,000.00			
David Rosenstein 1336 Dream Valley St Henderson, NV 89052	11/26/2022	\$40.00			
	11/26/2022	\$1,000.00			
Pharmaceutical Care Management Association 325 7th Street Northwest 9th floor Washington, DC 20004	11/28/2022	\$2,500.00			
TransCanada USA Services Inc 717 Texas Street #2400 Houston, TX 77002	11/28/2022	\$5,000.00			
Motorola Solutions Inc. 500 W Monroe Chicago, IL 60661	11/28/2022	\$4,000.00			
DFA LLC 8350 Eastgate Road Henderson, NV 89015	12/01/2022	\$5,000.00			
	12/01/2022	\$5,000.00			

Xtreme Cubes Corporation 8350 Eastgate Road Henderson, NV 89015	12/01/2022	\$5,000.00			
	12/01/2022	\$5,000.00			
Xtreme Manufacturing LLC 8350 Eastgate Road Henderson, NV 89015	12/01/2022	\$5,000.00			
	12/01/2022	\$5,000.00			
Ahern Rentals Inc 1401 Mineral Avenue Las Vegas, NV 89106	12/01/2022	\$5,000.00			
	12/01/2022	\$5,000.00			
Don & Paul LLC 1401 Mineral Avenue Las Vegas, NV 89106	12/01/2022	\$5,000.00			
	12/01/2022	\$5,000.00			
Christopher Fiumara 1505 South Pavilion Center Drive Las Vegas, NV 89135	12/02/2022	\$500.00			
Stephen Cootey 11633 Glowing Sunset Lane Las Vegas, NV 89135	12/02/2022	\$5,000.00			
Robert Finch 30 Moonfire Drive Las Vegas, NV 89135	12/02/2022	\$5,000.00			
Durango Warm Springs LLC 8975 South Pecos Road #6A Henderson, NV 89074	12/02/2022	\$5,000.00			
	12/02/2022	\$5,000.00			
La Costa Village Inc 8975 South Pecos Road #6A Henderson, NV 89074	12/02/2022	\$5,000.00			
	12/02/2022	\$5,000.00			
LVG Ventures LLC 8975 South Pecos Road #6A Henderson, NV 89074	12/02/2022	\$5,000.00			
	12/02/2022	\$5,000.00			
SBW Management & Leasing 3501 LLC 8975 South Pecos Road #6A Henderson, NV 89074	12/02/2022	\$5,000.00			
	12/02/2022	\$5,000.00			
SWG Inc 8975 South Pecos Road #6A Henderson, NV 89074	12/02/2022	\$5,000.00			
	12/02/2022	\$5,000.00			
Kord Nichols 52 Grey Feather Drive Las Vegas, NV 89135	12/02/2022	\$5,000.00			
Jeffrey Welch 4219 Bronze Ridge Street Las Vegas, NV 89135	12/02/2022	\$5,000.00			
	12/02/2022	\$2,500.00			
Biggest Little Investments, LLP 3652 S Virginia St Suite C7 Reno, NV 89502	12/02/2022	\$2,600.00			
Monica Pappas 6485 S Rainbow Blvd Las Vegas, NV 89118	12/03/2022	\$2,500.00			
Rew Goodenow 10070 Raintree Ct Reno, NV 89511	12/03/2022	\$500.00			
	12/03/2022	\$20.00			
Nevada Builders Alliance 1000 N Division St Suite 102 Carson City, NV 89701	12/06/2022	\$2,500.00			

Dixon Hydrologic, PLLC 10299 Culiacan Pass Trail Reno, NV 89521	12/06/2022	\$500.00			
Karl S. Hall 1080 Mount Rose Street Reno, NV 89509	12/06/2022	\$500.00			
Reno Carson Messenger Service 185 Martin Street Reno, NV 89509	12/06/2022	\$500.00			
Silver State Government Relations 204 North Minnesota Street Carson City, NV 89703	12/06/2022	\$1,420.00			
Nevada Mining Association Inc 3185 Lakeside Drive Reno, NV 89509	12/06/2022	\$2,500.00			
	12/27/2022	\$2,500.00			
	12/27/2022	\$5,000.00			
Nancy Flanigan 2750 Holcomb Ranch Lane Reno, NV 89511	12/06/2022	\$500.00			
TDC Operating LLC 550 West Plumb Lane #B506 Reno, NV 89509	12/06/2022	\$1,500.00			
CORE West Inc 7150 Cascade Valley Court Las Vegas, NV 89128	12/06/2022	\$5,000.00			
Liberty Dental Plan Corporation 340 Commerce Suite 100 Irvine, CA 92602	12/06/2022	\$5,000.00			
	12/06/2022	\$5,000.00			
Liberty Dental Plan of Nevada, Inc 340 Commerce Suite 100 Irvine, CA 92602	12/06/2022	\$5,000.00			
	12/06/2022	\$5,000.00			
Committee to Improve NV Economy and Education System 410 South Minnesota Street Carson City, NV 89703	12/06/2022	\$1,000.00			
AngloGold Ashanti 4601 Dtc Boulevard Suite 550 Denver, CO 80237	12/06/2022	\$5,000.00			
	12/06/2022	\$5,000.00			
Lesley Pittman 5190 Rio Pinar Drive Reno, NV 89509	12/06/2022	\$500.00			
Andrew J. Mackay 5353 Desertstone Drive Sparks, NV 89436	12/06/2022	\$250.00			
Charles Jeannes 4790 Caughlin Pkwy #441 Reno, NV 89519	12/06/2022	\$2,500.00			
Whittemore Group Inc. Po Box 8069 Reno, NV 89507	12/06/2022	\$1,000.00			
Nevada Wildlife Coalition PAC PO Box 70143 Reno, NV 89570	12/06/2022	\$2,500.00			
Charter Communications PO Box 94188 Palatin, IL 60094	12/06/2022	\$5,000.00			
	12/06/2022	\$5,000.00			

Building Nevadas Future PAC PO Box 5984 Reno, NV 89513	12/06/2022	\$2,500.00			
Perry Di Loreto 985 Damonte Ranch Parkway #310 Reno, NV 89521	12/06/2022	\$500.00			
NAIOP Northern Nevada P.O. Box 7115 RENO, NV 89510	12/06/2022	\$2,500.00			
John Alex Tanchek P.O. Box 9607 Reno, NV 89507	12/06/2022	\$500.00			
United Services Automobile Association P.O. Box 34330 San Antonio, TX 78265	12/06/2022	\$5,000.00			
Meruelo Enterprises Inc 9550 Firestone Boulevard Downey, CA 90241	12/08/2022	\$5,000.00			
	12/08/2022	\$5,000.00			
Peppermill Casinos Inc 90 West Grove Street #600 Reno, NV 89509	12/08/2022	\$5,000.00			
Cantamar Property Management Inc 9550 Firestone Boulevard #105 Downey, CA 90241	12/08/2022	\$5,000.00			
	12/08/2022	\$5,000.00			
Monterey Insurance Company Inc 9550 Firestone Boulevard #105 Downey, CA 90241	12/08/2022	\$5,000.00			
	12/08/2022	\$5,000.00			
Albert Seeno 4021 Port Chicago Highway Concord, CA 94520	12/08/2022	\$5,000.00			
Sandra Seeno 4021 Port Chicago Highway Concord, CA 94520	12/08/2022	\$5,000.00			
Michael Alonso 3805 Frost Lane Reno, Nv 89511	12/08/2022	\$5,000.00			
Natale Carsali 380 Brinkby Avenue #B Reno, NV 89509	12/08/2022	\$5,000.00			
William Paganetti 380 Brinkby Avenue #B Reno, NV 89509	12/08/2022	\$5,000.00			
Boyd Social Gaming LLC 6465 South Rainbow Boulevard Las Vegas, NV 89118	12/08/2022	\$5,000.00			
	12/08/2022	\$5,000.00			
California Hotel Finance Company 6465 South Rainbow Boulevard Las Vegas, NV 89118	12/08/2022	\$5,000.00			
	12/08/2022	\$5,000.00			
BGM Co Inc 6465 South Rainbow Boulevard Las Vegas, NV 89118	12/08/2022	\$5,000.00			
	12/08/2022	\$5,000.00			
Nevada Palace LLC 255 Boulder Highway Las Vegas, NV 89122	12/08/2022	\$5,000.00			
	12/08/2022	\$5,000.00			
KLOS Radio LLC 2600 West Olive Avenue #800	12/08/2022	\$5,000.00			

Burbank, CA 91505	12/08/2022	\$5,000.00			
Lewis Roca 201 East Washington Street #1200 Phoenix, AZ 85004	12/08/2022	\$5,000.00			
Norine Seeno 1850 Mount Diablo Boulevard #440 Walnut Creek, CA 94596	12/08/2022	\$5,000.00			
Thomas Seeno 1850 Mount Diablo Boulevard #440 Walnut Creek, CA 94596	12/08/2022	\$5,000.00			
Cox Communications 1700 Vegas Dr Las Vegas, NV 89106	12/08/2022	\$5,000.00			
	12/08/2022	\$5,000.00			
Fujisan Franchising Corp 14420 Bloomfield Avenue Santa Fe Springs, CA 90670	12/08/2022	\$5,000.00			
	12/08/2022	\$5,000.00			
Nevada Beer Wholesalers Association PAC 1 East Liberty Street #300 Reno, NV 89501	12/08/2022	\$5,000.00			
Behavioral Health Solutions 2200 Paseo Verde Parkway #190 Henderson, NV 89052	12/10/2022	\$5,000.00			
	12/10/2022	\$200.00			
Debra Struhsacker 30 Sharps Cir Reno, NV 89519	12/10/2022	\$20.00			
	12/10/2022	\$500.00			
Pete Ciarrocchi 489 Bristol Pike Bensalem, PA 19020	12/10/2022	\$1,000.00			
	12/10/2022	\$200.00			
	12/10/2022	\$5,000.00			
	12/10/2022	\$40.00			
Greater Las Vegas Chamber of Commerce BizPAC 575 Symphony Park Avenue #100 Las Vegas, NV 89106	12/12/2022	\$5,000.00			
	12/12/2022	\$5,000.00			
International Union Of Operation Engineers 150 Corson Street Pasadena, CA 91103	12/12/2022	\$5,000.00			
	12/12/2022	\$5,000.00			
3535 LV NewCo LLC dba The Ling 3535 South Las Vegas Boulevard Las Vegas, NV 89109	12/13/2022	\$5,000.00			
	12/13/2022	\$5,000.00			
Caesars Palace 3570 Las Vegas Blvd., South Las Vegas, NV 89109	12/13/2022	\$5,000.00			
	12/13/2022	\$5,000.00			
Flamingo Las Vegas Operating Co LLC 3555 Las Vegas Boulevard South Las Vegas, NV 89109	12/13/2022	\$5,000.00			
	12/13/2022	\$5,000.00			
Harrah's Las Vegas Inc 3475 South Las Vegas Boulevard Las Vegas, NV 89109	12/13/2022	\$5,000.00			
	12/13/2022	\$5,000.00			
Paris Las Vegas 3655 Las Vegas Blvd. South Las Vegas, NV 89019	12/13/2022	\$5,000.00			
	12/13/2022	\$5,000.00			
Planet Hollywood Resort 3667 South Las Vegas Boulevard Las Vegas, NV 89109	12/13/2022	\$5,000.00			
	12/13/2022	\$5,000.00			

Rio Properties Inc dba Rio Suite Hotel & Casino 3700 West Flamingo Road Las Vegas, NV 89103	12/13/2022	\$5,000.00			
	12/13/2022	\$5,000.00			
Corner Investment Company LLC dba The Cromwell 3595 South Las Vegas Boulevard Las Vegas, NV 89109	12/13/2022	\$5,000.00			
	12/13/2022	\$5,000.00			
Bally's Las Vegas 3645 South Las Vegas Boulevard Las Vegas, NV 89109	12/13/2022	\$5,000.00			
	12/13/2022	\$5,000.00			
Caesars Enterprise Services LLC 1 Harrahs Court Las Vegas, NV 89119	12/15/2022	\$5,000.00			
	12/15/2022	\$5,000.00			
California Hotel & Casino P.O. Box 630 Las Vegas, NV 89101	12/16/2022	\$5,000.00			
	12/16/2022	\$5,000.00			
Association of Gaming Equipment Manufacturing PO Box 50049 Henderson, NV 89016	12/16/2022	\$5,000.00			
	12/16/2022	\$5,000.00			
Davita PO Box 4328 Federal Way, WA 98063	12/16/2022	\$5,000.00			
	12/16/2022	\$2,000.00			
Southwest Gas Corporation PO Box 98510 Las Vegas, NV 89193	12/16/2022	\$5,000.00			
	12/16/2022	\$5,000.00			
Fremont Hotel & Casino PO Box 630 Las Vegas, NV 89101	12/16/2022	\$5,000.00			
Main Street Station Casino Brewery & Hotel PO Box 630 Las Vegas, NV 89101	12/16/2022	\$5,000.00			
	12/16/2022	\$5,000.00			
Prominence Management Services 1510 Meadow Wood Lane Reno, NV 89502	12/16/2022	\$5,000.00			
	12/16/2022	\$5,000.00			
Vacations-Hawaii Inc 1585 Kapiolani Boulevard #900 Honolulu, HI 96814	12/16/2022	\$5,000.00			
	12/16/2022	\$5,000.00			
Anthem Blue Cross Blue Shield 3075 Vandercar Way Cincinnati, OH 45209	12/16/2022	\$5,000.00			
Home Building Industry PAC 4175 South Riley Street #100 Las Vegas, NV 89147	12/16/2022	\$5,000.00			
	12/16/2022	\$5,000.00			
NVHBA PAC 4175 South Riley Street #100 Las Vegas, NV 89147	12/16/2022	\$5,000.00			
	12/16/2022	\$5,000.00			
Builders Association of Northern Nevada PAC 5484 Reno Corporate Drive Reno, NV 89511	12/16/2022	\$5,000.00			
	12/16/2022	\$5,000.00			
Boyd Development Corporation 6465 South Rainbow Boulevard Las Vegas, NV 89118	12/16/2022	\$5,000.00			
	12/16/2022	\$5,000.00			
Axenia Cobzac 6512 Averill Creek Ave Las Vegas, NV 89118	12/16/2022	\$1,000.00			

Nevada Power Company dba NV Energy 6226 West Sahara Avenue Las Vegas, NV 89151	12/16/2022	\$5,000.00			
	12/16/2022	\$5,000.00			
NV Energy Inc 6226 West Sahara Avenue Las Vegas, NV 89146	12/16/2022	\$5,000.00			
	12/16/2022	\$5,000.00			
Sierra Pacific Power Company DBA NV Energy 6100 Neil Road Reno, NV 89511	12/16/2022	\$5,000.00			
	12/16/2022	\$5,000.00			
Bassam Said Al-Owir 767 Latina Ct. Henderson, NV 89012-7221	12/16/2022	\$5,000.00			
James E. Nave 2385 E Tropicana Ave Las Vegas, NV 89119	12/17/2022	\$5,000.00			
	12/17/2022	\$5,000.00			
Nevada Gold Mines LLC 1655 Mountain City Highway Elko, NV 89801	12/19/2022	\$5,000.00			
	12/19/2022	\$5,000.00			
UP Railroad Company 1400 Douglas Street #1560 Omaha, NE 68179	12/19/2022	\$5,000.00			
	12/19/2022	\$5,000.00			
Juul Labs Inc 1000 F Street Northwest #800 Washington, DC 20004	12/19/2022	\$5,000.00			
	12/19/2022	\$5,000.00			
Mandalay Bay Hotel & Casino 3950 Las Vegas Blvd. South Las Vegas, NV 89119	12/19/2022	\$5,000.00			
	12/19/2022	\$5,000.00			
MGM Aviation Corp PO Box 77123 Las Vegas, NV 89177	12/19/2022	\$5,000.00			
	12/19/2022	\$5,000.00			
MGM Grand Hotel & Casino PO Box 77123 Las Vegas, NV 89177	12/19/2022	\$5,000.00			
	12/19/2022	\$5,000.00			
MGM Hospitality LLC PO Box 77123 Las Vegas, NV 89177	12/19/2022	\$5,000.00			
	12/19/2022	\$5,000.00			
MGM Interactive LLC PO Box 77123 Las Vegas, NV 89177	12/19/2022	\$5,000.00			
	12/19/2022	\$5,000.00			
MGM Public Policy LLC PO Box 77123 Las Vegas, NV 89177	12/19/2022	\$5,000.00			
	12/19/2022	\$5,000.00			
MGM Resorts Development PO Box 77123 Las Vegas, NV 89177	12/19/2022	\$5,000.00			
	12/19/2022	\$5,000.00			
MGM Resorts Land Holdings LLC PO Box 77123 Las Vegas, NV 89177	12/19/2022	\$5,000.00			
	12/19/2022	\$5,000.00			
MGM Resorts Retail PO Box 77123 Las Vegas, NV 89177	12/19/2022	\$5,000.00			
	12/19/2022	\$5,000.00			
MGM Resorts Venue Management PO Box 77123 Las Vegas, NV 89177	12/19/2022	\$5,000.00			
	12/19/2022	\$5,000.00			

