

**STATE OF NEVADA
PERSONNEL COMMISSION**

Carson City at the Legislative Building, Room 3138, 401 South Carson Street, and in Las Vegas at the
Grant Sawyer Building, Room 4412, 555 East Washington Avenue via videoconferencing

**MEETING MINUTES (Subject to Commission Approval)
Friday, December 9, 2011**

**COMMISSIONERS PRESENT
IN CARSON CITY:**

Ms. Katherine Fox, Chairperson
Mr. Mitch Brust, Commissioner
Mr. David Read, Commissioner

**STAFF PRESENT IN
CARSON CITY:**

Ms. Teresa J. Thienhaus, Administrator, Division of Human Resource
Management
Ms. Shelley Blotter, Deputy Administrator, Division of Human Resource
Management
Mr. Peter Long, Deputy Administrator, Division of Human Resource
Management
Ms. Cameron Vandenberg, Deputy Attorney General

**COMMISSIONERS PRESENT
IN LAS VEGAS:**

Mr. Gary Mauger, Commissioner
Mr. David Sanchez, Commissioner

I. OPEN MEETING

Chairperson Katherine Fox opened the meeting at 9:07 A.M.

II. ADOPTION OF THE AGENDA Action Item

MOTION: Move to approve the adoption of the agenda
BY: Commissioner Mauger
SECOND: Commissioner Brust
VOTE: The vote was unanimous in favor of the motion.

III. PUBLIC COMMENT Non-Action Item

Public Comment notice: read into record by Chairperson Katherine Fox.

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Glenn Marr – requests that his statements from the November 18, 2011 meeting be added to the minutes of this meeting. Also requests Nevada Rules of Professional Conduct be attached; requests from Deputy Attorney General Cameron Vandenberg to answer questions regarding his position with Mr. Kockenmeister and where he is to go from here. Ms. Vandenberg has received his questions.

IV. Adoption of Minutes of Previous Meetings dated September 28, 2001 and November 28, 2011.

Minutes adopted. Moved & Second – motion passes. Commissioner Read was not present for November 18th meeting.

V. Approval of Prohibitions and Penalties:

Item A: Prohibitions and Penalties for the Department of Administration

Amy Davey - Item A are revised P&Ps. Personnel Officer Renee Travis is here to provide you with additional information.

Commissioner Brust - question regarding section F2 of page 4. Asked if “injury to a person” should be included in this item? The agency agreed to include this in F2.

Chairperson Fox - questioned the range of discipline for D2 and D3 and the consistency with other P & P’s being presented.

Commissioner Sanchez - questioned P & P regarding gifts to employees and if there is a de minimis rule regarding excepting gifts. It was clarified that the gift noted did not include candy, popcorn or other small items that can be shared among all the staff.

MOTION: Move to approve the Prohibitions & Penalties for the Dept. of Administration with the revision to item F2 stating: “Operating a state vehicle or equipment in an unsafe or negligent manner resulting in injury to a person, damage to the equipment or to the property”.

BY: Commissioner Brust

SECOND: Commissioner Read

VOTE: The vote was unanimous in favor of the motion.

Item B: Prohibitions and Penalties for the Nevada State Office of Energy

Amy Davey - revised Prohibitions and Penalties for the Nevada State Office of Energy. Personnel Officer Renee Travis will also be representing these P&Ps as her office provides human resources support for some agencies within the Office of the Governor. These are identical to P&Ps for Department of Administration so any recommended changes will need to be made in both documents.

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Renee Travis - said that the same change to the Administration's P & P would be acceptable to include in these P & P's. Additionally the same introductory pages describing the progressive disciplinary process would be used for these P & P's.

MOTION: Move to approve the Prohibitions & Penalties for the Office of Energy with the change to F2 to read: "Operating a state vehicle or equipment in an unsafe or negligent manner resulting in injury to a person, damage to the equipment or to the property". Additionally, the Department of Administrations introductory pages would be mirrored in these P & P's.

BY: Commissioner Brust

SECOND: Commissioner Read

VOTE: The vote was unanimous in favor of the motion.

Item C: Prohibitions and Penalties from the Nevada System of Higher Education

Amy Davey - are revised Prohibitions and Penalties from the Nevada System of Higher Education. The Nevada System of Higher Education includes 7 institutions and responsibility for human resource functions is provided by HR professionals working at a number of locations. These P & P's were produced as a coordinated policy to represent all NSHE institutions with classified state employees. Tim McFarling, Assistant Vice President of Human Resources for UNR and Larry Hamilton, Chief Human Resources Officer for UNLV are present to answer your questions.

Commissioner Brust - asked if making the same change in F6 as was previously discussed would be acceptable. Tim McFarling for NSHE agreed to the change.

Chairperson Fox - asked about C5 - behavior toward other and F3 asking for clarification and consistency between these items. Tim McFarling said that NSHE could make F3 parallel to C5.

MOTION: Move to approve the Prohibitions & Penalties for the Nevada System of Higher Education with changes to F3 to make the range from 3 to 5 and F6 to read: "Operating a NSHE vehicle or equipment in an unsafe or negligent manner resulting in injury to a person, damage to the equipment or to the property".

BY: Commissioner Brust

SECOND: Commissioner Mauger

VOTE: The vote was unanimous in favor of the motion. (Commissioner Sanchez abstained from vote due to being an adjunct professor.)

Item D: Prohibitions and Penalties for the State Controller's Office

Amy Davey - new Prohibitions and Penalties for the State Controller's Office. Chief Deputy Controller Susan Hart and staff at the Controller's Office worked with me to produce their P&Ps and were very responsive to input. Susan Hart is here to answer your questions about P&Ps for the Office of the State Controller.

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Commissioner Brust - Asked if the State Controller's Office would be willing to amend item F2: to the first offense that the discipline could range from a minimum of a level 1 to a maximum level of a 5. As well as adding: "Operating a state vehicle or equipment in an unsafe or negligent manner; resulting in injury to a person, damage to the equipment or to the property". Item J3: discrimination & harassment: increase the discipline to a range of a minimum of a level 2 to a maximum level of 5. Susan Hart for the Controller's Office agreed to these revisions.

MOTION: Move to approve the Prohibitions & Penalties from the State Controller's Office with the changes to the ranges of F2 to a 1-5 and J2 to 2-5, and including language that reads "Operating a state vehicle or equipment in an unsafe or negligent manner; resulting in injury to a person, damage to the equipment or to the property".

BY: Commissioner Read

SECOND: Commissioner Sanchez

VOTE: The vote was unanimous in favor of the motion.

Item E: Prohibitions and Penalties for the Commission on Mineral Resources

Amy Davey - introduced new Prohibitions and Penalties for the Commission on Mineral Resources. Even though the Commission on Mineral Resources employs a very small number of classified employees they quickly responded to the new statute by preparing the P&Ps you have before you today. Deputy Administrator Doug Driesner and Valerie Kneefel are present to answer any questions.

Chairperson Fox - had a question about H2. Asked what would happen if an employee's driver's license was suspended and the license was an essential function of the job. Would it disqualify the employee from employment?

Shelley Blotter - NAC 284.646e allows an agency to immediately terminate an employee who loses his license when the license is an essential function of the job.

Commissioner Brust - asked if section F2 could be amended to say "Operating a state vehicle or equipment in an unsafe or negligent manner; resulting in injury to a person, damage to the equipment or to the property". Valerie Kneefel agreed to the revision.

MOTION: Move to approve the Prohibitions & Penalties from the Commission on Mineral Resources with change to F2 to read "Operating a state vehicle or equipment in an unsafe or negligent manner; resulting in injury to a person, damage to the equipment or to the property".

BY: Commissioner Brust

SECOND: Commissioner Sanchez

VOTE: The vote was unanimous in favor of the motion.

VI. ADOPTION OF REVISED HEARING OFFICER RULES OF PROCEDURE

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Amy Davey - presented revised Rules of Procedure for consideration. The Hearing Officer Rules of Procedure were approved by the Commission in May of 2010 and have brought continuity and clarity to the employee appeals and hearing process.

The Hearing Officer Rules of Procedure you have before you today include revisions based on issues that have come about or have been suggested to us in the past year and a half. Some of these revisions are simply housekeeping issues and some will make changes to the process. Since preparing and submitting these to you we have been advised of a necessary change to Section 10.7 and ask that if you approve the revised Hearing Officer Rules of Procedure today you do so with this change; that the first sentence of section 10.7 state "A petition for rehearing or reconsideration must be filed within 15 days after the date of the service of the Hearing Officer's decision".

Revisions to the procedures include:

- Changing references from the "Department of Personnel" to the "Division of Human Resource Management"; this is a housekeeping change.
- Amending Section 1.3. The Nevada Rules of Civil Procedure have specific application to court proceedings in the judicial branch of the State and do not serve the employee appeal process governed by NRS 284. Therefore we are recommending removal to avoid any confusion or unnecessary requirements. NRS 233B is the Nevada Administrative Procedures Act and is cited in NRS 284.390 to govern petitions for judicial review of a hearing officer.
- Section 2.2 a.(5) Assignment of Hearing Officers was submitted to you as revised to allow 5 working days for each party to return their strike list selection. Since submitting these to you we have received a request from the Attorney General's Office to allow 7 working days for return of the strike list. This helps ensure that appeal hearings are granted within the 20 days required by NRS 284.390 and allows more time for parties to meet the requirement. If you approve the Hearing Officer Rules of Procedure today it will include this change, from 10 to 7 working days.
- This revision to Section 10.3 clarifies that Hearing Officers may provide recommendations consistent with their findings and within the guidelines of Agency P&Ps, NRS and NAC to appointing authorities when reversing a disciplinary action. Legal counsel is prepared to give input on this point.

DAG Vandenberg - has researched and found that if the hearing officer finds that it's not going to serve the good of the public service to discipline the employee in the manner proscribed by the agency, e.g., termination, that he/she is typically recommending what would have been an allowable level of discipline. In a 1999 District Court case, it was determined to be allowable for the Hearing Officer to make a recommendation regarding the appropriate level of discipline. To date, the Nevada Supreme Court has not ruled specifically on this issue but has upheld decisions where a recommendation by the Hearing Officer of the appropriate level of discipline was a component of the decision. A recent Nevada Supreme Court decision did uphold the ability of a Hearing Officer to clarify his or her decision and she feels that this decision supports the Hearing Officer's authority to reconsider their decision.

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Ron Cuzze (south) – states that the Hearing Officer does not have authority to make a recommendation of the level of discipline. Believes the Hearing Officer decisions should be up or down. He feels that the Personnel Commission should be involved in the hearing process again.

Rick McCaan (south) law enforcement association representative – he felt based on the Hearing Officer interviews that the Commission had a clear point of view that it wasn't within the Hearing Officers scope to make recommendations regarding the appropriate level of discipline. He questioned why we would allow the Hearing Officers who have focused on the facts of the case and in some cases the improprieties of the agency to then return to the agency the ability to discipline the employee even if it is to a lesser degree than was originally imposed. He feels there is inequity in that process.

Commissioner Mauger – states that it sounds like double jeopardy where the employee gets acquitted of the wrong doing but then still subject to a lower level of discipline.

Commissioner Sanchez – asked if the Hearing Officers are given any direction about their conclusions.

Shelley Blotter – Rules of Procedure being presented lay out what a Hearing Officer could and couldn't do along with the statutes. The Hearing Officers' decision would stand. The recommendation is just that, a recommendation and guidance to what is acceptable discipline. An agency can follow, but is not required to do so. Expressed concern that to not allow a form of discipline when a termination is overturned may cause a chilling effect regarding discipline because agencies may be concerned that they won't be able to discipline at all if they overshoot what a Hearing Officer believes to be the appropriate level of discipline.

Mark Evans – frequently Hearing Officers uphold certain charges and throw out others. Not always double jeopardy. Hearing Officer may say the charge that resulted in dismissal is not upheld but the other charges are and the recommendation for discipline is related to those lesser charges.

Rick McCaan – stated that the recent decision by a Hearing Officer was not a recommendation; it was remanded back to the employer for appropriate discipline.

DAG Vandenberg – brought to the attention of the Commission a regulation which already contemplated this issue, NAC 284.818. It states "At the conclusion of the hearing, the hearing officer shall take the case under submission and shall notify the parties in writing within 30 days from the date of the hearing of the hearing officer's findings and recommendation." This regulation provides further support that recommendation by the Hearing Officer are appropriate. She also commented if a Hearing Officer decision is inappropriate for any reason, the remedy is judicial review.

Rick McCaan – agree that there is an appellate process, but in the meantime an employee's life has been destroyed. Employers need to be made accountable.

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Ron Cuzze – we have seen in the past where a Hearing Officer said termination was not appropriate and why, but don't send the whole thing back to the employer for a do-over.

Commissioner Mauger – asks for clarification about the process after the hearing. He stated it seemed like double jeopardy.

Rick McCaan – described the hearing process.

Ron Cuzze - the Commission needs to be between the Hearing Officer and the District Court – at least review or approve or disapprove the decision.

Administrator Thienhaus – many years ago the Personnel Commission did do a review.

Amy Davey – a legislative subcommittee studied the Department of Personnel and released a summary of recommendations in 1981. Its recommendation was due to the amount of time required for the PC to review cases that another process be found.

Mark Evans – recommended looking at the proposed language in the Hearing Officer Rules of Procedure 10.3 which states a Hearing Officer may make a recommendation regarding the appropriate level of discipline. He suggested that the language could be revised to say that a Hearing Officer “shall” make a recommendation regarding the appropriate level of discipline.

Commissioner Sanchez – stated that the employee's association seems to be saying that the Hearing Officers aren't making a decision and instead they are just remanding it back to the agency. He asked what Hearing Officers are guided by regarding making decisions.

Mark Evans – there isn't a rule in place currently and adding this section would provide direction.

DAG Vandenberg – Hearing Officers are guided by case law; NRS 284 also guides them.

Ron Cuzze – stated that Hearing Officers are there to make decisions and not recommendations; they should not send it back to the employer.

Rick McCaan – asks how long are we going to keep giving recommendations and throwing it back to the employer? Hearing Officers are deciders.

Tim McFarling (NSHE) – the previous discussion was about prohibitions and penalties and it was pointed out that there has to be a range of discipline and flexibility. These hearings are not a court of law and the process is different. Employers are required to determine what the appropriate discipline is. The crux of the matter is about employee relations and do we have a right and fair way to ensure that we receive the right decision.

Priscilla Maloney (AFSCME LOCAL 4041) – has a case where a request for clarification of a Hearing Officer's decision has been made. She suggested the Commission may wish to pull this agenda item for further discussion. She wants AFSCME's staff attorney to review.

Commissioner Mauger – where is the fairness to the employee when actions take so long?

Amy Davey (last bullet item) - providing information regarding deadlines for requests for reconsideration of a decision. Section 10.7 has been amended to mirror language found in NRS 233B with regard to provisions for petition for judicial review. In this section we ask that you adopt the Rules of Procedure with the added language “rehearing or reconsideration”.

Administrator Thienhaus – received an e-mail from Chief DAG Ann McDermott regarding Rule 2.2 sub-section A-5 in reference to strike list. It reads:

“Please except this email as formal comment regarding the proposed changes to the hearing officer assignment rules. The current provision of 10 days to respond to the assignment list of hearing officer provides our clients with an appropriate time for our clients to become aware of an appeal, conduct their due diligence on the appeal, and consult with assigned counsel on the matter. With personnel staffing and availability such that it is, the 10 days are warranted for employers to be able participate in this process. In the event that this timeframe is shortened, it is requested that it be minimally shortened so that the employers are not prejudiced in their defense of these matters. Thank you, Chief Deputy Attorney General Ann McDermott, Personnel Division, Nevada Attorney General’s Office.”

Additionally, they had a conversation and Chief DAG McDermott did agree reducing it to seven days to return a strike list.

Commissioner Brust – he was the Commissioner that has been asking the question about how the Hearing Officer candidates interpreted NRS 284.390 and he feels it is clear on its face that Hearing Officers shall make a decision that is either up or down. Hearing Officers should not make a recommendation for other discipline since they are not familiar with the department and would not know what the impact would be to the morale to employees or the equity of other disciplinary actions taken by the employer.

MOTION: Move to approve the Hearing Officer Rules of Procedure with changes with a change to the 2nd sentence in 10.3 – “The Hearing Officer shall not impose or recommend a lower level of discipline than that was imposed by the appointing authority.”

BY: Commissioner Brust

SECOND: None. Motion fails and will not be voted on.

MOTION: Move to approve the revised Hearing Officer Rules of Procedure specifically changing references from the Department of Personnel to the Division of Human Resource Management; amending section 1.3; reducing the time allowed to return the strike list from 10 days to 7 days – providing information regarding deadlines for requests for re-hearing or reconsideration (within 10.7 of rules). Finally, to leave current rule in place and not adopt additional statement in 10.3.

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BY: Commissioner Mauger
SECOND: Commissioner Read
VOTE: The vote was 4 in favor of the motion with Commissioner Fox voting against the motion. The motion passed.

Shelley Blotter – provided information about the training and orientation provided to the current and newly appointed Hearing Officers.

BREAK – 10 MINUTES

VII: APPROVAL OF PROPOSED REGULATION CHANGES TO NEVADA ADMINISTRATIVE CODE, CHAPTER 284

REGULATIONS PROPOSED FOR PERMANENT ADOPTION - LCB File No. R026-11

Amy Davey - in Item VII, we would like to remove Section 3 of LCB file R026-11 from consideration in order to allow for more discussion and consensus building between parties interested in these processes.

A: File number R026-11, section 1, is new language to provide for a resolution conference after Step 3 in the grievance process if requested by an employee or department administrator or his or designee. The resolution conference model was requested by employee associations in lieu of the original language in Assembly Bill 354 of the 2011 Nevada Legislature which would have replaced the Employee-Management Committee with a paid arbitration system.

A resolution conference can be requested by either party in a grievance if a satisfactory resolution has not been reached at Step 3 or sooner and grievance has been escalated to Step 4. The Division of Human Resource Management will be responsible to appoint a neutral facilitator to conduct the conference. The resolution conference will not interrupt the time allowed for a grievant to request a hearing before the EMC.

Procedures for requesting and participating in a resolution conference have been developed by the Division and are available for your review.

Chairperson Fox – asks who would be the neutral facilitators?

Amy Davey - neutral facilitators could be staff from the Division, a Subject Matter Expert such as someone from Payroll department, a trained mediator or an HR Officer from a state agency other than the employee's own agency.

Section 2 aligns language in regulation with NRS 284.384 as amended by AB 354 to clarify that where a hearing process is provided for by federal law or other hearing processes defined in NRS 284 the grievance process shall not be used. This helps provide direction to the appropriate forum to resolve employment issues.

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The proposed amendments to Section 4 will remove specific procedural requirements for EMC hearings from regulation and will allow the EMC to adopt rules for their hearings. Removing lengthy procedures from NAC is also consistent with the Governor's executive order regarding State regulations.

Section 5 amends a reference to provide consistency with other changes.

Section 6, this amended language aligns reporting of alleged unlawful discrimination with the provisions of NRS 284.384.

Section 7, outlines effective dates for the regulations described above.

Mark Evans – recommended pulling from consideration section 5 as it relates to section 3 which has already been pulled from consideration.

Ron Cuzze – what parameters do the resolution arbitrators have?

Amy Davey – the role is to facilitate a discussion; review materials or to point out items parties have not considered. Not serving as hearing officers; just listening and may potentially provide new incite. Would not render a decision.

Kareen Masters, Deputy Director, DHHS – feels that there are some situations which should not be subject to the resolution conference and recommended an amendment. She also recommended a second change which would time limit for notification for a failed agreement such as 3 days prior to the scheduled hearing date.

Chairperson Fox – does DHRM want that much more procedural rules for what is meant to be an informal process?

Amy Davey – agreed that there are times when management may be well within their rights to take the action they did but what was made clear by the employees association is that their members would like for someone in a position of authority to just be able to listen to their concerns. Either party can call for a resolution conference; the employer may also ask for a resolution conference. In terms of 4b as far as time limits; more about the consequences of the failed agreement than the time limit. This is the employee's grievance – employees' responsibility to forward the grievance if management failed to uphold their agreement. Management has the authority to discipline an employee who does not uphold there agreement.

Shelley Blotter – Stated that the parties come to an agreement together and that it doesn't anticipate that notification of the failed agreement would have to occur prior to the hearing date. The resolution agreement could fail after that hearing date. Additionally, the neutral facilitator is not a decision maker so would not and should not have a role in deciding whether there should or should not be a resolution conference if one of the parties does not wish to participate.

Kareen Masters – Still expressed concerns. Stated that she understood that the neutral facilitator would not be making a decision but should be able to point the suggested amendment language to immediately send the grievance to the EMC. She recalled the discussion at the

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workshop which included whether both parties should agree to meet for a resolution conference and that most agencies did meet with an aggrieved employee during the grievance process. Suggests that there be language which would only require a resolution conference if there had been no meeting at step 1, 2 or 3 in the grievance procedure. Feels that it is important to have a time certain in which an agreement fails and it could go directly back to the EMC.

Shelley Blotter – Agreed if management and the employee have been meeting throughout the grievance process and the employee had the opportunity to meet with a high level decision maker that it would be highly unlikely that the employee would ask for a resolution conference. Unfortunately there are still some agencies which are not doing this or they have delegated the responsibility to handled grievances down to a lower level in the organization and the employee feels they have not been heard.

Ron Cuzze – Some employees just do not understand and the employee wants to file a grievance even when the employee association does not recommend it. This will be a management tool as well as an employee tool.

Commissioner Sanchez – it reminds him of the mediation services that are available. No need for further structure than what is being presented at this point.

Kay Shearer, EMC Chairman – Has concerns about sub 4b and that the issue could come back to the EMC at any point in the future if the agreement fails. She feels that this does not provide for a timely resolution to grievances and that if much time has passed the original issues may be unclear or the involved parties may no longer be employed which may make the issue difficult to deal with.

Priscilla Maloney – Suggested that part of the resolution conference procedure or an amendment to 4b could be to come up with a time limit for when the resolution would have to be in place.

MOTION: Move to approve NAC 284 - LCB File No. R026-11 sections 1, 2, 4, 6 and 7 as written.
BY: Commissioner Read
SECOND: Commissioner Sanchez
VOTE: The vote was unanimous in favor of the motion.

B: LCB File No. R027-11

Amy Davey - LCB File No. R027-11 section 1 proposes new language that ensures that an impartial fact-finding investigation occurs prior to a disciplinary suspension, demotion or dismissal of a permanent classified employee. Employee association representatives agreed that this would address the concerns they intended to resolve through Assembly Bill 179 as originally submitted. Additionally, this language allows an employee to waive an investigation if the employee agrees in writing with the allegations and can help avoid a lengthy and stressful investigation process.

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Sections 2 & 3 add reference to the new regulations regarding impartial investigations.

Section 4 amends NAC 284.742 to make it consistent with NRS 284.383 that provides the foundation for required Prohibitions and Penalties. Statute requires appointing authorities to identify prohibited acts, possible violations and penalties and provide this information to permanent classified employees in a policy approved by the Commission. Additionally, this policy must include reference to the process of progressive discipline used which conforms to the provisions of progressive discipline outlined in NAC. Employees must receive a copy of this policy and an updated copy if and when it is revised. Agencies were notified of the requirements of AB 179 by the Division on June 27, 2011 through PERD #31/11 and again on August 9th in a Legislative Summary provided by the Division. If adopted these regulations would become permanent upon filing with the Secretary of State.

Ron Cuzze – regarding fair and impartial hearing; what constitutes an impartial investigation? Not fair to employees the way it is written – leaves too much to be interpreted. How are you going to ensure it is an impartial investigation? Suggested a pre-disciplinary hearing officer be from outside the organization.

Amy Davey – if the employee felt that the investigation was not impartial that could be part of the appeal to the Hearing Officer. Clarified that this regulation is addressing the investigation and not the pre-disciplinary hearing.

Commissioner Sanchez – Asked if the impartial hearing officer be from within the agency or outside of the agency in cases of sexual harassment.

Amy Davey – Clarified this is not a hearing processes and the Sexual Harassment/Discrimination Investigation Unit within the Division of Human Resource Management would conduct these types of investigations.

Priscilla Maloney, AFSCME - supports section I changes as written. Expressed concern by her members in which agency policies were being presented to employees this last summer regarding restrictions on outside employment, some of which included volunteer activities. She read into the record an employee letter from an employee:

“As a state employee with 17 years of service, I’ve always recognized that my conduct as a citizen of Nevada has potential to reflect on all Nevada state employees. I understand that agencies must strive to avoid of even the appearance of impropriety. As a result I recognize that my agency should have the right to bar me from outside employment that looks like it could even create a conflict of interest. As an employee of Nevada’s Job Connect if I took a weekend job at a staffing agency and then referred all of my clients to that agency where I then hired them and then took credit for placing that client in employment such conduct would be unethical if not illegal for a number of reasons. That said I’m not in favor of my agency forcing me to seek permission of my agency director on a yearly basis if I wish to volunteer community assistance to such entities as the Crisis Call Center or Friends In Service Helping in a neighborhood school. My agency has every right to direct my conduct during working hours. If the temp agency

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scenario mentioned earlier were happening, my agency would have every right to stop it. I do not understand why personnel officials can't review conduct on a case-by-case basis rather than attempt to control the actions of all employees based on what could be happening theatrically. It amounts to using a chainsaw where tweezers would be appropriate. In theory Job Connect is there serve every employer and job seeker in Nevada. As a result do I give up my right to earn extra money as a seasonal retail employee without specific approval of my agency director before work in a state agency that could potentially list a job opening for that store? If so it seems hardly fair."

She went on to say that this person is concerned about enumeration, but others are concerned about privacy especially when the employee may be volunteering for a faith based organization.

Shelley Blotter – Stated that it was the legislature this last session that was concerned about employees with secondary employment and they wanted to ensure that employees with secondary employment were not reporting the same hours they work for the State and another employer. As a result the Department of Administration formed a committee to review these situations and have subsequently developed forms and procedures to request approval of secondary employment which are included in the State Administrative Manual. Volunteer work is not addressed in the State Administrative Manual changes nor is it addressed in the regulations you are being requested to approve today.

MOTION: LCB File No. R027-11, sections 1, 2, 3, & 4
BY: Commissioner Brust
SECOND: Commissioner Read
VOTE: The vote was unanimous in favor of the motion.

Chairperson Fox – asks Ms. Blotter to speak in regards of the Adoption of Revised Hearing Officer Rules of Procedure.

Shelley Blotter – asks the Commissioners in which direction they would like the Division to go in to review the portion of the Hearing Officer Rules of Procedure that wasn't adopted today. Would the Commission like for the Division to hold workshops or for staff to research additional information?

Commissioner Brust – feels that staff, associations and division heads should meet and come up with guidelines for Hearing Officers on how to decide cases.

Commissioner Read – has legal concerns. Not sure what the Hearing Officers' can legally do and the Commissioners have a difference of opinion of what the law really allows. Wants regulations that codify what is consistent with the law.

DAG Vandenberg – believes that the determination will need to be made on a District Court level. The remedy for any aggrieved party is judicial review. She has provided points and authorities which would support Hearing Officers providing a decision and recommendations.

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Chairperson Fox – indicated that no additional research or meetings need to be held regarding this issue.

VIII: Report of Uncontested Classification Changes – Posting #03-12

Requires no action – reported.

IX: Special Reports

Shelley Blotter – the Legislative Commission overturned the regulations adopted by the Commission which would have discontinued the ability for employees to accrue comp-time for standby and holiday premium pay.

Chairperson Fox – requests more information in the future regarding the state's plans to centralize HR programs/activities.

Administrator Thienhaus – announces new Administrator Lee-Ann Easton. December 16th will be my last day; appreciates the years of working with the Commission and staff.

Chairperson Fox – on behalf of the Commission – welcomes Lee-Ann.

Lee-Ann Easton – looks forward to the future – great honor.

Commissioner Sanchez – welcomes and congratulates Ms. Easton and invites her to meetings in Las Vegas.

Chairperson Fox – presents Administrator Thienhaus with a 12-year of service gift and certificate of appreciation.

Commissioner Read – appreciates her leadership. The department and employees are much stronger now than when he joined the Commission.

Commissioner Sanchez – appreciates your level of professionalism and best wishes.

Commissioner Brust – acknowledged Division Administrator Thienhaus' leadership and supervision of staff and professionalism with her dealings with the Commission.

Commissioner Mauger – also acknowledged her professionalism and wished her well.

Administrator Thienhaus – Thanks everyone.

X. PUBLIC COMMENT Non-Action Item

Public Comment notice: Read into record by Chairperson Katherine Fox. No public comment.

