



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. /

STIPULATED AGREEMENT

1. **PURPOSE:** This Stipulated Agreement (“Agreement”) resolves Consolidated Ethics Complaint Case Nos. 21-062C and 21-082C before the Nevada Commission on Ethics (“Commission”) concerning Joseph M. Lombardo (“Lombardo”), former Sheriff of the Las Vegas Metropolitan Police Department (“LVMPD”). This Agreement also resolves *Lombardo v. Nevada Commission on Ethics, et al.*, First Judicial District Court, Case No. 23OC001091B.
2. **JURISDICTION:** At all relevant times, Lombardo served as Sheriff of LVMPD and was a public officer as defined in NRS 281A.160. The Ethics in Government Law (“Ethics Law”) set forth in NRS Chapter 281A gives the Commission jurisdiction over elected and appointed public officers and public employees whose conduct is alleged to have violated the provisions of NRS Chapter 281A. See NRS 281A.280. Accordingly, the Commission has jurisdiction over Lombardo in this matter.
3. **PROCEDURAL HISTORY:**
 - a. On or about September 15, 2021, the Commission initiated an Ethics Complaint in Ethics Case No. 21-062C alleging violations of NRS 281A.400(2) and (7) based on the Lombardo campaign’s use of images depicting Lombardo in uniform and/or wearing his badge or lapel pin. On October 21, 2021, a second Ethics Complaint was filed with the Commission by a member of the public in Ethics Case No. 21-082C alleging violations of NRS 281A.400(7) based on the same conduct. The Commission accepted jurisdiction over the Complaints, consolidated them and directed the Executive Director to investigate.

b. On February 24, 2022, by a split 2-1 vote, the Commission's Review Panel ("Panel") issued a Panel Determination and Referral Order finding just and sufficient cause for the Commission to hold a hearing and render an opinion in this matter regarding Lombardo's alleged violations of NRS 281A.400(2) and (7).

c. The parties filed cross-motions for summary judgment based on a set of stipulated facts, stipulated exhibits and other admitted exhibits. The Commission conducted a daylong hearing on July 25, 2023, at the conclusion of which it orally determined, by a split 4-2 vote, that there was no violation of NRS 281A.400(2) but found four willful violations of NRS 281A.400(7)-one for each visual image used by the Lombardo campaign. The Commission imposed a fine of \$20,000 and a public censure.

d. The Commission issued its written Opinion on August 31, 2023, specifying the imposed \$20,000 fine was "broken out as \$2,500 for the first violation, \$5,000 for the second violation, and \$12,500 for the third violation" of the Ethics Law.

e. Lombardo timely filed his Petition for Judicial Review ("Petition") on September 28, 2023 in the First Judicial District Court in *Lombardo v. Nevada Commission on Ethics, et al.*, First Judicial District Court, Case No. 23OC001091B.

f. The Commission and Executive Director moved to dismiss the Petition on December 7, 2023 on the basis that Lombardo had failed to serve the Office of Attorney General ("OAG") pursuant to NRS 233B.130(2)(c)(1). Lombardo opposed the motion on various grounds including, *inter alia*, that the OAG had reused itself in early January 2023, thereby rendering service on the OAG unnecessary and/or futile.

g. The District Court granted the Commission's motion to dismiss, and denied Lombardo's countermotion for an extension of time to effectuate service, which order was entered on January 31, 2024. Lombardo promptly filed his notice of appeal in early February 2024.

h. On June 18, 2025, the Nevada Supreme Court, sitting *en banc*, unanimously reversed the lower court's orders granting the motion to dismiss and denying the countermotion to extend time to serve the OAG, and remanded this matter to the First Judicial District Court for further proceedings. *See Lombardo v. Nev. Comm'n on Ethics*, 2025 WL 1711537, at *5 (Nev. June 18, 2025).

///

///

4. STIPULATED FACTS:

a. Governor Lombardo served as the elected Sheriff of LVMPD from 2014 through 2022.

b. 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.

c. Clark County is a political subdivision as defined in NRS 281A.145.

d. LVMPD is a local agency as defined in NRS 281A.119, which receives funding from the federal government of the United States of America.

e. LVMPD maintains a publicly available Policy Manual that contains its Political Activities Policy. 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.”

f. Lombardo announced his candidacy for Nevada Governor on or about June 28, 2021. He was not required to resign as LVMPD Sheriff because the Nevada Legislature has not declared the office of Sheriff a “resign-to-run position.”