MGMM Insurance Company PO Box 77123 Las Vegas, NV 89177	12/19/2022	\$5,000.00			
	12/19/2022	\$5,000.00			
New York New York Hotel & Casino PO Box 77123 Las Vegas, NV 89177	12/19/2022	\$5,000.00			
	12/19/2022	\$5,000.00			
Park District Holdings PO Box 77123 Las Vegas, NV 89177	12/19/2022	\$5,000.00			
	12/19/2022	\$5,000.00			
Park MGM LLC PO Box 77123 Las Vegas, NV 89177	12/19/2022	\$5,000.00			
	12/19/2022	\$5,000.00			
Park Theater PO Box 77123 Las Vegas, NV 89177	12/19/2022	\$5,000.00			
	12/19/2022	\$5,000.00			
Shadow Creek PO Box 77123 Las Vegas, NV 89177	12/19/2022	\$5,000.00			
	12/19/2022	\$5,000.00			
The Signature Condominiums LLC PO Box 77123 Las Vegas, NV 89177	12/19/2022	\$5,000.00			
	12/19/2022	\$5,000.00			
Vdara Condo Hotel PO Box 77123 Las Vegas, NV 89177	12/19/2022	\$5,000.00			
	12/19/2022	\$5,000.00			
VidiAd PO Box 77123 Las Vegas, NV 89177	12/19/2022	\$5,000.00			
	12/19/2022	\$5,000.00			
Molson Coors Beverage Company PO Box 482 Milwaukee, WI 53201	12/19/2022	\$2,000.00			
550 Leasing Company II LLC PO Box 77123 Las Vegas, NV 89177	12/19/2022	\$5,000.00			
	12/19/2022	\$5,000.00			
Arena Land Holdings LLC PO Box 77123 Las Vegas, NV 89177	12/19/2022	\$5,000.00			
	12/19/2022	\$5,000.00			
Aria Resort & Casino PO Box 77123 Las Vegas, NV 89177	12/19/2022	\$5,000.00			
	12/19/2022	\$5,000.00			
Bellagio Hotel & Casino PO Box 77123 Las Vegas, NV 89177	12/19/2022	\$5,000.00			
	12/19/2022	\$5,000.00			
Destron Inc PO Box 77123 Las Vegas, NV 89177	12/19/2022	\$5,000.00			
	12/19/2022	\$5,000.00			
Grand Garden Arena Management PO Box 77123 Las Vegas, NV 89177	12/19/2022	\$5,000.00			
	12/19/2022	\$5,000.00			
Las Vegas Arena Management PO Box 77123 Las Vegas, NV 89177	12/19/2022	\$5,000.00			
	12/19/2022	\$5,000.00			
Luxor Hotel & Casino PO Box 77123 Las Vegas, NV 89177	12/19/2022	\$5,000.00			
	12/19/2022	\$5,000.00			

Mandalay Place PO Box 77123 Las Vegas, NV 89177	12/19/2022	\$5,000.00			
	12/19/2022	\$5,000.00			
Silver State Property Holdings 701 South Carson Street Suite 200 Carson City, NV 89701	12/20/2022	\$5,000.00			
	12/20/2022	\$5,000.00			
Desertlink Investments LLC 6226 West Sahara Avenue MS 03A Las Vegas, NV 89146	12/20/2022	\$5,000.00			
	12/20/2022	\$5,000.00			
Craig Road Animal Hospital 5051 West Craig Road Las Vegas, NV 89130	12/21/2022	\$5,000.00			
	12/21/2022	\$5,000.00			
Las Vegas Paiute Tribe 1 Paiute Drive Las Vegas, NV 89106	12/21/2022	\$2,500.00			
Trop East Plaza LLC 2385 East Tropicana Avenue Las Vegas, NV 89119	12/21/2022	\$5,000.00			
	12/21/2022	\$5,000.00			
CMNT LLC dba South Valley Animal Hospital 2385 East Tropicana Avenue Las Vegas, NV 89119	12/21/2022	\$5,000.00			
	12/21/2022	\$5,000.00			
JBAM LLC dba South Buffalo Springs Animal Hospital 2385 East Tropicana Avenue Las Vegas, NV 89119	12/21/2022	\$5,000.00			
	12/21/2022	\$5,000.00			
Butler Snow PAC PO Box 6010 Ridgeland, MA 39158	12/21/2022	\$2,000.00			
Zuffa LLC PO Box 26959 Las Vegas, NV 89126	12/21/2022	\$5,000.00			
	12/21/2022	\$5,000.00			
FedEx Corporation PAC 942 South Shady Grove Road 1st floor Memphis, TN 38120	12/22/2022	\$5,000.00			
Wynn Las Vegas 3131 Las Vegas Boulevard South Las Vegas, NV 89109	12/22/2022	\$5,000.00			
	12/22/2022	\$5,000.00			
Operating Engineers Local No 3 Statewide PAC 1620 South Loop Road Alameda, CA 94502	12/22/2022	\$5,000.00			
	12/22/2022	\$5,000.00			
Quality Care Consultants 1603 Villa Rica Dr Henderson, NV 89052	12/25/2022	\$3,000.00			
Abbie Friedman 28 Painted Feather Way Las Vegas, NV 89135	12/25/2022	\$3,000.00			
Jenny Lee 4484 S Pecos Rd #100 Las Vegas, NV 89121	12/25/2022	\$120.00			
	12/25/2022	\$3,000.00			
James Kemp 7012 Shire Ridge Ave Las Vegas, NV 89131	12/25/2022	\$40.00			
	12/25/2022	\$1,000.00			
Adam Muslusky 7305 Enchanted Rock Ave Las Vegas, NV 89113	12/25/2022	\$5,000.00			
	12/25/2022	\$200.00			

Republic Dumpco Inc 770 East Sahara Avenue Las Vegas, NV 89104	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
REPUBLIC ENVIRONMENTAL TECHNOLOGIES INC 770 EAST SAHARA AVENUE LAS VEGAS, NV 89104	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
Republic Silver State Disposal Inc 770 East Sahara Avenue Las Vegas, NV 89104	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
Valley Electric Association Inc 800 E Highway 372 Pahrump, NV 89041	12/27/2022	\$2,000.00			
Plaster Development Co Inc 801 South Rancho Drive #E4 Las Vegas, NV 89106	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
Thaddeus Yurek 815 San Gabriel Avenue Henderson, NV 89002	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
Schulman Development LLC 840 South Rancho Drive #4-572 Las Vegas, NV 89106	12/27/2022	\$5,000.00			
Alamo Title Holding Company 866 Riverside Avenue Bldg 5, 6th floor Jacksonville, FL 32204	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
Steven Chesin 8714 Mayport Drive Las Vegas, NV 89131	12/27/2022	\$2,500.00			
Daniel Anderson 7021 North Cuckoo Clock Street North Las Vegas, NV 89084	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
Natalie Willis 620 Chervil Valley Drive Las Vegas, NV 89138	12/27/2022	\$2,500.00			
Nevada State Apartment Association 6276 South Rainbow Boulevard #110 Las Vegas, NV 89118	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
The Aviator 6655 South Eastern Avenue #200 Las Vegas, NV 89119	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
Pahrump Nugget Hotel & Casino 681 South Highway 160 Pahrump, NV 89408	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
Lakeside Casino & RV Park 5870 Homestead Road Pahrump, NV 89048	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
Nevada Subcontractors Association PAC 5795 South Rogers Street Las Vegas, NV 89118	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
Cooper Roofing & Solar LLC 5795 South Rogers Street #A Las Vegas, NV 89118	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
Chicago Title And Trust 601 Riverside Avenue Bldg 5, 6th floor Jacksonville, FL 32204	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			

Chicago Title Company 601 Riverside Avenue Bldg 5, 6th floor Jacksonville, FL 32204	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
Chicago Title Insurance Company 601 Riverside Avenue Bldg 5, 6th floor Jacksonville, FL 32204	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
Commonwealth Land Title Insurance Company 601 Riverside Avenue Bldg 5, 6th floor Jacksonville, FL 32204	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
Fidelity National Financial 601 Riverside Avenue Bldg 5, 6th floor Jacksonville, FL 32204	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
Fidelity National Title Insurance Company 601 Riverside Avenue Bldg 5, 6th floor Jacksonville, FL 32204	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
Fntg Holdings LLC 601 Riverside Avenue Bldg 5, 6th floor Jacksonville, FL 32204	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
Fnts Holdings LLC 601 Riverside Avenue Bldg 5 6th floor Jacksonville, FL 32204	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
National Title Insurance of New York Inc 601 Riverside Avenue Bldg 5, 6th floor Jacksonville, FL 32204	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
Orion Manchester Development 601 Riverside Avenue Bldg 5, 6th floor Jacksonville, FL 32204	12/27/2022	\$5,000.00			
Rocky Mountain Support Services 601 Riverside Avenue Bldg 5, 6th floor JACKSONVILLE, FL 32204	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
Ovation Design & Development Inc 6021 South Fort Apache Road #100 Las Vegas, NV 89148	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
Security Title Agency Inc 3410 East University Drive #200 Phoenix, AZ 85034	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
Reno Sparks Indian Colony 34 Reservation Road Reno, NV 89502	12/27/2022	\$1,000.00			
Power House Plastering Inc 3485 John Peter Lee Avenue North Las Vegas, NV 89032	12/27/2022	\$2,500.00			
Nevada Society Of Architects AIA NV PAC 401 South 4th Street #175 Las Vegas, NV 89101	12/27/2022	\$5,000.00			
The Griffin Company LLC 401 South Curry Street Carson City, NV 89701	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			

Louis Polish 4270 West Patrick Lane Las Vegas, NV 89118	12/27/2022	\$5,000.00			
CO2 Monitoring LLC 4310 Cameron Street #7 Las Vegas, NV 89103	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
Diamond Sloan LLC 5052 South Jones Boulevard #110 Las Vegas, NV 89118	12/27/2022	\$5,000.00			
Broadcasters Open Air Marketplace LLC 4695 Macarthur Court #1420 Newport Beach, CA 92660	12/27/2022	\$5,000.00			
Classic Door & Trim Co Inc 4625 South Wynn Road #1 Las Vegas, NV 89103	12/27/2022	\$1,000.00			
GRG Enterprises LLC 284 Flathead Avenue #200 Whitefish, MT 59937	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
Hirschi Masonry LLC 2912 East La Madre Way North Las Vegas, NV 89081	12/27/2022	\$5,000.00			
Fisher Brothers Financial & Development Company LLC 299 Park Avenue New York, NY 10171	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
99 Restaurants Holdings LLC 3038 Sidco Drive Nashville, TN 37204	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
O'Charley's LLC 3038 Sidco Drive Nashville, TN 37204	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
Town Center Animal Hospital 2385 East Tropicana Avenue Las Vegas, NV 89119	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
Durango Animal Hospital 2385 East Tropicana Avenue Las Vegas, NV 89119	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
Dustin Petty 242 North 57th Street Scottsdale, AZ 85257	12/27/2022	\$1,500.00			
Bicentennial Animal Hospital LLC dba Inspirada Animal Hospital 2385 East Tropicana Avenue Las Vegas, NV 89119	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
Centennial Hills Animal Hospital 2385 East Tropicana Avenue Las Vegas, NV 89119	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
Triple Contracting LLC 2335 Silver Wolf Drive Henderson, NV 89011	12/27/2022	\$2,500.00			
Kaempfer Crowell 1980 Festival Plaza Drive #650 Las Vegas, NV 89135	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
Scott Donnelly 2121 Thoroughbred Road Henderson, NV 89002	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			

Core Group Investments LLC 1635 Village Center Circle #100 Las Vegas, NV 89134	12/27/2022	\$5,000.00			
Nevada Optometric PAC 1344 Disc Drive #185 Sparks, NV 89436	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
Jerry Petty 14586 West Village Parkway Litchfield Park, AZ 85340	12/27/2022	\$1,500.00			
Cannae Holdings LLC 1701 Village Center Circle Las Vegas, NV 89134	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
American Rental Association 1900 19th Street Moline, IL 61265	12/27/2022	\$2,500.00			
Breakthru Beverage Nevada, LLC. 1849 West Cheyenne Avenue North Las Vegas, NV 89032	12/27/2022	\$2,500.00			
	12/27/2022	\$5,000.00			
Thomas J Burns 1833 Glenview Drive Las Vegas, NV 89134	12/27/2022	\$1,000.00			
McDonald Carano 100 West Liberty Street 10th floor Reno, NV 89501	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
Justin Manning 10091 West Park Run Drive #200 Las Vegas, NV 89145	12/27/2022	\$500.00			
Pattern PAC 1088 Sansome Street San Francisco, CA 94111	12/27/2022	\$2,500.00			
Rachel Boehrer 1155 Kingston Hills Court Henderson, NV 89002	12/27/2022	\$2,500.00			
Nielson Consulting LLC 9555 Hillwood Drive #103 Las Vegas, NV 89134	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
Caroline Nielson 9037 Waterfield Court Las Vegas, NV 89134	12/27/2022	\$1,500.00			
Mary Alice Nielson 9037 Waterfield Court Las Vegas, NV 89134	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
Nicholas Nielson 9037 Waterfield Court Las Vegas, NV 89134	12/27/2022	\$2,500.00			
Scott M. Nielson 9037 Waterfield Ct. Las Vegas, NV 89134	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
Lumen Technologies Service Group Llc PO Box 4065 Monroe, LA 71211	12/27/2022	\$1,000.00			
Jon Porter PO Box 60877 Boulder City, NV 89006	12/27/2022	\$5,000.00			
	12/27/2022	\$5,000.00			
Nevadans For Reliable Renewable Affordable Energy.	12/30/2022	\$5,000.00			