XI. Announce Dates for Upcoming Meetings

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Friday, March 16, 2012 and Friday, May 18th, 2012 (tentatively set).

XII. ADJOURNMENT

MOTION: Move to adjourn at 12:03 pm
BY: Commissioner Read
SECOND: Commissioner Brust
VOTE: The vote was unanimous in favor of the motion.

During the 12-9-11 PC Meeting, a request for the Nevada Rules of Professional Conduct to be included within the minutes from the meeting:

<http://www.leg.state.nv.us/CourtRules/RPC.html>

FOR DISCUSSION AND POSSIBLE ACTION

Summary

In accordance with NAC 284.742, an agency may develop policies that describe activities considered inconsistent, incompatible or in conflict with employees' duties and penalties for such. These policies are subject to the approval of the Personnel Commission.

Division of Human Resource Management Recommendation:

The Division of Human Resource Management is recommending approval of the revised Prohibitions and Penalties submitted by the Department of Employment, Training and Rehabilitation. Also recommended for approval are the new Prohibitions and Penalties from the Public Employees' Benefits Program (PEBP.) The items submitted for approvals have been reviewed by the Division and are generally consistent with those already approved by the Commission including those recommendations from Commission members approved at the last Personnel Commission Meeting on December 9, 2011.

PROHIBITIONS AND PENALTIES

AUTHORITY

The following is a guide for employees of the Department of Employment, Training and Rehabilitation (DETR) to help identify those activities which will be considered inconsistent, incompatible, or in conflict with their duties as employees. In compliance with the Nevada Administrative Code (NAC) 284.742, it is meant as a supplement and does not attempt to cover all possible infractions and violations of the existing rules; however, it does cover the majority of situations that could be a source of concern.

This guide provides reference to personnel rules and administrative procedures in the disciplinary process.

The authority for management to prescribe behavior and conduct standards derives from Chapter 284 of the Nevada Revised Statutes and the Nevada Administrative Code (NAC). The *Disciplinary Procedures*, *Adjustment of Grievances*, and *Prohibitions and Offenses* sections of NAC 284 provide that each appointing authority shall determine and describe in writing standards of conduct appropriate to the mission of the agency. These standards are in addition to prohibitions and penalties that are listed in NAC 284 and are applicable to all State employees. All DETR employees will be issued a copy of the Prohibitions and Penalties guide.

This guide has been approved by the Personnel Commission and thus has the same force and effect as other rules and regulations covering classified employees.

The penalties identified for the various infractions are merely guidelines and may be applied to a greater or lesser degree indicated depending on the circumstances.

TYPES OF CORRECTIVE ACTION

Letter of Instruction: A letter of instruction to the employee is typically written by the supervisor(s) responsible for the employee's activities. This letter is intended to provide the employee with information and instruction or training, and establishes documentation that the employee has been made aware of his or her responsibility with regard to a particular situation or set of circumstances. The letter of instruction is not intended to be a part of the disciplinary process and, therefore, is not included in the order of disciplinary action that follows.

1=Oral warning; 2=Written Reprimand; 3=Suspension without pay; 4=Demotion; 5=Dismissal

Progressive discipline normally follows this course, in sequence; however, accelerated action may be taken when extreme situations prevail. Formal steps in the disciplinary process include the following:

1. **Oral Warning:** An oral warning is typically written by the supervisor(s) responsible for the employee's activities. The warning may actually be oral or written, or both. Oral warnings issued in writing are maintained in the supervisor's file. Oral warnings are not forwarded to the employee's DETR personnel file or to the Department of Administration's Division of Human Resource Management records section.
2. **Written Reprimand:** A written reprimand is typically written by the supervisor(s) responsible for the employee's activities. This action should be both oral and written. The supervisor and employee must sign it. A copy is given to the employee and copies are sent to the employee's DETR personnel file as well as the Department of Administration's Division of Human Resource Management records section. Written reprimands must be on the standardized form NPD-52. If the employee refuses to sign the form, the supervisor will state this fact on the NPD-52 form.
3. **Suspension:** A suspension is without pay and may not exceed thirty (30) calendar days. It requires an NPD-41 form, Specificity of Charges. If the employee refuses to sign the form, the supervisor will state this fact on the NPD-41 form.
4. **Demotion:** A demotion to a lower class also requires the NPD-41 form, Specificity of Charges. If the employee refuses to sign the form, the supervisor will state this fact on the NPD-41 form.
5. **Dismissal:** A dismissal from State service also requires the NPD-41 form, Specificity of Charges. If the employee refuses to sign the form, the supervisor will state this fact on the NPD-41 form.

NOTE: DETR Human Resources must review and discuss with the Attorney General's office all disciplinary actions involving a recommendation of suspension (3), demotion (4), or dismissal (5) of a permanent employee.

The following chart shows recommended minimum and maximum penalties for the first, second, and additional offenses for a wide range of prohibited activities. If disciplinary actions 3, 4, or 5, described at the bottom of each page of the chart, are recommended for a permanent employee, the pre-disciplinary hearing guidelines found in NAC 284.656 must be followed.

NOTE: Appropriate disciplinary or corrective action may also be taken for any causes listed in Section 284.650 of the Nevada Administrative Code, *Causes for Disciplinary Action*.

If an employee should disagree with an action taken by a supervisor, he or she has several administrative review processes available. Actions that result in an oral warning or a written reprimand can be grieved through the formal grievance process. Corrective actions resulting in suspension, demotion, or dismissal provide for a pre-disciplinary hearing process and a post-disciplinary appeal before the Department of Administration's Division of Human Resource Management Hearing Officer.

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**Department of Employment, Training and Rehabilitation (DETR)
Prohibitions and Penalties**

		1 st Offense		2 nd Offense		Additional	
		Min	Max	Min	Max	Min	Max
A.	FRAUD IN SECURING APPOINTMENT						
1.	Willful falsification of application for employment or other personal record with respect to a material point which would have materially affected selection for appointment.	5					
2.	Taking for another person, or permitting another person to take for you, an examination or a portion thereof.	5					
3.	Refusal upon hire to sign the Acknowledgment of Receipt of Prohibitions and Penalties	5					
4.	Refusal upon hire to sign the Acknowledgment of the Governor's Policy Against Sexual Harassment and Discrimination	5					
5.	Willfully withholding information which may appear when initial background check completed or agency-mandated background re-check completed.	5					
B.	PERFORMANCE ON THE JOB						
1.	Failure of an employee, who is designated as a supervisor and has supervisory authority, to fulfill their supervisory responsibilities, including but not limited to, taking corrective disciplinary action where such action is needed, preparing timely reports of performance, and accounting for employees' time.	1	2	2	3	4	5
2.	Misconduct of supervisor because of prejudice, anger or other unjustifiable reason.	1	4	2	5	4	5
3.	Failure of employee to maintain proper performance standards after reasonable period of instruction.	1	3	2	3	3	5
4.	Failure of employee to maintain proper personal appearance standards.	1	3	2	3	3	5
5.	Failure to prepare or maintain prescribed records or reports.	1	5	2	5	4	5
6.	Withholding or concealing information regarding the job from supervisors or other persons having the necessity for such information.	1	5	3	5	5	
7.	Willfully falsifying prescribed records or reports.	3	5	5			
8.	Endangering self, fellow employees, clients or public through negligent violation of agency policy as contained in performance standards, safety rules, procedures, and any other State and federal laws, regulations and guidelines.	2	5	3	5	5	
9.	Endangering self, fellow employees, clients or public through willful violation of agency policy as contained in performance standards, safety rules, procedures, and any other State and federal laws, regulations and guidelines.	2	5	3	5	5	

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PROHIBITIONS AND PENALTIES

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Effective Date: December 24, 1996

Revision Date: March 16, 2012

Reference: NRS 484.379; NAC 284.554; 284.656-697; 284.742

POLICIES AND PROCEDURES MANUAL

10.	Failure to cooperate in work related projects with other employees and/or supervisors.	1	3	2	5	5
11.	Failure to properly account for State or federal funds where it is a known requirement of the position.	2	5	3	5	5
12.	Waste or loss of material, property or equipment.	1	3	2	5	4 5
13.	Willful destruction of, or damage to, State or federal property.	2	5	3	5	5
14.	Negligent destruction of, or damage to, State or federal property.	1	5	2	5	4 5
15.	Jeopardizing the security of departmental property.	1	3	2	5	3 5
16.	Unauthorized and willful destruction or alteration of departmental records.	2	5	5		
17.	Negligent destruction of State records.	1	4	2	5	5
18.	Divulging official client, employer or job order information obtained in the performance of his/her official duties to any person outside the Department except as specified by law or policy.	2	5	5		
19.	Soliciting or accepting a bribe.	5				
20.	Embezzlement or misappropriation of State funds or other funds which come into the employee's possession by reason of his/her official position for personal gain.	5				
21.	Negligent falsification of financial records, such as travel, payroll, or purchase vouchers, or their supporting documents: a. not for personal financial gain; b. for personal financial gain.	1 3	3 5	4 5	5	5
22.	Willful falsification of financial records, such as travel, payroll, or purchase vouchers, or their supporting documents: a. not for personal financial gain; b. for personal financial gain.	2 5	5	3	5	5
23.	Negligent falsification of time and attendance records including leave requests, overtime, compensatory time, or any leave record.	1	2	3	4	5
24.	Willful falsification of time and attendance records including leave requests, overtime, compensatory time, or any leave record.	3	5	5		
25.	Willful concealment of material facts by omission from records.	2	3	4	5	5
26.	Unauthorized taking or using property belonging to the State or federal government or other employee.	1	3	2	5	5
27.	Theft of property belonging to State or federal government or other employee.	5				
28.	Unauthorized removal of secure or personal records, correspondence or documents from departmental files.	2	5	3	5	4 5
29.	Making unauthorized departmental transactions for personal profit.	5				
30.	Disregard and/or deliberate failure to comply with or enforce statewide, Department or office regulations and policies.	2	5	3	5	4 5

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31.	The suspension, revocation, cancellation or lapsing of any valid license, certificate or permit when the possession of a valid license, certificate, or permit is required as an essential function of the job.	2	5	3	5	5
32.	Failure to notify the appointing authority within 5 days of the suspension, revocation, cancellation or lapsing of any valid license, certificate or permit when the possession of a valid license, certificate, or permit is required as an essential function of the job.	1	5	2	5	3 5
C.	NEGLECT OF, OR INEXCUSABLE ABSENCE FROM, THE JOB					
1.	Negligence in performing official duties including failure to follow instructions or regulations.	1	3	2	5	3 5
2.	"Loafing" on the job; wasting time; failure to put in a full day's work.	1	3	2	5	3 5
3.	Carelessness, indifference, laziness and/or inattention to duty.	1	3	2	5	3 5
4.	Failure to notify supervisor or designated representative promptly when unable to report for work. Notification must occur for each shift unless otherwise pre-arranged.	1	3	2	5	3 5
5.	Failure to report to work at specified times and in the prescribed manner.	1	3	2	5	3 5
6.	Conducting personal business during working hours.	1	3	2	5	3 5
7.	Continual or frequent tardiness.	1	3	2	4	3 5
8.	Leaving a work area or a job without authorization or when specifically instructed to remain in work area or at the job	1	3	2	4	3 5
9.	Unauthorized absence from duty or abuse of leave privileges.	1	3	3	5	5
10.	Absence from duty without leave after having been denied permission to take such leave.	3	5	5		
11.	Use of sick leave for a reason not authorized by NAC 284.554.	2	4	5		
12.	Failure to report to work or call supervisor for three (3) consecutive work days without permission or justification.	5				
13.	Repeated extension of designated lunch periods, or repeated extension of rest periods beyond the prescribed 15 minutes in NAC 284.524.	1	2	2	3	3 5
D.	RELATIONS WITH CLIENTS					
1.	Willfully abridging or denying the rights of a client as specified in NRS and agency policy.	2	5	4	5	5
2.	Negligently abridging or denying the rights of a client as specified in NRS and agency policy.	1	4	3	5	5
3.	Entering into a transaction with a client involving the transfer of a client's money or property for personal use or gain at the expense of the client.	3	5	5		

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4.	Entering into a romantic or sexual relationship with any client of the employee's agency, facility or program when said employee has had, or reasonably may be expected to have, any professional or business contact with the client.	2	5	3	5	5
5.	Using insulting, intimidating or abusive language to or about clients, neglecting clients, threatening or causing bodily harm to clients.	3	5	5		
6.	Having personal or business relationships with program participants, grantees or licensees for the purpose of, or which results in, any departmental program advantages, considerations or benefits to either party, which exceed normal entitlement.	2	5	3	5	5
7.	Soliciting clients and/or agency contacts for the establishment or maintenance of a private professional practice similar to their work activities.	2	5	3	5	5
8.	Handling documentation, reviewing data, disclosing data, and/or processing any transaction for self, friend, family member, or co-worker.	3	5	5		
E.	RELATIONS WITH SUPERVISORS, FELLOW EMPLOYEES, OR THE PUBLIC					
1.	Insubordination: Refusal to comply with a reasonable and proper order or instruction from a supervisor or superior in employee's chain of command.	2	5	3	5	5
2.	Threatening or attempting bodily harm to supervisor, the public or fellow employee.	2	5	3	5	5
3.	Doing bodily harm to supervisor, public or fellow employee.	5				
4.	Any act of violence in the course of duties, including stalking, threats, intimidation, assault, or battery.	2	5	3	5	5
5.	Sexual harassment of the public or fellow employee.	2	5	3	5	5
6.	Discourteous treatment of the public, supervisor, or fellow employee.	1	5	2	5	3 5
7.	Using insulting, abusive or profane language to a supervisor, the public, or fellow employee.	1	5	2	5	3 5
8.	Deliberately making false statements to or about supervisor.	2	3	3	4	4 5
9.	Making statements, false or otherwise, intended to demean or disparage supervisor, fellow employee, or the public; or intended to disrupt the work environment.	2	3	3	4	4 5
10.	Failure to work with fellow employees as a team to best reach the goals of the agency and create an environment which promotes group cohesiveness.	1	2	2	3	3 5

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F. USE OF ALCOHOLIC BEVERAGES, NARCOTICS, OR HABIT FORMING DRUGS						
1.	Inability to perform the duties of the position because of being under the influence of alcohol, narcotics or drugs, or any other controlled substance (includes prescription medication).	3	5	4	5	5
2.	Convicted of driving under the influence or any other offense for which driving under the influence is an element of the offense, and the offense occurred while driving a State vehicle at anytime or a privately owned vehicle on State business. *Second offense is a repeated offense within 5 years of the first offense.	3	5	5*		
3.	Failure to complete any rehabilitation program recommended in the evaluation of an employee who is referred to an employee assistance program.	5				
4.	Consuming or being under the influence of alcohol, narcotics or drugs while on duty, to include lunch and work breaks, unless prescribed by a physician or medical provider.	2	5	3	5	5
5.	Convicted of violating any State or federal law prohibiting the sale of a controlled substance.	5				
6.	Unlawful manufacture, distribution, dispensing, possession or use of a controlled substance at work or while on State business.	5				
7.	Failure to report a conviction of any alcohol or drug related offense to the appointing authority within five (5) working days after it occurs.	5				
8.	Refusal to take any drug and/or alcohol test when there is reasonable belief an employee is under the influence of drugs or alcohol.	5				
G. MISUSE OF DETR OR STATE PROPERTY						
1.	Using, or authorizing the use of, State owned or leased property for other than official use.	1	5	3	5	5
2.	Removing property, equipment, or documents from the workplace unless approved by the appropriate appointing authority.	1	5	3	5	5
3.	Operating State or federal vehicle in an unsafe or negligent manner resulting in injury to a person or damage to the state equipment or other property.	1	5	2	5	5
4.	Failure to have State or federal vehicles or equipment which are used as part of the employee's activities properly maintained and/or serviced, resulting in injury to a person or damage to equipment or personal injury.	1	3	2	5	5
5.	Operating State vehicles or equipment without a valid or proper license					
	a. Without knowledge that the license is no longer valid.	2	5	5		
	b. With knowledge that the license is no longer valid.	5				

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6.	Negligently leaving State equipment or machinery, which results in injury to a person or damage to the equipment or other property.	1	5	3	5	5
7.	Making unauthorized copies such as books, manuals, and computer software in violation of copyright laws or vendor licensing agreement.	1	5	3	5	5
H. MISUSE OF INFORMATION TECHNOLOGY						
1.	Internet usage for personal or non-work related purposes.	1	3	2	4	3 5
2.	Use that interferes with employee performance or departmental functions to include downloading and using entertainment software such as games or other non-work related materials, or on-line gambling.	1	5	2	5	3 5
3.	Use for activities that are illegal, inappropriate, or offensive to fellow employees or the public, such as harassment or hate speech, to include language that discriminates against others on the basis of age, race, color, religion, gender, disability, national origin, sexual orientation, genetic information, or gender identity or expression.	2	5	2	5	5
4.	Intentionally viewing or distributing pornographic material at the premises of the workplace, including, without limitation, intentionally viewing or distributing pornographic material on any computer owned by the State, unless such viewing or distributing is a requirement of the employee's position.	5				
5.	Accessing, displaying and/or printing material or images that are sexually explicit and serve to create a hostile environment in the work place, unless such access, displaying and/or printing is a requirement of the employee's position.	2	5	3	5	5
6.	Obtaining unauthorized access to another's e-mail or data files or to confidential records maintained by DETR.	2	4	3	4	5
7.	Use that violates copyright laws, software licensing agreements, property rights, the privacy of others, or local, State or federal laws.	1	5	3	5	5
8.	Accessing a website that results in a fee being charged to the State.	1	2	3	4	5
9.	Personal use that could slow down, delay, or disrupt computer services, such as chain letters, greeting cards, and streaming of radio or TV broadcasts or other audio or video material, unless a requirement of or necessary for the employee's position.	1	5	2	5	5
10.	Revealing passwords or using another person's user identification or password to access confidential information without authorization.	2	5	3	5	5
11.	Negligent use of information technology that results in the introduction of computer viruses, system monitoring devices, or devices that can cause damage or limit access to the equipment, software, or data.	1	5	2	5	4 5

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12.	Knowing and willful sabotage of information technology resources, such as the introduction of computer viruses, system monitoring devices, or devices that can cause damage or limit access to the equipment, software, or data.	5					
13.	Installing or using personal or unauthorized software on State information technology resources without proper authorization and approval.	1	5	2	5	4	5
14.	Using State information technology resources, including but not limited to computing and communications equipment, services or facilities for soliciting business, selling products or otherwise engaging in commercial activities.	2	5	3	5	5	
15.	Downloading, sharing or duplicating confidential data either onto a laptop computer, PDA, CD or any other portable device without proper authorization.	5					
16.	Accessing or communicating data not pertaining to official job duties without authorization.	1	4	2	5	5	
I.	OTHER ACTS OF MISCONDUCT OR INCOMPATIBILITY						
1.	Bringing onto State property or buildings any firearm or implement considered to be a weapon, unless authorized to do so.	2	5	3	5	5	
2.	Failure to report an accident involving State equipment assigned to an employee within 24 hours.	2	5	3	5	5	
3.	Unauthorized or improper disclosure of confidential information, or theft of sensitive or confidential information or written matter.	2	5	3	5	5	
4.	Conviction of any criminal act related to their work activity or conviction of any criminal act involving moral turpitude when it is related to the employee's work.	3	5	5			
5.	Accepting or soliciting gifts, favors, service, employment, engagement or economic opportunity from any individual, firm, or organization doing business with the State when the employee is responsible for making any recommendations or decisions affecting the individual's, firm's or business' business activities. Exceptions would be items of nominal value, such as advertising samples, normal lunches, etc.	2	5	3	5	5	
6.	Releasing a paycheck before the appropriate time.	2		3		5	
7.	Requesting, receiving, and depositing or cashing paycheck before the State's designated payday.	2		3		5	
8.	Rendering of services or goods to recipients that is not in accordance with departmental or divisional policies.	2	5	3	5	5	
9.	Refusal to undergo a criminal background check when it is required by law, regulation, or agency policy.	5					
10.	Failure to disclose a criminal conviction when disclosure is required by law, regulation or agency policy.	2	5	3	5	5	

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11.	Causing discord among employees to the detriment of morale.	1	3	2	5	3	5
12.	Disgraceful personal conduct which impairs the performance of a job or causes discredit to the agency.	1	4	3	5	5	
13.	Engage in outside employment activity or enterprise which the appointing authority considers to be inconsistent, incompatible, or a conflict of interest with employment without authorization.	1	3	2	5	5	
14.	Failure to participate in an administrative investigation authorized by the employee's appointing authority.	3	5	4	5	5	
15.	Failure to participate in any investigation of alleged discrimination, including, without limitation, an investigation concerning sexual harassment.	3	5	4	5	5	
16.	Refusal to be fingerprinted for required background check.	5					
17.	Dishonesty.	2	5	4	5	5	
18.	Misrepresentation of official capacity or authority.	1	5	2	5	5	
19.	Allowing unauthorized personnel to enter work areas without approval of appointing authority.	1	2	2	3	5	
20.	Sleeping on duty or failure to remain fully awake while on duty.	1	2	2	3	5	
J.	IMPROPER POLITICAL ACTIVITY						
1.	Directly or indirectly solicit or receive or be in any manner concerned in soliciting or receiving any assessment, subscription, monetary or non-monetary contribution for a political purpose from anyone who is in the same department and who is a subordinate of the solicitor.	2	5	3	5	5	
2.	Engage in political activity during the hours of his or her State employment for the purpose of improving the chance of a political party or individual seeking office.	1	5	2	5	5	
3.	Engage in political activity for the purpose of securing preference for promotion, transfer or salary advancement.	1	3	2	4	3	5
4.	As an employee in an agency administering federally aided programs, engage in political activities at any time which are forbidden by federal law.	5					
5.	Using or promising to use any official authority or influence for the purpose of influencing the vote or political action of any person for any consideration.	2	3	3	4	5	
K.	DISCRIMINATION AND HARASSMENT						
1.	Discrimination on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, national origin, genetic information, or other State or federal protected classes.	2	5	4	5	5	
2.	Engaging in sexual harassment as defined by NAC 284, the Governor's Policy, or departmental policy against another employee, a client, or any other person in the workplace.	2	5	4	5	5	
3.	Creating or endorsing a discriminatory hostile work environment.	2	5	4	5	5	

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POLICIES AND PROCEDURES MANUAL

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I.	SAFETY AND HEALTH						
1.	Willful removal or interference with a safety device or safeguard.	1	3	2	4	3	5
2.	Dangerous horseplay or inattention that poses a risk of bodily harm or threatens the life or health of an individual.	1	5	3	5	5	
3.	Workplace violence, threat of workplace violence, harassment, or intimidation.	2	5	3	5	5	

Any classified employee has the right to file a grievance for any condition arising out of the employer-employee relationship including, but not limited to, compensation, working hours, working conditions or the interpretation on any law, regulation or disagreement.

Refer to Nevada Administrative Code 284.658 through 284.697 for the grievance procedure.

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PROHIBITIONS AND PENALTIES

ACKNOWLEDGMENT FORM

DETR PROHIBITIONS AND PENALTIES

The authority for management to prescribe behavior and conduct standards derives from Chapter 284 of the Nevada Revised Statutes and the *Disciplinary Procedures, Adjustment of Grievances, and Prohibitions and Offenses* sections of the State of Nevada Rules for State Personnel Administration. These regulations provide that each appointing authority shall determine and describe in writing activities that are inconsistent, incompatible, or in conflict with the duties and responsibilities of Department of Employment, Training and Rehabilitation (DETR) employees.

The DETR Prohibitions and Penalties document is a guide intending to clarify existing rules and regulations and does not cover all infractions and violations that could conceivably occur. It does however cover the majority of situations that are a source of concern to supervisors and DETR. As a tool, which describes behavior that is subject to discipline, the guide will serve the needs of both supervisory personnel and employees. Additions, deletions or changes to the guide as they are approved by the Personnel Commission will be communicated to employees and supervisors similarly to other DETR policies and procedures.

The State Personnel Commission approved this guide, thus it has the same force and effect as other rules and regulations covering classified employees.

Once signed, this acknowledgment will be placed in the employee's personnel file.

Acknowledgment of Receipt:

I acknowledge receipt of the Department of Employment, Training and Rehabilitation's Prohibitions and Penalties.

Print Employee Name

Employee Signature

Employee ID

Date

Immediate Supervisor Signature

Date

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PROHIBITIONS AND PENALTIES



State of Nevada - Public Employees' Benefits Program Administrative Policies & Procedures

Policy Name: Prohibitions and Penalties

Date Originated: December 1, 2011

Last Updated:

I. PURPOSE

As an employee of the Public Employees' Benefits Program (PEBP), you are part of a public service agency, which provides services to other State agencies, State employees, State retirees, certain non-State employees, and certain non-State retirees, as well as vendors and members of the public. This guide is to assist you by providing guidance so that you can be confident that your conduct in the work place reflects the quality of service and level of professionalism these people deserve.

Each member of the PEBP team has the responsibility of understanding and following the rules of proper conduct and performance vital to carrying out the Agency's mission. Even though you will encounter many unfamiliar or unexpected situations requiring you to rely on your own discretion and judgment it is important to have a clear understanding of the rules that govern your actions in performing your duties.

It would be impossible to address every infraction or violation that could conceivably develop. This policy is intended to be sufficiently comprehensive to cover the majority of situations that could arise. It covers a wide range of undesirable actions and behaviors and provides a guide for supervisors and employees on what is expected in the area of proper conduct.

This policy provides reference to State statutes, State regulations, and Agency policies and procedures in the disciplinary process. It is often stated that the best form of discipline is self-discipline; however, in the absence of self-discipline, there are times when discipline must come from another source. When it does, it may come with a disagreeable or negative connotation. There is a tendency to think of discipline entirely in its most limited sense as an action taken against an employee who has committed some violation of proper conduct or a rule infraction. This is sometimes referred to as "corrective action."

It must be remembered that discipline also has a broader and more positive meaning. The word discipline comes from the Latin word *disciplina*, which means "instruction, teaching, and training." Discipline should, therefore, be thought of in terms of instruction and training, rather than punishment. It should be recognized that the conduct of well-disciplined employees is the result of training that motivates employees to accept and work in accordance with established standards. Well-disciplined employees develop and maintain good working habits, which goes far in preventing situations from developing that require "corrective action."

After you have thoroughly reviewed this policy, please sign the Acknowledgement and return it to your supervisor.



State of Nevada - Public Employees' Benefits Program
Administrative Policies & Procedures

Policy Name: Prohibitions and Penalties

Date Originated: December 1, 2011

Last Updated:

II. AUTHORITY

The following is a guide for employees of the Public Employees' Benefits Program (PEBP) to help identify those activities which will be considered inconsistent, incompatible, or in conflict with their duties as employees. In compliance with the Nevada Administrative Code (NAC) 284.742, it is meant as a supplement and does not attempt to cover all possible infractions and violations of the existing rules; however, it does cover the majority of situations that could be a source of concern.

This guide provides reference to personnel rules and administrative procedures in the disciplinary process.

The authority for management to prescribe behavior and conduct standards derives from Chapter 284 of the Nevada Revised Statutes and the Nevada Administrative Code. The Disciplinary Procedures, Adjustment of Grievances, and Prohibitions and Offenses sections of NAC 284 provide that each appointing authority shall determine and describe in writing standards of conduct appropriate to the mission of the agency. These standards are in addition to prohibitions and penalties listed in NAC 284 that are applicable to all State employees. All PEBP employees will be issued a copy of the Prohibitions and Penalties guide.

This guide has been approved by the Personnel Commission and thus has the same force and effect as other rules and regulations covering classified employees.

The penalties identified for the various infractions are merely guidelines and may be applied to a greater or lesser degree indicated depending on the circumstances.

III. DEFINITIONS

"Letter of Instruction." A letter of instruction to the employee is typically written by the supervisor responsible for the employee's activities. The letter is intended to provide the employee with information and instruction or training, establishing documentation that the employee has been made aware of his or her responsibility with regard to a particular situation or set of circumstances. The Letter of Instruction is not intended to be a part of the disciplinary process and, therefore, is not included in the order of disciplinary actions that follow.

1. "Oral Warning." The oral warning typically comes from the supervisor responsible for the employee's activities. The warning may actually be oral or written, or both. Oral warnings issued in



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writing are maintained in the supervisor's file. Oral warnings are not forwarded to the employee's department personnel file or to the Division of Human Resource Management's Records section.