g. Lombardo’s campaign team created a video featuring Lombardo announcing his candidacy. The video was filmed at the office of Lombardo’s campaign strategist, not his LVMPD office. The video depicts no LVMPD employees, insignia, or anything else that would give viewers reason to believe Lombardo was at his LVMPD office. The video does depict Lombardo wearing a small LVMPD Sheriff’s badge on the lapel of his suit coat.

h. Lombardo's campaign created certain photographs and videos, including one campaign video, a still shot from that same campaign video, and two photographs depicting Lombardo in his Sheriff’s uniform and/or wearing his Sheriff’s badge or lapel pin. These visual images were posted at various times on the Lombardo campaign’s social media accounts (Twitter and Facebook).

i. The parties agree that the creation of the four visual images (i) did not interfere with Lombardo’s duties as LVMPD sheriff; (ii) did not violate any LVMPD policy, and (iii) to the extent they posed any cost to LVMPD or the public, such cost was nominal.

The parties agree that Lombardo's conduct did not meet the other requirements or exemptions found in NRS 281A.400(7).

j. The campaign of then-Governor Sisolak, Lombardo's opponent in the race, created and aired campaign ads depicting Lombardo in his Sheriff's uniform. Media outlets also routinely depicted Lombardo in his Sheriff's uniform when reporting on the gubernatorial race.

k. The position of Governor comes with a salary which, after winning election, has been paid to Lombardo.

5. TERMS / CONCLUSIONS OF LAW: Based on the foregoing, Lombardo 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. While the actions of Lombardo and his campaign described herein were intentional, Lombardo maintains they were committed with a good faith belief that they were not in violation of the Ethics Law. For purposes of this Agreement, the parties agree to treat those actions as a single course of conduct constituting one non-willful violation of NRS 281A.400(7) of the Ethics Law.

c. Based upon the consideration and application of the statutory mitigating criteria set forth in NRS 281A.775, the Commission concludes that Lombardo's violation in this case should be deemed a non-willful violation pursuant to NRS 281A.170 for the following reasons:

- 1) ***Seriousness of Violation***: The Commission has previously issued opinions that contain its views regarding the importance of avoiding the use of government property for campaigns. Unlike the prior Commission opinions involving candidates for Sheriff, Lombardo was running for the office of Governor and not for re-election as Sheriff. Nor was Lombardo the only one to post images of him in his Sheriff uniform during the 2022 gubernatorial campaign. The campaign of then-Governor Sisolak, Lombardo's opponent in the race, created and aired campaign ads depicting Lombardo in his Sheriff's uniform when criticizing Lombardo. Media outlets also routinely depicted Lombardo in his Sheriff's uniform when reporting on the gubernatorial race.
- 2) ***Previous History***: Lombardo has not previously been the subject of any violation of the Ethics Law or previous ethics complaints.

3) ***Cost of Investigation and Proceedings:*** Lombardo was diligent to cooperate with and participate in the Commission's investigation and resolution of this matter. By resolving this matter now, substantial time and money will be saved by all parties and the taxpayers in avoiding further litigating the Petition before the district court and any appeals that might arise therefrom.

4) ***Prompt correction of the violation or other mitigating factors:*** There was no self-reporting, prompt correction or request for an advisory opinion by Lombardo. However, upon being sworn in as Governor, Lombardo promptly sought ethics training from the Commission for his entire office and has sought and obtained training for the Office of the Governor on an additional occasion.

d. As part of this agreement, Lombardo agrees to remit \$5,000. After receipt by the Commission, the payment will be transferred to the State General Fund to be used for the general good of the people of the State of Nevada consistent with state budget procedures and the Ethics Law.

e. The \$5,000 tender will be made in one-lump sum 90 days following finalization of this Agreement or as otherwise outlined in a payment plan approved by the Executive Director.

f. This Agreement is based on the specific facts, circumstances, and law now before the Commission. Facts or circumstances that differ from those present in this matter may create a different resolution.

g. This Agreement is not intended to be applicable to or create any admission of liability by Lombardo for any other proceedings against or involving Lombardo, and such use is prohibited to the extent permitted by the jurisdiction of the Commission. 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 in this matter.

6. WAIVER

a. The Parties knowingly and voluntarily waive their right to a hearing before the First Judicial District Court for Carson City, Nevada on Lombardo's pending Petition, Case No. 23OC001091B, and all rights they may be accorded 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. The Petition will be dismissed by Lombardo within 60 days of final execution of this Agreement.

b. Lombardo knowingly and voluntarily waives his right to any judicial review of this Agreement 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 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 September 23, 2025.¹

DATED this 23rd day of September, 2025.

/s/ Joseph Lombardo
Joseph Lombardo

FOR JOSEPH LOMBARDO

DATED this 23rd day of September, 2025.