9213 Pitching Wedge Drive Las Vegas, NV 89134					
UnitedHealth Group Inc PO Box 1459 Minneapolis, MN 55440	12/30/2022	\$5,000.00			
	12/30/2022	\$5,000.00			
GAI PAC 110-00 Rockaway Boulevard Queens, NY 11420	12/30/2022	\$5,000.00			
	12/30/2022	\$5,000.00			
R Trent Mcauliffe 1 East Liberty Street #600 Reno, NV 89501	12/30/2022	\$1,000.00			
Robert Kilby 1895 Plumas Street #4 Reno, NV 89509	12/30/2022	\$5,000.00			
Wells Fargo & Co Employee PAC 1700 K Street Northwest 8th floor Washington, DC 20006	12/30/2022	\$2,500.00			
District Council Of Iron Workers 1660 San Pablo Avenue #C Pinole, CA 94564	12/30/2022	\$5,000.00			
Rodney Atamian 1805 White Hawk Ct Las Vegas, NV 89134	12/30/2022	\$1,250.00			
Kimberly Santos 14205 Prairie Flower Court RENO, NV 89511	12/30/2022	\$5,000.00			
Nicole Steinhaus 2006 Pin Oak Avenue Las Vegas, NV 89101	12/30/2022	\$500.00			
Law Office Of Jason H Weinstock PLLC 2470 Saint Rose Parkway #310 Henderson, NV 89074	12/30/2022	\$1,000.00			
Wynn Resorts Ltd 3131 Las Vegas Boulevard South Las Vegas, NV 89109	12/30/2022	\$5,000.00			
	12/30/2022	\$5,000.00			
Expo & Convention Center LLC 3355 South Las Vegas Boulevard Las Vegas, NV 89109	12/30/2022	\$5,000.00			
	12/30/2022	\$5,000.00			
Venetian Las Vegas Gaming LLC 3355 South Las Vegas Boulevard Las Vegas, NV 89109	12/30/2022	\$5,000.00			
	12/30/2022	\$5,000.00			
Venetian Las Vegas Marketing Inc 3355 South Las Vegas Boulevard Las Vegas, NV 89109	12/30/2022	\$5,000.00			
	12/30/2022	\$5,000.00			
Las Vegas Jet LLC 3131 Las Vegas Boulevard South Las Vegas, NV 89109	12/30/2022	\$5,000.00			
	12/30/2022	\$5,000.00			
Wynn Golf LLC 3131 Las Vegas Boulevard South Las Vegas, NV 89109	12/30/2022	\$5,000.00			
	12/30/2022	\$5,000.00			
Terry Friedman & Julie Throop PLLC 300 South Arlington Avenue Reno, NV 89501	12/30/2022	\$1,000.00			
Ida Ybarra 297 Pastel Cloud Street Henderson, NV 89015	12/30/2022	\$1,000.00			

BLC Management Company LLC 4675 West Teco Avenue #250 Las Vegas, NV 89118	12/30/2022	\$5,000.00			
	12/30/2022	\$5,000.00			
MM Development Company Inc 4675 West Teco Avenue #250 Las Vegas, NV 89118	12/30/2022	\$5,000.00			
	12/30/2022	\$5,000.00			
Zachary Huffman 4801 Spencer Street #228 Las Vegas, NV 89119	12/30/2022	\$300.00			
RAI Services Company 401 North Main Street Winston-Salem, NC 27101	12/30/2022	\$5,000.00			
	12/30/2022	\$5,000.00			
Mariano & Associates PLLC 3500 Lakeside Court #130 Reno, NV 89509	12/30/2022	\$1,000.00			
Locus Development Group LLC 6001 Talbot Lane Reno, NV 89509	12/30/2022	\$5,000.00			
	12/30/2022	\$5,000.00			
Yott Beckett 6900 South McCarran Boulevard #3040 Reno, NV 89509	12/30/2022	\$5,000.00			
Behzadi Law Offices LLC 6655 West Sahara Avenue #A-208 Las Vegas, NV 89146	12/30/2022	\$4,000.00			
Bertoldo Baker Carter & Smith 7408 West Sahara Avenue Las Vegas, NV 89117	12/30/2022	\$2,500.00			
Catkill Support Committee Pac 888 Resorts World Drive Monticello, NY 12701	12/30/2022	\$5,000.00			
	12/30/2022	\$5,000.00			
craig Kidwell 790 Commercial St Elko, NV 89801	12/31/2022	\$5,000.00			
Marjorie Hauf 710 S 9th St Las Vegas, NV 89101	12/31/2022	\$1,000.00			
Jonathan Roven 6119 Goodland Ave North Hollywood, CA 91606	12/31/2022	\$150.00			
Richard Schonfeld 520 S 4th St Las Vegas, NV 89101	12/31/2022	\$5,000.00			
Ferrari Reeder Public Affairs 527 Lander St Reno, NV 89509	12/31/2022	\$2,500.00			
Hicks & Brasier PLLC 2630 South Jones Boulevard Las Vegas, NV 89146	12/31/2022	\$1,000.00			
BillieMarie Morrison 1412 Via Merano St Henderson, NV 89052	12/31/2022	\$1,000.00			
MGM Resorts Arena Holdings LLC PO Box 77123 Las Vegas, NV 89177	12/31/2022	\$5,000.00			
	12/31/2022	\$5,000.00			

Joel Santos PO Box 41184 Reno, NV 89504	12/31/2022	\$1,000.00			
Metropolitan Marketing PO Box 77123 Las Vegas, NV 89177	12/31/2022	\$5,000.00			
	12/31/2022	\$5,000.00			

WRITTEN COMMITMENTS

Report Period


4

Joseph Lombardo
Name (print)

Governor
Office (if applicable)

Clark County
District (if applicable)

**WRITTEN COMMITMENTS FOR CONTRIBUTIONS IN EXCESS OF \$100 OR,
WHEN ADDED TOGETHER FROM ONE ENTITY, THAT EXCEED \$100**
(Transfer Total Amount of All Written Commitments to Line 4 of Contributions Summary)

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE THE COMMITMENT	DATE OF COMMITMENT 	AMOUNT OF COMMITMENT

IN KIND CONTRIBUTIONS

Report Period

4

Joseph Lombardo

Governor

Clark County


Name (print)

Office (if applicable)

District (if applicable)

**IN KIND CONTRIBUTIONS IN EXCESS OF \$100 OR,
WHEN ADDED TOGETHER FROM ONE CONTRIBUTOR, THAT EXCEED \$100**

(Transfer Total Value of All In Kind Contributions to Line 5 of Contributions Summary)

<u>NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE IN KIND CONTRIBUTION</u>	<u>DATE OF IN KIND CONTRIBUTION</u> 	<u>DESCRIPTION OF IN KIND CONTRIBUTION</u>	<u>VALUE OR COST OF IN KIND CONTRIBUTION</u>	<u>CHECK HERE IF LOAN</u>	<u>NAME AND ADDRESS OF 3rd PARTY IF LOAN</u>	<u>NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION</u>
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					<u>GUARANTEED BY 3rd PARTY</u>	<u>WHO FORGAVE THE LOAN, IF DIFFERENT THAN CONTRIBUTOR</u>
<u>Mechanical Contractors Association of Las Vegas</u> 2640 South Jones Boulevard Suite 1 Las Vegas, NV 89146	10/07/2022	Catering Services	\$1,604.70			
<u>Sheet Metal And Air Conditioning Contractors' National Association of Southern Nevada</u> 2640 South Jones Boulevard Suite 4 Las Vegas, NV 89146	10/07/2022	Catering Services	\$1,604.69			
<u>Gary Pestello</u> 10198 Via Verona Reno, NV 89511	10/25/2022	Facility Fees	\$250.00			
<u>Donna Maland</u> 10549 Santo Marco Court Las Vegas, NV 89135	10/25/2022	Facility Fees	\$250.00			
<u>Flynn Giudici Government Affairs</u> 708 North Center Street Reno, NV 89501	10/25/2022	Catering Services	\$2,388.69			
<u>Ashok Mirchundani</u> 10570 Hope Mills Dr Las Vegas, NV 89135	11/02/2022	Facility Fees	\$6,500.00			
<u>Real NV</u> 410 South Minnesota Street Carson City, NV 89703	11/14/2022	Text Messaging Services	\$5,000.00			
<u>United Signs Inc</u> 5234 South Procyon Street Las Vegas, NV 89118	11/15/2022	Sign Frames	\$7,500.00			
<u>Alex Meruelo</u> 2500 East 2nd Street Reno, NV 89502	12/06/2022	Catering Services	\$4,790.00			

Clark County

District (if applicable)

(Transfer Total Value of All In Kind Written Commitments to Line 6 of Contributions Summary)

[illegible]

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EXPENSE CATEGORIES		Report Period	# 4
Joseph Lombardo	Governor	Clark County	
Name (print)	Office (if applicable)	District (if applicable)	

EXPENSE CATEGORIES (NRS 294A.365)

CATEGORIES	CODE
Office expenses	A
Expenses related to volunteers	B
Expenses related to travel	C
Expenses related to advertising	D
Expenses related to paid staff	E
Expenses related to consultants	F
Expenses related to polling	G

Expenses related to special events	H
Expenses related to legal defense fund	I
Goods and services provided in kind for which money would otherwise have been paid	J
Contributions made to: (i) another candidate; (ii) a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225; (iii) a PAC that is registered or required to be registered pursuant to NRS 294A.230; or (iv) a Recall Committee that is registered or required to be registered pursuant to NRS 294A.250	K
Fees for filing declarations of candidacy or acceptances of candidacy	L
Repayments or forgiveness of loans	M
Disposal of unspent contributions pursuant to NRS 294A.160	N
Other miscellaneous expenses	O

1 NRS 294A.362 requires "In Kind" contributions and expenses to be reported on a separate form, which is attached hereto.

MONETARY EXPENSES

Report Period

4

Joseph Lombardo

Governor

Clark County


Name (print)

Office (if applicable)

District (if applicable)

MONETARY EXPENSES IN EXCESS OF \$100

(Transfer Total Amount of All Campaign Expenses to Line 9 of Expenses Summary)

<u>NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO RECEIVED THE PAYMENT FOR THE EXPENSE</u>	<u>CATEGORY</u> (NRS 294A.365)	<u>DATE OF EXPENSE</u> 	<u>AMOUNT OF EXPENSE</u>
Integrated Solutions: Political 4142 Adams Avenue #103-550 San Diego, CA 92116	A	10/02/2022	\$325.00
	A	11/02/2022	\$325.00
	A	12/02/2022	\$325.00

Nevada State Bank 6505 N Buffalo Dr #10 Las Vegas, NV 89131	O	10/03/2022	\$30.00
	O	10/13/2022	\$15.00
	O	10/13/2022	\$15.00
	O	10/14/2022	\$15.00
	O	10/14/2022	\$25.00
	O	10/17/2022	\$25.00
	O	10/20/2022	\$15.00
	O	10/21/2022	\$30.00
	O	10/28/2022	\$25.00
	O	10/31/2022	\$2.50
	O	10/31/2022	\$30.00
	O	10/31/2022	\$62.50
	O	11/04/2022	\$25.00
	O	11/30/2022	\$2.50
	O	12/08/2022	\$15.00
	O	12/08/2022	\$15.00
	O	12/08/2022	\$15.00
	O	12/08/2022	\$15.00
	O	12/20/2022	\$15.00
	O	12/20/2022	\$15.00
	O	12/20/2022	\$4.00
Spring Valley Market Place, LLC 50 S Jones Blvd #100 Las Vegas, NV 89107	A	10/03/2022	\$648.00
	A	10/31/2022	\$648.00
Biggest Little Investments, LLP 3652 S Virginia St Suite C7 Reno, NV 89502	A	10/03/2022	\$1,300.00
	A	10/31/2022	\$1,300.00
	A	11/04/2022	\$650.00
Del Mar Advertising 901 Fremont St Unit 105 Las Vegas, NV 89101	D	10/03/2022	\$2,250.00
	D	11/08/2022	\$1,800.00
The Tarrance Group Inc 201 N Union St Suite 410 Alexandria, VA 22314	G	10/03/2022	\$19,405.00
Strategic Media Services 4601 Fairfax Drive Suite 730 Arlington, VA 22203	D	10/03/2022	\$271,832.74
	D	10/07/2022	\$423,691.58
	D	10/13/2022	\$199,292.12
	D	10/13/2022	\$250,000.00
	D	10/21/2022	\$727,023.14
	D	10/28/2022	\$250,000.00
	D	10/31/2022	\$595,239.56
	D	11/04/2022	\$51,609.50
WinRed Technical Services, LLC 1776 Wilson Boulevard #530 Arlington, VA 22209	O	10/06/2022	\$1,941.10
	O	10/10/2022	\$178.87
	O	10/15/2022	\$2,530.59
	O	10/23/2022	\$5,598.25
	O	10/24/2022	\$1,700.81
	O	10/24/2022	\$661.34

	O	10/25/2022	\$319.52
	O	10/26/2022	\$681.83
	O	10/29/2022	\$581.58
	O	10/30/2022	\$654.81
	O	10/31/2022	\$1,686.61
	O	11/01/2022	\$231.12
	O	11/02/2022	\$1,314.20
	O	11/05/2022	\$271.10
	O	11/06/2022	\$1,510.71
	O	11/08/2022	\$1,457.15
	O	11/08/2022	\$44.95
	O	11/19/2022	\$255.10
	O	11/26/2022	\$68.38
	O	12/03/2022	\$152.61
	O	12/06/2022	\$965.33
	O	12/10/2022	\$546.66
	O	12/17/2022	\$359.73
	O	12/25/2022	\$569.70
	O	12/31/2022	\$681.64
Reach Right Digital Marketing, LLC 6501 Red Hook Road PMB 927 St Thomas, VI 802	O	10/06/2022	\$137.60
	O	10/10/2022	\$8.00
	O	10/15/2022	\$56.00
	O	10/23/2022	\$348.00
	O	10/24/2022	\$56.00
	O	10/24/2022	\$28.00
	O	10/26/2022	\$148.80
	O	10/29/2022	\$16.00
	O	10/31/2022	\$20.00
	O	11/08/2022	\$16.00
Diana Durkee 5176 Fading Sunset Dr Las Vegas, NV 89135	A, H	10/07/2022	\$27.32
	E	10/14/2022	\$500.00
	E	10/31/2022	\$500.00
	E	11/15/2022	\$500.00
	E	11/30/2022	\$500.00
Red Rock Strategies 9500 West Flamingo Road Suite 203 Las Vegas, NV 89147	F, A	10/07/2022	\$21,525.26
	F	11/04/2022	\$42,563.70
	A, D	11/30/2022	\$4,142.20
	F	12/16/2022	\$121,240.80
TMP Entertainment Film Inc 1400 Colorado St Suite C Boulder City, NV 89005	F	10/07/2022	\$875.00
Media Placement Services PO Box 753771 Las Vegas, NV 89136	D	10/14/2022	\$5,000.00
	D	11/08/2022	\$25,000.00
Department of the Treasury Internal Revenue Service Ogden, UT 84201	E	10/14/2022	\$665.20
	E	10/31/2022	\$665.20
	E	11/15/2022	\$665.20

	E	11/13/2022	\$000.20
	E	11/30/2022	\$2,195.20
Nevada DETR 2800 East Saint Louis Avenue Las Vegas, NV 89104	E	10/14/2022	\$15.00
	E	10/25/2022	\$172.53
	E	10/31/2022	\$15.00
	E	11/15/2022	\$15.00
	E	11/30/2022	\$15.00
Matthew Brasseaux 4825 South Rainbow Boulevard Suite 212 Las Vegas, NV 89103	E	10/14/2022	\$4,822.85
	E	10/31/2022	\$4,822.85
	E	11/15/2022	\$4,822.85
	E	11/30/2022	\$24,822.85
Elizabeth Ray 1055 East Tropicana Avenue #442-D Las Vegas, NV 89119	E	10/14/2022	\$3,333.33
	E	10/31/2022	\$3,333.33
	E	11/15/2022	\$3,333.33
	E	11/30/2022	\$3,333.33
Pop Acta Media Inc 10 Fairway Drive Suite 180V Deerfield Beach, FL 33441	O	10/15/2022	\$98.00
	O	10/23/2022	\$56.00
	O	10/31/2022	\$17.50
	O	11/08/2022	\$14.00
LVPMSA Charitable Foundation 801 S Rancho Dr, Ste A1 Las Vegas, NV 89106	K	10/21/2022	\$1,200.00
Investment Concepts REFUND OF CONTRIBUTION 2009 Eagle Trace Way Las Vegas, NV 89117	O	10/23/2022	\$5,200.00
NV Energy 6226 W Sahara Ave Las Vegas, NV 89146	A	10/25/2022	\$208.77
	A	10/31/2022	\$164.97
	A	11/23/2022	\$207.16
	A	12/01/2022	\$100.89
	A	12/20/2022	\$339.97
V Is For Victory REFUND OF CONTRIBUTION 1930 Village Center Cir #3-179 Las Vegas, NV 89134	O	10/27/2022	\$4,000.00
	O	10/27/2022	\$5,000.00
Carson Nugget Casino 507 North Carson Street Carson City, NV 89701	H	10/28/2022	\$715.00
Tatango 600 Stewart St Suite 400 Seattle, WA 98101	D	10/31/2022	\$1,000.00
	D	10/31/2022	\$1,000.00
	D	10/31/2022	\$199.00
	D	11/30/2022	\$199.00
Remington Research Group 800 W 47th St Suite 200 Kansas City, MO 64112	D	10/31/2022	\$1,500.00
Ace Specialties 900 Evangeline Dr Lafayette, LA 70501	A	10/31/2022	\$1,170.24
The Gober Group PLLC PO Box 341016 Austin, TX 78734	F	10/31/2022	\$5,850.90
	F	11/08/2022	\$1,390.00