2. "Written Reprimand." The supervisor responsible for the employee's activities also issues written reprimands. This action should be both oral and written. The supervisor and employee must sign it. A copy is given to the employee and copies are sent to the employee's departmental personnel file as well as the Division of Human Resource Management's records section. Written reprimands must be on the standardized form NPD-52.
3. "Suspension." A suspension is without pay and may not exceed 30 working days. It requires an NPD-41 form – Specificity of Charges.
4. "Demotion." A demotion to a lower class also requires the NPD-41 form – Specificity of Charges.
5. "Dismissal." Dismissal from services also requires NPD-41 form – Specificity of Charges.

NOTE: The Executive Officer will review and discuss with the Attorney General's office all disciplinary actions involving a recommendation of suspension (3), demotion (4), or dismissal (5) of a permanent employee.

The attached chart shows recommended minimum and maximum penalties for the first, second, and additional offenses for a wide range of prohibited activities. A dash on the chart indicates that the offense has been previously labeled as a "Dismissal." If disciplinary actions 3, 4, and 5, described above, are recommended for a permanent employee, the pre-disciplinary hearing guidelines found in NAC 284.656 must be followed.

NOTE: Additional, appropriate disciplinary or corrective action may also be taken for any causes listed in Section 284.650 of the Nevada Administrative Code, "Causes for Disciplinary Action."

If an employee should disagree with an action taken by a supervisor, he or she has several administrative review processes available to him or her. Actions that result in an oral warning or a written reprimand can be grieved through the formal grievance process. Corrective actions resulting in suspension, demotion, or dismissal provide for a pre-disciplinary hearing process and a post-disciplinary appeal before the Division of Human Resource Management Hearing Officer.



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IV. PROCEDURES

Progressive discipline normally follows the course sequence as listed in "Definitions;" however, accelerated action may be taken when extreme situations prevail.



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		1 st Offense		2 nd Offense		Additional	
		Min	Max	Min	Max	Min	Max
A.	Fraud in securing appointment						
1	Falsification of application for employment or other personnel records with respect to a material point relating to education & training or employment history & experience which would have adversely affected selection for appointment.	5	--	--	--	--	--
2	Taking, for another person, or permitting another person to take for you, an examination or a portion thereof.	5	--	--	--	--	--
3	Refusal upon hire to sign the Acknowledgement of Receipt of Prohibitions and Penalties	5	--	--	--	--	--
B.	Performance on the job						
1	Failure of employee to maintain proper work standards.	1	3	2	4	3	5
2	Failure of employee to maintain proper personal appearance standards.	1	3	2	4	3	5
3	Failure to prepare or maintain prescribed records or reports.	1	5	2	5	4	5
4	Willful concealment of material facts by omission from records.	2	5	4	5	5	--
5	Willfully falsifying prescribed records or reports.	5	--	--	--	--	--
6	Unauthorized and willful destruction or alteration of departmental records.	5	--	--	--	--	--
7	Failure of a supervisor to create Work Performance Standards, or to evaluate subordinates	1	2	2	3	3	5
8	Failure of an employee, who is designated as a supervisor and has supervisory authority, to take corrective disciplinary action where such action is needed.	1	2	2	4	4	5
9	Negligent falsification of: <ul style="list-style-type: none"> financial records, such as travel, payroll, journal vouchers purchase vouchers; or eligibility and accounting records such as years of service, manual adjustments, payment batches, payment detail batches; or the supporting documents of such records through, including but not limited to, actions of omission of pertinent information, inclusion of incorrect information, failure to complete entire transaction/procedure: <p>a. Not for personal financial gain</p> <p>b. For personal financial gain.</p>	1 4	3 5	4 5	5 --	5 --	-- --
10	Willful falsification of: <ul style="list-style-type: none"> financial records, such as travel, payroll, journal vouchers, purchase vouchers, or eligibility and accounting records such as years of service, manual adjustments, payment batches, payment detail batches or the supporting documents of such records through, including but not limited to, actions of omission of pertinent information, inclusion of incorrect information, failure to complete entire transaction/procedure: <p>a. Not for personal financial gain</p> <p>b. For personal financial gain.</p>	3 5	5 --	5 --	-- --	-- --	-- --

1= Oral Warning; 2=Written Reprimand; 3=Suspension, without pay of no more than 30 days, 4=Demotion; 5=Dismissal; (-)=previously labeled as dismissal.



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		1 st Offense		2 nd Offense		Additional	
		Min	Max	Min	Max	Min	Max
11	Unauthorized removal of secure or personal records, protected health information (PHI), protected identifying information (PII), correspondence or documents from departmental files: a. Not for personal financial gain b. For personal financial gain.	2 5	5 --	3 --	5 --	5 --	-- --
12	Making unauthorized departmental transactions for personal profit.	5	--	--	--	--	--
13	Withholding information regarding the job from supervisors or other persons having the necessity for such information.	2	5	3	5	5	--
14	Failure to cooperate in work related projects with other employees and/or supervisors.	1	3	2	4	3	5
15	Negligent falsification of time and attendance records including leave requests, overtime, compensatory time, or any leave record.	1	2	2	3	3	5
16	Willful falsification of time and attendance records including leave requests, overtime, compensatory time, or any leave record.	3	5	5	--	--	--
17	Disregarding and/or deliberately failing to comply with or enforce statewide, department or office regulations and policies.	2	5	3	5	4	5
18	Embezzlement or misappropriation of departmental funds or other funds which come into the employee's possession by reason of their official position for personal gain.	5	--	--	--	--	--
C.	Neglect of, or inexcusable absence from the job						
1	Negligence in performing official duties including failure to follow instructions or regulations.	1	3	2	5	3	5
2	Carelessness, indifference, laziness and/or inattention to duty.	1	5	2	5	3	5
3	Failure to report to work at specified times and in the prescribed manner.	1	3	2	5	3	5
4	Frequent or continual tardiness.	1	3	2	4	3	5
5	Failure to notify supervisor or designated representative promptly when unable to report for work. Notification must occur within 15 minutes of the start of the work day unless otherwise pre-arranged.	1	2	3	5	5	--
6	Leaving a work area or a job without authorization or when specifically instructed to remain in work area or at the job.	2	4	3	5	5	--
7	Unauthorized absence from duty or abuse of leave privileges.	2	3	3	5	5	--
8	Absence from duty without leave after having been denied permission to take such leave.	3	5	5	--	--	--
9	Failure to report to work or call supervisor for three (3) consecutive work days without permission or justification.	5	--	--	--	--	--
D.	Relations with supervisor, fellow employees, and the public, including discrimination and harassment						
1	Insubordination: Refusal to comply with order or instruction from a supervisor (or superior in employee's chain of command).	2	5	3	5	5	--
2	Causing discord among employees to the detriment of morale.	1	3	2	5	5	--

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		Min	Max	Min	Max	Min	Max
3	Engaging in sexual harassment as defined in NAC 284, the Governor's policy, or PEBP policy against another employee, an applicant for employment, or any other person in the workplace.	2	5	5	--	--	--
4	Creating or endorsing a hostile work environment.	2	5	5	--	--	--
5	Discrimination on the basis of race, color, religion, sex, sexual orientation, age, disability or national origin, or other violations of Title VII of the Civil Rights Act or any other state or federal law.	2	5	5	--	--	--
6	Discourteous treatment of the public, supervisor or a fellow employee.	2	5	3	5	5	--
7	Deliberately making false statements to or about supervisor.	2	5	3	5	5	--
8	Any act or threat of bodily harm or workplace violence, including stalking, intimidation, assault, battery or harassment, in the course of duties towards a supervisor, the public or a fellow employee.	3	5	5	--	--	--
9	Making statements, false or otherwise, intended to demean or disparage supervisor, fellow employees or the public; or intended to disrupt the work environment.	2	5	3	5	5	--
11	Using insulting, abusive or profane language to a supervisor, the public or fellow employee.	2	5	3	5	5	--
E.	Use of alcoholic beverages, narcotics, or habit forming drugs						
1	Consuming or being under the influence of alcohol, narcotics, drugs or other controlled substances while on duty, to include lunch and work breaks, unless prescribed by a medical provider.	3	5	5	--	--	--
2	Convicted of driving under the influence or any other offense for which driving under the influence is an element of the offense, and the offense occurred while driving a State vehicle or a privately owned vehicle while on State business. *Second offense is a repeated offense within 5 years of the first.	3	5	5	--	--	--
3	Failure to complete any rehabilitation program recommended in the evaluation of an employee who is suspended or demoted pursuant to 2 above, by an employee assistance program.	5	--	--	--	--	--
4	Convicted of violating any State or Federal law prohibiting the sale of a controlled substance.	5	--	--	--	--	--
5	Failure to report a conviction of any alcohol or drug related offense to the appointing authority within five (5) working days after it occurs.	5	--	--	--	--	--
6	Refusal to take any drug and/or alcohol test when there is reasonable belief an employee is under the influence of drugs or alcohol, or when the drug and/or alcohol test is mandated by Federal or State law.	5	--	--	--	--	--
7	Unlawful possession of a controlled substance at his work or while on departmental business.	5	--	--	--	--	--
F.	Misuse of agency or State property						
1	Using agency owned or leased property without proper authorization.	1	3	3	5	5	--
2	Waste or loss of State material, property or equipment.	1	3	2	5	4	5

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		1 st Offense		2 nd Offense		Additional	
		Min	Max	Min	Max	Min	Max
3	Jeopardizing the security of departmental property.	1	3	2	5	4	5
4	Negligent destruction of or damage to State property.	1	5	2	5	5	--
5	Willful destruction of or damage to State property.	3	5	5	--	--	--
6	Unauthorized taking or using property belonging to the federal or State government or fellow employees. a. 0 - \$25 b. Over \$25	2	3	3	5	5	--
		2	5	4	5	5	--
7	Operating State vehicle or equipment in an unsafe or negligent manner resulting in the damage to the equipment or to the property or injury to a person.	1	5	2	5	5	--
8	Failure to have State vehicles or equipment properly maintained and/or serviced resulting in damage to equipment or personal injury.	1	4	2	5	5	--
9	Operating State vehicles or equipment without: a. a valid or proper license without knowledge the license is no longer valid. b. a valid or proper license with knowledge the license is no longer valid. c. a valid or proper defensive driver certification.	2	5	5	--	--	--
		4	5	5	--	--	--
		1	2	2	3	3	5
10	Charging personal long distance phone calls via telephone or fax to PEBP without compensating the Agency: a. \$0 – \$25 b. over \$25	2	3	3	5	5	--
		2	5	4	5	5	--
G.	Misuse of Information Technology						
1	Internet usage for personal or non-work related purposes.	1	2	2	3	4	5
2	Personal use that could slow down, delay, or disrupt computer services such as chain letter, greeting cards, and streaming of radio or TV broadcasts or other audio or video material.	1	2	3	4	4	5
3	Use that interferes with employee performance or agency functions to include the downloading and using entertainment software such as games or other non-work related materials, or on-line gambling.	1	5	2	5	5	--
4	Use that violates copyright laws; software licensing agreements; property rights; the privacy of others; or local, State, or Federal laws.	1	5	2	5	5	--
5	Use for activities that are illegal, inappropriate, or offensive to fellow employees or the public such as harassment or hate speech to include language that discriminates against others on the basis of race, religion, gender, disability, national origin, or sexual orientation.	2	5	5	--	--	--
6	Negligent use of information technology that results in the introduction of computer viruses, system monitoring devices or devices that can cause damage or limit access to the equipment, software, or data.	1	5	3	5	5	--
7	Obtaining unauthorized access to another's e-mail or data files or to confidential records maintained by the agency.	2	5	3	5	5	--
8	Revealing passwords or using another person's user identification or password to access confidential information without authorization.	2	5	3	5	5	--

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		1 st Offense		2 nd Offense		Additional	
		Min	Max	Min	Max	Min	Max
9	Accessing, displaying and/or printing material or images that are sexually explicit and serve to create a hostile environment in the work place.	2	5	5	--	--	--
10	Accessing a website that results in a fee being charged to the State:						
	a. for work-related purposes without prior approval of Executive Staff.	1	2	2	3	3	5
	b. for non-work-related purposes with an amount of \$0 to \$25.	2	3	3	5	5	--
	c. for non-work-related purposes with an amount over \$25.	2	5	4	5	5	--
11	Knowing and willful sabotage of information technology resources such as the introduction of computer viruses, system monitoring devices, or any device that can cause damage or limit access to the equipment, software, or data.	5	--	--	--	--	--
H.	Other acts of misconduct or incompatibility						
1	Conducting personal business during working hours or making personal phone calls or other personal communications or social networking:						
	a. on State-owned equipment	2	3	3	4	5	
	b. on personal equipment	1	3	2	4	3	5
2	Engaging in outside employment activity or enterprise which the appointing authority considers to be inconsistent, incompatible, or a conflict of interest with PEBP employment without authorization.	1	3	3	5	5	--
3	Disgraceful personal conduct which impairs job performance.	1	4	3	5	5	--
4	Failure to report an accident involving State equipment or vehicles assigned to the employee to the Appointing Authority within 24 hours.	2	5	3	5	5	--
5	Unauthorized or improper disclosure of confidential information.	2	5	5	--	--	--
6	Accepting gifts, service, favor, employment, engagement or economic opportunity from any individual, firm, or organization doing business with PEBP or the State when the employee is responsible for making any recommendations or decisions affecting their business activities without approval of the Executive Officer:						
	a. \$0 to \$25	3	5	4	5	5	--
	b. Over \$25	4	5	5	--	--	--
7	Soliciting or accepting a bribe.	5	--	--	--	--	--
8	Misrepresentation of official capacity or authority.	3	5	5	--	--	--
9	Bringing onto PEBP property or buildings any firearm or any implement considered to be a weapon unless authorized to do so.	3	5	5	--	--	--
I.	Improper political activity						
1	Directly or indirectly solicit or be in any manner concerned in soliciting or receiving any assessment, subscription, monetary, or non-monetary contribution for a political purpose from anyone who is in the same department and who is a subordinate of the solicitor.	2	5	4	5	5	--
2	Engaging in political activity during the hours of employment for the purpose of improving the chance of a political party or individual seeking office.	1	3	2	4	3	5
3	Engaging in political activity for the purpose of securing preference for promotion, transfer or salary advancement.	2	5	3	5	5	--

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		1 st Offense		2 nd Offense		Additional	
		Min	Max	Min	Max	Min	Max
J.	Safety and Health						
1	Willful removal or interference with a safety device or safeguard.	1	3	2	4	3	5
2	Dangerous horseplay or inattention that threatens the safety of an individual.	1	5	3	5	5	--

PROHIBITIONS AND PENALTIES

Executive Officer

Date

Policy and procedure statements contain the Public Employees' Benefits Program's official interpretation of existing statutes and/or regulations as referenced above.

**THIS PROCEDURE SUPERSEDES ALL PRIOR WRITTEN PROCEDURES
ON THIS SPECIFIC SUBJECT**

1= Oral Warning; 2=Written Reprimand; 3=Suspension, without pay of no more than 30 days; 4=Demotion, 5=Dismissal; (-)=previously labeled as dismissal.



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ACKNOWLEDGMENT FORM

PEBP PROHIBITIONS AND PENALTIES

I acknowledge receipt of the Public Employees' Benefits Program Prohibitions and Penalties.

Print Employee Name

Employee ID

Employee Signature

Date

The State Personnel Commission approved the PEBP Prohibitions and Penalties, thus this document has the same force and effect as other rules and regulations covering classified employees.

Refusal to acknowledge receipt of the Public Employees' Benefits Program Prohibitions and Penalties in no way diminishes their force and effect.

Once signed, this acknowledgment will be placed in the employee's personnel file.

Witness (Required if employee refuses to sign acknowledgment):

I acknowledge the above named employee received the PEBP Prohibitions and Penalties and the employee refused to sign the Acknowledgment Form.

Print Witness Name

Employee ID

Witness Signature

Date

FOR DISCUSSION AND POSSIBLE ACTION

NRS 284.4066 provides for the pre-employment testing for controlled substances of applicants for positions affecting public safety. This law requires the appointing authority to identify the specific positions that affect public safety, subject to the approval of the Personnel Commission.

The Department of Public Safety, has requested the following classes be approved for pre-employment screening for controlled substances:

AGENCY	CLASS CODE	CLASS TITLE	BUDGET & POSITION CONTROL NUMBER
Public Safety	2.211	Administrative Assistant III	PCNS 3743-1020, 3743-1011, 3743-1014, 3743-1017
Public Safety	2.212	Administrative Assistant II	PCNS 3743-1021, 4709-35, 4709-8006
Public Safety	7.625	Management Analyst II	PCN 4709-39
Public Safety	7.637	Management Analyst I	PCN 3743-9
Public Safety	7.647	Program Officer II	PCN 3743-1022
Public Safety	11.129	NCJIS Program Specialist	PCNS 4709-1005, 4709-680, 4709-600, 4709-63
Public Safety	11.130	NCJIS Program Specialist Trainee	All positions

AGENCY	CLASS CODE	CLASS TITLE	BUDGET & POSITION CONTROL NUMBER
Public Safety	11.134	Fingerprint/Records Examiner II	PCNS 4709-8014, 4709-33, 4709-7
Public Safety	11.135	Fingerprint/Records Examiner I	All positions
Public Safety	U3720	Division Administrator, Records & Technology	PCN 4709-1
Public Safety	7.143	Accountant Technician I	< PCN 4733-30* >
Public Safety	7.921	IT Professional IV	PCN 4733-115
Public Safety	7.926	IT Professional II	PCN 4733-301
Public Safety	7.951	IT Professional Trainee	All Department of Public Safety positions
Public Safety	7.94	IT Technician III	PCN 4733-314
Public Safety	7.943	IT Technician Trainee	All Department of Public Safety positions

Staff recommendation:

Staff recommends approval of the positions, except for the asterisked (*) position, as the duties of the positions include direct authorized access to highly sensitive criminal justice and other public safety records used by local, State and federal law enforcement agencies. The asterisked (*) position has the potential for indirect access due to working in a building where highly sensitive public safety information is kept and supporting staff with authorized access to sensitive public safety information. Additionally, all of the requested positions are consistent with other positions already approved by the Commission.

Justification for the request is provided in the attached letter from Normal Santoyo, Chief Human Resources Officer for the State of Nevada Department of Public Safety.

A representative from the Department Public Safety will be available to answer any questions Commission members may have.

A list of all classes and positions previously approved by the Personnel Commission for pre-employment testing is also enclosed.

Brian Sandoval
Governor



Chris Perry
Director

James Wright
Deputy Director

Human Resources

555 Wright Way
Carson City, Nevada 89711-0525
Telephone (775) 684-4868 • Fax (775) 684-4884
www.dps.nv.gov

Date: February 2, 2012
To: Shelly Blotter, Deputy Administrator
Department of Administration, Division of Human Resource Management
From: Norma Santoyo, Chief Human Resources Officer *NS*
Subject: Pre-Employment Drug Testing

Please accept this memorandum as formal request to add the following civilian positions to the pre-employment drug testing list.

These positions are assigned to the Investigation's Division and Criminal History Repository. They will have access to criminal, evidence, and sensitive information. It is critical that all persons assigned to these positions be free of drug use.

Please contact Kim McKew at 775-684-4868 should you need further information.

Thank you for your consideration.

CIVILIAN POSITION ROSTER					
Position Roster - Position Counts					
Roster as of: 2/20/2012					
Home Agency: 653 INVESTIGATION DIVISION					
All Positions					
All Position Statuses					
Agcy	Org	Posn NBR	Title	Description	FTE
653	3743	1020	2.211	ADMIN ASSISTANT 3	1
653	3743	1011	2.211	ADMIN ASSISTANT 3	1
653	3743	1014	2.211	ADMIN ASSISTANT 3	1
653	3743	1017	2.211	ADMIN ASSISTANT 3	1
653	3743	28	2.211	ADMIN ASSISTANT 3	1
653	3743	1021	2.212	ADMIN ASSISTANT 2	1
653	3743	9	7.637	MANAGEMENT ANALYST 1	1
653	3743	1022	7.647	PROGRAM OFFICER 2	1
Totals					8

POSITION ROSTER					
Position Roster - Position Counts					
Roster as of: 2/20/2012					
Home Agency: 655 RECORDS AND TECHNOLOGY					
All Positions					
All Position Statuses					
Agcy	Org	Posn NBR	Title	Description	FTE
655	4709	35	2.212	ADMIN ASSISTANT 2	1
655	4709	8006	2.212	ADMIN ASSISTANT 2	1
655	4709	39	7.625	MANAGEMENT ANALYST 2	1
655	4709	1005	11.129	NCJIS PROGRAM SPECIALIST	1
655	4709	680	11.129	NCJIS PROGRAM SPECIALIST	1
655	4709	600	11.129	NCJIS PROGRAM SPECIALIST	1
655	4709	63	11.129	NCJIS PROGRAM SPECIALIST	1
655	4709	All	11.13	NCJIS PROGRAM SPECIALIST TRAINEE	1
655	4709	8014	11.134	FINGERPRINT/RECORD EX 2	1
655	4709	33	11.134	FINGERPRINT/RECORD EX 2	1
655	4709	7	11.134	FINGERPRINT/RECORD EX 2	1
655	4709	ALL	11.135	FINGERPRINT/RECORD EX 1	1
655	4709	1	U3720	DIV ADMNR, RECORDS & TECHNOLGY	1
655	4733	30	7.143	ACCOUNTANT TECHNICIAN 1	1
655	4733	115	7.921	IT PROFESSIONAL 4	1
655	4733	301	7.926	IT PROFESSIONAL 2	1
655	4733	All DPS	7.951	IT PROFESSIONAL TRAINEE	1
655	4733	314	7.94	IT TECHNICIAN 3	1
655	4733	ALL DPS	7.943	IT TECHNICIAN TRAINEE	1
655	4733	32	2.212	ADMINISTRATIVE ASSISTANT 2	1
Totals					20

STATE OF NEVADA
CLASSES APPROVED FOR PRE-EMPLOYMENT DRUG TESTING
CHANGES EFFECTIVE JULY 1, 2011

(All positions in each class have been approved for pre-employment drug testing, unless otherwise noted (*) for a specific agency(s) and/or position(s). Classes in *bold/italics* are new to the list.)

<u>CLASS CODE</u>	<u>TITLE</u>	<u>*ONLY CERTAIN POSITIONS AGENCY/POSITION CONTROL NO.</u>
1.605	DISTRICT SUPERVISOR (PARC)	
1.608	FIELD ASSISTANT II (PARC)	
1.737	BIOLOGIST I*	AGR - PCN 4600-0025
1.811	FORESTER III	
1.812	FIRE MANAGEMENT OFFICER	
1.813	FORESTER II	
1.816	BATTALION CHIEF	
1.817	CONSERVATION CREW SUPERVISOR III	
1.818	FORESTER I	
1.819	FIREFIGHTER II	
1.820	CONSERVATION CREW SUPERVISOR II	
1.822	FIRE CONTROL DISPATCHER III	
1.823	SEASONAL FIRE CONTROL DISPATCHER II*	DCNR-FORESTRY DIVISION - ALL PCNS
1.824	SEASONAL FIRE CONTROL DISPATCHER I*	DCNR-FORESTRY DIVISION - ALL PCNS
1.825	CONSERVATION CREW SUPERVISOR I	
1.826	FIRE CONTROL DISPATCHER II	
1.827	FIRE CONTROL DISPATCHER I	
1.828	SEASONAL FIREFIGHTER III*	DCNR-FORESTRY DIVISION - ALL PCNS
1.829	SEASONAL FIREFIGHTER II*	DCNR-FORESTRY DIVISION - ALL PCNS
1.831	SEASONAL FIREFIGHTER I*	DCNR-FORESTRY DIVISION - ALL PCNS
1.850	FIRE CAPTAIN	
1.852	FIREFIGHTER I	
1.907	PARKS REGIONAL MANAGER (NON-COMMISSIONED)	
1.918	LIFEGUARD II	
1.919	LIFEGUARD I	
1.921	PARK RANGER III (NON-COMMISSIONED)	
1.922	PARK RANGER II (NON-COMMISSIONED)	
1.923	PARK RANGER I (NON-COMMISSIONED)	
1.967	PARK SUPERVISOR III (NON-COMMISSIONED)	
1.968	PARK SUPERVISOR II (NON-COMMISSIONED)	
1.969	PARK SUPERVISOR I (NON-COMMISSIONED)	
2.124	MAIL SERVICE SUPERVISOR*	BCN - ALL PCNS
2.126	MAIL SERVICE TECHNICIAN*	BCN - ALL PCNS
2.127	MAIL SERVICE CLERK I*	BCN - ALL PCNS
2.129	MAIL SERVICE CLERK II*	BCN - ALL PCNS
2.210	ADMINISTRATIVE ASSISTANT IV*	DPS - PCNS 3743-0106, 3743-33, 4709-42, 4709-63, 4709-70, 4709-71, 4709-72, 4709-73, 4709-206, 4709-625, 4709-645, 4709-665, 4709-1004, 4709-1006, 4709-1007, 4709-8004, 4713-0706, 4713-155, 4713-805
2.211	ADMINISTRATIVE ASSISTANT III*	DPS - PCNS 3743-0028, 3743-5, 3743-15, 3743-17, 3743-32, 3743-34, 3743-60, 3743-61, 3743-62, 3743-64, 3743-65, 3744-10, 3744-13, 3744-16, 3744-19, 4709-36, 4709-37, 4709-58, 4709-620, 4709-630, 4709-8005, 4709-8007, 4709-8010, 4709-8011
2.212	ADMINISTRATIVE ASSISTANT II*	DPS - PCNS 4709-2, 4709-16, 4709-17, 4709-18, 4709-25, 4709-26, 4709-34, 4709-57, 4709-62, 4709-204, 4709-205, 4709-605, 4709-660, 4709-8008, 4709-8009, 4713-0870, 4733-32
2.301	ACCOUNTING ASSISTANT III*	DPS - PCNS 3743-16, 4709-38

CLASS CODE	TITLE	*ONLY CERTAIN POSITIONS AGENCY/POSITION CONTROL NO.
2.303	ACCOUNTING ASSISTANT II*	DPS - PCN 4709-15
2.819	SUPPLY TECHNICIAN III*	PURCHASING - PCN 0027
2.824	SUPPLY TECHNICIAN II*	PURCHASING - PCN 0029
3.505	DRIVER - SHUTTLE BUS	
3.506	DRIVER - VAN/AUTOMOBILE	
3.520	FAMILY SUPPORT WORKER III*	BCN - ALL PCNS
3.521	FAMILY SUPPORT WORKER II*	BCN - ALL PCNS
3.524	FAMILY SUPPORT WORKER I*	BCN - ALL PCNS
5.103	PRINCIPAL	
5.104	VICE PRINCIPAL	
5.106	ACADEMIC TEACHER	
5.112	VOCATIONAL EDUCATION INSTRUCTOR	
5.174	CHILD CARE WORKER II*	BCN - ALL PCNS
5.175	CHILD CARE WORKER I*	BCN - ALL PCNS
6.209	SUPERVISOR III, ASSOCIATE ENGINEER*	NDOT - PCNS 017009, 017046, ALL PCNS BEGINNING W/ 930
6.211	SUPERVISOR II, ASSOCIATE ENGINEER*	NDOT - PCNS 028006, 255001, ALL PCNS BEGINNING W/ 930
6.215	SUPERVISOR I, ASSOCIATE ENGINEER*	NDOT - PCNS 017021, 017048, ALL PCNS BEGINNING W/ 930
6.224	MANAGER I, PROFESSIONAL ENGINEER*	NDOT - ALL PCNS BEGINNING W/ 930
6.229	STAFF I, ASSOCIATE ENGINEER*	NDOT - PCNS 080001, 080002, 080005, 080006, 080007, 080010
6.305	ENGINEERING TECHNICIAN V*	NDOT - PCN 028008
6.308	ENGINEER TECHNICIAN IV*	NDOT - PCN 255002, ALL PCNS BEGINNING W/ 930
6.313	ENGINEERING TECHNICIAN III*	NDOT - PCNS 017037, 017039, 017042, 017050, 017051, 017052, 028010, 028011, 028013, 028015, 028016, 028021, 255003, ALL PCNS BEGINNING W/ 930
6.355	ARCHITECTURAL DRAFTER IV*	BCN - ALL PCNS
6.358	ARCHITECTURAL DRAFTER III*	BCN - ALL PCNS
6.750	CONSTRUCTION PROJECT COORDINATOR III*	BCN - ALL PCNS
6.751	PROJECT MANAGER III*	BCN - ALL PCNS
6.754	BUILDING CONSTRUCTION INSPECTOR III*	BCN - ALL PCNS
6.758	CONSTRUCTION PROJECT COORDINATOR II*	BCN - ALL PCNS
6.762	PROJECT MANAGER II*	BCN - ALL PCNS
6.763	PROJECT MANAGER I*	BCN - ALL PCNS
6.964	TELECOMMUNICATIONS COORDINATOR I*	NDOT - PCNS 067067, 067075, 067095
6.969	TELECOMMUNICATIONS COORDINATOR II*	NDOT - PCNS 067048, 067089
6.976	COMMUNICATIONS SYSTEMS SUPERVISOR*	NDOT - PCN 093002
6.977	COMMUNICATIONS SYSTEMS SPECIALIST II*	NDOT - PCNS 091001, 091005, 092001, 092002, 093001, 094001, 095001, 096001
6.981	ELECTRONICS TECHNICIAN II*	BCN, NDOC - ALL PCNS
6.987	ELECTRONICS TECHNICIAN III*	BCN, NDOC - ALL PCNS
6.988	ELECTRONICS TECHNICIAN I*	BCN, NDOC - ALL PCNS
7.141	ACCOUNTANT TECHNICIAN II*	DPS - PCNS 0030, 4709-1010
7.217	ADMINISTRATIVE SERVICES OFFICER II*	DPS - PCN 4709-23
7.218	ADMINISTRATIVE SERVICES OFFICER I*	DPS - PCNS 3743-6, 4709-3, 4709-200
7.519	TRAINING OFFICER I*	BCN-FIRE SCIENCE ACADEMY, NDOT - ALL PCNS
7.524	TRAINING OFFICER II*	BCN-FIRE SCIENCE ACADEMY - ALL PCNS; DPS - NHP - HAZARDOUS MATERIALS - PCN 5
7.637	MANAGEMENT ANALYST I*	DPS - PCNS 3743-79, 4709-40
7.647	PROGRAM OFFICER II*	DPS - PCNS 4709-19, 4709-24, 4709-8003, 4709-8012
7.649	PROGRAM OFFICER I*	DPS - PCN 3744-82; FIRE MARSHAL - PCNS 4, 106; NDOC - PCNS 3710-0064, 3710-0202
7.653	PUBLIC SERVICE INTERN II*	NDOT - ALL PCNS BEGINNING W/ 940