/s/ J. Colby Williams
J. Colby Williams, Esq.
Samuel R. Mirkovich, Esq.
CAMPBELL & WILLIAMS

DATED this 23rd day of September, 2025.

/s/ Ross. E. Armstrong
Ross E. Armstrong, Esq.
Executive Director
NEVADA COMMISSION ON ETHICS

Approved as to form by:

FOR NEVADA COMMISSION ON ETHICS

DATED this 23rd day of September, 2025.

/s/ Elizabeth J. Bassett
Elizabeth J. Bassett, Esq.
Commission Counsel

///

///

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.

The Stipulated Agreement is accepted by the Nevada Commission on Ethics:

DATED this 23rd day of September, 2025.

By: /s/ Scott Scherer²
Scott Scherer, Esq.
Chair

By: /s/ Terry J. Reynolds
Terry J. Reynolds
Commissioner

By: /s/ John Miller³
John Miller
Commissioner

By: /s/ Brianna Smith
Brianna Smith, Esq.
Commissioner

By: /s/ John T. Moran⁴
John T. Moran, III
Commissioner

² Chair Scherer disclosed that knows former Sheriff Lombardo and now Governor Lombardo in a limited professional capacity only and does not socialize with or otherwise have any personal relationship with Governor Lombardo. Chair Scherer further disclosed that Governor Lombardo appointed him as a Commissioner to the Nevada Commission on Ethics but that, pursuant to NRS 281A.065, his relationship with Governor Lombardo is not within the definition of commitment in a private capacity or in the interest of another person and consequently does not require disclosure or abstention under the Ethics Law pursuant to NRS 281A.420.

³ Commissioner Miller disclosed that he became acquainted with former Sheriff Lombardo and now Governor Lombardo when he ran for Lieutenant Governor during the same election that Lombardo ran for Governor. Commissioner Miller categorized his current relationship with Governor Lombardo as professional acquaintances rather than a personal friendship. Commissioner Miller disclosed that Governor Lombardo appointed him as a Commissioner to the Nevada Commission on Ethics with a term starting on January of 2025 to fill a vacancy on the Commission and that his appointment to the Commission was made pursuant to statute and in the ordinary course. Commissioner Miller stated that pursuant to NRS 281A.065, his relationship with Governor Lombardo is not within the definition of commitment in a private capacity or in the interest of another person and consequently does not require his disclosure or abstention under the Ethics Law pursuant to NRS 281A.420. Further, nothing in Judicial Cannon 2.11, the Code of Judicial Conduct, required Commissioner Miller's disclosure or abstention pursuant to the manner of his appointment to the Commission. Commissioner Miller stated that he could be fair and impartial in considering the Stipulated Agreement, that he has no actual or perceived bias and that neither his acquaintanceship with Governor Lombardo nor his appointment to the Commission on Ethics by Governor Lombardo would materially affect his independence of judgment or that of a reasonable person in his situation. He therefore participated in and voted on the Stipulated Agreement.

⁴ Commissioner Moran disclosed that he is an acquaintance of former Sheriff Lombardo and now Governor Lombard and has known Governor Lombardo in a professional or public capacity for a number of years. Commissioner Moran categorized his current relationship with Governor Lombardo as professional acquaintances rather than a personal friendship. Commissioner Moran further disclosed that Governor Lombardo appointed him as a Commissioner to the Nevada Commission on Ethics, with a term to start October 1, 2023 and that, upon the unexpected resignation of former-Commissioner Damian Sheets, his term started July 1, 2023. Commissioner Moran stated that pursuant to NRS 281A.065, his relationship with Governor Lombardo is not within the definition of commitment in a private capacity or in the interest of another person and consequently does not require his disclosure or abstention under the Ethics Law pursuant to NRS 281A.420. Further, nothing in Judicial Cannon 2.11, the Code of Judicial Conduct, required Commissioner Moran's disclosure or abstention pursuant to the manner of his appointment to the Commission. Commissioner Moran stated that he could be fair and impartial in considering the Stipulated Agreement, that he has no actual or perceived bias and that neither his acquaintanceship with Governor Lombardo nor his appointment to the Commission on Ethics by Governor Lombardo would materially affect his independence of judgment or that of a reasonable person in his situation. He therefore participated in and voted on the Stipulated Agreement

We respectfully dissent.⁵

By: /s/ Kim Wallin
Kim Wallin, CPA, CMA, CFM
Vice Chair

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

By: /s/ Michael Langton
Michael Langton, Esq.
Commissioner

⁵ A dissent and majority response will be issued separately.