Ralston Reports 2175 Spur Ct Las Vegas, NV 89135	A	10/31/2022	\$600.00
RSVP Party Rentals 4445 South Valley Vieww Blvd Ste 7 Las Vegas, NV 89103-4010	A	10/31/2022	\$557.99
	A	10/31/2022	\$139.08
	A	10/31/2022	\$91.78
Hotel Midtown Atlanta 188 14Th St North East Atlanta, GA 30361-2003	C	10/31/2022	\$789.31
Latin Chamber of Commerce 300 North 13th St LAS VEGAS, NV 89101	H	10/31/2022	\$450.00
FLS Connect, LLC 7300 Hudson Blvd Suite 270 Saint Paul, MN 55128	A, D	10/31/2022	\$456.26
	A, D	11/30/2022	\$255.57
Courtyard 3870 S Carson St Carson City, NV 89701	C	10/31/2022	\$372.01
	C	10/31/2022	\$238.18
	C	11/30/2022	\$389.61
	C	11/30/2022	\$419.45
Saint John the Baptist Greek Orthodox Church 5300 El Camino Rd Las Vegas, NV 89118	H	10/31/2022	\$375.00
In Compliance Inc. PO Box 751271 Las Vegas, NV 89136	F	10/31/2022	\$11,845.50
Harry Reid International Airport 5757 Wayne Newton Blvd Las Vegas, NV 89111	C	10/31/2022	\$18.00
	C	10/31/2022	\$40.00
	C	11/30/2022	\$36.00
	C	11/30/2022	\$36.00
	C	11/30/2022	\$36.00
	C	11/30/2022	\$14.00
Amazon 410 Terry Ave N Seattle, WA 98109	A	10/31/2022	\$14.99
	A	11/30/2022	\$30.33
	A	11/30/2022	\$149.40
	A	11/30/2022	\$14.99
	A	11/30/2022	\$145.57
Office Depot 4827 Kietzke Ln Reno, NV 89509	A	10/31/2022	\$9.53
	A	10/31/2022	\$36.55
	A	10/31/2022	\$31.96
	A	10/31/2022	\$57.96
	A	10/31/2022	\$43.34
	A	10/31/2022	\$95.11
	A	11/30/2022	\$13.07
Chevron 6001 Bollinger CP RD San Ramon, CA 94583	C	10/31/2022	\$40.55
	C	11/30/2022	\$72.66
Albertsons 10140 West Flamingo Rd Las Vegas, NV 89147	A	10/31/2022	\$62.73
	A	10/31/2022	\$137.41
	A	10/31/2022	\$52.24

	A	10/31/2022	\$195.52
Walmart 4855 Kietzke Ln RENO, NV 89509	A	10/31/2022	\$64.90
	A	10/31/2022	\$281.35
	A	11/30/2022	\$491.80
	A	11/30/2022	\$491.80
Triple George Grill 206 North 3rd St Las Vegas, NV 89101	C	10/31/2022	\$69.41
	C	10/31/2022	\$72.64
	C	11/30/2022	\$29.84
Clean Tastic, LLC 7880 Fall Harvest Dr Las Vegas, NV 89147-3797	A	10/31/2022	\$70.00
	A	10/31/2022	\$140.00
	A	10/31/2022	\$80.00
	A	11/30/2022	\$175.00
	A	11/30/2022	\$140.00
Monday.com 800 South St Suite 640 Waltham, MA 2453	A	10/31/2022	\$150.00
	A	11/30/2022	\$150.00
Rachel's Kitchen 3330 South Hualapai Way Ste 190 Las Vegas, NV 89117	C	10/31/2022	\$154.22
Home Depot 861 S Rainbow Blvd Las Vegas, NV 89145-6238	A	10/31/2022	\$155.71
	A	10/31/2022	\$27.87
Smiths 10100 West Tropicana Ave Las Vegas, NV 89147-8459	A	10/31/2022	\$119.16
	A	10/31/2022	\$262.23
	A	11/30/2022	\$59.39
	A	11/30/2022	\$39.96
	A	11/30/2022	\$277.80
	A	11/30/2022	\$91.26
At&t 208 S Akard S Dallas, TX 75202-4208	A	10/31/2022	\$117.65
	A	11/30/2022	\$117.65
DiBella Flowers 2021 W Charleston Blvd Las Vegas, NV 89102	O	10/31/2022	\$85.43
	O	10/31/2022	\$85.43
	O	10/31/2022	\$88.52
	O	11/30/2022	\$181.67
Google 1600 Amphitheatre Pkwy Mountain View, CA 94043-1351	A	10/31/2022	\$90.00
	A	10/31/2022	\$48.43
	A	11/30/2022	\$47.49
	A	11/30/2022	\$90.00
Ducks Unlimited 1 Waterfowl Way Memphis, TN 38120	A	10/31/2022	\$200.00
Charter Communications PO Box 94188 Palatin, IL 60094	A	10/31/2022	\$142.96
	A	11/08/2022	\$145.10
Cox Communications 1700 Vegas Dr Las Vegas, NV 89106	A	10/31/2022	\$256.06
	A	11/30/2022	\$270.89
Starbucks 3370 South Hualapai Way	H	10/31/2022	\$266.22

Las Vegas, NV 89117			
Majority Strategies, LLC PO Box 679219 Dallas, TX 75267	A, D	11/04/2022	\$1,035.00
Axiom Strategies 800 W 47th St Suite 200 Kansas City, MO 64112	H, C	11/04/2022	\$8,249.14
Autumn Productions PO Box 371553 Las Vegas, NV 89137	D, F	11/04/2022	\$24,860.00
	A, D	11/08/2022	\$1,267.49
The Tarrance Group 201 N Union St Suite 410 Alexandria, VA 22314	G	11/04/2022	\$17,483.00
October Inc PO Box 370672 LAS VEGAS, NV 89137	A, C, F	11/04/2022	\$125,939.79
	A, C, F	11/30/2022	\$147,786.88
Three Sticks Productions 2036 Whitecliff Dr Reno, NV 89521	G	11/04/2022	\$27,150.00
MO Strategies Inc PO Box 4 Westfield, IN 46074	F	11/04/2022	\$37,400.00
	F	11/30/2022	\$2,200.00
Patrick Lewis REFUND OF CONTRIBUTION 1620 Bayonne Dr Las Vegas, NV 89134	O	11/05/2022	\$10,000.00
Fabulous Freddy's Car Wash REFUND OF CONTRIBUTION 4350 S Durango Las Vegas, NV 89147	O	11/08/2022	\$200.00
Spirit Airlines 18121 East 8 Mile Rd Ste 100 Eastpointe, MI 48021-3241	C	11/30/2022	\$36.00
	C	11/30/2022	\$107.59
	C	11/30/2022	\$120.59
	C	11/30/2022	\$165.59
Red Rock Hotel and Casino 11011 West Charleston Blvd Las Vegas, NV 89135-1402	H	11/30/2022	\$276.85
	H	11/30/2022	\$2,073.55
	H	11/30/2022	\$5,836.05
NATIONAL CAR RENTAL 2001 E Plumb Ln Reno, NV 89502	C	11/30/2022	\$318.66
	C	11/30/2022	\$493.73
	C	11/30/2022	\$350.46
Towneplace Suites 2625 East Jennings Way Elko, NV 89801	C	11/30/2022	\$179.84
	C	11/30/2022	\$177.84
	C	11/30/2022	\$177.84
	C	11/30/2022	\$177.84
	C	11/30/2022	\$204.55
Southwest Airlines PO Box 36611 Dallas, TX 75235	C	11/30/2022	\$212.98
	C	11/30/2022	\$342.98
	C	11/30/2022	\$400.98
	C	11/30/2022	\$400.98
	C	11/30/2022	\$400.98
	C	11/30/2022	\$400.98
	C	11/30/2022	\$400.98

	C	11/30/2022	\$350.98
Aloft	C	11/30/2022	\$216.70
2015 Terminal Way	C	11/30/2022	\$216.70
Reno, NV 89502	C	11/30/2022	\$223.70
Great Basin Brewing	C	11/30/2022	\$106.61
5525 South Virginia St			
Reno, NV 89502-6085			
Target	A	11/30/2022	\$107.79
33 South 6th St Ste CC1			
Minneapolis, MN 55402-3700			
The Grid	C	11/30/2022	\$111.89
1120 Taylor Pl			
Fallon, NV 89406-7878			
ELKO CONVENTION & VISITORS AUTHORITY	H	11/30/2022	\$795.00
700 MOREN WAY			
ELKO, NV 89801			
Alliance Forge	D	11/30/2022	\$25,343.63
5648 Spandrell Cir			
Sparks, NV 89436			

IN KIND EXPENSES

Report Period

4

Joseph Lombardo

Governor

Clark County


Name (print)

Office (if applicable)

District (if applicable)

IN KIND EXPENSES IN EXCESS OF \$100

(Transfer Total Value of All In-Kind Expenses to Line 10 of Expenses Summary)

<u>NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO RECEIVED THE IN KIND GOOD OR SERVICE</u>	<u>DESCRIPTION OF IN KIND EXPENSE</u>	<u>DATE OF IN KIND EXPENSE</u> 	<u>VALUE OR COST OF IN KIND EXPENSE</u>
Mechanical Contractors Association of Las Vegas 2640 South Jones Boulevard Suite 1 Las Vegas, NV 89146	Catering Services	10/07/2022	\$1,604.70
Sheet Metal And Air Conditioning Contractors' National Association of Southern Nevada 2640 South Jones Boulevard Suite 4 Las Vegas, NV 89146	Catering Services	10/07/2022	\$1,604.69
Gary Pestello 10198 Via Verona Reno, NV 89511	Facility Fees	10/25/2022	\$250.00
Donna Maland 10549 Santo Marco Court Las Vegas, NV 89135	Facility Fees	10/25/2022	\$250.00
Flynn Giudici Government Affairs 708 North Center Street Reno, NV 89501	Catering Services	10/25/2022	\$2,388.69
Ashok Mirchundani 10570 Hope Mills Dr Las Vegas, NV 89135	Facility Fees	11/02/2022	\$6,500.00
Real NV 410 South Minnesota Street Carson City, NV 89703	Text Messaging Services	11/14/2022	\$5,000.00
United Signs Inc 5234 South Procyon Street Las Vegas, NV 89118	Sign Frames	11/15/2022	\$7,500.00
Alex Meruelo 2500 East 2nd Street Reno, NV 89502	Catering Services	12/06/2022	\$4,790.00

EL201
Revised: 8-13-13
NRS 294A.120; 294A.125;
294A.160; 294A.200;
294A.362; 294A.373

**EXECUTIVE DIRECTOR'S EXHIBITS
EXHIBIT 41**



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Bartolo Ramos**, Public Works
Director, Lander County,
State of Nevada,

Ethics Complaint
Case No. 19-088C

Subject. /

ORDER ON DISPOSITIVE MOTIONS
NAC 281A.265

On April 21, 2022, the Executive Director filed a dispositive motion regarding two of the alleged allegations relating to NRS 281A.400(3) and NRS 281A.420(1), ("ED's Motion"). On the same day, Subject Ramos ("Ramos") filed a dispositive motion seeking dismissal of all allegations referred to the Commission for proceedings ("Subject's Motion").¹ Each party filed an opposition to the other party's motion on May 2, 2022, and their replies in support of their individual motions were filed on May 5, 2022.

On June 15, 2022, the Commission held a public hearing to consider oral arguments on the motions. Rebecca Bruch, Esq. of Lemons, Grundy & Eisenberg appeared on behalf of Ramos, who was present at the hearing. Associate Counsel Elizabeth J. Bassett, Esq. appeared on behalf of Executive Director, Ross Armstrong, who was present at the hearing.

A. RELEVANT PROCEDURAL BACKGROUND

1. On September 21, 2019, the Commission received an *Ethics Complaint* ("Complaint") from a member of the public ("Requester") alleging the following violations of the Ethics Law by Ramos: NRS 281A.400(1), (2), (3), (4) and (7), NRS 281A.420(1) and (3), and NRS 281A.430.

2. On November 7, 2019, the Commission accepted jurisdiction and issued a *Notice of Complaint and Investigation* pursuant to NRS 281A.715 directing the Executive Director to investigate the allegations.

3. On November 20, 2019, Ramos provided the Commission an executed *Waiver of Statutory Time Requirement: Investigation & Review Panel*.

4. On August 18, 2020, Ramos provided a response to the Complaint pursuant to NRS 281A.720(2) to the Executive Director.

5. On June 16, 2021, a Review Panel issued a *Review Panel Determination and Referral Order* ("Panel Determination") determining there is just and sufficient cause

¹ A Dispositive Motion may commonly be referred to as a Motion for Summary Judgment. This reference does not confirm that NRCP 56 specifically applies to the proceedings. The provisions of the NRCP are not directly applicable to administrative proceedings; however, it is not a due process error for an administrative agency to reference these provisions. *Dutchess Bus. Servs. v. Nev. State Bd. Of Pharm.*, 124 Nev 701, 191 P.3d 1159 (2008).

for the Commission to render an opinion in this matter with respect to the alleged violations of NRS 281A.400(1), (2), (3) and NRS 281A.420(1) and (3). The applications pertaining to NRS 281A.400(4) and (7), and NRS 281A.430, were dismissed by the Review Panel for lack of just and sufficient cause.²

6. On July 8, 2021, after consultation with counsel for the parties, the Commission, through its Commission Counsel, issued a *Notice of Hearing and Scheduling Order* providing for discovery and setting hearing dates and other procedural matters for the case, which was amended on three times thereafter.

7. On June 22, 2021, Ramos provided the Commission with a signed *Waiver of Notice Required under NRS 241.033(1) to Consider Character, Misconduct, or Competence of Subject in Ethics Complaint Proceedings*, and a *Waiver of Statutory Time Requirements; Adjudicatory Hearing*.

8. On April 25, 2022, after consultation with counsel for the parties, the Commission, through its Commission Counsel, issued a *Third-Amended Scheduling Order* (“*Scheduling Order*”), which provided proper notice for the hearing on the motions set for June 15, 2022.