CLASS CODE	TITLE	*ONLY CERTAIN POSITIONS AGENCY/POSITION CONTROL NO.
7.724	TRAFFIC CENTER TECHNICIAN II	
7.725	TRAFFIC CENTER TECHNICIAN I	
7.726	TRAFFIC CENTER TECHNICIAN TRAINEE	
7.745	STATISTICIAN II*	DPS - PCN 4709-21
7.901	CHIEF IT MANAGER*	DPS - PCN 0005; NDOT - PCN 067046
7.902	IT MANAGER III*	DPS - PCNS 0127, 0207, 4733-35
7.904	IT MANAGER I*	DPS - PCN 0020; NDOT - PCN 067087
7.921	IT PROFESSIONAL IV*	DPS - PCNS 0010, 0025, 0036, 0040, 0045, 0100, 0111, 0125; NDOT - PCN 067047
7.925	IT PROFESSIONAL III*	DPS - PCNS 0055, 0070, 0105, 0112, 0115, 0120, 0128, 0130, 0135, 0145, 0150, 4733-46; NDOT - PCNS 67023, 067-048
7.926	IT PROFESSIONAL II*	DPS - PCNS 0015, 0050, 0110, 0200, 0201, 0202, 0251, 0260, 0450 0677, 0681, 0129
7.928	IT TECHNICIAN VI*	DPS - PCNS 0026, 0204, 0205, 4733-230, 4733-235, 4733-240
7.929	IT PROFESSIONAL I*	DPS - PCN 0090
7.931	IT TECHNICIAN V*	DPS - PCN 4733-220
7.935	IT TECHNICIAN IV*	DPS - PCNS 0065, 0075, 0080, 0085, 0095, 0096
7.940	IT TECHNICIAN III*	DPS - PCN 4733-353
9.103	HIGHWAY MAINTENANCE MANAGER	
9.106	HIGHWAY MAINTENANCE SUPERVISOR II	
9.115	HIGHWAY MAINTENANCE SUPERVISOR I	
9.117	HIGHWAY MAINTENANCE WORKER IV	
9.120	HIGHWAY MAINTENANCE WORKER III	
9.127	HIGHWAY MAINTENANCE WORKER II	
9.130	HIGHWAY MAINTENANCE WORKER I	
9.137	HIGHWAY CONSTRUCTION AID	
9.200	SPECIAL EQUIPMENT OPERATOR III	
9.201	EQUIPMENT OPERATION INSTRUCTOR	
9.203	SPECIAL EQUIPMENT OPERATOR II	
9.204	GROUND'S EQUIPMENT OPERATOR I*	BCN - ALL PCNS
9.208	DRIVER WAREHOUSE WORKER TRAINEE*	NDOC - ALL PCNS
9.209	GROUND'S EQUIPMENT OPERATOR II*	BCN - ALL PCNS
9.210	DRIVER WAREHOUSE WORKER I	
9.211	DRIVER WAREHOUSE WORKER II	
9.212	DRIVER WAREHOUSE SUPERVISOR	
9.315	HIGHWAY EQUIPMENT MECHANIC SPVR I	
9.317	HIGHWAY EQUIPMENT MECHANIC III	
9.318	HIGHWAY EQUIPMENT MECHANIC II	
9.321	HIGHWAY EQUIPMENT MECHANIC I	
9.322	EQUIPMENT MECHANIC IV*	BCN, DCNR-FORESTRY DIVISION - ALL PCNS
9.323	EQUIPMENT MECHANIC III*	BCN, DCNR-FORESTRY DIVISION, NDOC, NDOW - ALL PCNS
9.326	EQUIPMENT MECHANIC-IN-TRAINING IV*	BCN, NDOT - ALL PCNS
9.327	AUTO BODY WORKER*	NDOT - ALL PCNS
9.328	EQUIPMENT MECHANIC-IN-TRAINING III*	BCN, NDOT - ALL PCNS
9.330	EQUIPMENT MECHANIC-IN-TRAINING II*	BCN, NDOT - ALL PCNS
9.331	EQUIPMENT MECHANIC II*	BCN, DCNR-FORESTRY DIVISION, NDOC, NDOT, NDOW - ALL PCNS
9.332	EQUIPMENT MECHANIC-IN-TRAINING I*	BCN, NDOT - ALL PCNS
9.333	EQUIPMENT MECHANIC I*	BCN, DCNR-FORESTRY DIVISION, NDOC, NDOT, NDOW - ALL PCNS
9.334	FLEET SERVICE WORKER IV*	BCN, NDOT - ALL PCNS
9.335	FLEET SERVICE WORKER III*	BCN, NDOT - ALL PCNS
9.336	FLEET SERVICE WORKER II*	BCN, NDOT - ALL PCNS
9.337	FLEET SERVICE WORKER I*	BCN, NDOT - ALL PCNS
9.353	AIR OPERATIONS SUPERVISOR	
9.354	CHIEF PILOT	

CLASS CODE	TITLE	*ONLY CERTAIN POSITIONS AGENCY/POSITION CONTROL NO.
9.355	PILOT II	
9.356	PILOT III	
9.357	AIRCRAFT MAINTENANCE SPECIALIST	
9.359	PILOT I	
9.404	HVACR SPECIALIST IV*	BCN - ALL PCNS
9.408	HVACR SPECIALIST II*	BCN, NDOC - ALL PCNS
9.413	HVACR SPECIALIST III*	BCN, NDOC - ALL PCNS
9.417	WELDER I*	BCN, NDOC, NDOT - ALL PCNS
9.418	LOCKSMITH I*	BCN, NDOC - ALL PCNS
9.420	HEAT PLANT SPECIALIST II*	BCN, NDOC - ALL PCNS
9.421	HVACR SPECIALIST I*	BCN, NDOC, NDOT - ALL PCNS
9.422	HEAT PLANT SPECIALIST IV*	BCN, NDOC - ALL PCNS
9.423	CARPENTER I*	BCN, NDOC, NDOT - ALL PCNS
9.424	CARPENTER II*	BCN, NDOC - ALL PCNS
9.425	HEAT PLANT SPECIALIST III*	BCN, NDOC - ALL PCNS
9.426	ELECTRICIAN I*	BCN, NDOC, NDOT - ALL PCNS
9.428	HEAT PLANT SPECIALIST I*	BCN, NDOC - ALL PCNS
9.429	PAINTER I*	BCN - ALL PCNS
9.430	WELDER II*	BCN, NDOC, NDOT - ALL PCNS
9.431	LOCKSMITH II*	BCN, NDOC - ALL PCN'S
9.432	PLUMBER I*	BCN, NDOC - ALL PCNS
9.439	CARPENTER III*	BCN - ALL PCNS
9.441	MAINTENANCE REPAIR SPECIALIST I*	BCN, NDOC, NDOT, NDOW, NSVH - ALL PCNS
9.445	MAINTENANCE REPAIR SPECIALIST II*	BCN, NDOC, NDOW - ALL PCNS
9.447	ELECTRICIAN II*	BCN, NDOC, NDOT - ALL PCNS
9.448	ELECTRICIAN III*	BCN, NDOC, NDOT - ALL PCNS
9.459	PAINTER II*	BCN - ALL PCN'S
9.460	PAINTER III*	BCN - ALL PCNS
9.462	PLUMBER II*	BCN, NDOC - ALL PCNS
9.463	PLUMBER III*	BCN - ALL PCNS
9.465	CRAFT WORKER-IN-TRAINING IV*	BCN - ALL PCNS
9.466	CRAFT WORKER-IN-TRAINING III*	BCN - ALL PCNS
9.467	CRAFT WORKER-IN-TRAINING II*	BCN - ALL PCNS
9.468	CRAFT WORKER-IN-TRAINING I*	BCN - ALL PCNS
9.481	MAINTENANCE REPAIR AID IV*	BCN - ALL PCNS
9.482	MAINTENANCE REPAIR AID III*	BCN - ALL PCNS
9.483	MAINTENANCE REPAIR AID II*	BCN - ALL PCNS
9.484	MAINTENANCE REPAIR AID I*	BCN - ALL PCNS
9.485	MAINTENANCE REPAIR WORKER IV*	BCN, NDOC - ALL PCNS
9.486	MAINTENANCE REPAIR WORKER III*	BCN, NDOC - ALL PCNS
9.487	MAINTENANCE REPAIR WORKER II*	BCN, NDOC, NSVH - ALL PCNS
9.488	MAINTENANCE REPAIR WORKER I*	BCN, NDOC, NSVH - ALL PCNS
9.496	WASTEWATER TREATMENT OPERATOR II*	NDOC - ALL PCNS
9.497	WASTEWATER TREATMENT OPERATOR I*	NDOC - ALL PCNS
9.603	FACILITY MANAGER*	BCN, NDOC - ALL PCNS
9.606	FACILITY SUPERVISOR III*	BCN, NDOC - ALL PCNS
9.609	FACILITY SUPERVISOR II*	BCN, NDOC - ALL PCNS
9.610	GROUNDS SUPERVISOR III*	BCN - ALL PCNS
9.612	FACILITY SUPERVISOR I*	BCN, NDOC - ALL PCNS
9.616	CUSTODIAL SUPERVISOR IV*	BCN - ALL PCNS
9.617	CUSTODIAL SUPERVISOR III*	BCN - ALL PCNS
9.620	GROUNDS SUPERVISOR II*	BCN - ALL PCNS
9.623	CUSTODIAL SUPERVISOR II*	BCN - ALL PCNS
9.625	CUSTODIAL SUPERVISOR I*	BCN - ALL PCNS
9.627	GROUNDS SUPERVISOR I*	BCN - ALL PCNS
9.630	GROUNDS MAINTENANCE WORKER V*	BCN - ALL PCNS
9.631	CUSTODIAL WORKER II*	BCN - ALL PCNS
9.633	GROUNDS MAINTENANCE WORKER IV*	BCN - ALL PCNS
9.634	CUSTODIAL WORKER I*	BCN - ALL PCNS

CLASS CODE	TITLE	*ONLY CERTAIN POSITIONS AGENCY/POSITION CONTROL NO.
9.635	GROUNDS MAINTENANCE WORKER III*	BCN - ALL PCNS
9.637	FACILITY ATTENDANT*	BCN-FIRE SCIENCE ACADEMY - ALL PCNS
9.639	GROUNDS MAINTENANCE WORKER II*	BCN - ALL PCNS
9.641	GROUNDS MAINTENANCE WORKER I*	BCN - ALL PCNS
10.124	PSYCHOLOGIST IV*	NDOC - ALL PCNS
10.126	PSYCHOLOGIST III*	NDOC - ALL PCNS
10.132	PSYCHOLOGIST II*	NDOC - ALL PCNS
10.139	MENTAL HEALTH COUNSELOR II*	NDOC - ALL PCNS
10.141	MENTAL HEALTH COUNSELOR I*	NDOC - ALL PCNS
10.143	PSYCHOLOGIST I*	NDOC - ALL PCNS
10.144	CLINICAL SOCIAL WORKER II*	NDOC - ALL PCNS
10.150	CLINICAL SOCIAL WORKER I*	NDOC - ALL PCNS
10.151	CLINICAL SOCIAL WORKER III*	NDOC - ALL PCNS
10.179	PSYCHOMETRIST *	NDOC - ALL PCNS
10.229	MID-LEVEL MEDICAL PRACTITIONER*	DHHS, NDOC - ALL PCNS
10.244	QUALITY ASSURANCE SPECIALIST I*	NSVH - ALL PCNS
10.260	DENTAL CLINIC SUPERVISOR*	UNLV - ALL PCNS
10.262	DENTAL ASSISTANT III*	NDOC, UNLV - ALL PCNS
10.263	DENTAL ASSISTANT II*	NDOC, UNLV - ALL PCNS
10.264	DENTAL ASSISTANT I*	NDOC, UNLV - ALL PCNS
10.300	DIRECTOR, NURSING SERVICES II*	DHHS, NDOC - ALL PCNS, NSVH - ALL PCNS
10.301	DIRECTOR, NURSING SERVICES I*	DHHS, NDOC - ALL PCNS
10.305	PSYCHIATRIC NURSE III*	DHHS, NDOC - ALL PCNS
10.306	PSYCHIATRIC NURSE IV*	DHHS, NDOC - ALL PCNS
10.307	PSYCHIATRIC NURSE II*	DHHS, NDOC - ALL PCNS
10.309	PSYCHIATRIC NURSE I*	DHHS, NDOC - ALL PCNS
10.310	CHIEF OF NURSING SERVICES*	NDOC - ALL PCNS
10.316	CORRECTIONAL NURSE III*	NDOC - ALL PCNS
10.318	CORRECTIONAL NURSE II*	DHHS, NDOC - ALL PCNS
10.319	CORRECTIONAL NURSE I*	DHHS, NDOC - ALL PCNS
10.338	MENTAL HEALTH TECHNICIAN IV*	DHHS - ALL PCNS
10.339	DEVELOPMENTAL SUPPORT TECH IV*	DHHS - ALL PCNS
10.346	MENTAL HEALTH TECHNICIAN III*	DHHS - ALL PCNS
10.347	DEVELOPMENTAL SUPPORT TECH III*	DHHS - ALL PCNS
10.352	REGISTERED NURSE V*	NSVH - ALL PCNS
10.354	REGISTERED NURSE IV*	NSVH - ALL PCNS
10.355	REGISTERED NURSE III*	NSVH - ALL PCNS
10.356	MENTAL HEALTH TECHNICIAN II*	DHHS - ALL PCNS
10.357	DEVELOPMENTAL SUPPORT TECH II*	DHHS - ALL PCNS
10.358	NURSE I*	BCN, DHHS, NDOC, NSVH - ALL PCNS
10.359	REGISTERED NURSE II*	NSVH - ALL PCNS
10.360	LICENSED PRACTICAL NURSE II*	DHHS, NDOC, NSVH - ALL PCNS
10.364	LICENSED PRACTICAL NURSE III*	DHHS, NDOC - ALL PCNS
10.365	LICENSED PRACTICAL NURSE I*	DHHS, NDOC - ALL PCNS
10.366	MENTAL HEALTH TECHNICIAN I*	DHHS - ALL PCNS
10.367	DEVELOPMENTAL SUPPORT TECH I*	DHHS - ALL PCNS
10.369	CERTIFIED NURSING ASSISTANT*	NDOC, NSVH - ALL PCNS
10.373	COMMUNITY HEALTH NURSING MANAGER*	DHHS - ALL PCNS
10.375	COMMUNITY HEALTH NURSE IV*	DHHS - ALL PCNS
10.376	COMMUNITY HEALTH NURSE III*	DHHS - ALL PCNS
10.377	COMMUNITY HEALTH NURSE II*	DHHS - ALL PCNS
10.378	COMMUNITY HEALTH NURSE I*	DHHS - ALL PCNS
10.723	PHARMACY TECHNICIAN II*	DHHS, NDOC - ALL PCNS
10.726	LABORATORY TECHNICIAN II*	BCN - ALL PCNS
10.728	PHARMACY TECHNICIAN I*	DHHS, NDOC - ALL PCNS
10.729	LABORATORY ASSISTANT II*	BCN - ALL PCNS
10.733	LABORATORY TECHNICIAN I*	BCN - ALL PCNS
10.736	LABORATORY ASSISTANT I*	BCN - ALL PCNS
10.769	STAFF RESEARCH ASSOCIATE IV*	BCN - ALL PCNS

CLASS CODE	TITLE	*ONLY CERTAIN POSITIONS AGENCY/POSITION CONTROL NO.
10.770	STAFF RESEARCH ASSOCIATE III*	BCN - ALL PCNS
10.771	STAFF RESEARCH ASSOCIATE II*	BCN - ALL PCNS
10.772	STAFF RESEARCH ASSOCIATE I*	BCN - ALL PCNS
11.118	PUBLIC SAFETY DISPATCHER V	
11.120	PUBLIC SAFETY DISPATCHER IV	
11.122	PUBLIC SAFETY DISPATCHER III	
11.124	PUBLIC SAFETY DISPATCHER II	
11.126	PUBLIC SAFETY DISPATCHER I	
11.128	N.C.J.I.S. PROGRAM SPECIALIST SUPERVISOR*	DPS - PCN 4709-14
11.129	N.C.J.I.S. PROGRAM SPECIALIST*	DPS - PCNS 4709-13, 4709-41, 4709-74, 4709-615, 4709-650
11.132	MANAGER, CRIMINAL JUSTICE RECORDS*	DPS - ALL PCNS
11.133	FINGERPRINT/RECORDS EXAMINER III*	DPS - PCNS 4709-201, 4709-8015
11.134	FINGERPRINT/RECORDS EXAMINER II*	DPS - PCNS 4709-6, 4709-32, 4709-59, 4709-60, 4709-61, 4709-202, 4709-590
11.135	FINGERPRINT/RECORDS EXAMINER I*	DPS- PCNS 4709-7, 4709-33, 4709-203, 4709-8014
11.144	FINGERPRINT/RECORDS SUPERVISOR*	DPS - PCNS 4709-4, 4709-5
11.239	MILITARY SECURITY OFFICER V	
11.240	MILITARY SECURITY OFFICER IV	
11.241	MILITARY SECURITY OFFICER III	
11.242	MILITARY SECURITY OFFICER II	
11.243	MILITARY SECURITY OFFICER I	
11.260	SECURITY OFFICER SUPERVISOR*	BCN, NSVH - ALL PCNS
11.263	SECURITY OFFICER*	BCN, MILITARY, NSVH - ALL PCNS; DHHS WELFARE - PCN 3233; ESD - PCNS 2015, 2872
11.363	COMPLIANCE/AUDIT INVESTIGATOR III*	B&I-INSURANCE DIV - PCN 0072; SOS - PCNS 0030, 0031, 0035, 0062, 0063, 0066
11.365	COMPLIANCE/AUDIT INVESTIGATOR II*	B&I-INSURANCE DIV - ALL PCNS; SOS - PCNS 0022, 0028, 0068
11.506	FIRE & LIFE SAFETY INSPECTOR I	
11.510	FIRE & LIFE SAFETY INSPECTOR II	
11.522	SAFETY REPRESENTATIVE, CONSULTATION*	BCN - ALL PCNS
11.523	SAFETY ASSOCIATE, CONSULTATION*	BCN-FIRE SCIENCE ACADEMY - ALL PCNS
11.540	SAFETY SPECIALIST, RAILWAY-TRACKS	
11.541	SAFETY SPECIALIST, RAILWAY-MOTIVE POWER	
11.542	SAFETY SPECIALIST, RAILWAY-HAZARDOUS MATERIALS	
11.543	SAFETY SPECIALIST, RAILWAY-OPERATING PRACTICES	
11.550	TAXICAB VEHICLE INSPECTOR I	
11.552	TAXICAB VEHICLE INSPECTOR II	
11.560	MFG. HOUSING CODE COMPLIANCE OFFICER	
11.561	MANUFACTURED HOUSING INSPECTOR	
12.466	SUBSTANCE ABUSE COUNSELOR III	
12.469	SUBSTANCE ABUSE COUNSELOR II	
12.470	SUBSTANCE ABUSE COUNSELOR I	
12.501	WARDEN	
12.510	CORRECTIONAL MANAGER	
12.517	CORRECTIONAL ASSISTANT*	NDOC - ALL PCNS
12.523	ASSISTANT SUPERINTENDENT, YOUTH FACILITY	
12.532	HEAD GROUP SUPERVISOR	
12.534	ASSISTANT HEAD GROUP SUPERVISOR	
12.535	GROUP SUPERVISOR IV	
12.537	GROUP SUPERVISOR III	
12.538	GROUP SUPERVISOR II	
12.541	GROUP SUPERVISOR I	
12.553	ASSOCIATE WARDEN	
12.556	CORRECTIONAL CASEWORK SPECIALIST III	
12.559	CORRECTIONAL CASEWORK SPECIALIST II	

CLASS CODE	TITLE	*ONLY CERTAIN POSITIONS AGENCY/POSITION CONTROL NO.
12.565	CORRECTIONAL CASEWORK SPECIALIST I	
12.571	CORRECTIONAL CASEWORK SPECIALIST TR	
13.101	AGRICULTURE ENFORCEMENT OFFICER III	
13.102	AGRICULTURE ENFORCEMENT OFFICER II	
13.103	AGRICULTURE ENFORCEMENT OFFICER I	
13.111	DEPUTY BRAND INSPECTOR (COMMISSIONED)	
13.115	STAFF GAME WARDEN	
13.121	GAME WARDEN IV	
13.122	GAME WARDEN III	
13.123	GAME WARDEN II	
13.124	GAME WARDEN I	
13.131	PARKS REGIONAL MANAGER (COMMISSIONED)	
13.135	PARK SUPERVISOR III (COMMISSIONED)	
13.136	PARK SUPERVISOR II (COMMISSIONED)	
13.137	PARK SUPERVISOR I (COMMISSIONED)	
13.141	PARK RANGER III (COMMISSIONED)	
13.142	PARK RANGER II (COMMISSIONED)	
13.143	PARK RANGER I (COMMISSIONED)	
13.202	DPS MAJOR	
13.203	DPS CAPTAIN	
13.204	DPS LIEUTENANT	
13.205	DPS SERGEANT	
13.206	DPS OFFICER II	
13.207	DPS OFFICER I	
13.215	UNIVERSITY POLICE LIEUTENANT	
13.217	UNIVERSITY POLICE DETECTIVE	
13.221	UNIVERSITY POLICE SERGEANT	
13.222	UNIVERSITY POLICE OFFICER II	
13.223	UNIVERSITY POLICE OFFICER I	
13.231	AIRPORT CONTROL OFFICER III	
13.232	AIRPORT CONTROL OFFICER II	
13.233	AIRPORT CONTROL OFFICER I	
13.234	SENIOR LAW ENFORCEMENT SPECIALIST	
13.235	LAW ENFORCEMENT SPECIALIST	
13.241	SUPERVISORY CRIMINAL INVESTIGATOR II	
13.242	SUPERVISORY CRIMINAL INVESTIGATOR I	
13.243	CRIMINAL INVESTIGATOR III	
13.244	CRIMINAL INVESTIGATOR II	
13.245	CRIMINAL INVESTIGATOR I	
13.246	AG DEPUTY CHIEF INVESTIGATOR	AG - ALL PCNS
13.247	AG CRIMINAL INVESTIGATOR, SUPERVISOR	AG - ALL PCNS
13.248	AG CRIMINAL INVESTIGATOR II	AG - ALL PCNS
13.249	AG CRIMINAL INVESTIGATOR I	AG - ALL PCNS
13.251	CHIEF INVESTIGATOR, COMPLIANCE/ ENFORCEMENT	
13.255	SUPERVISORY COMPLIANCE/ENFORCEMENT INVESTIGATOR	
13.256	COMPLIANCE/ENFORCEMENT INVESTIGATOR III	
13.257	COMPLIANCE/ENFORCEMENT INVESTIGATOR II	
13.258	COMPLIANCE/ENFORCEMENT INVESTIGATOR I	
13.263	UNIT MANAGER, YOUTH PAROLE BUREAU	
13.265	SENIOR YOUTH PAROLE COUNSELOR	
13.266	YOUTH PAROLE COUNSELOR II	
13.267	YOUTH PAROLE COUNSELOR I	
13.309	CORRECTIONAL CAPTAIN	
13.310	CORRECTIONAL LIEUTENANT	
13.311	CORRECTIONAL SERGEANT	
13.312	SENIOR CORRECTIONAL OFFICER	
13.313	CORRECTIONAL OFFICER	

<u>CLASS CODE</u>	<u>TITLE</u>	<u>*ONLY CERTAIN POSITIONS AGENCY/POSITION CONTROL NO.</u>
13.314	CORRECTIONAL OFFICER TRAINEE	
13.321	FORENSIC SPECIALIST IV	
13.322	FORENSIC SPECIALIST III	
13.323	FORENSIC SPECIALIST II	
13.324	FORENSIC SPECIALIST I	
U4102	BUREAU CHIEF, YOUTH PAROLE	
U9010	CHIEF, NEVADA HIGHWAY PATROL	
U9033	DEPUTY DIRECTOR, INDUSTRIAL PROGRAMS	
U9034	DEPUTY DIRECTOR, OPERATIONS SOUTH	
U9041	CHIEF GAME WARDEN	
U9074	PHARMACIST 1*	DHHS, NDOC - ALL PCNS
U9075	PHARMACIST 2	DHHS - ALL EXCEPT PCN 3243-0014; NDOC - ALL PCNS
U9076	PHARMACIST 3	DHHS, NDOC - ALL PCNS
U9085	SENIOR INSTITUTIONAL DENTIST (RANGE A)	NDOC - ALL PCNS
U9086	SENIOR INSTITUTIONAL DENTIST (RANGE B)	NDOC - ALL PCNS
U9087	SENIOR PHYSICIAN (RANGE C)	DHHS, NDOC - ALL PCNS
U9088	SENIOR PSYCHIATRIST (RANGE C)	DHHS, NDOC - ALL PCNS

LEGEND	
AG	Attorney General, Office of the
AGR	Department of Agriculture
BCN	Business Center North (Nevada System of Higher Education)
B&I	Department of Business & Industry
DCNR	Department of Conservation & Natural Resources
DHHS	Department of Health & Human Services
DPS	Department of Public Safety
ESD	Employment Security Division (Department of Employment, Training & Rehabilitation)
NHP	Nevada Highway Patrol (Department of Public Safety)
NDOC	Department of Corrections
NDOT	Department of Transportation
NDOW	Department of Wildlife
NSVH	Nevada State Veterans Home (Office of Veterans Services)
SOS	Secretary of State
UNLV	University of Nevada Las Vegas

Personnel Commission
March 16, 2012

For Discussion and Possible Action

Summary

Forty-seven attorneys met the minimum qualifications for consideration as a Hearing Officer. (See job announcement next page.) A committee selected by the Division of Human Resource Management reviewed the candidates resumes and supporting materials and scored each submittal. Candidates the highest scores are being recommended by the committee for interview and possible selection. Because this screening process does not eliminate any of the candidates from consideration by the Commission, the resumes and supporting materials for the other candidates have also been included. These other candidates have been notified that they may request an interview and the Commission has the option of interviewing and selecting them.

The candidates have been grouped into the categories of "Northern Region Candidates" and "Southern Region Candidates". Within the regional grouping, they are broken out into "Recommended for Interview" and other candidates. Many of the candidates expressed an interest in working in more than one region, e.g., may be willing to work statewide. The candidates that did express this interest were grouped into the region where their office was located. The Commission can appoint a candidate from one region to service in the other region if the candidate is willing to do so. For instance, one of our current southern region Hearing Officers, Paul Lambole, has his office in Reno so his name is grouped with the northern hearing officer candidates. His selection in either region is perfectly acceptable.

Except for our two most recently selected Hearing Officers, Paul Lambole and Gary Pulliam, a satisfaction survey was conducted for each Hearing Officer. This was the second survey since this group of Hearing Officers was appointed. In both instances, the Hearing Officers received a copy of their individual results. The survey group consisted of agency human resource staff and/or management, Deputy Attorneys General who represent the state, labor representatives, and attorneys that have represented employees at hearings. The results of the most recent survey are attached for your consideration.

Also attached are case statistics for our current Hearing Officers. Again the two most recently appointed Hearing Officers do not have completed cases since their contracts were approved recently so there is not information to report.



STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management
209 East Musser Street, Suite 101/Carson City, NV 89701
(775) 684-0150/ <http://dop.nv.gov>

HEARING OFFICER (Nevada Licensed Attorney)

I. General Information

Pursuant to State requirements, the State of Nevada, through the Department of Administration, Division of Human Resource Management, is soliciting resumes and supplemental information from Nevada licensed attorneys for Hearing Officer positions in Northern and Southern Nevada. The contract period will run from approximately July 01, 2012 through June 30, 2014. Hearings assigned to these positions are primarily conducted in Reno, Carson City and Las Vegas areas but may be held in other locations throughout the State such as Lovelock, Elko and Ely. (Hearing Officers do not need to be available in all areas to be considered.) The contract rate for services is \$100/hr. (The time required to travel to and from the hearing is not reimbursable. Whenever possible, video conferencing will be used for hearings held outside of the Reno, Carson City and Las Vegas areas.) With pre-approval travel including mileage/airfare and per diem expenses will be reimbursed at the U.S. General Services Administration rate. Billing claims must be submitted on a monthly basis. Hearing Officers must complete the appropriate documents through the Controller's Office to receive payment. At the time of contract awarding, certain insurance coverage may be required unless waived by the State's Risk Management Division and Attorney General's Office. Additionally, a Nevada State business license issued by the Secretary of State's Office is required. As the parties will be able to participate in the selection of a Hearing Officer for specific cases, there is no minimum guarantee of hours.

II. Scope of Work

Hearing Officer responsibilities include cases related to disclosure of improper governmental action, dismissals, suspensions, demotions, and involuntary transfers of permanent, classified employees. Pursuant to the Nevada Administrative Procedures Act (NRS Chapter 233B), decisions issued are subject to judicial review.

As provided in NRS Chapter 284, Hearing Officers are responsible for convening hearings, communicating with all involved parties as necessary, conducting the hearings, issuing written orders and decisions, and preparing finalized written determinations.

The following clerical support will be provided by the Department of Personnel: scheduling of hearing room locations; assistance with coordination with involved parties; equipment and staff required to obtain an accurate audio recording of the hearings; and preparation of files for review by District Court.

III. Criteria for Selection

These positions require a current active Nevada State Bar Membership. *Please apply with a resume and/or supplemental information that addresses the following listed criteria:*

- A. Nevada licensed attorney (provide State bar number)
- B. Administrative law experience and alternative dispute resolution
- C. Experience with personnel disciplinary matters
- D. Experience with the State of Nevada system
- E. How recent is the relevant experience
- F. Indicate the ability to perform services in the following areas:
 - Las Vegas
 - Tonopah
 - Ely
 - Elko
 - Lovelock
 - Carson City/Reno
- G. If selected, would you have to disqualify yourself in cases involving:
 - One or more institutions within the Nevada System of Higher Education? If so which ones?
 - A State of Nevada executive branch department or agency? If so which ones?
 - An employees' association? If so which one?

IV. Submission Information and Deadline - January 31st, 2012

Resumes and supplemental information should contain complete information corresponding to the Criteria for Selection. The information provided should reflect the qualifications of an individual, not a legal firm or group. Failure to respond to each criterion may be cause for rejection from consideration. The Personnel Commission will make selections based on a weighting of the Criteria for Selection, as it sees fit, and interviews of the most qualified candidates conducted during an open meeting. All applicants will receive written communication regarding their status as the recruitment process advances. Material should be submitted by January 31st, 2012 to:

Nevada State Department of Administration
Grant Sawyer State Building
555 East Washington Avenue
Las Vegas, Nevada 89101
Attention: Adrian Foster
Phone (702) 486-2911

**DIVISION OF HUMAN RESOURCE MANAGEMENT
HEARING OFFICER SURVEY
FEBRUARY 2012**

Please select the title that most closely describes your position:

Deputy Attorney General/State Legal Counsel	12	44%
Employee Association Representative	4	15%
Employee Legal Counsel	5	19%
Agency Management Representative	0	0%
Agency Personnel Representative	6	22%
Total	27	100%

Have you participated in a State hearing for an appeal of an employee demotion, suspension, involuntary transfer or dismissal, or "whistleblower" appeal?

Yes	26	96%
No	1	4%
Total	27	100%

Please indicate which Hearing Officers have heard your case(s):

Patricia Cafferata	7	26%
Charles Cockerill	8	30%
Martin Crowley	5	19%
Norman Hirata	6	22%
Daniel Hussey	8	30%
Bill Kockenmeister	17	63%
Lansford Leavitt	7	26%
Louis Ling	7	26%
Richard Reed	5	19%
Ann Winner	5	19%
None	1	4%

SURVEY RESULTS FOR CHARLES COCKERILL

I have participated in an appeal hearing conducted by Charles Cockerill:

Yes	7	28%
No	18	72%
Total	25	100%

Charles Cockerill contacted me promptly to schedule the hearing:

Strongly Agree	4	57%
Agree	2	29%
Disagree	0	0%
Strongly Disagree	1	14%
Not Applicable	0	0%
Total	7	100%

The way Charles Cockerill handled my case(s) was fair:

Strongly Agree	3	43%
Agree	4	57%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	7	100%

Charles Cockerill was attentive and allowed adequate time for presentation of my case(s) in light of existing time constraints:

Strongly Agree	3	43%
Agree	4	57%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	7	100%

Charles Cockerill was courteous and conducted the hearing in a professional manner:

Strongly Agree	4	57%
Agree	3	43%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	7	100%

Charles Cockerill was unbiased and impartial:

Strongly Agree	4	57%
Agree	3	43%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	7	100%

Charles Cockerill demonstrated familiarity with the case record and documents and was able to identify relevant issues:

Strongly Agree	4	57%
Agree	3	43%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	7	100%

How many times have you participated in an appeal hearing conducted by Charles Cockerill?

Once	5	71%
Two to Five times	2	29%
Six times or more	0	0%
Total	7	100%

The appeal hearing was held in a timely manner and without undue delays:

Strongly Agree	3	43%
Agree	4	57%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	7	100%

Motions for continuance and other communications between Charles Cockerill and the parties to the appeal were handled properly:

Strongly Agree	1	14%
Agree	4	57%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	2	29%
Total	7	100%

The decision I received from Charles Cockerill was clear and articulate:

Strongly Agree	2	29%
Agree	5	71%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	7	100%

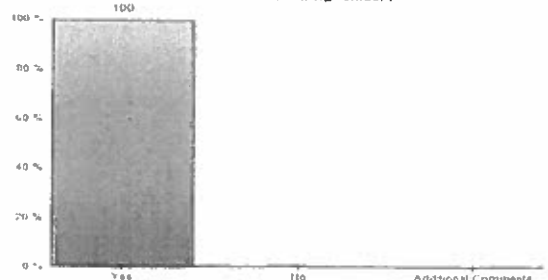
Charles Cockerill maintained appropriate control over the proceedings:

Strongly Agree	3	43%
Agree	4	57%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	7	100%

Taking everything into account, would you recommend retaining Charles Cockerill as a Hearing Officer?

Yes	7	100%
No	0	0%
Additional Comments	0	0%
Total	7	100%

Taking everything into account, would you recommend retaining Charles Cockerill as a Hearing Officer?



SURVEY RESULTS FOR MARTIN CROWLEY

I have participated in an appeal hearing conducted by Martin Crowley:

Yes	3	12%
No	22	88%
Total	25	100%

Martin Crowley contacted me promptly to schedule the hearing:

Strongly Agree	0	0%
Agree	3	100%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	3	100%

The way Martin Crowley handled my case(s) was fair:

Strongly Agree	0	0%
Agree	2	67%
Disagree	0	0%
Strongly Disagree	1	33%
Not Applicable	0	0%
Total	3	100%

Martin Crowley was attentive and allowed adequate time for presentation of my case(s) in light of existing time constraints:

Strongly Agree	0	0%
Agree	3	100%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	3	100%

Martin Crowley was courteous and conducted the hearing in a professional manner:

Strongly Agree	1	33%
Agree	2	67%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	3	100%

Martin Crowley was unbiased and impartial:

Strongly Agree	1	33%
Agree	1	33%
Disagree	0	0%
Strongly Disagree	1	33%
Not Applicable	0	0%
Total	3	100%

Martin Crowley demonstrated familiarity with the case record and documents and was able to identify relevant issues:

Strongly Agree	1	33%
Agree	1	33%
Disagree	1	33%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	3	100%

How many times have you participated in an appeal hearing conducted by Martin Crowley?

Once	0	0%
Two to Five times	3	100%
Six times or more	0	0%
Total	3	100%

The appeal hearing was held in a timely manner and without undue delays:

Strongly Agree	1	33%
Agree	2	67%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	3	100%

Motions for continuance and other communications between Martin Crowley and the parties to the appeal were handled properly:

Strongly Agree	1	33%
Agree	2	67%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	3	100%

The decision I received from Martin Crowley was clear and articulate:

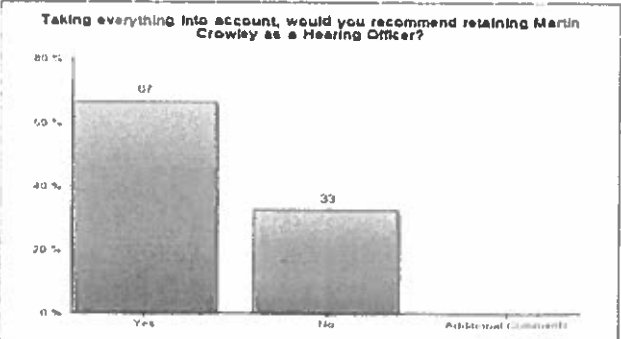
Strongly Agree	1	33%
Agree	1	33%
Disagree	0	0%
Strongly Disagree	1	33%
Not Applicable	0	0%
Total	3	100%

Martin Crowley maintained appropriate control over the proceedings:

Strongly Agree	1	33%
Agree	2	67%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	3	100%

Taking everything into account, would you recommend retaining Martin Crowley as a Hearing Officer?

Yes	2	67%
No	1	33%
Additional Comments	0	0%
Total	3	100%



SURVEY RESULTS FOR NORMAN HIRATA

I have participated in an appeal hearing conducted by Norman Hirata:

Yes	5	20%
No	20	80%
Total	25	100%

Norman Hirata contacted me promptly to schedule the hearing:

Strongly Agree	0	0%
Agree	5	100%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	5	100%

The way Norman Hirata handled my case(s) was fair:

Strongly Agree	0	0%
Agree	2	40%
Disagree	0	0%
Strongly Disagree	1	20%
Not Applicable	2	40%
Total	5	100%

Norman Hirata was attentive and allowed adequate time for presentation of my case(s) in light of existing time constraints:

Strongly Agree	0	0%
Agree	3	60%
Disagree	1	20%
Strongly Disagree	1	20%
Not Applicable	0	0%
Total	5	100%

Norman Hirata was courteous and conducted the hearing in a professional manner:

Strongly Agree	0	0%
Agree	5	100%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	5	100%

Norman Hirata was unbiased and impartial:

Strongly Agree	0	0%
Agree	2	40%
Disagree	0	0%
Strongly Disagree	1	20%
Not Applicable	2	40%
Total	5	100%

Norman Hirata demonstrated familiarity with the case record and documents and was able to identify relevant issues:

Strongly Agree	0	0%
Agree	3	60%
Disagree	1	20%
Strongly Disagree	1	20%
Not Applicable	0	0%
Total	5	100%

How many times have you participated in an appeal hearing conducted by Norman Hirata?

Once	4	80%
Two to Five times	1	20%
Six times or more	0	0%
Total	5	100%

The appeal hearing was held in a timely manner and without undue delays:

Strongly Agree	0	0%
Agree	2	40%
Disagree	1	20%
Strongly Disagree	1	20%
Not Applicable	1	20%
Total	5	100%

Motions for continuance and other communications between Norman Hirata and the parties to the appeal were handled properly:

Strongly Agree	0	0%
Agree	3	60%
Disagree	2	40%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	5	100%

The decision I received from Norman Hirata was clear and articulate:

Strongly Agree	0	0%
Agree	0	0%
Disagree	0	0%
Strongly Disagree	1	20%
Not Applicable	4	80%
Total	5	100%

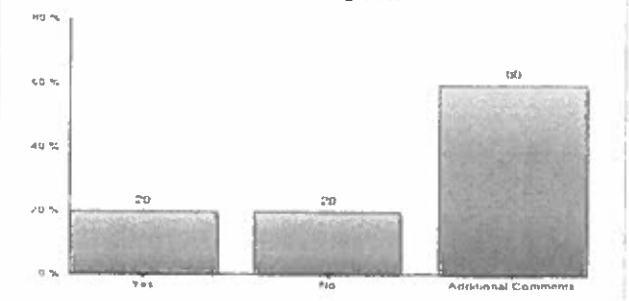
Norman Hirata maintained appropriate control over the proceedings:

Strongly Agree	0	0%
Agree	3	60%
Disagree	0	0%
Strongly Disagree	2	40%
Not Applicable	0	0%
Total	5	100%

Taking everything into account, would you recommend retaining Norman Hirata as a Hearing Officer?

Yes	1	20%
No	1	20%
Additional Comments	3	60%
Total	6	100%

Taking everything into account, would you recommend retaining Norman Hirata as a Hearing Officer?



SURVEY RESULTS FOR DANIEL HUSSEY

I have participated in an appeal hearing conducted by Daniel Hussey:

Yes	8	32%
No	17	68%
Total	25	100%

Daniel Hussey contacted me promptly to schedule the hearing:

Strongly Agree	5	62%
Agree	3	38%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	8	100%

The way Daniel Hussey handled my case(s) was fair:

Strongly Agree	2	25%
Agree	5	62%
Disagree	0	0%
Strongly Disagree	1	12%
Not Applicable	0	0%
Total	8	100%

Daniel Hussey was attentive and allowed adequate time for presentation of my case(s) in light of existing time constraints:

Strongly Agree	5	62%
Agree	1	12%
Disagree	0	0%
Strongly Disagree	1	12%
Not Applicable	1	12%
Total	8	100%

Daniel Hussey was courteous and conducted the hearing in a professional manner:

Strongly Agree	4	50%
Agree	4	50%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	8	100%

Daniel Hussey was unbiased and impartial:

Strongly Agree	3	38%
Agree	3	38%
Disagree	0	0%
Strongly Disagree	1	12%
Not Applicable	1	12%
Total	8	100%

Daniel Hussey demonstrated familiarity with the case record and documents and was able to identify relevant issues:

Strongly Agree	5	62%
Agree	1	12%
Disagree	0	0%
Strongly Disagree	1	12%
Not Applicable	1	12%
Total	8	100%

How many times have you participated in an appeal hearing conducted by Daniel Hussey?

Once	2	25%
Two to Five times	5	62%
Six times or more	1	12%
Total	8	100%

The appeal hearing was held in a timely manner and without undue delays:

Strongly Agree	4	50%
Agree	2	25%
Disagree	1	12%
Strongly Disagree	0	0%
Not Applicable	1	12%
Total	8	100%

Motions for continuance and other communications between Daniel Hussey and the parties to the appeal were handled properly:

Strongly Agree	5	62%
Agree	2	25%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	1	12%
Total	8	100%

The decision I received from Daniel Hussey was clear and articulate:

Strongly Agree	4	50%
Agree	2	25%
Disagree	0	0%
Strongly Disagree	1	12%
Not Applicable	1	12%
Total	8	100%

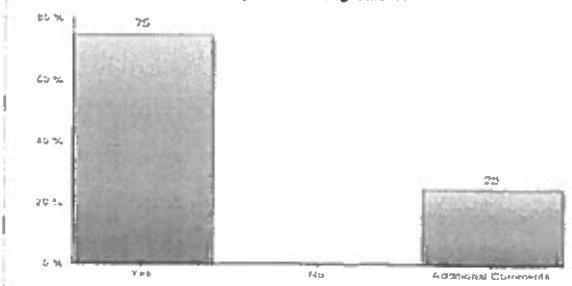
Daniel Hussey maintained appropriate control over the proceedings:

Strongly Agree	3	38%
Agree	3	38%
Disagree	1	12%
Strongly Disagree	0	0%
Not Applicable	1	12%
Total	8	100%

Taking everything into account, would you recommend retaining Daniel Hussey as a Hearing Officer?

Yes	6	75%
No	0	0%
Additional Comments	2	25%
Total	8	100%

Taking everything into account, would you recommend retaining Daniel Hussey as a Hearing Officer?



SURVEY RESULTS FOR BILL KOCKENMEISTER

I have participated in an appeal hearing conducted by Bill Kockenmeister:

Yes	17	68%
No	8	32%
Total	25	100%

Bill Kockenmeister contacted me promptly to schedule the hearing:

Strongly Agree	12	71%
Agree	5	29%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	17	100%

The way Bill Kockenmeister handled my case(s) was fair:

Strongly Agree	8	47%
Agree	6	35%
Disagree	2	12%
Strongly Disagree	1	6%
Not Applicable	0	0%
Total	17	100%

Bill Kockenmeister was attentive and allowed adequate time for presentation of my case(s) in light of existing time constraints:

Strongly Agree	10	59%
Agree	6	35%
Disagree	1	6%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	17	100%

Bill Kockenmeister was courteous and conducted the hearing in a professional manner:

Strongly Agree	11	65%
Agree	5	29%
Disagree	0	0%
Strongly Disagree	1	6%
Not Applicable	0	0%
Total	17	100%

Bill Kockenmeister was unbiased and impartial:

Strongly Agree	9	53%
Agree	5	29%
Disagree	1	6%
Strongly Disagree	2	12%
Not Applicable	0	0%
Total	17	100%

Bill Kockenmeister demonstrated familiarity with the case record and documents and was able to identify relevant issues:

Strongly Agree	9	53%
Agree	6	35%
Disagree	1	6%
Strongly Disagree	1	6%
Not Applicable	0	0%
Total	17	100%

How many times have you participated in an appeal hearing conducted by Bill Kockenmeister?

Once	3	18%
Two to Five times	9	53%
Six times or more	5	29%
Total	17	100%

The appeal hearing was held in a timely manner and without undue delays:

Strongly Agree	9	53%
Agree	7	41%
Disagree	0	0%
Strongly Disagree	1	6%
Not Applicable	0	0%
Total	17	100%

Motions for continuance and other communications between Bill Kockenmeister and the parties to the appeal were handled properly:

Strongly Agree	9	53%
Agree	6	35%
Disagree	1	6%
Strongly Disagree	1	6%
Not Applicable	0	0%
Total	17	100%

The decision I received from Bill Kockenmeister was clear and articulate:

Strongly Agree	9	53%
Agree	6	35%
Disagree	1	6%
Strongly Disagree	1	6%
Not Applicable	0	0%
Total	17	100%

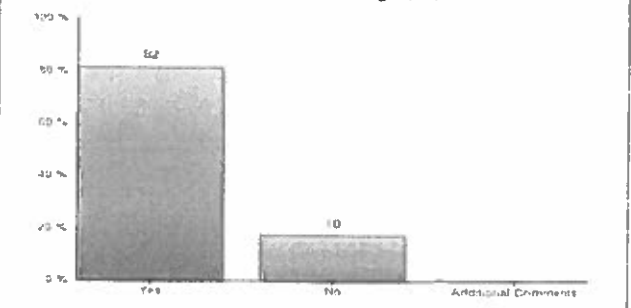
Bill Kockenmeister maintained appropriate control over the proceedings:

Strongly Agree	8	47%
Agree	6	35%
Disagree	1	6%
Strongly Disagree	2	12%
Not Applicable	0	0%
Total	17	100%

Taking everything into account, would you recommend retaining Bill Kockenmeister as a Hearing Officer?

Yes	14	82%
No	3	18%
Additional Comments	0	0%
Total	17	100%

Taking everything into account, would you recommend retaining Bill Kockenmeister as a Hearing Officer?



SURVEY RESULTS FOR LANSFORD LEAVITT

I have participated in an appeal hearing conducted by Lansford Leavitt:

Yes	6	24%
No	19	76%
Total	25	100%

Lansford Leavitt contacted me promptly to schedule the hearing:

Strongly Agree	1	17%
Agree	5	83%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	6	100%

The way Lansford Leavitt handled my case(s) was fair:

Strongly Agree	2	33%
Agree	2	33%
Disagree	2	33%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	6	100%

Lansford Leavitt was attentive and allowed adequate time for presentation of my case(s) in light of existing time constraints:

Strongly Agree	3	50%
Agree	2	33%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	1	17%
Total	6	100%

Lansford Leavitt was courteous and conducted the hearing in a professional manner:

Strongly Agree	3	50%
Agree	2	33%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	1	17%
Total	6	100%

Lansford Leavitt was unbiased and impartial:

Strongly Agree	2	33%
Agree	3	50%
Disagree	1	17%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	6	100%

Lansford Leavitt demonstrated familiarity with the case record and documents and was able to identify relevant issues:

Strongly Agree	1	17%
Agree	2	33%
Disagree	2	33%
Strongly Disagree	0	0%
Not Applicable	1	17%
Total	6	100%

How many times have you participated in an appeal hearing conducted by Lansford Leavitt?

Once	3	50%
Two to Five times	3	50%
Six times or more	0	0%
Total	6	100%

The appeal hearing was held in a timely manner and without undue delays:

Strongly Agree	1	17%
Agree	4	67%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	1	17%
Total	6	100%

Motions for continuance and other communications between Lansford Leavitt and the parties to the appeal were handled properly:

Strongly Agree	3	50%
Agree	3	50%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	6	100%

The decision I received from Lansford Leavitt was clear and articulate:

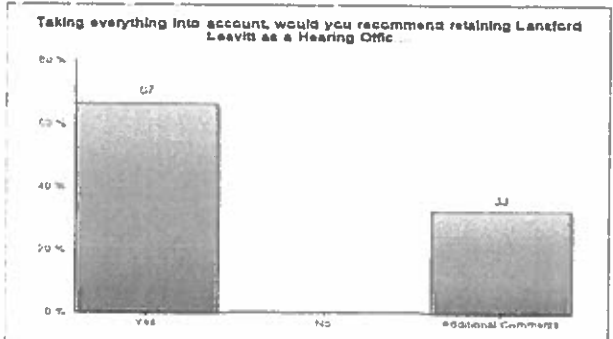
Strongly Agree	2	33%
Agree	2	33%
Disagree	1	17%
Strongly Disagree	0	0%
Not Applicable	1	17%
Total	6	100%

Lansford Leavitt maintained appropriate control over the proceedings:

Strongly Agree	4	67%
Agree	1	17%
Disagree	1	17%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	6	100%

Taking everything into account, would you recommend retaining Lansford Leavitt as a Hearing Officer?

Yes	4	67%
No	0	0%
Additional Comments	2	33%
Total	6	100%



SURVEY RESULTS FOR LOUIS LING

I have participated in an appeal hearing conducted by Louis Ling

Yes	7	28%
No	18	72%
Total	25	100%

Louis Ling contacted me promptly to schedule the hearing:

Strongly Agree	5	71%
Agree	2	29%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	7	100%

The way Louis Ling handled my case(s) was fair:

Strongly Agree	2	29%
Agree	1	14%
Disagree	1	14%
Strongly Disagree	3	43%
Not Applicable	0	0%
Total	6	100%

Louis Ling was attentive and allowed adequate time for presentation of my case(s) in light of existing time constraints:

Strongly Agree	1	14%
Agree	2	29%
Disagree	1	14%
Strongly Disagree	1	14%
Not Applicable	2	29%
Total	7	100%

Louis Ling was courteous and conducted the hearing in a professional manner:

Strongly Agree	3	43%
Agree	0	0%
Disagree	1	14%
Strongly Disagree	1	14%
Not Applicable	2	29%
Total	7	100%

Louis Ling was unbiased and impartial:

Strongly Agree	1	14%
Agree	1	14%
Disagree	0	0%
Strongly Disagree	4	57%
Not Applicable	1	14%
Total	7	100%

Louis Ling demonstrated familiarity with the case record and documents and was able to identify relevant issues:

Strongly Agree	2	29%
Agree	2	29%
Disagree	1	14%
Strongly Disagree	1	14%
Not Applicable	1	14%
Total	7	100%

How many times have you participated in an appeal hearing conducted by Louis Ling?

Once	6	86%
Two to Five times	1	14%
Six times or more	0	0%
Total	7	100%

The appeal hearing was held in a timely manner and without undue delays:

Strongly Agree	2	29%
Agree	3	43%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	2	29%
Total	7	100%

Motions for continuance and other communications between Louis Ling and the parties to the appeal were handled properly:

Strongly Agree	1	14%
Agree	5	71%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	1	14%
Total	7	100%

The decision I received from Louis Ling was clear and articulate:

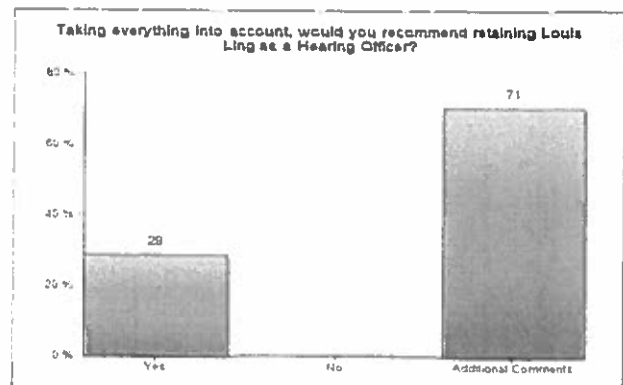
Strongly Agree	2	29%
Agree	0	0%
Disagree	2	29%
Strongly Disagree	1	14%
Not Applicable	2	29%
Total	7	100%

Louis Ling maintained appropriate control over the proceedings:

Strongly Agree	0	0%
Agree	4	57%
Disagree	0	0%
Strongly Disagree	2	29%
Not Applicable	1	14%
Total	7	100%

Taking everything into account, would you recommend retaining Louis Ling as a Hearing Officer?

Yes	2	29%
No	0	0%
Additional Comments	5	71%
Total	7	100%



SURVEY RESULTS FOR RICHARD REED

I have participated in an appeal hearing conducted by Richard Reed:

Yes	4	16%
No	21	84%
Total	25	100%

Richard Reed contacted me promptly to schedule the hearing:

Strongly Agree	1	25%
Agree	2	50%
Disagree	1	25%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	4	100%

The way Richard Reed handled my case(s) was fair:

Strongly Agree	0	0%
Agree	3	75%
Disagree	0	0%
Strongly Disagree	1	25%
Not Applicable	0	0%
Total	4	100%

Richard Reed was attentive and allowed adequate time for presentation of my case(s) in light of existing time constraints:

Strongly Agree	0	0%
Agree	2	50%
Disagree	1	25%
Strongly Disagree	1	25%
Not Applicable	0	0%
Total	4	100%

Richard Reed was courteous and conducted the hearing in a professional manner:

Strongly Agree	0	0%
Agree	3	75%
Disagree	1	25%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	4	100%

Richard Reed was unbiased and impartial:

Strongly Agree	0	0%
Agree	3	75%
Disagree	0	0%
Strongly Disagree	1	25%
Not Applicable	0	0%
Total	4	100%

Richard Reed demonstrated familiarity with the case record and documents and was able to identify relevant issues:

Strongly Agree	0	0%
Agree	2	50%
Disagree	1	25%
Strongly Disagree	1	25%
Not Applicable	0	0%
Total	4	100%

How many times have you participated in an appeal hearing conducted by Richard Reed?