B. FINDINGS OF FACTS³

1. Ramos is currently the County Manager and prior to that time he was the Public Works Director for about 6 years, including 2018 and 2019. SUBJ MSJ 00034; ED MSJ 00081.
2. During 2018 and 2019, Ramos was a public employee as defined by NRS 281A.150, when he was the Public Works Director. ED MSJ 00081.
3. Jodee Ramos (“Jodee Ramos”) is Ramos’ sister, and she and Nettie Quintana (“Quintana”) for all relevant periods were domestic partners during 2018 and 2019. SUBJ MSJ 00010.
4. Quintana is the owner of JNM Materials and has subcontracted and contracted work for Lander County for materials testing and inspection services. SUBJ MSJ 00004, 00035, and 00037; ED MSJ 00082.
5. Jodee Ramos was listed as an officer of JNM Materials with the Nevada Secretary of State from February 2018 to May 2, 2019. SUBJ MSJ 00026-27.
6. In February 2018, Quintana submitted paperwork to obtain approval to provide testing services to Lander County. SUBJ MSJ 00063.
7. After Quintana turned in the paperwork to Lander County, Bert Ramos and Keith Westengard contacted her for work on various projects, which contact was as far back as 2018. SUBJ MSJ 00063; ED OPP MSJ 00034.

² Pursuant to NRS 281A.220, the members of the Review Panel are precluded from participating in any proceedings of the Commission related to a matter after issuance of the *Panel Determination*.

³ References to record in support of Findings of Fact are not exclusive, and other supportive documentation in the record may support the findings. Further, the Commission considered and relied upon the entire record presented to consider the motions and its Findings of Fact reference support for the findings, but additional support for this opinion may be located in the records of proceedings.

8. Since JNM Materials was a service provider for Lander County, it could be selected for pending projects and the services were performed by invoice on the assigned project, without a written contract specific to the assigned project. SUBJ MSJ 00064.
9. JNM Materials' standard rate it charged for testing services was 3%, which was billed weekly on assigned projects. SUBJ MSJ 00064.

JNM Material's Invoices for Public Works Projects

10. JNM Materials submitted invoices for payment with the following dates and amounts to Lander County for work it performed on various Public Works projects, as its testing services provider:
 1. Invoice #24 – BM Airport Densities, Project #004, \$3,110 (11/9/18). ED MSJ 00045.
 2. Invoice #26 – Airport Pond Project, Project #001, \$1,000 (12/21/18). ED MSJ 00049.
 3. Invoice #27 – Spec Project White Knife, Project #PWP LA 2019-020, \$3,000 (1/19/19). ED MSJ 00052.
 4. Invoice #28 – White Knife Project, Project #PWP LA 2019-020, \$2,825 (2/1/19). ED MSJ 00055.
 5. Invoice #29 – Kayci Ave. Project, Project #001, \$4,490 (2/1/19). ED MSJ 00057.
 6. Invoice #30 - White Knife Project, Project # PWP LA 2019-020, \$1,460 (2/8/19). ED MSJ 00059.
 7. Invoice #31 - White Knife Project, Project # PWP LA 2019-020, \$8,480 (2/18/19).
 8. Invoice #32 - White Knife Project, Project # PWP LA 2019-020, \$7,430 (2/22/19).
 9. Invoice #33 - White Knife Project, Project # PWP LA 2019-020, \$2,170 (3/1/19).
 10. Invoice #34 – White Knife Project, Project # PWP LA 2019-020, \$2,660 (3/10/19).
 11. Invoice #35 - White Knife Project, Project # PWP LA 2019-020, \$4,145 (3/15/19).
 12. Invoice #36 – Fire Pond Lining Project, Project # PWP LA 2018-118, \$6,900 (3/23/19). ED MSJ 00034.
 13. Invoice #37 - White Knife Project, Project #PWP LA 2019-020, \$4,045 (3/23/19). ED MSJ 00032.
 14. Invoice #39 - White Knife Project, Project #PWP LA 2019-020, \$4,195 (3/29/19). ED MSJ 00030.

15. Invoice #40 - White Knife Project, Project # PWP LA 2019-020, \$3,095 (4/6/19). ED MSJ 00037.
16. Invoice #41 – Austin Road Rehab Project #PWP LA 2019-021, \$7,475 (4/6/19). ED MSJ 00038.
17. Invoice #42 - White Knife Project, Project #PWP LA 2019-020, \$2,700 (4/14/19). ED MSJ 00040.
18. Invoice #43 – Austin Road Rehab, Project #PWP LA 2019-021, \$11,055 (4/14/19). ED MSJ 00042.
11. Ramos authorized vouchers for processing of payment before the BOCC of JNM Materials for Invoices numbered 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 41, 42, 43, indicating: "I certify that the foregoing claim is correct and just; that the articles specified have been received by the proper officials of the Couty, the Courts and/or Special Districts, or the services stated have been performed; and they were necessary for, have been or will be applied to the county, Court or Special District purposes." ED MSJ 00083-86 (note: individual vouchers are not in chronological date order); see also ED MSJ 00029, 31, 33, 36, 39, 41, 48, 51, 54, 56, 58, 62, 65, 67, 70, and 72.
12. The above list of JNM Materials' invoices and supporting paperwork (including vouchers) were presented to the BOCC in nine (9) public meetings held on November 29, 2018, February 28, 2019, April 11, 2019, April 25, 2019, May 9, 2019, May 23, 2019, June 13, 2019, June 27, 2019, and July 11, 2019, at which Ramos was present but made no disclosure in the public meetings about his relationship with JNM Materials. The BOCC approved payment to JNM Materials on the submitted invoices. ED MSJ REPLY 00032-01649 (Board Meeting Packets).
13. Ramos did not disclose to his supervisor, former County Manager Westengard, that Ms. Quintana and Jodee Ramos were domestic partners/spouses or that Ms. Quintana owned JNM Materials prior to Ramos' execution on the vouchers.
14. Ramos' relationship with JNM Materials was first brought to Westengard's attention in the spring of 2019 by County staff. Prior to that, Westengard did not know that Quintana was the owner of JNM Materials. ED MSJ 00091; 00121-122.
15. Once the relationship was brought to Westengard's attention, he sought legal advice from the District Attorney's Office, District Attorney Ted Herrera, which resulted in action being taken to remove Ramos from the process or reviewing and signing of any vouchers for JNM Materials' invoices. ED MSJ 00122-123.
16. DA Herrera confirmed he did not talk to Ramos about the conflicts but recommended remedial action. ED OPP MSJ 00096.

Day Engineering Contract

17. The Day Engineering contract for repaving State Routes 212, 214, and 215, was noticed as Item 4, and approved on August 9, 2018, by the BOCC. ED MSJ 00144-46.
18. The scope of work for the Day Engineering contract confirmed that Lander County would provide all testing services. ED MSJ 00191-93, at p. 000192.
19. Prior to the BOCC's approval of the Day Engineering contract, It was Ramos' idea to change how testing services were to be provided on Public Works projects. Instead of having the contractor provide testing services, a change was authorized by County Manager Westengard to have Lander County provide the testing services, as a carve out from the contract deliverables. ED MSJ 00115-17.
20. JNM Materials was the only local materials testing company, and Lander County had a buy local policy that established a "preference" for informal procurements requiring:

Departments shall consider the locality of consultants or businesses and their sub-consultants when selecting providers for service contracts. If there is more than one service provider being considered and the providers are competitively matched in terms of other criteria, local service providers should be selected.

In addition, the policy confirms that the "preference established in this policy shall in no way be construed to inhibit, limit or restrict the right and obligation of the County or Purchasing Agent to compare quality and fitness for use of services proposed for purchase and compare the qualifications, character, responsibility and fitness of all persons, firms, or corporations submitting bids or proposals. Nor shall the preference established in this policy be construed to prohibit the right of the County from giving any other preference permitted by law." ED MSJ REPLY 00030; SUBJ MSJ 00071-73 (Lander County Policy).

21. At the public meeting of August 9, 2018, Ramos in his capacity as Public Works Director introduced the Day Engineering contract to the BOCC. ED MSJ 00145.
22. Ramos did not make a disclosure about his private commitment to JNM Materials when the BOCC considered the Day Engineering contract at the BOCC meeting of August 9, 2018. ED MSJ 00144-46.
23. JNM Materials provided the compaction and asphalt testing services on behalf of Lander county for the Day Engineering Contract for repaving State Routes 212, 214, and 215. ED MSJ 00083.
24. In hiring for the work for the Day Engineering contract, Ramos, in his deposition, confirmed that he and Westengard would authorize JNM Materials to work on the projects:

RAMOS:- The foot in the door for JNM Material Testing is they were local. It's that simple. They were the only local option. That was the shoe in the door for JNM.-It wasn't anything more or anything less.-It was that they were local. That's what the shoe in the door was.

MS. BRUCH:- But how, how did that happen?

MS. BASSETT: Who did they meet with? Someone had to authorize them to go out. Someone had to say how much you are going to charge.

RAMOS: Yes. And that was myself, Keith Westengard, and Marty Ugalde of Day Engineering, because Marty is the one that was over the contract for Day Engineering. Aaron Martinez was the one who said I can only do it for five percent. If they can give you a better deal, put them boots on the ground. So who hired them, that would have been myself and Keith Westengard.

ED MSJ REPLY 00031.

25. In the May 9, 2019, BOCC public meeting, under Agenda Item No. 11, entitled "Update and information regarding the Public Works department presented by Bert Ramos, Lander County public Works director, and all other matters properly related thereto," Ramos publicly affirmed his connection to JNM Materials when he was providing information associated with construction cost savings. The minutes from the BOCC meeting indicate Ramos provided the following information about the relationship between his sister and Ms. Quintana:

Ramos: ...And then on another one -- so I have on our inspection services, we used to get a flat 5 percent rate from our engineer. They -- of whatever the job was.

And if you add a change order to it, then you got five -- they took 5 percent of that.

And that's materials and everything else included. Well, I took that away and we went with a local. And I know that it's caused some stir because my sister is involved and it's a small community. I have nothing to hide from anybody.

But my sister and Netty are dating. Everybody knows. Or I'm not sure what they are. Bug -- Yeah, how do you say that in public?

Unidentified Participant: I think they're partners

Chairman Waits: Nepotism. Yeah.

Ramos: So -- so anyway -- and I've always went with the local business. It's been something that I've done since I got hired in Austin. My brother-in-law ran the NAPA. We always did business with them. We get fair pricing. And so I know that it's caused some concern amongst especially one commissioner. So I wanted to point out some cost savings on the project since they've been with us.

We've saved \$88,076. And that's over five projects. But that's not including if we -- if we went and we included the -- the change orders and other things, you -- you're talking another \$75,000. So we would have saved \$163,076 so far in five projects with them.

And this is money we can put somewhere else. So it's -- it's responsible.

....We can't bid it because it's professional services.

SUBJ MSJ 00102-104.

C. DISCUSSION AND CONCLUSIONS OF LAW

Introduction

Pursuant to NRS 281A.280, the Commission has jurisdiction over public employees, as that term is defined in NRS 281A.150, and public officers, as that term is defined in NRS 281A.160, if their conduct implicates a violation of Nevada's Ethics in Government Law, set forth in NRS Chapter 281A ("Ethics Law"). Ramos does not contest jurisdiction in these proceedings, or the fact that he was a public employee under NRS 281A.150, at all relevant times.

After the Commission accepted jurisdiction, it directed the Executive Director to investigate the allegations set forth in the Complaint for purposes of making a "just and sufficient cause" recommendation to the Review Panel, which is comprised of 3 members of the Commission. NRS 281A.725-281A.730. The Review Panel issued its Panel Determination referring certain allegations to the Commission for proceedings and dismissing other allegations.

Once a complaint is referred to the Commission for proceedings, the Commission may rule on a dispositive motion. See NAC 281A.442. Accordingly, the Commission has jurisdiction over Ramos and is provided authority to consider the motions and issue this order. In considering whether there is a violation of the Ethics Law, NRS 281A.480(9) establishes the burden of proof to be a "preponderance of the evidence," which means that the evidence is sufficient for the Commission to determine that the existence of the contested fact is more probable than the nonexistence of the contested fact. See NRS 233B.0375.

In considering the motions, the Commission considered the record before it, including without limitation, the Complaint, Ramos's Response to the Complaint, filed pleadings and supportive evidence in the form of public records, depositions, discovery requests and responses. Further, each party presented oral arguments to the Commission during the public meeting in support of their respective motion.

The Motions

In the pleadings, each party presents various contentions considered by the Commission. As a general overview, the Executive Director contends Ramos negotiated or secured the work to be performed by JNM Materials and then reviewed and approved vouchers to process payment on JNM Materials' invoices and that Ramos carved out inspection services from Public Work's contracts prior to the BOCC's approval of the Day Engineering contract, resulting in JNM Materials being selected to provide these professional services under Lander County's "buy local" preference, which conduct violated NRS 281A.400(3) and NRS 281A.420(1).

Conversely, Ramos asserts the preponderance of evidence standard is not met because there was no written contract between Lander County and JNM Materials for application of NRS 281A.400(3). Instead of a written contract, Lander County would hire professional services and pay for these services based upon invoicing. With respect to the alleged violation of NRS 281A.420(1), Ramos contends he did not hide his sister's relationship, but followed Lander County's preference to hire a local service supplier. Further, because Lander County is a small jurisdiction, Ramos believed everyone knew that his sister was related to Ms. Quintana, the owner of JNM Materials. Ramos seeks

dismissal of all allegations set forth in the Complaint that were referred to the Commission for proceedings, which are: NRS 281A.400(1), (2), (3) and NRS 281A.420(1) and (3).⁴

As a precept to the consideration of the motions, Ramos has not contested the fact that he is related to Jodee Ramos and Quintana, or that Quintana owns JNM Materials. Therefore, under NRS 281A.065(3), Ramos holds a “commitment in a private capacity” to Jodee Ramos and Quintana because they are related to him by blood or domestic partnership, within the third degree of consanguinity or affinity.

Each party’s pleadings in support of their respective motion intertwined the arguments and applied them to the contentions raised by the other party. Accordingly, this order addresses each of the alleged violations that were referred to the Commission in statutory order.

Alleged Violations - NRS 281A.400(1), (2), (3) and NRS 281A.420(1) and (3)

NRS 281A.400(1) – Using public position to seek economic opportunity for public employee or for any person to whom the public employee has a commitment in a private capacity, which would tend to improperly influence a reasonable person to depart from public duties.

Ramos seeks dismissal of this alleged violation, asserting that he did not depart from the faithful discharge of his public duties because JNM Materials’ services saved Lander County money on the assigned Public Works Projects and he was complying with Lander County’s policy to buy local, and JNM Materials was the only local testing company. In opposition, the Executive Director asserts the statutory prohibition serves to prevent public employees from violating the public trust by taking official action for a personal benefit.

All public employees, who are subject to the Ethics Law, have a responsibility to comply with its provisions in fulfilling their public duties. NRS 281A.400(1), and all provisions of the Ethics Law, are applied consistently with the legislatively established policy set forth in NRS 281A.020(b), which provides “[a] public officer or employee must commit himself or herself to avoid conflicts between the private interests of the public officer or employee and those of the general public whom the public officer or employee serves.”

The Commission does not grant judgment on NRS 281A.400(1) because additional testimony is needed to consider the allegation and defense. Without limitation, Lander County’s policy to “buy local,” by its stated terms, is an established preference rather than a requirement, and it would assist the Commission to hear testimony relating to circumstances in application of the policy to JNM Materials’ services, including the testing services provided on the Public Works’ projects, vouchers, and the Day Engineering Contract. It would assist the Commission to understand the details related to the claimed savings by using JNM Materials, and what information was presented to Ramos’s supervisor Westengard in this regard. It would assist the Commission to consider testimony on the application of the “buy local” policy by Lander County when the circumstances confirm the employee has a potential conflict under the Ethics Law, and

⁴ Inadvertently Ramos also sought dismissal of NRS 281A.430; however, at the hearing, it was confirmed with the parties that the Review Panel Determination did not refer this allegation to the Commission for further proceedings. The Review Panel dismissed the allegations relating to NRS 281A.400(4) and (7), and NRS 281A.430, for lack of sufficient evidence. See Review Panel Determination issued on June 21, 2021. Accordingly, any related argument was not germane to the proceedings.

any other matters relating to the alleged violation of NRS 281A.400(1), including DA Herrera's interpretation of this policy under such circumstances.