Once	4	100%
Two to Five times	0	0%
Six times or more	0	0%
Total	4	100%

The appeal hearing was held in a timely manner and without undue delays:

Strongly Agree	0	0%
Agree	3	75%
Disagree	1	25%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	4	100%

Motions for continuance and other communications between Richard Reed and the parties to the appeal were handled properly:

Strongly Agree	0	0%
Agree	3	75%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	1	25%
Total	4	100%

The decision I received from Richard Reed was clear and articulate:

Strongly Agree	0	0%
Agree	3	75%
Disagree	0	0%
Strongly Disagree	1	25%
Not Applicable	0	0%
Total	4	100%

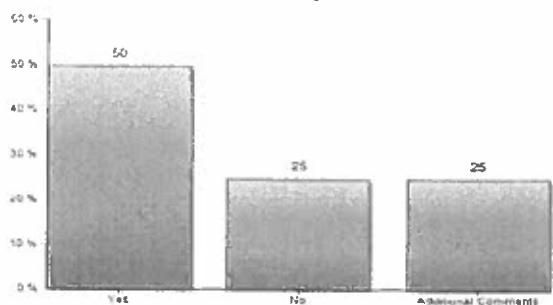
Richard Reed maintained appropriate control over the proceedings:

Strongly Agree	0	0%
Agree	3	75%
Disagree	1	25%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	4	100%

Taking everything into account, would you recommend retaining Richard Reed as a Hearing Officer?

Yes	2	50%
No	1	25%
Additional Comments	1	25%
Total	4	100%

Taking everything into account, would you recommend retaining Richard Reed as a Hearing Officer?



SURVEY RESULTS FOR ANN WINNER

I have participated in an appeal hearing conducted by Ann Winner:

Yes	5	20%
No	20	80%
Total	25	100%

Ann Winner contacted me promptly to schedule the hearing:

Strongly Agree	4	80%
Agree	1	20%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	5	100%

The way Ann Winner handled my case(s) was fair:

Strongly Agree	4	80%
Agree	0	0%
Disagree	1	20%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	5	100%

Ann Winner was attentive and allowed adequate time for presentation of my case(s) in light of existing time constraints:

Strongly Agree	3	60%
Agree	1	20%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	1	20%
Total	5	100%

Ann Winner was courteous and conducted the hearing in a professional manner:

Strongly Agree	4	80%
Agree	1	20%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	5	100%

Ann Winner was unbiased and impartial:

Strongly Agree	4	80%
Agree	0	0%
Disagree	1	20%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	5	100%

Ann Winner demonstrated familiarity with the case record and documents and was able to identify relevant issues:

Strongly Agree	4	80%
Agree	1	20%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	5	100%

How many times have you participated in an appeal hearing conducted by Ann Winner?

Once	1	20%
Two to Five times	4	80%
Six times or more	0	0%
Total	5	100%

The appeal hearing was held in a timely manner and without undue delays:

Strongly Agree	3	60%
Agree	1	20%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	1	20%
Total	5	100%

Motions for continuance and other communications between Ann Winner and the parties to the appeal were handled properly:

Strongly Agree	4	80%
Agree	1	20%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	5	100%

The decision I received from Ann Winner was clear and articulate:

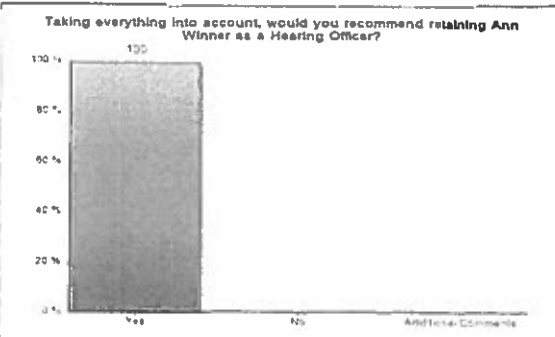
Strongly Agree	3	60%
Agree	1	20%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	1	20%
Total	5	100%

Ann Winner maintained appropriate control over the proceedings:

Strongly Agree	3	60%
Agree	2	40%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	5	100%

Taking everything into account, would you recommend retaining Ann Winner as a Hearing Officer?

Yes	5	100%
No	0	0%
Additional Comments	0	0%
Total	5	100%



HEARING OFFICER COMMENTS

Taking everything into account, would you recommend retaining Patricia Cafferata as a Hearing Officer?

I was assigned this case after it was already scheduled. Patti allowed a continuance and while it was being settled she was courteous and professional.

Taking everything into account, would you recommend retaining Charles Cockerill as a Hearing Officer?

I was his first hearing and so he may have improved in writing his findings of fact and conclusions of law. I would not have found it easy to do a pjr because of the lack of specifics as I recall.

Taking everything into account, would you recommend retaining Norman Hirata as a Hearing Officer?

- 1 Needs to improve communication with parties, including more quickly responding to calls and emails.
- 2 The process is ongoing. Thus, the "Not Applicable" responses.
- 3 Decision erroneously included the name of a Manager in a cease/ decist Order but made no factual ties to substantiate the inclusion. Had to file PJR to seek clarification/ removal of the

Taking everything into account, would you recommend retaining Daniel Hussey as a Hearing Officer?

- 1 He allowed improper evidence and disregarded the opposition's violation of state law and procedure. We walked into an ambush and Mr. Hussey helped lead it.
- 2 I had two whistleblower cases that were dismissed

Taking everything into account, would you recommend retaining Bill Kockenmeister as a Hearing Officer?

- 1 Bill's decisions have clearly been impacted by the ability to strike a HO by the employee.
- 2 Even though he mostly has ruled against my clients!
- 3 He did not have adequate control, asked me how the employee was supposed to prove his case, made a decision on matters that were immaterial and violated another noncharged employee's due process rights by determining he was guilty and putting him on trial when he was not charged and had none of his procedural due process. He is lucky that he does not have a lawsuit filed against him by that employee.

Taking everything into account, would you recommend retaining Lansford Leavitt as a Hearing Officer?

- 1 I think he does a good job on motions and discovery issues. He tends to be very pro-employee.
- 2 Violation of the law. Admission of the violation. And reversal of the agency's disciplinary action. If this had been a criminal case, wherein the burden of proof is significantly higher, there would have been a conviction. Here, LL reinstated an individual who admitted to violating a regulation that authorizes the agency to immediately terminate (viewing porn at work), and yet LL allowed the individual to return to work. Baffling...

Taking everything into account, would you recommend retaining Louis Ling as a Hearing Officer?

- 1 He has a conflict in that his brother was fired by the state some years ago and this should have been disclosed when he applied for the position. In one of my cases, he disregarded all the evidence, he met with the opposing representative alone, at his request, during a break in the hearing and he ruled for that side of the case. He refused to let me present rebuttal evidence on a key point. He refused to let me arrange for rebuttal witnesses on key points and did not following the Hearing Officer's Rules on key matters. He permitted the other side to present surprise witnesses (not rebuttal witnesses) without any notice to us. He should not be a hearing officer.
- 2 NO. His conflict of interest with his brother having lost his job as a state employee disqualifies him from being a hearing officer. His bias towards employee is profound in the decisions I've reviewed. While the matter where I was assigned to Mr. Ling was ultimately withdrawn, we did have a pretrial conference wher he permitted the AFSCME rep to yell, interrupt, and generally follow no rules.

- 3 Had I been aware that Mr. Ling's brother had been terminated from the Nevada Division of Child & Family Services I would have stricken him from the list of potential hearing officers. Had he disclosed this fact to the parties, I would have requested the Department of Personnel to appoint a different hearing officer. Mr. Ling has not been a hearing officer long. His track record shows the following. On December 14, 2010, he granted a state motion to dismiss a whistleblower complaint. See *Preston v. Dept. of Public Safety*, CC-03-10-LL. Of his four disciplinary hearings, which includes the instant matter, Mr. Ling reversed a 5 day suspension (*Graham v. Nevada Dept. of Education*, CC-01-11-LL (4/5/11)), reversed a termination (*Dickerman v. Nevada Dept. of Corrections*, CC-05-10-LL (4/5/11)), and he reversed the termination in this case. He affirmed a 2-day suspension in *Lynn v. Nevada Dept. of Transportation*, CC-03-11-LL (5/20/11). The incident involving his brother was the elephant in the room that I became aware of after Mr. Ling entered the subject Order. Consider the Nevada Code of Judicial Discipline and People for the Ethical Treatment of Animals v Rohhv Berosini Ltd 111 Nev 431 435-38 894 P 2d 337 340- (1995) In light of
- 4 case was withdrawn by employee.
- 5 I did not handle this hearing, but others in my office did and I was involved in preparation of the hearing and the appeal that followed.

Taking everything into account, would you recommend retaining Richard Reed as a Hearing Officer?

Recommend retaining. However, when scheduling a hearing, Mr. Reed must be more understanding of varying schedules of parties and witnesses. Felt like I was forced to take a hearing date without those considerations.

Taking everything into account, would you recommend retaining Ann Winner as a Hearing Officer?

- 1 During a hearing, Winner questioned a witness at length, which made petitioner's case. As a neutral fact finder, I this is inappropriate.
- 2 We settled ion the two cases I had with Ms. Winner

HEARING OFFICER SURVEY - ADDITIONAL COMMENTS

Are there any additional comments or feedback you would like to provide about Hearing Officers?

- 1 The two who we have had are older and do not grasp concepts easily. Further, their memory, self-admittedly, is weak and flawed. I believe that such greatly jeopardized our chances.
- 2 Yes. Hearing Officers seem to want to overturn discipline, even though the case has been proven. If you read decisions, you will see that some hearing officers determine that substantial evidence exists that the all the violations occurred, but they do not want to impose the discipline required for such violations. As the economy worsens, this seems to be a growing trend.
- 3 Although I did not personally participate in a hearing conducted by Hirata, our department did participate. We were very concerned about the amount of time taken and the hearing was continued without an anticipated date.
- 4 No.
- 5 No
- 6 None at this time.
- 7 The hearing officers all seem to believe that the employee is presumed to have done their job unless the State proves otherwise. The legal standard of substantial evidence applies to the employer - is there substantial evidence that the State was correct in directing discipline towards the employee, now whether there is substantial evidence that the employee was wrong. Just as it used to be with the EMC, when there was an even number of panelists, the tie goes to the State. You are losing money and will have some big case that blows up with millions in liability over a reinstated employee.
- 8 None at this time.
- 9 None
- 10 None
- 11 no

12 Applications should ask, "HAVE YOU OR ANY MEMBER OF YOUR FAMILY BEEN THE SUBJECT OF EMPLOYER DISCIPLINE?"

13 They should keep the private lawyers civil at all times.

14 Richard Reed is a problem. He is more interested in his own personal schedule while getting out of the hearing without undue delay, and he has little knowledge of the employment related field. He was "wishy-washy" in his decisions during the hearing regarding evidence. His written decision was late and he spent all but 3 pages on his decision in a case involving a serious discipline of an employee. Mr. Kochenmeister is also a problem. His bias on behalf of the State is well known and was apparent in my case. He has a dismissive attitude toward employee evidence and he panders to the State. I don't mind receiving a decision that is contrary to my position, as long as its well reasoned and supported in fact and in law, but Mr. Kochenmeister and Mr. Reed are simply bad hearing officers and must be removed from the panel. Thank you.

15 N/A

16 NO

17 No.

18 They all do a fine job!!

19 no

20 no

21 Because the state contracts with the hearing officers, there is an inherent bias.

22 No

23 Kockenmeister is allowing an employee to ask for a clarification for a second time after the matter went to the Supreme Court and was remanded to the District Court for an order. He has no jurisdiction and should not have asked for a response from the State. He should know the rules!

24 Not really-my experiences have all been positive and professional with the Hearing officers that I have worked with.

25 I will NEVER use Louis Ling for any hearing again.

Hearing Officer Statistics

Average days from receipt of case to decision
 Goal = 180

Average days from conclusion of hearing to decision
 Goal = 30

Cases assigned Employee Prevalled Agency Prevalled Dismissed Settled Withdrawn Pending

NORTHERN

	Cases assigned	Employee Prevalled	Agency Prevalled	Dismissed	Settled	Withdrawn	Pending	Average days from receipt of case to decision Goal = 180	Average days from conclusion of hearing to decision Goal = 30
Patricia Caffaraita	13	0	4	2	5	2	0	95	10
Charles Cockerill	12	1	5	1	2	2	1	121	6
Martin Crowley	10	2	2	1	0	0	5	118	22
William Kockenmeister	20	2	7	2	5	1	3	160	37
Lansford Levitt	12	3	3	1	4	0	1	132	28
Louis Ling	11	3	2	2	1	2	1	84	10

SOUTHERN

Norman Hirata	17	3	3	0	4	0	7	222	41
Daniel Hussey	14	1	6	0	3	2	2	86	8
Richard Reed	15	1	7	1	2	0	4	81	18
Ann Elworth-Winner	14	3	1	0	4	2	4	105	19

Hearing Officer – 2012 Recruitment Northern Region Candidates

*Las Vegas
Commissioners*

Recommended for Interview		<i>approved</i>	<i>held</i>	<i>S</i>	<i>Brud</i>
✓	✓	✓	✓		✓
✓	✓	✓	✓		✓
✓	✓	✓	✓	✓	✓
	✓	✓			✓
✓	✓	✓	✓		✓
✓	✓	✓	✓		✓
✓	✓	✓	✓		✓
✓	✓	✓	✓		✓
	✓	✓			✓
	✓	✓			✓
	✓	✓			✓
	✓	✓			✓
✓	✓	✓			✓

* Expressed an interested in working in other geographic locations.

Patricia D. Cafferata, Esq.
P.O. Box 20357
Reno, Nevada 89515-0357
775-825-2694
775-825-28594 fax

December 27, 2011

Adrian Foster
Nevada State Department of Administration
Grant Sawyer State Building
555 East Washington Avenue
Las Vegas, Nevada 89101

Re: Application for Hearing Officer Contract

Dear Ms. Foster:

This is my application for a contract with the State of Nevada for a Hearing Officer (Nevada Licensed Attorney). Enclosed is my resume and my supplemental information and qualifications are as follows.

I have been a Nevada licensed attorney since 1989 and my State bar number is: 3690. Since July 1, 2010, I have served as a part time Hearing Officer for State Personnel.

In addition, I have served as a supervisor in state and local governments. I have been the Nevada State Treasurer and supervised the employees in that state agency. I have also been the district attorney of Lincoln, Lander and Esmeralda counties. As district attorney, I disciplined the office employees and advised county officials on disciplinary matters.

My most recent full time state position was as the Executive Director of the Nevada Commission on Ethics from 2007 to 2009. This commission holds hearings on complaints filed against state and local officials. I was responsible for investigating and arranging these administrative hearings. There, I also supervised and disciplined state employees, and during my tenure, I attended the required State Personnel courses for supervisors on disciplinary matters.


I am available to hold hearings in Tonopah, Ely, Elko, Lovelock and Carson City/Reno.

If I were selected to serve as a Hearing Officer, I would have to disqualify myself from hearing matters about the employees of the Nevada Ethics Commission. I have no conflicts with the Nevada System of Higher Education or employees' associations that would prohibit me from hearing those matters.

I appreciate your time and consideration of my application for a Hearing Officer contract. I enjoyed working as a Hearing Officer and hope to continue in that capacity.

If you have any questions, please contact me.

Sincerely,


Patricia D. Cafferata, Esq.

Enclosure

Patricia D. Cafferata, Esq.
P.O. Box 20357
Reno, Nevada 89515-0357
775-825-2694
775-825-8594 fax
ndcafferata@sbcglobal.net

EDUCATION

Southwestern School of Law – California – J.D., 1989
Lewis and Clark College – Oregon – B.A., 1963
Mills College – California – 1958-1961

EMPLOYMENT

Private civil practice and part time Hearing Officer, Nevada Personnel Dept. – present
Executive Director, Nevada Commission on Ethics – 2007-2009
Jenkins Law Office, of Counsel – 2005-2007
Judicial Law Clerk, Second Judicial District Court, Dept. 4 -2003-2004
Private civil practice – 2003
District Attorney, Esmeralda County (Chief Legal Advisor and Prosecutor) -2000-2003
Staff Attorney, Washoe Legal Services – 1999
Private civil practice – 1996-1999
District Attorney, Lander County (Chief Legal Advisor and Prosecutor) -1995-1996
Private civil practice -1991-1994
District Attorney, Lincoln County (Chief Legal Advisor and Prosecutor) -1992
Criminal Deputy District Attorney, Eureka County – 1991
Judicial Law Clerk, Ninth Judicial District Court, Dept. 1 -1989-1990
Treasurer of Nevada -1983-1987
Assemblywoman, State of Nevada, District 25, 1981-1982
Office Manager, H. Treat Cafferata, M.D., Reno, 1973-1980
Bookkeeper and travel agent, Welcome Aboard Travel, Reno, 1971-1972
Employment counselor, Taylor and Rossi, San Francisco, 1969-1970
Director of Instruction, Evelyn Woods Reading Dynamics, Oakland, 1966-1969
Instructor, Evelyn Woods Reading Dynamics, Oakland, 1964-1966
First Grade School Teacher, Portland, 1963-1964

MEMBER

State Bar of Nevada
U. S. District Court
Washoe County Bar Association
Nevada Lawyer Editorial Board

LAW OFFICE OF
CHARLES P. COCKERILL
ATTORNEY AT LAW

CHARLES P. COCKERILL
LICENSED IN NEVADA

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SERVING PUBLIC & PRIVATE
EMPLOYERS SINCE 1992

December 21, 2011

Nevada State Department of Administration
Attn: Adrian Foster
Grant Sawyer State Building
555 East Washington Ave.
Las Vegas, Nevada 89101

Re: Application for Personnel Commission Hearing Officer
Position – July 1, 2012 – June 30, 2014

Dear Ms. Foster:

I am currently a Personnel Commission Hearing Officer and wish to be considered for Hearing Officer Contract for the period of July 1, 2012 through June 30, 2014. The following is response to Criteria for Selection. See also attached resume.

- A. Nevada licensed attorney: I have been a licensed Nevada attorney in good standing/active status (bar #0067) since 1980; also licensed in California (inactive status).
- B. Administrative law experience and alternative dispute resolution: Nevada Personnel Commission Hearing Officer since July 1, 2010. Appointed to 13 appeals and conducted 6 contested hearings and issued binding decisions regarding disciplinary appeals. See Attached summary of hearing officer appointments. I am also a practicing labor law attorney in private practice since 1992 representing private employers, Cities, Counties, Hospitals, School and Fire Districts. Before 1992 I was Chief Deputy District Attorney in the Carson City District Attorney's Office practicing administrative and criminal law. Since 1995 I have served as a court appointed arbitrator in 121 civil cases in Washoe County, Carson City and Douglas County – conducted hearings and issued written findings of fact, conclusions of law and award in 49 contested cases.
- C. Experience with personnel disciplinary matters: Nevada Personnel Commission Hearing Officer since July 1, 2010. Appointed to 13 appeals and conducted 6 contested hearings and issued binding decisions regarding disciplinary appeals. See Attached summary of hearing officer appointments. Represented local government employers in numerous labor mediations and disciplinary grievances and arbitrations since 1992.

CHARLES P. COCKERILL

ATTORNEY AT LAW

- D. Experience with the State of Nevada System: Nevada Personnel Commission Hearing Officer since July 1, 2010. See Attached summary of hearing officer appointments.
- E. How recent is the relevant experience: July 1, 2010 to present as a Nevada Personnel Commission Hearing Officer.
- F. Indicate the ability to perform services in the following areas: Carson City/Reno; Lovelock; Elko.
- G. If selected, would you have to disqualify yourself from cases involving Nevada System of Higher Education: State of Nevada executive branch department or agency: An employee's association: No.

I have been a Nevada Personnel Commission Hearing Officer since July 1, 2011 and have thoroughly enjoyed the cases and the challenge.

My review by Employee and Agency representatives indicates I have done a good job in my first 2-year term and would be selected for future hearings. See attached Hearing Officer Survey.

I would like to be interviewed and reappointed for a two-year contract beginning July 1, 2012 and ending June 30, 2014.

If you have any questions or require any additional information, please call.

Sincerely,

Law Office of Charles P. Cockerill,
Prof. LLC

By: 

Charles P. Cockerill

CHARLES P. COCKERILL

ATTORNEY AT LAW

Charles P. Cockerill, Esq.
Law Office of Charles P. Cockerill, Prof. L.L.C.
415 West 2nd Street
Carson City, Nevada 89703
nevadalaborlaw@aol.com

CURRENT: Law Office of Charles P. Cockerill, 1992 to Present

- Nevada Labor Law Firm - Limited to Representing Public and Private Employers in their Labor Relations Matters

LABOR LAW: Partner - Bischof & Cockerill, 1992-2005*

CIVIL LAW: Court appointed arbitrator in 129+ civil cases since 1995; 49+ contested hearings resulting in written arbitration awards; Appointed Hearing Officer for Nevada Department of Personnel hearing contested appeals since July 1, 2010 - 13 appointments; 6 contested hearings with binding decisions

EDUCATION: J.D. California Western School of Law (1979)
B.A. University of California, Santa Barbara (1972)

PUBLICATIONS: NEVADA EDUCATION LAW, Education Law Association (1998)

- Second Revised Edition (2003)
- Third Revised Edition (2006)
- Law Review Articles, Loyola of Los Angeles Law School & California Western School of Law (1979)

LICENSE: Licensed to Practice Law in Nevada & California (Inactive - Calif.)

EMPLOYMENT:

1992-2005	Bischof & Cockerill*
1985-1991	Chief Deputy District Attorney, Carson City, Nevada
1981-1985	Chief Criminal Deputy District Attorney, Carson City
1980-1981	Deputy Attorney General, State of Nevada
1979-1980	Law Clerk to District Judge Mike Griffin
1976-1979	Law School
1973-1976	Captain, 2nd Bat., 505th Inf., 82 nd Airborne Division
1972-1973	Lieutenant, Company E, 41st Infantry

REFERENCES: Robert Stokes, Elko County Manager
Richard Stokes, Superintendent, Carson City School District
Steve Larsgaard, Interim Superintendent, Lander County School Dist
Renee Rungis, Human Resources Director, City of Reno
Shaun Carey, Sparks City Manager
Jeff Page, Lyon County Manager
Mike Bumgartner, Superintendent, Humboldt County School District

CHARLES P. COCKERILL

ATTORNEY AT LAW

Ed Epperson, Chief Executive Officer, Carson-Tahoe Regional Healthcare
Jeff Zander, Superintendent, Elko Cty Sch District
Candy Duncan, Ex. Dir., Carson City Convention & Visitors Bureau
Dan Newell, Yerington City Manager
Susan Johnson, Incline Village General Improvement District
Bob Adams, General Manager, Churchill County Communications
Nykki Holton, Lincoln County School District
Nancy Upham, Manager, Churchill County Mosquito District
T. Michael Brown, Douglas County Manager
Cam McKay, KGID
John Lufrano, IHGID

REPRESENTED: Airport Authority of Washoe County, Carson City, *Carson City School District, Carson-Tahoe Regional Healthcare, Carson City Convention & Visitors Bureau, Churchill County Mosquito District, Churchill County Communications, Churchill County School District, Douglas County, East Fork Fire Protection District, Elko Central Dispatch Authority, Elko County, Elko General Hospital, Elko County School District, City of Ely, Eureka County School District, City of Fernley, Humboldt County School District, Incline Village General Improvement District, Indian Hills General Improvement District, Kingsbury General Improvement District, Lander County, Lander County School District, Lincoln County, Lincoln County School District, Lyon County, Lyon County School District, Mason Valley Fire Protection District; Mineral County, Mineral County School District, Mission Industries, North Lake Tahoe Fire Protection District (Incline Village), North Lyon County Fire Protection District, City of Reno, Reno-Sparks Convention And Visitors Authority, Storey County School District, Ridge Tahoe, City of Sparks, Tahoe Douglas Fire Protection District, Washoe School District, Western Nevada Development District, City of Yerington* *Italics = Current clients*

PERSONAL: Married 41 years with a 23-year old son.

* Bischof & Cockerill, 1992-2005. Bruce Bischof became Of Counsel to Bullard, Smith, Jernstedt & Wilson in Portland, Oregon effective on and after May 31, 2005.

**COCKERILL
NEVADA HEARING OFFICER
APPOINTMENTS/STATUS**

**DOT = Nevada Department of Transportation
DHHS = Nevada Department of Health & Human Services
DOC = Nevada Department of Corrections
DMV = Nevada Department of Motor Vehicles**

CASE NAME	CASE NO.	STATUS
2010		
Kaldor v. State, DOC	CC-01-10-CC	Withdraw Appeal – Closed - 2010
Banks v. State, DOT	CC-02-10-CC	Decision – Affirm termination – Closed - 2011
Vulgaris v. State, DOT	CC-03-10-CC	Withdraw Appeal – Closed - 2010
Gallo v. State, DOT	CC-04-10-CC	Decision – Affirm termination – Closed - 2011
2011		
Carroll v. State, DHHS	CC-01-11-CC	Decision – Affirm 5 day suspension – Closed - 2011
Preston v. State	CC-02-11-CC	Conflict – Withdraw as Hearing Officer - 2011
Taylor v. State, DOC	CC-03-11-CC	Decision – Affirm 10 day suspension – Closed - 2011
Barnes v. State, DMV	CC-04-11-CC	Decision – Affirm 3 day suspension – Closed - 2011
McDonald v. State, DHHS	CC-05-11-CC	Settled – Dismissed – Closed - 2011
DeCarlo v. State, DOC	CC-06-11-CC	Settled – Dismissed - Closed - 2011
Westover v. State, DOC	CC-07-11-CC	Decision – Reversed termination and remanded for disciplinary suspension – Agency imposed 15 day suspension - Closed - 2011
Mace v. State, DOC	CC-08-11-CC	Hearing – January 24, 2012
Lightsey v. State, DOC	CC-09-11-CC	Hearing – January 6, 2012

Subj: **Hearing Officer Survey**
Date: 10/27/2011 10:53:44 A.M. Pacific Daylight Time
From: adavey@admin.nv.gov
To: nevadalaborlaw@aol.com

Dear Mr. Cockerill,

In early September the Division of Human Resource Management requested feedback regarding the performance of State hearing officers using an online survey. The survey was sent to representatives of State agencies, employee association representatives, employee legal counsel and deputy attorneys general.

Attached is your summary of feedback. Our intent is to provide you with useful information from those individuals that have participated in an appeal hearing conducted by you. We are happy to respond to any questions or comments you may have regarding the survey. Please contact Amy Davey at (775) 684-0125 or adavey@admin.nv.gov.

Amy Davey
Employee and Management Services
Dept. of Administration/Div. of Human Resource Management
100 N. Stewart St., Suite 200
Carson City, NV 89701
(775) 684-0125
adavey@admin.nv.gov

=

CHARLES COCKERILL

I have participated in an appeal hearing conducted by this Hearing Officer:	
Yes	4 15%
No	23 85%
Total	27 100%

How many times have you participated in an appeal hearing conducted by this Hearing Officer?	
Once	3 75%
Two to Five times	1 25%
Six times or more	0 0%
Total	4 100%

This Hearing Officer contacted me promptly to schedule the hearing:	
Strongly Agree	2 50%
Agree	1 25%
Disagree	0 0%
Strongly Disagree	0 0%
Not Applicable	1 25%
Total	4 100%

This Hearing Officer demonstrated familiarity with the case record and documents and was able to identify relevant issues:	
Strongly Agree	3 75%
Agree	1 25%
Disagree	0 0%
Strongly Disagree	0 0%
Not Applicable	0 0%
Total	4 100%

The way this Hearing Officer handled my case(s) was fair:	
Strongly Agree	3 75%
Agree	1 25%
Disagree	0 0%
Strongly Disagree	0 0%
Not Applicable	0 0%
Total	4 100%

This Hearing Officer maintained appropriate control over the proceedings:	
Strongly Agree	3 75%
Agree	1 25%
Disagree	0 0%
Strongly Disagree	0 0%
Not Applicable	0 0%
Total	4 100%

This Hearing Officer was attentive and allowed adequate time for presentation of my case(s) in light of existing time constraints:	
Strongly Agree	3 75%
Agree	1 25%
Disagree	0 0%
Strongly Disagree	0 0%
Not Applicable	0 0%

The appeal hearing was held in a timely manner and without undue delays:	
Strongly Agree	3 75%
Agree	1 25%
Disagree	0 0%
Strongly Disagree	0 0%
Not Applicable	0 0%

Total	4	100%
-------	---	------

Total	4	100%
-------	---	------

OVER

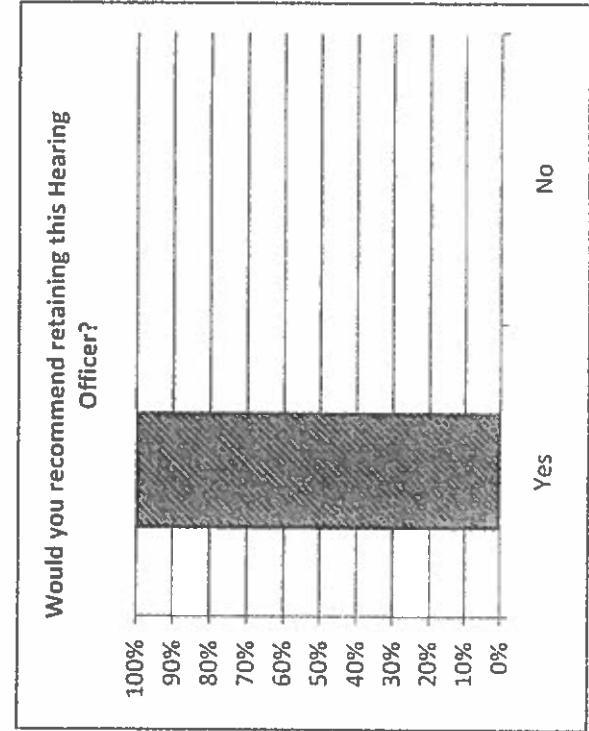
This Hearing Officer was courteous and conducted the hearing in a professional manner:		
Strongly Agree	3	75%
Agree	1	25%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	4	100%

Motions for continuance and other communications between Hearing Officer and the parties to the appeal were handled properly:		
Strongly Agree	3	75%
Agree	1	25%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	4	100%

This Hearing Officer was unbiased and impartial:		
Strongly Agree	3	75%
Agree	1	25%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	0	0%
Total	4	100%

The decision received from this Hearing Officer was clear and articulate:		
Strongly Agree	3	75%
Agree	0	0%
Disagree	0	0%
Strongly Disagree	0	0%
Not Applicable	1	25%
Total	4	100%

Taking everything into account, would you recommend retaining this Hearing Officer?:		
Yes	4	100%
No	0	0%
Total	4	100%



Findings of Fact and Conclusions of Law could be more comprehensive.