NRS 281A.400(2) - Using public position to secure or grant unwarranted privileges for the public employee or for a person to whom he holds a private commitment

Ramos seeks dismissal of this alleged violation contending his conduct was not "unwarranted" based upon application of Lander County's buy local policy, and because of the significant savings resulting from using JNM Materials for testing services, and he does not have the final say in approval of payment on invoices, which approval is processed before and within the authority of the BOCC. The Executive Director contends issues of fact remain as to whether there were savings and whether Ramos used knowledge he acquired through his public position to provide an unwarranted benefit to JNM Materials based upon the Commission's holding in *In re Sieren*, Comm'n Op. 95-05 (1996).

For the reasons indicated above with respect to the alleged violation of NRS 281A.400(1), it would assist the Commission to hear testimony on the alleged violation of NRS 281A.400(2). Accordingly, it does not grant Ramos' requested dismissal.

NRS 281A.400(3) – Using public position to negotiate or execute a contract with a person to whom you have a commitment in a private capacity

The Executive Director seeks judgment on Ramos' alleged violation of NRS 281A.400(3) based upon Ramos's confirmed private commitment to Jodee Ramos, Quintana, and JNM Materials, asserting Ramos either negotiated or executed a contract to obtain testing services from JNM Materials. In contrast, Ramos asserts that no written contract was signed by him, and he did not act as an agent of Lander County in the negotiation of a contract.

The lack of a formal bid solicitation, traditional back and forth negotiation, or written contract between Lander County and JNM Materials on the listed Public Works projects is not determinative of the application of NRS 281A.400(3). State and local government purchasing laws do not require every contract entered into by a County to be competitively bid. Contracts not adapted to award by competitive solicitation include contracts for professional services, such as those provided by JNM Materials to Lander County. See NRS 332.115(1)(b). Contracts come in a variety of forms, from written contracts, purchase orders, hand-shake deals, oral agreements, acceptance of goods, or services at an agreed upon rate.⁵

NRS 281A.400(3) does not state it requires a written contract to be applicable. Instead, it applies to any form of contract. Basic contract principles require, for an enforceable contract, an offer and acceptance, meeting of the minds, and consideration. *May v. Anderson*, 121 Nev. 668, 119 P.3d 1254 (2005). In this matter, all material terms of the contract for JNM Materials were known once it qualified to be a local provider, JNM Materials' rate of 3% was known to Ramos, its services were hired by Ramos and Westengard, and the firm was assigned to individual Public Works Projects. The contract

⁵ The Commission makes a distinction between a contract and an invoice or voucher. An invoice was sent after the testing services were provided in support of the fact that a contract was formed with JNM Materials, and requests payment for services rendered. A voucher is a written authorization to disburse payment. See definitions of invoice and voucher, Black's Law Dictionary, 11 ed., at pages 956 and 1809, respectively.

formation was accomplished at a staff level, which included Ramos, albeit in a fairly informal fashion.⁶ Consistent with the contract formation is Ramos's execution of vouchers showing JNM Materials' work was completed for the individual projects and the firm was entitled to payment for services rendered. Thereafter, the BOCC paid invoices based upon the work performed by JNM Materials.

Accordingly, a contract existed with JNM Materials for the work to be performed on each of the listed Public Works' projects. If there was no contract, JNM Materials would not have been providing testing services or be entitled to payment for rendered services on an individual project. It does not matter that the contract was not obtained by the traditional solicitation, bidding process, and written contract approval by the BOCC. Contracts may be established in a variety of ways, including by the conduct of the parties. Implied in fact contracts are manifested by conduct. See *Certified Fire Prot. Inc. v. Precision Constr. Inc.*, 128 Nev. 371, 283 P.3d 250 (2012).

In considering whether Ramos negotiated a contract with JNM Materials, the Commission applies the plain meaning to the term, "negotiate," which is "to communicate with another party for the purpose of reaching an understanding," or "to bring about by discussion or bargaining." See Black's Law Dictionary, 10th Ed., pgs. 1199-1120. Merriam Webster's Collegiate Dictionary, 11th Ed., at p. 830, similarly defines "negotiate" as: "to carry on business; to confer with one another so as to arrive at the settlement of some matter; to deal with (some matter or affair that requires ability for its successful handling)... manage; to arrange for or bring about through conference, discussion and compromise."

As the Public Works Director, Ramos was authorized to develop contracts for public works. Ramos's conduct in hiring and arranging for JNM Materials to work on Public Works projects confirms he obtained the services to be provided for the individual projects. Accordingly, the Commission finds that Ramos's conduct is sufficient to establish either a negotiation or contract formation for application of NRS 281A.400(3). Therefore, Ramos's conduct violated the statutory requirements.

NRS 281A.420(1) and (3) – Disclosure and Abstention Requirements

The Executive Director seeks judgment on NRS 281A.420(1) for Ramos's alleged violation of the statute by his failure to disclose his private commitments to Jodee Ramos, Quintana, and JNM Materials, before acting on signing vouchers for payment processing on the subject invoices and failing to advise the BOCC or the public about the potential conflict in the 9 public meetings at which the invoices were considered for payment by the BOCC. In addition, the alleged violation pertains to Ramos's conduct in allegedly failing to make a proper disclosure when he carved-out testing services from Public Works contracts prior to the BOCC's consideration and approval of the Day Engineering contract at the August 9, 2018 BOCC public meeting, during which Ramos presented the item and made no disclosures about the potential conflict.

In opposition, Ramos contends that he did not abuse his public position because he was saving Lander County money by utilizing the services of JNM Materials, his conduct was mitigated by July of 2019 when the invoice processing had been redirected to County Manager Westengard, he did not have a final say in any contracts or work performed on projects, the invoices were processed just as any other invoice would have

⁶ Although "it is understandable that public employees in Nevada's small, rural counties may conduct business with less formality than those in Nevada's larger, more metropolitan areas. However, even in small, rural counties, the formality of a public employee's conduct should never be so relaxed that it offends the public trust and ethical standards to which public employees are accountable. See *In re Shangle*, Comm'n Op. No. 01-40 (2002).

been by Purchasing and approved by the BOCC. Ramos further contends that at best he had a vague and nebulous obligation to disclose his connection to JNM Materials, everyone knew he was related to Jodee Ramos and Quintana, and the County Manager, after obtaining legal advice, redirected invoicing processing. He also asserts his conduct does not meet the willful standard under the Ethics Law because he did not know about the requirements of the Ethics Law.

The disclosure requirements of NRS 281A.420(1) apply to each occasion where a public employee's pecuniary interests or private commitments relate to their public duties. In relevant part, NRS 281A.420 states a public employee "shall not approve, disapprove, vote, abstain from voting or otherwise act upon a matter:

- (a) Regarding which the public officer or employee has accepted a gift or loan;
- (b) In which the public officer or employee has a significant pecuniary interest;
- (c) Which would reasonably be affected by the public officer's or employee's commitment in a private capacity to the interests of another person...

↳ without disclosing information concerning the gift or loan, the significant pecuniary interest, the commitment in a private capacity to the interests of the other person or the nature of the representation or counseling of the private person that is sufficient to inform the public of the potential effect of the action or abstention upon the person who provided the gift or loan, upon the public officer's or employee's significant pecuniary interest, upon the person to whom the public officer or employee has a commitment in a private capacity or upon the private person who was represented or counseled by the public officer or employee. Such a disclosure must be made at the time the matter is considered.

Public employees who are not members of a body that makes decisions shall make the required disclosure to the supervisory head of the organization under NRS 281A.420(1). In addition, should the public officer/employee participate in a public meeting that implicates a disclosable conflict, it must also be disclosed to the public given the requirements of NRS 281A.420(1) to properly inform the public. See *In re Murnane*, Comm'n Op. No. 15-45A (2016), at p. 13. The interests of the person to whom there is a private commitment, such as a relative, are statutorily attributed to the public officer/employee based on the presumption that a person lacks independent judgment toward the interests of those persons to whom there are private commitments. See *In re Public Officer*, Comm'n Op. No. 13-71A (2014).

In considering whether Ramos violated NRS 281A.420(1), the Commission confirms that an asserted lack of knowledge of the requirements of the Ethics Law does not present an excuse or defense to the alleged violation. The provisions of NRS 281A.420(1) have been statutory in various forms since their original enactment in 1977. The Ethics Law does not require specific knowledge about the requirements of its statutes for the law to apply to the conduct of public officers and public employees. The law simply requires either an omission or an intentional, as opposed to unintentional, act associated with a duty imposed by the Ethics Law on the public officer or employee. See NRS 281A.170; see also, *In re Public Employee*, Comm'n OP. No. 19-051A (2019).

The facts confirm that Ramos failed to make proper disclosures to his supervisor about his commitment in a private capacity to JNM Materials on each occasion that his public duties related thereto, including hiring JNM Materials and signing the numerous vouchers to process the invoices before the BOCC in public meetings. In addition, Ramos

did not make any disclosures to his supervisor prior to the BOCC's consideration of the Day Engineering contract when Ramos's conduct served to carve out materials testing from the contract, which resulted in JNM Materials being selected to provide these services through Public Works. At no time in the public meetings Ramos attended, at which the above matters were considered by the BOCC, did he properly advise the public about his conflict. NRS 281A.420(1) requires the disclosure, no matter to whom it is made, be sufficient to inform the public of the potential effect of the action or abstention on the public officer's or employee's interests and the interest of any person to whom NRS 281A.065 establishes a private commitment. See *Murnane*, Comm'n Op. No. 15-45A (2016), at p. 13.

In making the determination that Ramos failed to properly disclose a conflict, the Commission does not find that Westengard's knowledge about the conflict obtained from finance staff members or Ramos's eventual recognition of the relationship during the May 9, 2019, BOCC meeting excused or constituted a proper disclosure by Ramos to his supervisor or the public. A proper disclosure by the public employee must occur every time a matter is considered which relates to a disclosable conflict. The Ethics Law does not recognize a continuing disclosure, a disclosure by reference, or a disclosure made by others. NRS 281A.420 requires the affected public employee to make the disclosure. Knowledge of others about the conflict also does not excuse the failure to disclose. See *In re Stark*, Comm'n Op. No. 10-48C (2012).

The purpose of disclosure is to provide sufficient information regarding the conflict of interest to inform the supervisory head of the organization and the public of the nature and extent of the conflict and the potential effect of the action or abstention on the public officer's/employee's private interests and commitments. Silence based upon a prior disclosure fails to inform the public or supervisory head of the organization about the nature and extent of the conflict. See *In re Public Officer*, Comm'n Op. No. 16-14A (2016); *In re Buck*, Comm'n Op. No. 11-63C (2011) (holding that incorporation by reference of a public officer's prior disclosure, even though based upon the advice of counsel, did not satisfy the disclosure requirements of NRS 281A.420(1)).

Notably, Ramos was in a management position as the Director of Public Works, and his recommendations on such matters carried weight. The buy local policy was a preference, not a requirement. Accordingly, the lack of a timely and proper disclosure of these matters removed the ability of the County Manager and the BOCC to consider and issue directions on how to avoid the conflict, including ascertaining whether they wanted to solicit the professional services through a request for qualifications, or other process permitted to local governments, or to hire JNM Materials, with the caveat that Ramos be separated from such matters, as instructed by DA Herrera, in mitigation. Either Westengard or the BOCC, not Ramos who had a per se conflict that required a proper disclosure, had authority to determine whether JNM Materials' services were a good deal and if the company should be selected for the Public Works projects needing testing services. Indeed, once the Lander County District Attorney was advised about Ramos's conflict by Westengard, he directed that Ramos be fully separated from matters associated with JNM Materials.

Based upon the record presented, the Commission determines that Ramos violated NRS 281A.420(1) by failing on 12 occasions to properly disclose a conflict related to JNM Materials. With regard to the allegations relating to Ramos' alleged violation of NRS 281A.420(3), the Commission does not find judgment is appropriate for Ramos based upon questions of fact associated with whether Ramos's position as the Director of Public Works was established by a Nevada statute or an ordinance of Lander County and if the position of Public Works Director involves the exercise of power trust or duty so as to classify Ramos as a "public officer" under the definition established in NRS 281A.160.

D. CONCLUSION

Based upon the review of the record, filed pleadings, and in consideration of the presentments of the parties, the Commission finds good cause to enter the following order:

IT IS HEREBY ORDERED:

1. The Executive Director's Motion is GRANTED in part, and the Commission finds Ramos violated NRS 281A.400(3) and NRS 281A.420(1).

2. With regard to the alleged violations on which partial judgment was granted in favor of the Executive Director, which are NRS 281A.400(3) and NRS 281A.420(1), the Commission will consider the mitigating factors set forth in NRS 281A.775 to determine whether the violations should be classified as either non-willful or willful and if any penalties or other corrective action should be imposed under the Ethics Law.

3. Subject Motion is DENIED, and the Commission reserves its determinations on whether Ramos has violated the other alleged violations referred to the Commission by the Review Panel, which are NRS 281A.400(1) and (2), and NRS 281A.420(3).

4. This order is not a final determination of any of the alleged violations on which partial judgment was granted nor does it dispose of the other allegations referred to the Commission.

5. Commission Counsel is directed to schedule a briefing schedule for the parties and future hearings to consider any matters left unresolved by this order.

DATED this 19th day of July 2022.

NEVADA COMMISSION ON ETHICS

/s/ Brian Duffrin

Brian Duffrin
Commission Vice-Chair/
Presiding Officer

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 **ORDER ON DISPOSITIVE MOTIONS** via electronic mail to the Parties as follows:

Executive Director:

Ross E. Armstrong, Esq.
Executive Director

Email: rarmstrong@ethics.nv.gov

Elizabeth J. Bassett, Esq.
Associate Counsel

Email: ebassett@ethics.nv.gov

704 W. Nye Lane, Suite 204
Carson City, NV 89703

cc: k.pedroza@ethics.nv.gov

Subject:

Bartolo Ramos
c/o Rebecca Bruch, Esq.
Lemons, Grundy & Eisenberg
6005 Plumas Street, Ste. 3
Reno, NV 89519

Email: rb@lge.net

Email: jenn@lge.net

DATED: July 19, 2022



Employee of the Nevada Commission on Ethics



BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Joseph M. Lombardo**,
Sheriff of Clark County,
State of Nevada,

Ethics Complaint
Case Nos. 21-062C, 21-082C

Subject. /

NOTICE OF HEARING
NRS 281A.745

PLEASE TAKE NOTICE, the Nevada Commission on Ethics ("Commission") will hold a public meeting to consider Dispositive Motions or Stipulations regarding the allegations submitted in Consolidated Ethics Complaints Case Nos. 21-062C, 21-082C at the following time and location:

When: **Tuesday, June 13, 2023 at 9:30 a.m.**,
or as soon thereafter as the Commission is able to hear the matter

Where: **State Bar of Nevada**
9456 Double R Blvd, Suite B
Reno, NV 89521

And Via Zoom:

<https://us06web.zoom.us/j/82536449687?pwd=UkNSdm1xRIISd3NFQlpQeC9LUmtMUT09>

Zoom Meeting Telephone Number: 720-707-2699

Meeting ID: 825 3644 9687

Passcode: 262131

In all presentations before the Commission, the Parties must reference appropriate authority set forth in NRS Chapter 281A, NAC Chapter 281A or Commission opinion precedent, which may be located on the Commission's website at www.ethics.nv.gov or available through other legal research sources. The Parties must be prepared to provide oral presentations to the Commission on any motions and stipulations.

DATED: May 24, 2023

/s/ Wayne Klomp

Wayne Klomp, Esq.

Great Basin Law

On Behalf of the Nevada Commission
on Ethics¹

¹ The Commission has retained outside counsel during the vacancy of the Commission Counsel position.