AMERICAN LEGAL SERVICES

Martin G. Crowley, Esq.
85 S. LaVerne St.
Fallon, Nevada 89406
(775) 423-7088



237 South Sierra Street
Reno, Nevada 89501
(775) 786-LAWS (5297)

January 25, 2012

Attn: Adrian Foster
Nevada Department of Administration
Grant Sawyer State Building
555 East Washington Avenue
Las Vegas, Nevada 89101

REPLY TO: FALLON OFFICE

Re: Request for interest in Hearing Officer Contractor position

This letter will serve to express my continued interest in the Hearing Officer positions. As a solo-practice attorney since 1987, I don't have a resume at hand as I have not applied for any position in many years; however, I have served in the Hearing Officer position since July 2010. I expect that the following background information will suffice for now.

A.

Juris Doctor Degree J. Reuben Clark Law School, Brigham Young University 1987
Nevada Bar licensed 1987, Bar no. 3049
Federal District Court for Nevada admission 1987
9th Circuit Court of Appeals admission 1990
United States Court of Federal Claims 2005

Member of Nevada State Bar, Washoe County Bar, Rural Nevada Bar, Federal Bar, American Bar Association, American Trial Lawyers Association, Nevada Trial Lawyers Association.

B.

Independent state hearing officer since 2010. Court-appointed arbitrator approved by the Supreme Court of Nevada and also hired by private parties handling dozens of cases in Washoe, Carson, Douglas and Churchill Counties for last 14 years or more.

C.

Independent state hearing officer since 2010. Experienced in employment law of all types, including EEOC, NERC and other civil rights matters both administratively and in litigation. Experienced in workman's comp, social security, employment security, union and association hearings and arbitrations and collective bargaining agreements in administrative matters as well as related litigations. Represented both employees and associations, both public and private.

D.

My experience with the State of Nevada System has been minimal only representing a couple of clients who were employees there and a couple of litigations that settled before trial.

E.

I am currently serving as the hearing officer on several pending matters. I also am currently serving as the arbitrator on several pending state-court matters.

F.

I am able to serve in all areas of the state, and even enjoy rural Nevada very much handling hundreds of cases across the state. I lived in Reno since 1986 until I opened my second law office in Fallon in 2005 after purchasing a home here in 2004. I don't enjoy working in Las Vegas as much as the rest of the state, but would serve there if circumstances warranted such.

G.

I don't foresee any conflict with any of the Higher Education institutions or any State association, employees' union, department or agency.

Sincerely,



Martin Crowley, Esq.

cc: file

Henry Egghart
Attorney at Law

1675 Lakeside Dr.
Reno, NV 89509

Phone: 775-329-2705
Fax: 775-322-02283
E-mail: hegghart@nvccll.net

January 31, 2012

VIA FAX to 702-486-2925

Adrian Foster
Nevada State Department of Administration
555 East Washington Ave
Las Vegas NV 89101

Re: Hearing Officer Position

Dear M. Foster:

I would like to apply for your recently announce position of Hearing Officer with the Department of Administration, Division of Human Resources Management. I am a Nevada licensed attorney, bar no. 3401. Also, I am admitted and licensed to practice law in Nevada federal and bankruptcy courts and the Ninth Circuit Court of Appeals. As you can see from my attached resume, I have the experience and qualifications needed for this position. In particular, I am an experienced employment attorney and have served as a Administrative Hearing Officer State of Nevada Department of Personnel in 2002-03, and have represented numerous employment law clients and other clients before administrative tribunals, federal and state district courts, the Nevada Supreme Court and the Ninth Circuit Court of Appeals. I can serve anywhere in Nevada, though my residence in Reno makes me better suited for the northern Nevada position. I would not have to disqualify myself from cases involving any institution within the Nevada System of Higher Education, nor any Nevada executive branch department or agency or any employees' association.

I am familiar with and use WordPerfect and Microsoft Word processing systems and West law, Lexis and internet research methods. I am closing my law office in Reno due to a drastic reduction in business caused by the economy. I will be happy to move to Henderson. If there is anything further I need to do to apply, please let me know. Thank you for your attention.

Sincerely yours,


Henry Egghart

Encl.

HENRY EGGHART

Attorney at Law

1675 Lakeside Drive

Reno Nevada 89509

775-329-2705

hegghart@nvbell.net

Experience:

Attorney Reno, Nevada. 3/00 to present. Represent clients in employment law, consumer bankruptcy, family law, business law and personal injury matters, litigation including jury and bench trials, appeals and writs to the Nevada Supreme Court and the United States Court of Appeals for the Ninth Circuit.

Administrative Hearing Officer State of Nevada Department of Personnel, Reno and Carson City, Nevada, 8/03 to 5/03. Conducted hearings and issued decisions on challenges to terminations, demotions, suspensions, involuntary transfers and whistleblower claims by State of Nevada classified employees.

Attorney Robert Maddox and Associates. 3/00 to 10/00. Drafted pleadings and documents, legal research, depositions, client interviews in construction defect matters.

Associate Attorney Jack E. Kennedy and Associates, Reno, Nevada. 8/99 to 2/00. Drafted pleadings and motions for cases in state and federal courts, conducted consultations and interviews with clients and potential clients, and presented arguments in court and at hearings.

Staff Attorney Supreme Court of Nevada Carson City, Nevada. 9/88 - 8/99. Drafted orders, opinions and internal court documents, reviewed submitted materials, monitored jurisdictional and procedural issues in civil, criminal, administrative and bar discipline matters. Death penalty and major felony team, 9/97 to 8/99.

Law Clerk Justice Cliff Young, Supreme Court of Nevada, Carson City, Nevada. 9/87 - 9/88. Prepared bench memoranda and drafted orders and opinions.

Law Clerk Utah Attorney General's Office, Tax and Business Reg. Division. Salt Lake City, Utah. 6/85 - 8/87. Drafted trial memoranda, briefs, and A.G. Opinions in tax, public utilities, securities and consumer protection matters.

Education: University of Utah College of Law Salt Lake City, Utah. J.D. May 1987.
Staff, Journal of Contemporary Law/Journal of Energy Law and Policy.
University of Virginia, Charlottesville, Virginia. B.A., Environmental Sciences, May 1977.

Bar Admissions: Nevada, California, District of Columbia, Ninth Circuit Court of Appeals and the United States Courts and Bankruptcy Courts for Nevada.

January 24, 2012

STATEMENT OF INTEREST FOR HEARING OFFICER POSITION

As indicated by my resume, I have extensive experience in both **administrative law and alternative dispute resolution**. Since 2007 I have served as a Hearing Officer for the Nevada State Board of Medical Examiners, where I preside over administrative disciplinary proceedings against doctors, physician assistants, and respiratory therapists. Most recently (since July of 2010) I have added to my administrative specialization by serving as an Administrative Enforcement Code Hearing Officer for Washoe County. From 1998 to 2007 I also served as a Due Process Hearing Officer for the Nevada Department of Education, presiding over hundreds of requests for hearings pursuant to the Individuals with Disabilities Education Act ("IDEA") and the applicable provisions within Chapter 388 of the Nevada Administrative Code and the Nevada Revised Statutes. Furthermore, since 2007 school district administrators in Washoe County, Douglas County and Clark County have appointed me to serve on numerous cases as a hearing officer and a mediator for cases falling under Section 504 of the Rehabilitation Act of 1973.

With regards to my **alternative dispute resolution experience**, since 2007 I have been a Settlement Judge for the Nevada Supreme Court Settlement Conference Program, whereupon I conduct settlement conferences in civil appeals pending before the Nevada Supreme Court. I have been appointed to mediate both public and private sector appeals, including multi-million dollar disputes and employment cases within the Nevada System of Public Education. Furthermore, while serving as a mediator for the Nevada Foreclosure Mediation Program from 2009 to 2011, I mediated over 35 cases. And finally, due to my interest in ADR and employment issues, I currently serve as a Pro-Bono Mediator for the ADR program with the United States Equal Employment Opportunity Commission, whereupon I mediate in cases where there has been a charge of employment discrimination. Some of the cases that I have mediated for the EEOC involved **personnel disciplinary matters in the State of Nevada system**.

I am also currently serving as a part-time Associate Justice for the Inter-Tribal Court of Appeals, which involves presiding over appeals from the lower tribal courts, and drafting legal opinions following oral arguments.¹ From 2002 to 2006 I also served as the Tribal Judge for the Reno-Sparks Indian Colony, presiding over hundreds of criminal and civil cases.

My bar number for the State of Nevada is #4276, and I have a business license with the State of Nevada (NV20101403036). I am willing to travel to travel out of the Reno area to Las Vegas, Tonopah, Ely, Elko, Lovelock, and Carson City. Moreover, if selected I would not have to disqualify myself for any cases involving institutions within the Nevada System of Higher Education, a State of Nevada executive branch department or agency, or an employees' association. And finally, if you are seeking references, you may contact Lyn Beggs, Esq., General Counsel for the Nevada State Board of Medical Examiners, at (775) 688-2559, and/or Paul Anderson, Esq., of Maupin Cox, and LeGoy, at (775) 827-2000.

In conclusion, I believe that my experience within the administrative, judicial and alternative dispute resolution settings demonstrate that I meet the criteria to serve as a Hearing Officer for the Department of Administration.

¹I initially served as an Appellate Court Justice from 2003 until 2004 when I voluntarily resigned to focus on my busy private practice, and then in 2007 I was reappointed after the Court Administrator asked me to return to serve on the Court.

Jill I. Greiner, Esq.

4790 Caughlin Parkway, Reno, Nevada 89519
(775) 322-8443
jillgreiner@att.net

PROFESSIONAL SUMMARY

- Experienced hearing officer, tribal judge, mediator and arbitrator
- Licensed to practice law in Nevada since 1991 and in California since 1990
- Experienced in state, federal, administrative, and tribal judicial proceedings

EXPERIENCE

- ADMINISTRATIVE ENFORCEMENT CODE HEARING OFFICER** **July 2010-Present**
Washoe County
- Appointed by the Washoe County Commissioners to serve as an Administrative Hearing Officer for decriminalized Washoe County Code violations
- PRO BONO MEDIATOR** **2009; October 2011- Present**
United States Equal Employment Opportunity Commission (EEOC)
- Conduct mediations for the EEOC Alternative Dispute Resolution program
- SETTLEMENT JUDGE** **December 2007- Present**
Nevada Supreme Court Settlement Conference Program
- Appointed by the Nevada Supreme Court to conduct settlement conferences in civil appeals pending before the Nevada Supreme Court
- HEARING OFFICER** **May 2007- Present**
Nevada State Board of Medical Examiners
- Appointed by the Nevada Board of Medical Examiners to preside over administrative hearings and draft synopses, findings, and conclusions pursuant to Chapters 233B, 629 and 630 of the Nevada Revised Statutes (NRS) and Chapters 629 and 630 of the Nevada Administrative Code (NAC)
- ARBITRATOR** **January 2006 - Present**
Court Annexed Arbitration Program, Second Judicial District Court
- Arbitration of civil cases
- APPELLATE COURT JUSTICE** **2003 - 2004; 2007- Present**
Inter-Tribal Court of Appeals
- Preside over criminal and civil appeals
 - Conduct legal research and draft legal decisions following oral arguments
- MEDIATOR** **September 2009 - July 2011**
State of Nevada Foreclosure Mediation Program
- Conducted mediations between homeowners and lenders in accordance with Assembly Bill 149
- DUE PROCESS HEARING OFFICER** **January 1998 - September 2007**
Nevada Department of Education
- Appointed by the Nevada Department of Education to preside over administrative hearings pursuant to the Individuals with Disabilities Education Act (IDEA) and the applicable provisions within Chapter 388 of the Nevada Administrative Code and the Nevada Revised Statutes
 - Drafted pre-hearing orders following the submission of written and oral motions
 - Conducted administrative hearings
 - Drafted hearing officer decisions (twenty to sixty pages) following administrative hearings, legal research and review of documents and transcripts

ASSOCIATE TRIBAL JUDGE 2002 - 2006
Reno-Sparks Indian Colony
• Presided over civil and criminal proceedings
• Drafted revisions to the Law and Order Code for the Reno-Sparks Indian Colony

GENERAL PRIVATE PRACTICE 1996 - 2004
• Legal representation in criminal and civil matters in State and Federal District Court

APPELLATE LEGAL DEFENDER 1996 - 2002
City of Reno
• Appointed by the Reno Municipal Court to represent indigents in their criminal appeals to Washoe County District Court

DEPUTY CITY ATTORNEY, RENO 1992 - 1996
Reno City Attorney's Office, Criminal and Civil Divisions

DEPUTY DISTRICT ATTORNEY, WASHOE COUNTY 1991 - 1992
Civil Division

JUDICIAL CLERK 1991
The Honorable Judge James Stone, Washoe County District Court

JUDICIAL CLERK 1989 - 1990
The Honorable Justice John Code Mowbray, Nevada Supreme Court

CURRENT COMMUNITY INVOLVEMENT

Northern Nevada Disciplinary Board 2006 - Present
• Appointed by the Board of Governors for the State Bar of Nevada to serve as a primary attorney member
• Lawyer participant in review panels and disciplinary hearings

Northern Nevada Women Lawyers Association 1996 - Present
• Executive Board Member 1999-2001
• Chair, Scholarship Committee 2001-2002

SUMMARY OF PAST COMMUNITY INVOLVEMENT

Intern, Connecticut Law Revision Commission and Connecticut Attorney General's Office (1996); Executive Board Member, Retired and Senior Volunteer Program (1994-1995); Court Appointed Special Advocate (1991-1993); Coordinator, Peer Advisor Program for Santa Clara University School of Law (1989); Student Representative Policies and Programs Committee, Santa Clara University School of Law (1989); and Student Representative Faculty Appointments Committee, Santa Clara University School of Law (1989)

SPECIALIZED TRAINING

- **HARVARD UNIVERSITY SCHOOL OF LAW:** Civil Mediation Seminar, October 2006
- **NATIONAL JUDICIAL COLLEGE:** Civil Mediation (2006), Handling Domestic Violence Cases (2005), Essential Skills for Tribal Appellate Judges (2003), Essential Skills for Tribal Court Judges (2002)
- **ABA SECTION OF DISPUTE RESOLUTION:** Advanced Mediation and Advocacy Skills Institute (2011)
- **EEOC MEDIATOR TRAINING:** October 2008 and October 2011.

EDUCATION

- **Santa Clara University School of Law.** Juris doctor, 1989 Emory Scholarship recipient
- **University of California, Berkeley,** Bachelor of Arts, Social Science, 1985

Jill I. Greiner, Esq.

Law Office of Bill Kockenmeister
PO Box 19023
Reno, Nevada 89511
775-815-5511
Facsimile: 775-851-8180
Email: Lbdask6@charter.net

January 23, 2012

Nevada State Department of Administration
Grant Sawyer Building
555 E. Washington Avenue
Las Vegas, Nevada 89101
Attn: Adrian Foster


Re: Hearing Officer Position

Dear Mr. Foster:

Please accept this cover letter and the attached resume and supplemental information in support of my application for a Hearing Officer position in Northern Nevada for the period July 1, 2012 through June 20, 2014. I have been a Hearing Officer for the Department of Personnel for over 7 years. During my employment in this position I have received consistently high scores on the surveys conducted by the Department of Personnel and my decisions have always been upheld on appeal. I believe that my previous work as a Hearing Officer as well as my 32 years of experience as an attorney specializing in Administrative Law warrants my continued selection as a Hearing Officer for the Department of Personnel.

Please do not hesitate to contact me if you have any questions. I look forward to hearing from you in the near future.

Sincerely,



Bill Kockenmeister

Resume of Bill Kockenmeister

**P.O. Box 19023
Reno, Nevada 89511
775-815-5511
Facsimile: 775-851-8180
E-mail: lbask6@charter.net**

Law Office of Bill Kockenmeister

Solo practice

Independent Contractor for State of Nevada: Personnel Hearing Officer for the Department of Personnel.

Independent contractor for numerous Indian Tribes in Nevada and California: Chief Judge Washoe Tribe of Nevada and California; Chief Judge Lovelock Paiute Tribe; Chief Judge Bishop Paiute Tribe; Chief Judge Yomba Shoshone Tribe; Chief Judge Walker River Paiute Tribe; Associate Judge/Appellate Judge, Fallon Paiute-Shoshone Tribe;

Representation of clients involved in renewable energy development. Negotiate and draft complex agreements for renewable energy development. Appear before state regulatory agencies.

1993-1999 Vice President and General Counsel-Gas Research Institute

Chief legal officer for the natural gas industry's largest not-for-profit research and development organization. Responsible for all corporate legal matters including federal and state regulatory filings, contracting and licensing, and intellectual property portfolio management. Managed in-house legal staff and outside counsel.

1989-1993 Assistant General Counsel-Enron Corp

Chief Counsel for an interstate natural gas pipeline division of Enron Corp, a major energy company. Negotiated rate case settlements, resolved take-or-pay disputes, obtained permits for construction of natural gas projects, managed in-house legal staff and outside counsel. Drafted and negotiated complex agreements with utility companies and large industrial natural gas customers.

1979-1989 Nevada Public Service Commission

General Counsel, and Director of Regulatory Operations for a state agency responsible for regulating electric, natural gas, telecommunications, water, and transportation companies. Represented Commission in state and federal proceedings, managed professional staff, drafted Commission rules and provided general legal advice to Commissioners.

JD-University of the Pacific, McGeorge School of Law, Sacramento, CA (1979)

BS-The American University, Washington, DC (1974)

Member: State Bar of Nevada (State Bar #74), State Bar of California

SUPPLEMENTAL INFORMATION FOR BILL KOCKENMEISTER

A. NEVADA ATTORNEY

Member State Bar of Nevada since 1980: Bar Number 74

B. ADMINISTRATIVE LAW EXPERIENCE

Over 32 years of experience in Administrative Law including: (1) General Counsel Public Service Commission of Nevada (now Public Utilities Commission); (2) Vice-President and General Counsel of a Not-for-Profit research and development organization regulated by the Federal Energy Regulatory Commission; (3) Assistant General Counsel for an interstate natural gas pipeline regulated by the Federal Energy Regulatory Commission; and (4) representation of clients before state regulatory agencies.

C. EXPERIENCE WITH PERSONNEL DISCIPLINARY MATTERS

Over seven and a half years as a Hearing Officer for the State of Nevada, Department of Personnel.

D. EXPERIENCE WITH STATE OF NEVADA SYSTEM

Over seven and a half years of experience as a Hearing Officer for the State of Nevada, Department of Personnel. Almost ten years as an attorney with the Nevada Public Service Commission.

E. HOW RECENT IS THE RELEVANT EXPERIENCE

I am currently a Hearing Officer for the State of Nevada, Department of Personnel.

F. INDICATE THE ABILITY TO PERFORM SERVICES IN THE FOLLOWING AREAS:

Las Vegas: yes
Tonopah: yes
Ely: yes
Elko: yes
Lovelock: yes
Carson City/Reno: yes

G. IF SELECTED, WOULD YOU HAVE TO DISQUALIFY YOURSELF IN A CASE INVOLVING:

One or more institutions with the Nevada System of Higher Education? No

A State of Nevada executive branch department or agency? Yes. Public Utilities Commission-I represent clients before that agency.

An employees' association? No.

LAW OFFICES
PAUL H. LAMBOLEY
BANK OF AMERICA PLAZA
SUITE 645
50 W. LIBERTY STREET
RENO, NV 89501

TEL 775.786.8333
FAX 775.786.8334

E-MAIL
phlamboley@aol.com

January 9, 2012

Nevada State Department of Personnel
Grant Sawyer State Building
555 East Washington Avenue
Las Vegas, NV 89101
Attn: Adrian Foster

Re: Hearing Officer Positions in Northern and Southern Nevada
(Nevada Licensed Attorney)

Dear Mr. Foster:

Please accept this letter with enclosed June 2011 letter highlighting relevant background and resume in response to the Department's solicitation of interest for Hearing Officer positions in Northern and Southern Nevada for the contract period July 1, 2012 through June 30, 2014 for which solicitation is set to close January 31, 2012.

Currently, I have been selected and serve as a Hearing Officer for Southern Nevada, having been accepted in December 2011, completing orientation on January 4, 2012, and now awaiting initial assignment(s). The updated resume now includes that Hearing Officer status.

I should also note that my written findings and conclusions as mediator in the Nevada Foreclosure Mediation Program were recently affirmed and relied upon by the Nevada Supreme Court in its decision on judicial review in *Pasillas v. HSBC Bank, USA*, 127 Nev. Adv. Op. No. 39 (July 7, 2011), one of its earliest foreclosure case reviews.

My experience and expertise as a lawyer, commissioner, academic and neutral party in the fields of employment/labor law as well as administrative law and procedure meet the qualifications specified in the scope of work criteria and responsibilities of a Hearing Officer for NDOP. That same background was accepted for my selection and service as Hearing Officer in December 2011.

Thus, I request to be considered for renewal and selected as Hearing Officer again for Southern Nevada, and as needed for Northern Nevada, for the contract period July 1, 2012 through June 30, 2014

As noted previously, if selected I am available to serve in the Las Vegas area without travel expense charges since I regularly conduct ADR activities in Clark County and utilize our Las Vegas condominium. Of course, if needed, I am also available to serve in the Reno and Carson City areas in person or the Elko and Ely areas by teleconference as well.

Nevada State Department of Personnel

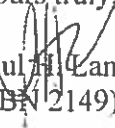
January 9, 2012

Page 2

If selected, I will recuse myself from any employment/personnel cases involving the Office of the Secretary of State (SOS) and Nevada Commission on Ethics (NCOE).

Should additional information be necessary for evaluation of my qualifications, please do not hesitate to contact me.

Yours truly,


Paul H. Lamboley
(SEN 2149)

PHL/nd

Enc.

LAW OFFICES
PAUL H. LAMBOLEY
BANK OF AMERICA PLAZA
SUITE 645
50 W. LIBERTY STREET
RENO, NV 89501

TFL 775.786.8333
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E-MAIL:
phlamboley@aol.com

June 10, 2011

Nevada State Department of Personnel
209 East Musser Street, Room 101
Carson City, NV 89701-4204
Attn: Beverly Ghan

Re: Hearing Officer Positions in Las Vegas (Nevada Licensed Attorney)

Dear Ms. Ghan:

Please accept this letter highlighting relevant background and the enclosed resume in response to the Department's solicitation of interest for Hearing Officer positions in Las Vegas set to close June 30, 2011.

Since serving as law clerk to Nevada Supreme Court Justice David Zenoff in 1967-68, I have been a practicing attorney and member in good standing in the Nevada State Bar, SBN 2149.

Practicing in Reno and Las Vegas, I initially represented a diverse clientele on a variety of civil and criminal law issues, and actively appeared before state and federal courts as well as administrative agencies in Nevada and other jurisdictions.

During the 1970's and 80's, my practice focused exclusively on public and private sector employment/personnel matters and labor relations, advising and representing employees and employee organizations on all aspects of employment and/or labor law in judicial and administrative forums. I participated in representation proceedings, contract negotiations, and mediation, med/arb and arbitration proceedings involving rights and interest disputes under local, state and federal laws. As a result, I gained substantial experience and expertise over a wide range of discipline issues in grievance-related proceedings. I also served as co-counsel on several joint labor-management ERISA-governed benefit funds.

As an advocate, I then found it appropriate to withdraw from the American Arbitration Association (AAA) panel of labor arbitrators on which I was a member.

During 1984-90 I served as a Commissioner on the Interstate Commerce Commission. As Commissioner, I participated in adjudication and rule-making decisions in complex cases involving interstate and foreign commerce, economic regulation, anti-trust, mergers-acquisitions, preemption-federal/state relations, environment and employment issues in cases before the Commission. Responsibilities also included oversight of Commission budget, personnel and operations as well as development of and supporting appearances before members and committees of Congress regarding legislative policy proposals and appropriations for the Commission.

Nevada State Department of Personnel

June 10, 2011

p. 2

As Commissioner, I reviewed arbitrator decisions in the rail industry, as well as acted as a neutral on employment and labor relations issues at the Commission and a mediator in efforts to resolve a rail industry-wide labor-management dispute.

Upon leaving the Commission in 1990, I returned to private practice in Washington DC and Reno, advising and representing clients on various issues involving commerce, trade, environment and transportation, and have appeared before various state and federal judicial and administrative forums. For 10 years I served as General Counsel for a national transportation trade association in Washington, DC.

At the same time, I remained a neutral party and was appointed to the National Mediation Board (NMB) roster and have been selected to mediate and/or arbitrate disputes as a result. I have acted as a mediator and/or arbitrator in a variety of complex disputes in general, and in employment/labor disputes in particular, serving either as an individual neutral or as member/chair of a panel of neutrals.

Other than pre-Commission law practice in Nevada, I have not actively advised, or appeared as an advocate on behalf of, employees, employee organizations or employers in any forum, including the State of Nevada Personnel System.

Academically, I have served as lecturer and adjunct professor on subjects of administrative law and procedure, employment/labor law, mediation and arbitration. I have written published opinions as attorney, Commissioner, and arbitrator – opinions in the latter two activities are subject to judicial review. Reports as foreclosure mediator are also subject to judicial review.

My experience and expertise as a lawyer, commissioner, academic and neutral party in the fields of employment/labor law as well as administrative law and procedure meet the qualifications specified in the scope of work criteria and responsibilities of a Hearing Officer for NDOP. Additionally, responsibilities as a mediator, arbitrator and judge pro tem in complex dispute proceedings enhance my experience in convening and conducting hearings, managing discovery and issue presentation, developing an appropriate record of testimonial and/or documentary evidence, and issuing timely written orders, decisions and/or awards.

If selected, I am available to serve in the Las Vegas area without travel expenses since we own and utilize a condominium in Las Vegas. Of course, if needed, I am available to also serve in the Reno and Carson City areas.

If selected, I will recuse myself from any employment/personnel cases involving the Office of the Secretary of State (SOS) and Nevada Commission on Ethics (NCOE).

Should additional information be necessary for evaluation of my qualifications, please do not hesitate to contact me.

Yours truly,


Paul M. Lamboley

PHL/nd
Enc.

Arbitrator/Mediator Profile
PAUL H. LAMBOLEY

Contact Information:

Address: Law Offices of Paul H. Lamboley
Bank of America Plaza
50 W. Liberty Street, Suite 645
Reno, NV 89501

Tel: 775.786.8333
Fax: 775.786.8334
Email: phlamboley@aol.com

Occupation: Lawyer/Arbitrator/Mediator/Judge Pro Tem

Education: Univ. of Notre Dame (B.S. '62), Univ. of Wisconsin (J.D.'67)

Admitted: WI and NV (State and Federal Courts), U.S. Courts of Appeals (1st, 4th, 5th, 6th, 8th, 9th and D.C. Circuits) and U.S. Sup.Ct.