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, transmitted a true and correct copy of the foregoing **Notice of Hearing** via *Email* addressed as follows:

Executive Director:

Ross E. Armstrong, Esq.
Executive Director
Elizabeth J. Bassett, Esq.
Associate Counsel
704 W. Nye Lane, Suite 204
Carson City, NV 89703

Email: rarmstrong@ethics.nv.gov

Email: ebassett@ethics.nv.gov

cc: k.pedroza@ethics.nv.gov

Subject:

Joseph Lombardo
c/o Donald J. Campbell, Esq.
Samuel R. Mirkovich, Esq.
Molly M. Higgins, Esq.
Campbell & Williams
710 South Seventh St. Ste. A
Las Vegas, NV 891015

Email: djc@cwlawlv.com

Email: srm@cwlawlv.com

Email: mmh@cwlawlv.com

Email: jvc@cwlawlv.com

DATED: May 24, 2023



Employee of the Nevada Commission on Ethics



STATE OF NEVADA
BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Joseph M. Lombardo**,
Sheriff of Clark County,
State of Nevada,

Ethics Complaint
Consolidated
Case Nos. 21-062C, 21-082C

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's character, misconduct or competence as related to the above referenced Consolidated Ethics Complaints (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, Joseph M. Lombardo, 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 9th day of March, 2022.

#11662, Atty. For:

By: _____
Joseph M. Lombardo



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 **Joseph M. Lombardo**,
Sheriff of Clark County,
State of Nevada,

Ethics Complaint
Consolidated
Case Nos. 21-062C, 21-082C

Subject. /

WAIVER OF STATUTORY TIME REQUIREMENTS: ADJUDICATORY HEARING



I, Joseph M. Lombardo, the above Subject, affirm that I am represented by counsel and have read the provisions of NRS 281A.745 and hereby freely and voluntarily waive the sixty (60) day statutory time limit for the Commission to hold the adjudicatory hearing and render an opinion in this matter on any date which is hereafter agreed to by my counsel of record or set forth in a Notice of Hearing and Scheduling Order issued in these proceedings.

Dated: 2/24/2022

Date received: 2/24/22

Samuel R. Minkovich,
Attorney for
Joseph M. Lombardo

Doreen Hays
Employee of the Commission

Agenda Item 5



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Raymond Spencer**, Former
Lieutenant, Las Vegas Metropolitan
Police Department, State of Nevada,

Ethics Complaint
Case No. 22-0102C

Subject. /

PROPOSED **STIPULATED AGREEMENT**

1. **PURPOSE:** This Stipulated Agreement resolves Ethics Complaint Case No. 22-0102C before the Nevada Commission on Ethics ("Commission") concerning Raymond Spencer ("Spencer"), former Lieutenant, Las Vegas Metropolitan Police Department ("LVMPD").
2. **JURISDICTION:** At all material times, Spencer served as a Lieutenant in the Las Vegas Metropolitan Police Department and was a public employee as defined in NRS 281A.150. 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 Spencer in this matter.
3. **PROCEDURAL HISTORY BEFORE COMMISSION:**
 - a. On or about September 7, 2022, the Commission initiated Ethics Complaint No. 22-0102C ("Ethics Complaint"), alleging that Spencer violated NRS 281A.400(2) and (7).
 - b. On September 7, 2022, the Commission issued its *Order on Jurisdiction and Investigation* accepting jurisdiction and directing the Executive Director to investigate the allegations.
 - c. On September 7, 2022, staff of the Commission issued a *Notice of Complaint and Investigation* under NRS 281A.720, stating that the Commission accepted

jurisdiction to investigate the allegations regarding alleged violations of NRS 281A.400(2) and (7).

d. On or about October 13, 2022, Spencer provided a written response to the allegations.

e. In lieu of an adjudicatory hearing before the Commission, Spencer and the Commission now enter into this Stipulated Agreement ("Agreement").

4. STIPULATED FACTS:

a. Spencer was initially hired by the LVMPD in 2002 and was promoted to Lieutenant of Homicide in 2018. Spencer retired from the LVMPD in May 2022.

b. Spencer declared his candidacy for a Las Vegas City Council seat in December of 2021 and filed to become a candidate for Las Vegas City Council, Ward 6 for the 2022 Election. Spencer received the second highest number of votes in the June 2022 Primary Election but lost in the November general election.

c. At the time Spencer announced his candidacy, he was already publicly known as a Lieutenant in LVMPD's homicide division and, as such, was regularly depicted in television and print news wearing his uniform and badge. Thus, in stories about Spencer's campaign for Las Vegas City Council, the media regularly featured pre-existing photographs of Spencer wearing his LVMPD uniform and badge.

d. After he declared his candidacy, but prior to his retirement in May 2022, Spencer created certain photographs and videos to support his campaign for Las Vegas City Council. Spencer did not wear his LVMPD uniform or badge in any of the photographs or videos he created for use in his campaign.

e. In connection with his candidacy for Las Vegas City Council, Spencer created a Facebook page and Twitter account to share information about his background with the electorate. Given his 20-year career with LVMPD, Spencer's professional background primarily consists of his career and public service in law enforcement.

f. To share information with the public about his background, Spencer posted several pre-existing photographs of himself on his Twitter and Facebook pages wherein he was wearing his LVMPD uniform or badge.

g. The posting of the foregoing images (i) did not interfere with Spencer's duties as a LVMPD Lieutenant, (ii) did not violate any LVMPD policy, and (iii) did not pose any cost to LVMPD or the public.

h. Spencer made efforts to avoid the potential misuse of this position in law enforcement by affirmatively seeking information and guidance from the Nevada Secretary of State.

i. After the Complaint in this matter was filed, Spencer cooperated with the investigation by voluntarily sitting for an interview and responding to questions by email.

j. Spencer posted one video and several images on his campaign Facebook and Twitter accounts in support of his campaign featuring him in his LVMPD uniform, badge, and accoutrements.

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

a. Each of the stipulated facts enumerated in Section 4 of this Agreement is agreed to by the parties.

b. Spencer's actions constitute a single course of conduct resulting in one violation of the Ethics Law, implicating the provisions of NRS 281A.400(7).

c. Allegations that Spencer violated NRS 281A.400(2) are hereby dismissed by stipulation of the parties.

d. Based upon the consideration and application of the statutory mitigating criteria set forth in NRS 281A.775, the Commission concludes that Spencer's violation in this case should be deemed a non-willful violation pursuant to NRS 281A.170 and the imposition of a civil penalty is not appropriate for the following reasons:

- 1) Seriousness of Violation: The Commission has previously issued opinions that underline the importance of avoiding the use of government property for campaigns.
- 2) Previous History: Spencer has not previously been the subject of any violation of the Ethics Law or previous ethics complaints.
- 3) Cost of Investigation and Proceedings: Spencer was diligent to cooperate with *and* participate in the Commission's investigation and resolution of this matter. Because Spencer was willing to resolve the matter prior to an adjudicatory hearing, significant Commission resources were preserved.

- 4) Prompt correction of the violation: Spencer responded immediately to the Executive Director and presented voluntarily for an interview.
- 5) Financial Gain: Spencer did not recognize financial gain because was not elected to City Council seat for which he ran.
- 6) Other Mitigating Factors: Spencer retired from the LVMPD in May 2022, before the primary election, and since then has not become a public employee or officer.

e. For his violation of NRS 281A.400(7), the parties agree that Spencer will pay the sum of \$500 pursuant to NRS 281A.785(1)(c) as a reasonable action to deter similar violations or conduct. Spencer will make one lump sum payment within 60 days following the approval of this Agreement.

f. This 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.

g. This Agreement is intended to apply to and resolve only this specific proceeding before the Commission and is not intended to be applicable to or create any admission of liability by Spencer for any other proceeding against or involving Spencer. If the Commission rejects this 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. Spencer knowingly and voluntarily waives his right to a hearing before the full Commission on the allegations in Ethics Complaint Case No. 22-102C and all rights he may be accorded with in regard to this matter pursuant to 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. Spencer knowingly and voluntarily waives his 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 once approved by the Commission. In addition, the parties orally agreed to be bound by the terms of this agreement during the regular meeting of the Commission on June 13, 2023.¹

DATED this _____ day of _____, 2023.

Raymond Spencer

FOR SUBJECT RAYMOND SPENCER

DATED this _____ day of _____, 2023.

Samuel R. Mirkovich, Esq.
Campbell & Williams

FOR ROSS E. ARMSTRONG, ESQ.
Executive Director
Nevada Commission on Ethics

DATED this _____ day of _____, 2023.

Elizabeth J. Bassett, Esq.
Associate Counsel
Nevada Commission on Ethics

¹ 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 _____, 2023.

Wayne Klomp, Esq.
Great Basin Law

The above Stipulated Agreement is accepted by the Nevada Commission on Ethics:

DATED this _____ day of _____, 2023.

By: _____
Kim Wallin, CPA, CMA, CFM
Chair

By: _____
James Oscarson
Commissioner

By: _____
Barbara Gruenewald, Esq.
Commissioner

By: _____
Thorán Towler, Esq.
Commissioner

Case No. 22-102

For official use only

Submitted Electronically on 09-07-2022



NEVADA COMMISSION ON ETHICS

ETHICS COMPLAINT

NRS 281A.700 to 281A.790

1. SUBJECT OF THE COMPLAINT - person you allege violated provisions of NRS Chapter 281A, the Nevada Ethics in Government Law. (Please use a separate form for each individual.)

Subject Name: (Last, First)	Spencer, Raymond		Title of Public Office: (Position)	Former Lieutenant
Public Entity: (Name of the entity employing this position)	Las Vegas Metropolitan Police Department			
Address:		City, State, Zip Code:	Las Vegas, NV 89514	
Telephone:	Work: 702-419- 1301	Other (home/cell):	Email:	ray@electrayspencer.com

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

Towards the end of his service as a Lieutenant for the Las Vegas Metropolitan Police Department ("LVMPD"), Spencer filed to become a candidate for Las Vegas City Council, Ward 6. Prior to retiring from the LVMPD in May 2022, Spencer utilized his uniform, badge, and other accouterments of office in furtherance of his pecuniary and personal interests in obtaining the City Council seat. In addition, on at least one occasion, there is evidence indicating that he may have used his official LVMPD office and computer equipment for a campaign related media interview. These activities implicate NRS 281A.400(7). His access to the uniform, police car, and non-news reported images provide an unwarranted benefit to his private campaign, implicating NRS 281A.400(2).

3. Is the alleged conduct currently pending before another administrative, law enforcement 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.

☐ 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, 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 the interests of 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 pecuniary 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 pecuniary interest or the interests of 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, commitment in a private capacity to the interest of another person or the nature of any representation or counseling provided to a private person for compensation before another agency in the preceeding year 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	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 Acknowledgment 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 3rd degree of consanguinity/affinity.
4. Employer or spouses/domestic partner/houshold member's employer
5. Substantial and continuing business relationships, i.e. partner, associate, or business entity.
6. Substantially similar relationships to those listed above, including close, personal relationships akin to family and fiduciary relationships to business entities.

5. YOU MUST SUBMIT EVIDENCE TO SUPPORT YOUR ALLEGATIONS. (NRS 281A.710 through 281A.715.)

Attach all documents or items you believe support your allegations, including witness statements, public or private records, audio or visual recordings, documents, exhibits, concrete objects, or other forms of proof.

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.

Name and Title:			
Address:		City, State, Zip:	Las Vegas, NV
Telephone:	<u>Work:</u>	<u>Other (home/cell):</u>	<u>Email:</u>
		702-419-1301	
Nature of Testimony:	The campaign manager will be able to testify about the nature of the images, who created them, and their use for Spencer's campaign including any approval process, timing, and purpose of images.		

Name and Title:	Ray Spencer		
Address:		City, State, Zip:	, NV
Telephone:	<u>Work:</u>	<u>Other (home/cell):</u>	<u>Email:</u>
		702-419-1301	ray@electrayspencer.com
Nature of Testimony:	Spencer will be able to testify about the nature of the images, who created them, and their use for his campaign. He will also be able to provide exact dates of public service for purposes of establishing which campaign conduct falls within the scope of the ethics law and his time a public officer or employee.		

7. Requesters Information:

Your Name:	Ross Armstrong		
Your Address:		City, State, Zip:	Carson City, NV 89703
Your Telephone:	<u>Day:</u>	<u>Evening:</u>	<u>Email:</u>
	775-687-5469		armstrong@ethics.nv.gov

Your identity as the Requester will be provided to the Subject if the Commission accepts jurisdiction of this matter, unless:

Pursuant to NRS 281A.750, 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 in the text box below, or as an attachment, 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 house-hold to a bona fide threat of physical force or violence. Describe in the text box below, or in an attachment, the facts and circumstances that support a reasonable likelihood of a bona fide threat of physical force or violence.

A copy of this Complaint will be provided to the Subject. If your request for confidentiality is approved by the Commission, the Complaint will be redacted to protect your identity as the Requester. 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 bona fide threat of physical force or violence.

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. Certain Commission proceedings and materials, including the Investigatory File remain confidential pursuant to NRS 281A.750 through 281A.760.



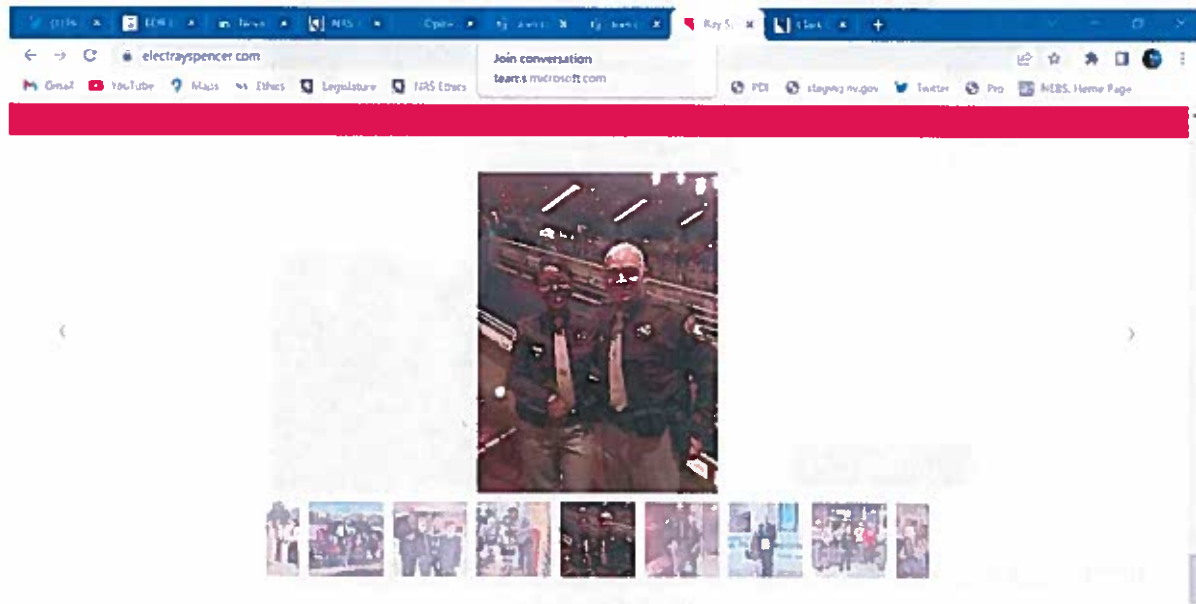
Date: 09-07-2022

Signature:

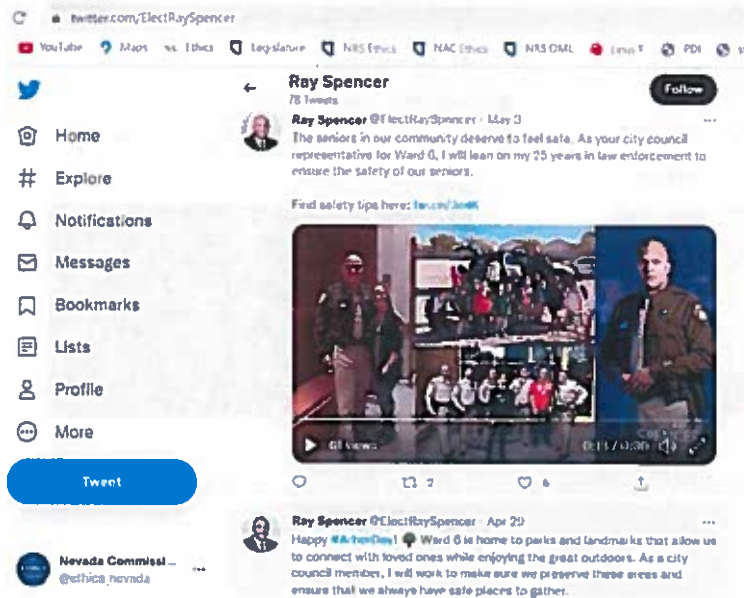
Print Name: Ross Armstrong

You may file a Complaint using the Commission's online form submission at ethics.nv.gov (Preferred) or
You must submit this form bearing your signature to the Executive Director via:
delivery/mail to Nevada Commission on Ethics, 704 W. Nye Lane, Suite 204,
Carson City, Nevada, 89703,
email to NCOE@ethics.nv.gov, or fax to (775) 687-1279

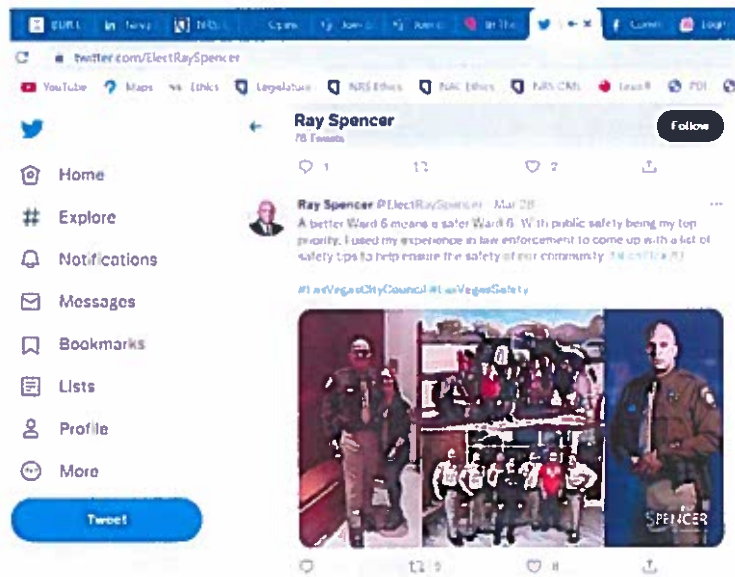
Uniform images on official Spencer Campaign site



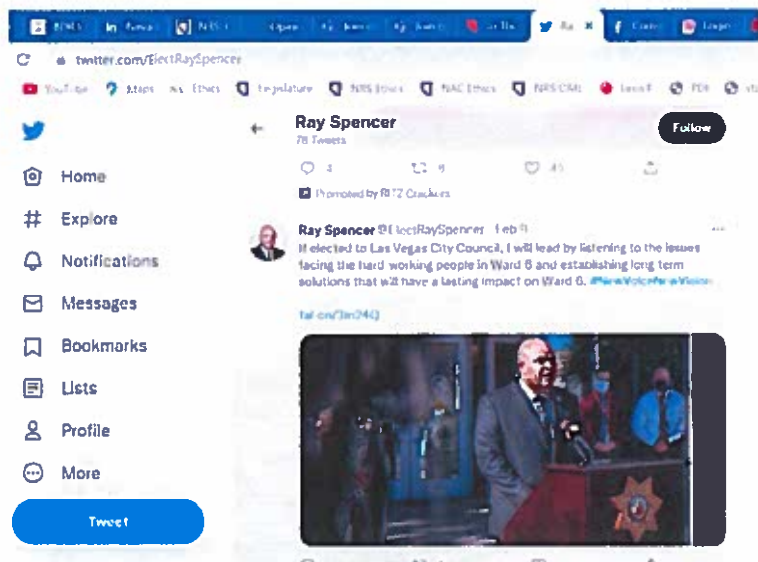
Videos produced for social media accounts featuring uniform, badge, and other accouterments



<https://twitter.com/ElectRaySpencer/status/1521656131201945602?s=20&t=5AqF4vE5-u2kkmkzUf9wWlg>



<https://twitter.com/ElectRaySpencer/status/1508504590202847242?s=20&t=5AqF4vE5-u2kmkzUf9wWlIg>



<https://twitter.com/ElectRaySpencer/status/1491547475915771908?s=20&t=5AqF4vE5-u2kmkzUf9wWlIg>

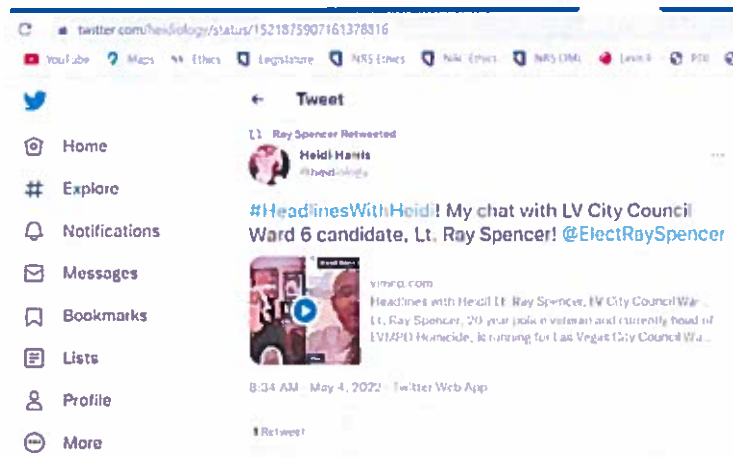
A New
VOICE & VISION
For Las Vegas



Paid for by the committee to elect Ray Spencer.

Image used on social media accounts

Campaign interview – potentially from LVMPD office



<https://twitter.com/heidology/status/1521875907161378816?s=20&t=BNNACJ2DxgsaaTjhgEqRQ>

February 7 campaign event in LVMPD polo with badge

facebook.com/electrayspencer

facebook

Email or phone Password Log

Candidate for Las Vegas City Council Ward 6
#NewVoiceNewVision

Page · Political Candidate

Committee to Elect Ray Spencer
is responsible for this Page

8414 W. Farm Rd. Suite 180 - 366, Las Vegas, NV, United States, Nevada

(702) 419 1301

ray@electrayspencer.com

electrayspencer

https://twitter.com/ElectRaySpencer

https://twitter.com/ElectRaySpencer

ElectRaySpencer.com

Not yet rated (2 Reviews)

Photos See all photos

It was my pleasure to host families of Ward 6 at our local Dairy Queen for an ice cream social over the weekend! I enjoyed seeing some friendly faces and discussing how my #NewVoiceNewVision benefits all families of Ward 6.

(Disclaimer: Paid for by the Committee to Elect Ray Spencer.)

3 Comments 3 Shares

Connect with Committee to Elect Ray Spencer on Facebook

Log In

or Create new account





STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Raymond Spencer**, Former Lieutenant,
Las Vegas Metropolitan Police Department,
State of Nevada,

Ethics Complaint
Case No. 22-102C
Confidential

Subject. /

**ORDER REGARDING INITIATING AN ETHICS COMPLAINT,
JURISDICTION, AND INVESTIGATION**

Pursuant to NRS 281A.280 and NRS 281A.715

The Commission has jurisdiction to investigate and take appropriate action regarding an alleged violation of NRS Chapter 281A, the Ethics in Government Law ("Ethics Law") by a public officer or employee or former public officer or employee in any proceeding commenced by an ethics complaint, which is filed with the Commission or initiated by the Commission on its own motion, within 2 years after the alleged violation or reasonable discovery of the alleged violation in accordance with NRS 281A.710.

IT IS ORDERED:

The Commission hereby initiates an Ethics Complaint against Raymond Spencer, a former Lieutenant with the Las Vegas Metropolitan Police Department, accepts jurisdiction, and directs the Executive Director to investigate potential violations of the following statutes:

NRS 281A.400(2) Using his public position to secure or grant unwarranted privileges, preferences or advantages to benefit 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.

NRS 281A.400(7) Using governmental time, property or equipment or other facility to benefit his significant personal or pecuniary interest or that of a person to whom he is a commitment in a private capacity.

Further, the Commission directs the Executive Director to serve this order with a Notice of Complaint and Investigation as required by NRS 281A.720.

DATED this 7th day of September, 2022.

NEVADA COMMISSION ON ETHICS

/s/ Kim Wallin

Kim Wallin, CPA, CMA, CFM
Commission Chair

CERTIFICATE OF MAILING

I certify that I am an employee of the Nevada Commission on Ethics and that on this day in Carson City, Nevada, I deposited for mailing, via U.S. Postal Service, certified mail, return receipt requested, through the State of Nevada mailroom, a true and correct copy of the foregoing **Order Regarding Initiating an Ethics Complaint, Jurisdiction, and Investigation**, addressed as follows:

Raymond Spencer
Committee to Elect Ray Spencer
8414 W. Farm Road,
Suite 180-366
Las Vegas, NV 89143

Cert. Mail No.: 9171 9690 0935 0037 6409 62

Dated: 9/8/22



Employee, Nevada Commission on Ethics



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Raymond Spencer**, Former Lieutenant,
Las Vegas Metropolitan Police Department,
State of Nevada,

Ethics Complaint
Case No. 22-102C

Subject. /

REVIEW PANEL DETERMINATION AND REFERRAL ORDER

NRS 281A.730; NAC 281A.440

The Nevada Commission on Ethics ("Commission") instructed the Executive Director to investigate alleged violations of NRS 281A.400(2) and (7) in the captioned matter regarding the conduct of Raymond Spencer ("Subject").

Spencer is a public officer as defined in NRS 281A.160 and 281A.180, and the Commission has jurisdiction over this matter pursuant to NRS 281A.280 because the allegations contained in the Complaint relate to Spencer's conduct as a public officer and have associated implications under the Ethics Law.

On January 18, 2023, a Review Panel consisting of Commissioner Teresa Lowry, Esq. (Presiding Officer), and Vice-Chair Brian Duffrin and Commissioner Amanda Yen, Esq., considered the following: (1) Ethics Complaint (2) Order on Jurisdiction and Investigation; (3) Spencer's Response to the Complaint; and (4) Executive Director's Recommendation to the Review Panel with Summary of Investigatory Findings and Relevant Evidentiary Exhibits.¹

The Review 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).

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

IT IS HEREBY ORDERED:

Based upon the just and sufficient cause determination, the Review Panel refers this Ethics Complaint to the Commission for further proceedings, which may include rendering an opinion on whether Spencer violated NRS 281A.400(2) and (7).

Dated this 18th day of January, 2023.

REVIEW PANEL OF THE NEVADA COMMISSION ON ETHICS

By: /s/ Teresa Lowry
Teresa Lowry
Commissioner/Presiding Officer

By: /s/ Amanda Yen
Amanda Yen, 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 **REVIEW PANEL DETERMINATION AND REFERRAL ORDER** via U.S. Certified Mail and electronic mail addressed as follows:

Ross E. Armstrong, Esq.
Executive Director
Elizabeth J. Bassett, Esq.
Nevada Commission on Ethics
704 W. Nye Lane, Suite 204
Carson City, NV 89703

Email: rarmstrong@ethics.nv.gov

Email: ebassett@ethics.nv.gov

Raymond Spencer
c/o Samuel R. Mirkovich, Esq.
Campbell & Williams
710 South Seventh St.
Las Vegas, NV 89101

Email: srm@cwlawlv.com

Certified Mail No.: 9171 9690 0935 0037 6406 41

Dated: 1/19/23



Employee, 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 **Raymond Spencer**, Former Lieutenant,
Las Vegas Metropolitan Police Department,
State of Nevada,

Ethics Complaint
Case No. 22-102C

Subject. /

WAIVER OF STATUTORY TIME REQUIREMENTS: ADJUDICATORY HEARING

I, Raymond Spencer, the above Subject, affirm that I am represented by counsel and have read the provisions of NRS 281A.745 and hereby freely and voluntarily waive the sixty (60) day statutory time limit for the Commission to hold the adjudicatory hearing and render an opinion in this matter on any date which is hereafter agreed to by my counsel of record or set forth in a Notice of Hearing and Scheduling Order issued in these proceedings.

Dated: 1/23/23

Raymond Spencer

Date received: 1/23/23

Doreen Hays
Employee of the Commission

11652 for



BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Raymond Spencer**, Former
Lieutenant, Las Vegas Metropolitan
Police Department,
State of Nevada,

Ethics Complaint
Case No. 22-102C

Subject. /

NOTICE OF HEARING
NRS 281A.745

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

PLEASE TAKE NOTICE, the Nevada Commission on Ethics ("Commission") will hold a public meeting to consider a **Proposed Stipulated Agreement** regarding the allegations submitted in Ethics Complaint No. 22-102C at the following time and location:

When: Wednesday, **June 13, 2023** at **9:30 a.m.**

Where: State Bar of Nevada
9456 Double R Blvd, Suite B
Reno, NV 89521

And via Zoom at:

<https://us06web.zoom.us/j/82536449687?pwd=UkNSdm1xRIISd3NFQlpQeC9LUmtMUT09>

Zoom Meeting Telephone Number: 720-707-2699

Meeting ID: 825 3644 9687

Passcode: 262131

If the Proposed Stipulated Agreement is approved, it will serve as the final written opinion in this matter pursuant to NRS 281A.135.

DATED: May 24, 2023

/s/ Wayne Klomp

Wayne Klomp, Esq.
Great Basin Law
On Behalf of the Nevada Commission
on Ethics¹

¹ The Commission has retained outside counsel during the vacancy of the Commission Counsel position.

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** via *Email* addressed as follows:

Executive Director:

Ross E. Armstrong, Esq.
Executive Director
Elizabeth J. Bassett, Esq.
Associate Counsel
704 W. Nye Lane, Suite 204
Carson City, NV 89703

Email: ramstrong@ethics.nv.gov

Email: ebassett@ethics.nv.gov

cc: k.pedroza@ethics.nv.gov

Subject:

Raymond Spencer
c/o Samuel R. Mirkovich, Esq.
Campbell & Williams
710 South Seventh St. Ste. A
Las Vegas, NV 89101

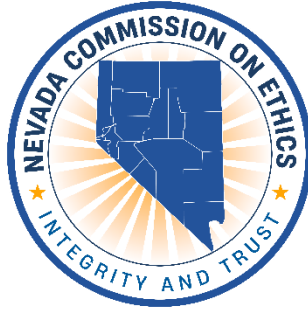
Email: srm@cwlawlv.com

DATED: May 24, 2023



Employee of the Nevada Commission on Ethics

Agenda Item 6



Executive Director Report – June 2023

Education and Outreach

- Tovuti ready for soft launch
- Summer training scheduled/completed so far
 - Genoa Town Board - June
 - State Board of Medical Examiners - June
 - GOED – July
 - Tax Commission – July
 - Attorney General's Office - July
 - Nevada State Contractors Board - September

Legislative Update

- Regular 2023 Legislative Session ended June 5
- Monitoring final bill status
- Will produce a Legislative Session briefing document

Budget Update

- Focus turns to closing out FY 2023
 - Largest reversion will be in Cat 01 - Personnel
- Budget implementation for FY 2024
 - Public Information Officer

Annual Report Planning

- The Commission approves the Annual Report at its second meeting of the fiscal year
- Major topics – progress on goals, upcoming priorities, and data

Submitted: Ross E. Armstrong, Executive Director

Date: 6/6/2023