Mediation, Arbitration and other ADR/Neutral Experience.

As arbitrator: disputes involving complex commercial contracts, labor and employment, rail and airline industry rules, securities and investments, insurance, personal injury, property damage, product liability, business and construction issues.

As hearing officer: public sector disputes involving state employees labor/employment, disciplinary grievances

As mediator: public and private sector disputes involving labor/employment, foreclosure, and commercial issue

As judge pro tem: jury and/or bench trials in civil and criminal (misdemeanor) proceedings

As ICC Commissioner: appellate review of labor protection arbitration decisions and awards in ICC appeal process, mediator in national rail labor-management dispute.

As lawyer: represented interests in mediation, arbitration or med-arb of various labor/employment (rights and interest) and/or commercial disputes.

Employment:

Law Offices of Paul H. Lamboley, Lawyer/Arbitrator/Mediator/Consultant: (1990-)

Offices - Washington, DC (1990-2004), Reno (1990-) and Las Vegas, NV (2006-)

Arbitrator: Selected by private parties, agencies and court-annexed arbitration programs.

Hearing Officer: Selected by parties from Nevada Department of Personnel Roster

Mediator: Selected by parties and Nevada Foreclosure Mediation Program.

Judge Pro Tempore: Selected by 8th Judicial District Court (Clark County) Short Trial Program (STP)

Lawyer: Practice concentrating on transportation, antitrust, energy, environment, commercial and trade-related issues; trial, appellate and administrative forums. General Counsel for transportation trade association. (1990-2000)

Consultant/expert witness: transportation/economic regulation.

Adj. Professor/Lecturer: labor/employment law, ADR, transportation law and regulation.

Interstate Commerce Commission -Washington, D.C. Commissioner: (1984-1990) (Vice Chairman -1987)

(Presidential nominations/Senate confirmations-two terms.) Complex adjudications and rule-makings involving inter- and intra-state rail, motor, water and pipeline transportation; responsibility for agency management, personnel and budget. Significant decisions in major rail mergers/acquisitions, anti-trust investigations, labor protection, rate and access cases, railroad restructuring and related energy and environmental issues. Extensive Congressional and intra-government relations. Security clearance. Special activities: inter-agency liaison for civil and military emergency preparedness programs (FEMA-MTMC); chair of joint transportation/insurance industry task force investigating liability insurance, mediator in rail labor-management disputes; and coordinator of intermodal group from ICC/FMC/MARAD-DOT.

Law Offices of Paul H. Lamboley - Reno, NV - Lawyer (1968-84)

Civil and criminal practice: anti-trust and commercial/business law, banking and finance, bankruptcy, construction, real estate and zoning, personal injury/workman's compensation, labor and employment law, felony/misdemeanors.

Expertise: labor/employment law, formation/organization/representation/elections, CBA negotiation/administration, ADR interest and rights disputes; mediation, arbitration, med/arb procedures, and related litigation in private and public sectors under Federal and State laws in courts and agencies. Industry experience includes transportation, building and construction trades, manufacturing and mining, grocery retail and meat, hotel and entertainment, hospitals and healthcare, K-12 and higher education professional and non-professional service, uniformed and civilian government service. Counsel for employee benefit trust funds.

Pro bono: counsel and trustee for Washoe Legal Services and W.A.R.C..

Litigation: Federal and State courts and administrative agencies, including jury trials in criminal and civil cases.

Appeals: Federal and State courts of appeal, including Supreme Courts (Nevada, California and United States).

Panel Memberships for Arbitrator and/or Mediator Appointments:

National Mediation Board (NMB), National Association of Railroad Referees (NARR), Financial Industry Regulatory Authority (FINRA), American Arbitration Association (AAA) (labor panel 1970's-resigned for active advocacy practice 1973), American Health Lawyers Association – ADR Panel (AHLA), Nevada Supreme Court, and 1st, 2nd, 8th and 9th Judicial District Courts (Court-annexed Arbitration Program), 8th Judicial District Court Short Trial Program (STP), Nevada Foreclosure Mediation Program (NFMP), Nevada Department of Personnel (NDOP).

Related CLE Programs: National Academy of Arbitrators (NAA) (annual meetings 2007, 2009, 2010 and 2011); NARR (annual meeting 2011) NASD/FINRA new panel member (1999) and new chair (2002) training, expungement rule (2004), code revisions and updates online (2007-); Court and State Bar sponsored "short-trial" programs (2005, 2010) SBN arbitrator training program, (2007); NFMP mediator training programs (2009, 2010, 2011).

Professional Appointments (Nevada):

Judge Pro Tem: 8th Judicial District Court – Clark County, Las Vegas, NV (2010-)
Reno Municipal Court (1977, 1978)

Commissioner: State of Nevada Commission on Ethics (2009-)

Special Counsel: U.S.D.Ct. (NV) Prison Reform Proceedings (1978)

Special Counsel: NV S.Ct. Post-Conviction Writs (1970-71)

Law Clerk: Justice David Zenoff, Nevada Supreme Court (1967-68)

Academe Appointments: (Adj. Professor/Lecturer)

Labor/employment law, arbitration: Georgetown Univ. (Business School, Adjunct 1991, 1992.); Stanford Univ. Law School (Guest lecturer 1982, 1983), Univ. of Nevada-Reno (lecturer 1981, 1983);

Economic regulation, adminlaw/procedure and transportation law: Georgetown Univ. Law Center (Guest lecturer 2000); Ohio State Univ./Unv. No.Florida (Logistics Seminars-Lecturer 1997); Unv. Notre Dame (Economics Dept.-Guest lecturer (1987-89); Unv. Notre Dame (Economics Dept.-Guest lecturer 1987-89); Unv. of Wisconsin (Business School, Guest lecturer 1986-90);

Administrative law and procedure: Office of Personnel Management (OPM) Senior Executive Program-Kings Point, NY, (Visiting Faculty 1985-87);

Criminal law and procedure: Unv. of Nevada-Reno (Adjunct 1977, 1978).

Conditions of Appointment for ADR activity:

For any selection or appointment to act as a dispute resolution neutral, the codes of professional ethics governing judges, arbitrators, mediators and/or lawyers will apply. Unless otherwise restricted by law or the parties, multiple and/or concurrent appointments as neutral in other cases may be accepted. In the event a reasoned, written opinion is requested or required by law, a transcript will normally be required.

Fees and Expenses Generally:

Unless restricted by statute, contract or otherwise agreed, and depending the nature of dispute or proceeding, fees will generally be \$1800.00 per 8-hour day or part thereof spent in hearing or mediation of the merits of dispute, exclusive of travel to and from sites. Review and preparation of written award and/or decision will be at a pro-rata per diem rate. Expenses charged for travel will be actual costs or IRS mileage rate for personal auto, for transcripts/record will be actual costs, and a cancellation fee of \$400.00 may be charged if cancellation occurs within 5 days of hearing date. If required or as permitted, decision and/or award may allocate fees and expenses jointly and severally among or between the parties.

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FACSIMILE (775) 333-7367

LANSFORD W. LEVITT
ATTORNEY AT LAW - ARBITRATOR - MEDIATOR
4747 CAUGHLIN PARKWAY - SUITE 6
RENO, NEVADA 89519
LWL1@sbcglobal.net

TELEPHONE (775) 333-7366

December 20, 2011

Adrian Foster
Nevada State Department of Administration
Grant Sawyer State Building
555 East Washington Avenue
Las Vegas, Nevada 89101

Dear Ms. Foster:

Please consider this to be my formal application to be re-appointed as Personnel Commission Hearing Officer for the period of July 1, 2012 through June 30, 2014. My resume is enclosed.

I have been a licensed Nevada attorney since 1981 { Bar. No. 2225 }. I began my career at the National Judicial College, initially as a Research Attorney and later as the administrator for all federal grants and special projects. I developed the administrative law curriculum for the College in the late 1970's and early 80's. Administrative Law Judges and Hearing Officers now make up about half of the attendees at the College. In 1992, with a grant from the E.L. Cord Foundation, I established a Dispute Resolution Center at UNR. I have mediated several high profile personnel matters for UNR, TMCC and the University System. I have also been asked to mediate conflicts for the Washoe County School District and various state agencies.

I have had an exclusive arbitration and mediation practice in southern and northern Nevada for the last 19 years. I have arbitrated and mediated well over a 1000 cases in the state. I was instrumental in helping the Supreme Court with the Settlement Judge Program which has dramatically reduced the backlog of civil appeals in our state. I serve as a Supreme Court Settlement Judge and serve as a Pro Tempore Judge in Las Vegas for the Short Trial Program.

I am available to hear cases in Carson City/Reno and have no conflicts with the Nevada System of Higher Education, state executive branch or agencies, or employees' associations.

I have thoroughly enjoyed serving as a Personnel Commission Hearing Officer and hope to be of future service. Thank you for your consideration.

Sincerely,



Lansford W. Levitt

Enclosure

LANSFORD W. LEVITT

**4747 Caughlin Parkway
Suite 6
Reno, Nevada 89519**

**Telephone (775) 333-7366
Facsimile (775) 333-7367
Email: LWL1@sbcglobal.net**

Professional Experience

Mediator/Arbitrator

1992 - Present

Full time dispute resolution practice in the following areas: bodily injury, real estate, construction defect, land use, commercial, homeowner associations, and employment/wrongful discharge. Has mediated and arbitrated over 1,000 cases in the State of Nevada.

Settlement Judge, Nevada Supreme Court

1997 - Present

Appointed by Supreme Court to preside at settlement conferences involving civil cases on appeal. Has presided in over 450 appeals.

Chair, Supreme Court Settlement Conference Core Committee

Pro Tempore Judge, Nevada's Eighth Judicial District Court Short Trial Program

2002 - Present

Arbitrator/Mediator, Office of the Ombudsman for Owners in Common-Interest Communities & Condominium Hotels

2001 - Present

Mediator, Nevada Foreclosure Mediation Program

2010 - Present

Hearing Officer, Nevada Department of Personnel

2010 - Present

Admission to Practice and Professional Affiliations

State of California (1978); State of Nevada (1981); United States District Court (N.D. Cal. 1978); United States District Court (D. Nev. 1981); California Real Estate Broker (1982-1986); State Bar of Nevada (Vice-Chair ADR Section); Panel Member of National Arbitration Forum.

Education

Southwestern University School of Law (J.D. 1977); Vanderbilt University (B.A. 1974); Flintridge Preparatory School - La Canada, CA (1964-1970).

LOUIS LING • ATTORNEY

1370 Royal Drive • Reno • Nevada • 89503 • (775) 233-9099 • Fax: (775) 624-5086 • louisling@mc.com

January 5, 2012

Nevada State Department of Administration
Attention: Adrian Foster
Grant Sawyer State Building
555 East Washington Avenue
Las Vegas, Nevada 89101

Re: Renewal of Contract to Serve as Personnel Hearing Officer

Dear Ms. Foster:

Pursuant to Shelley Blotter's letter to me dated December 12, 2011, I am submitting this letter and attached materials to seek renewal of my contract serving the Department of Personnel as a hearing officer. For your reference, I have attached a copy of my current *curriculum vita*. Following are my responses to Section III of the announcement regarding the present selection process:

- A. **Nevada licensed attorney (provide State bar number)** - My Nevada Bar Number is 3101. I have been licensed and have practice law in Nevada since 1987.
- B. **Administrative law experience** - Twenty years as a legal advisor and prosecutor of administrative cases to over twenty different state boards and commissions.
- C. **Experience with personnel disciplinary matters** - I have served as a hearing officer for the Department of Personnel for the last two years. During that time, I have been assigned ten cases. I have presided over hearings and have issued findings of fact, conclusions of law, and orders in six of the ten cases, I have dismissed three of the cases because the employee abandoned his or her appeal, and I have had one of the cases settle before hearing.
- D. **Experience with the State of Nevada system** - Twenty years, nine of them as an unclassified employee and eleven of them as a non-classified employee. Presently, in addition to serving as a hearing officer for the Department of Personnel, I represent seven of the state's occupational licensing boards. For approximately twelve of my years in state service, I supervised state employees, as a Senior Deputy Attorney General (supervising classified and unclassified employees), as General Counsel for the Board of Pharmacy (supervising the Board's investigators and inspectors), and as Executive Director for the Board of Medical Examiners (supervising 25 non-classified employees).
- E. **How recent is the relevant experience** - Ongoing. My most recent findings of fact, conclusions of law, and order on behalf of the Department of Personnel was issued December 2, 2011.

F. Indicate the ability to perform services in the following areas - I could be available to serve anywhere in the state I might be needed, including Carson City, Reno, Las Vegas, Elko, Ely, or Tonopah. In the course of my service as a hearing officer for the Department of Personnel, I held hearings in Lovelock, Tonopah, Carson City, and Reno.

G. If selected, would you have to disqualify yourself in cases involving:

One or more institutions within the Nevada System of Higher Education? If so which ones? - No. I presided over two hearings involving the System of Higher Education (a UNR case and a WNC case).

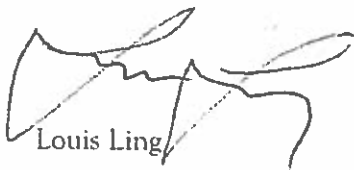
A State of Nevada executive branch department or agency? If so which ones? - No. I have no conflicts with any executive branch department or agency since I have not served the Attorney General's Office for over nine years, and I have not served the present Attorney General or the two that preceded her. I worked solely for Frankie Sue Del Papa.

An employees' association? If so which one? - No. I have no conflicts with any employees' association statewide.

Because the Personnel Commission stressed the need for timeliness in the issuance of orders, I strove in the ten cases to get my orders out as quickly as possible. Reviewing my orders in the six cases in which I held hearings, I found that my orders were issued in the following time periods after conclusion of the hearings: 4 days, 10 days, 14 days (two orders), 17 days, and 28 days. The 28-day order (a timeframe about which I was personally dissatisfied) resulted from a lengthy and complicated three-day hearing.

I have enjoyed the responsibility entrusted to me by the Personnel Commission to serve as one of its hearings officers and I hope to have my contract renewed so I can continue in my service. If you would like any additional information, please feel free to contact me at the above telephone number or e-mail address. I look forward to serving the State of Nevada once again.

Sincerely,



Louis Ling

encl.

CURRICULUM VITA

LOUIS LING

1370 Royal Drive
Reno, Nevada 89503
Telephone: (775) 233-9099
Fax: (775) 624-5086
louisling@mc.com

LEGAL EDUCATION

University of Puget Sound School of Law
Tacoma, Washington
Juris Doctorate - May 1987
Cum Laude

UNDERGRADUATE EDUCATION

University of Puget Sound
Tacoma, Washington
B.A. in English - May 1984
Honors in English

PROFESSIONAL EMPLOYMENT

Self-Employed Counsel to State Boards and Agencies - Reno, Nevada

February 2010 to Present

Serving as general counsel or otherwise providing necessary legal services to various state boards and agencies, including the Board of Veterinary Medical Examiners, the Board of Osteopathic Medicine, the Chiropractic Physicians' Board of Nevada, the Board of Optometry, the Board of Massage Therapy, the Contractors Board, the Board of Architecture, Interior Design, and Residential Design, the Board of Occupational Therapy, and the Board of Dispensing Opticians. Also serving as Hearings Officer for the Nevada Department of Personnel for personnel appeals.

Nevada State Board of Medical Examiners - Reno, Nevada

Executive Director - September 2008 to October 2009

Chief executive officer for the Nevada State Board of Medical Examiners, managing 25 employees, overseeing more than 500 investigations and more than 100 administrative prosecutions, drafting legislation and appearing before the Nevada Legislature and various committees, drafting regulations, and handling all personnel matters.

Nevada State Board of Pharmacy - Reno, Nevada

General Counsel - July 2000 to September 2008

In-house general counsel for the Nevada State Board of Pharmacy, handling all legal matters for the Board, including prosecution of disciplinary cases, supervision of the Board's inspectors and investigators, drafting of regulations and legislative bills, and day-to-day legal and administrative matters.

Nevada Attorney General's Office - Carson City and Reno, Nevada

Senior Deputy Attorney General - December 1991 to July 2000

At various times, was counsel for:

- Nevada Commission on Ethics
- Nevada State Board of Pharmacy
- Nevada Labor Commissioner
- Nevada State Board of Psychological Examiners
- Nevada State Board of Veterinary Examiners
- Nevada State Board of Dental Examiners
- Nevada Board of Examiners of Alcohol and Drug Abuse Counselors
- Nevada Board of Long-Term Care Administrators
- Nevada State Board of Oriental Medicine
- Nevada State Board of Hearing Aid Specialists
- Nevada State Board of Audiologists
- Nevada LP Gas Board
- Nevada Junior Livestock Show Board

Handled all legal matters for these clients including appellate argument before the Nevada Supreme Court and the Ninth Circuit Court of Appeals, civil litigation before the Nevada state and federal courts, prosecutions before administrative agencies and hearings officers, and bill and regulation drafting.

Dyer & McDonald - Carson City, Nevada

Associate Attorney - January 1989 to December 1991

General civil practice emphasizing employment relations, commercial and business law, domestic relations, wills and trusts, and general civil litigation.

Manoukian, Scarpello & Alling, Ltd. - Carson City and Stateline, Nevada

Associate Attorney - August 1987 to October 1988

General civil practice emphasizing personal injury defense litigation, commercial and business law and litigation, corporations, and intellectual property.

Spencer Law Group - Tacoma, Washington

Legal Intern - October 1985 to March 1987

General civil practice emphasizing domestic relations, wills and trusts, bankruptcy, probate, commercial law, and collections practice.

Law Office of the Public Defender - Seattle, Washington

Investigative Intern - Spring 1984

Investigated misdemeanor cases in preparation for trial.

EXPERIENCES AS AN EDUCATOR OR PRESENTER

National Association of State Contractors Licensing Agencies - Annual Conference

August 24 and 25, 2011

Presented in Savannah, Georgia two separate two-hour sessions regarding contracting law to the annual meeting of the national organization for contractors licensing boards.

Nevada State Bar Association - Administrative Law CLE

January 21 and 28, 2011

Co-presented a four-hour continuing legal education course regarding administrative law in Nevada. My portion focused on administrative practice before Nevada's occupational licensing boards.

Nevada Contractors Board - Administrative Law and Open Meeting Law Training

December 16, 2010

Presented a three-hour training to the Nevada Contractor's Board regarding hearing procedures, administrative law, and compliance with the Nevada Open Meeting Law.

Renown Regional Medical Center

July 29, 2008

Co-presented a one-hour program in Reno, Nevada entitled, "The Role of the Prescription Monitoring Program in Nevada." This program was ACCME approved for CME credit.

2007 Annual State Government Affairs Conference for Takeda Pharmaceuticals

October 11, 2007

Presented a 75-minute presentation in Seattle, Washington regarding drug counterfeiting and anti-counterfeiting strategies to government affairs representatives from Takeda Pharmaceuticals.

California State Board of Pharmacy

July 24, 2007

Co-presented in Los Angeles, California an hour-long presentation to and discussion with the California State Board of Pharmacy regarding the nation's drug supply chain and Nevada's Electronic Pedigree Program.

Healthcare Distribution and Management Association (HDMA) Annual Meeting

June 11, 2007

Presented Nevada's Electronic Pedigree Program as an hour-long session at HDMA's national annual meeting in Boston, Massachusetts.

National Association of Pharmacy Boards (NABP) Annual Meeting

May 22, 2007

Co-presenter and panel member at NABP's national meeting in Portland, Oregon regarding the perils and problems with the nation's drug supply chain and Nevada's Electronic Pedigree Program.

TRAX Conference

August 9, 2006

Participated in panel discussion at a national conference in Tyson's Corner, Virginia regarding the responses of the various states, including Nevada, to problems in the nation's drug supply, including counterfeit and diverted drugs.

Secure Pharma Conference

May 23 and 24, 2006

Presented to a national conference in Philadelphia, Pennsylvania an hour-long unit regarding Nevada's regulatory efforts to address the drug supply and the prevention of counterfeit drugs entering the state's and nation's drug supply.

Western States Osteopathic Convention

April 26, 2006

Presented in Las Vegas, Nevada a segment regarding counterfeit drugs and preventive measures physicians can take to protect their patients from counterfeit drugs.

LogiPharma Conference

November 14, 2005

Presented a segment of a daylong session regarding drug security issues. My segment regarded the regulation of pharmaceutical wholesalers with a particular focus on state regulatory issues and attaining the goal of an electronic pedigree.

Creative Educational Concepts, Inc.

April 2004

Created and presented a continuing education course regarding counterfeit drugs and prevention and protection strategies that was made available to pharmacists and physicians nationwide via webcast.

American Society for Pharmacy Law, Developments in Law Annual Seminar

November 12, 2004

Presented a 90-minute presentation regarding the regulation of pharmaceutical wholesalers along with one other presenter. This presentation was approved by the American Council on Pharmaceutical Education for continuing education credit for pharmacists and has been approved for continuing education credit by several Bar Associations for credit for continuing education for lawyers.

National Association of Boards of Pharmacy, Districts VII and VIII Annual Meeting October 29, 2004

Created and presented a 90-minute presentation regarding the regulation of pharmaceutical wholesalers. This presentation was approved by the American Council on Pharmaceutical Education for continuing education credit for pharmacists.

Nevada State Bar Association – Administrative Law Continuing Legal Education

August 18 & 19, 2004

Created and taught, along with two other presenters, a three-hour continuing legal education course on administrative law. I taught the one-hour ethics portion of the course and taught as a panel member the remaining two hours. This course was approved by the Nevada State Bar for continuing legal education credit.

Barnett Educational Services – RFID Conference

April 21, 2004

Created and presented a one-hour session at a national conference regarding Nevada's experiences regulating the pharmaceutical wholesale industry and how radio frequency identification will improve the safety of the nation's prescription drug supply.

National Association of Attorneys General

November 16, 2001

Made presentation to Attorneys General from across the nation regarding Nevada's controlled substances prescription monitoring program.

National Association of Boards of Pharmacy

May 6, 2001

Created and presented a two-hour seminar relating to Nevada's unique initiatives to quantify the pharmacy workplace and to assist in the creation of a set of best pharmacy practices for retail pharmacies. This course was approved by the American Council for Pharmaceutical Education for continuing education credit.

Nevada State Board of Pharmacy

Throughout 2001

Created and facilitated the Best Pharmacy Practices Initiative Continuing Education series, speaking to and with pharmacists throughout Nevada about ways to optimize their practices.

Nevada State Bar Association

April 2001

Taught a one-hour legal ethics, civility, and professionalism block in an Advanced Administrative Law Continuing Legal Education course. This course was approved by the Nevada State Bar for continuing legal education credit.

University of Nevada, Reno

November 1998

Created and taught two one-day seminars regarding the Nevada Ethics in Government Law to newly-elected public officials (the P.O.W.E.R. Program).

City of Reno

Throughout 1998

Created and taught, along with the Chief of Police, a series of six ethics-in-government workshops to train all of the City of Reno's classified and managerial employees.

Western Nevada Community College

Fall & Spring 1995, Fall 1996

Taught Legal Writing (Fall 1995), Legal Research I (Fall 1995 and 1996), and Legal Research II (Spring 1995) to paralegal students. Innovated the Legal Research II class to teach students computerized legal research skills (WESTLAW), legislative history research skills, and advanced legal research and writing skills.

Nevada State Bar Association

August 1996

One of two presenters of a continuing legal education course on civil motion practice and appellate practice for government lawyers presented in Carson City. This course was approved by the Nevada State Bar for continuing legal education credit.

National Conference of Pharmacy School Instructors

July 1996

One of three members of a panel at a national conference presenting the latest legal innovations regarding the practice of pharmacy. My presentation focused on Nevada's trend-setting disciplinary cases in which pharmacies are disciplined as well as the responsible pharmacists, which has resulted in marked improvements in Nevada's pharmacy practice.

Nevada State Bar Association

July 1995

One of two presenters of a continuing legal education course on affirmative defenses and motion practice for government lawyers presented in Las Vegas and Carson City, including planning and preparing course materials and presenting the material. This course was approved by the Nevada State Bar for continuing legal education credit.

Fourth Annual Administrative Law Seminar

October 1994

One of two coordinators of a statewide seminar on administrative law, including preparation of course materials and outline, presenting materials at seminar, and participating in a mock administrative hearing as the prosecuting attorney.

National Association of Boards of Pharmacy, Districts VII and VIII

October 1994

Presented recent developments in pharmacy law with course materials to executive secretaries, board members, and board staff from boards of pharmacy from the western states.

Council on Licensure, Enforcement, and Regulation (CLEAR)

September 1994 and 1995

As a member of a national Regulatory Issues Task Force, participated in the development of a comprehensive model act for the discipline of licensed professionals, including a presentation at the national meetings of CLEAR in Boston, Massachusetts (1994) and San Antonio, Texas (1995).

Continuing Education Program in Nevada Pharmacy Law
1992 to present

Developed a diagnostic test and course materials and taught several sessions of mandatory continuing education on Nevada Pharmacy Law for the Nevada State Board of Pharmacy.

Nevada State Education Association
Fall 1990

Developed and taught a seminar to public school teachers and librarians regarding recent legal developments relating to censorship, book banning, and liability relating to course materials and libraries, including course materials.

PUBLICATIONS

A Rookie Steps Up to the Plate: Tips on Handling Your First Occupational Licensing Case, Nevada Lawyer, Volume 19, Issue 7 (July 2011) (co-authored with Hal Taylor)

Just Not Exclusively, Please – A Brief and Respectful Rebuttal, Nevada Lawyer, Volume 19, Issue 7 (July 2011)

While We Are Waiting: Imagining and Creating a Safe Drug Supply While We Await the Coming of the Radio Frequency Identification Track-and-Trace System, Journal of Pharmacy Practice, Volume 19, Number 3, June 2006.

Treating Marijuana as Medicine: The Final Report of the Nevada Medical Marijuana Initiative Work Group, (2000) author and editor.

Model Grounds for Discipline, issue paper presented to and published by the Council on Licensure, Enforcement, and Regulation at its annual convention in 1995. I was one of the committee members who produced the paper.

When Johnny Comes Marching Home - Nevada and Federal Legal Protections for Nevada National Guardsmen Serving in the Persian Gulf Crisis, Inter Alia, March 1991

Mr. Ponsock Goes to California and Takes a Beating - California Abrogates the Tort of Bad Faith Discharge, Inter Alia, May 1989

ORGANIZATIONS

Bar of the Supreme Court of the United States
Bar of the Ninth Circuit Court of Appeals
Bar of the United States District Court in Nevada
Nevada State Bar Association
Former member of Nevada State Bar Association's Disciplinary Panel for nine years

Former Co-Chairman and present member of the Administrative Law Section of
the Nevada State Bar
Committee member of the Public Lawyers Section of the Nevada State Bar
American Society of Pharmacy and Law (ASPL)
Former member of the Carson City Historic Architecture Review Committee for five years

PERSONAL PURSUITS

Composer and songwriter
Plays keyboards, guitar, bass, saxophone, drums, and sings
Member Lutheran Church of the Good Shepherd, Reno, Nevada

James C. Van Winkle, Esq.
4790 Caughlin Parkway, #756
Reno, NV 89519
(775) 224-4492
(775) 825-8579 (fax)
jvwflyfish@gmail.com

January 12, 2012

Mr. Adrian Foster
State of Nevada
Department of Administration
Division of Human Resource Management
Grant Sawyer State Building
555 East Washington Avenue
Las Vegas, NV 89101

Dear Mr. Foster:

I am applying for the Hearing Officer position. I am enclosing my resume' and the requested information for this position.

- A: I am currently a Nevada Licensed Attorney, State Bar No: 524
- B: My administrative law experience and alternative dispute resolution experience is as follows: I am presently a Due Process Hearing Officer with the Nevada Department of Education and Short Trial Judge with the Second Judicial District Court. In October of 2008, I completed the National Judicial College 40-hour course in Civil Mediation. In February, 2012, I will complete the State Bar of Nevada course related to Arbitration.

I was in Private Law Practice from 1977-1995, which included workers' compensation, social security disability and employee discipline administrative hearings.

In 1995-1996, I was the Deputy Attorney General with the Nevada Department of Motor Vehicles and Public Safety. In that capacity, I handled employee discipline hearings. I also heard numerous cases of City of Reno administrative decisions appealed for Trial De Novo.

C/D/E: I dealt with personnel disciplinary matters, during 1977 through 1996, while in Private Practice as well as during my employment with the Nevada Attorney General's Office. In general, those cases involved the State of Nevada system.

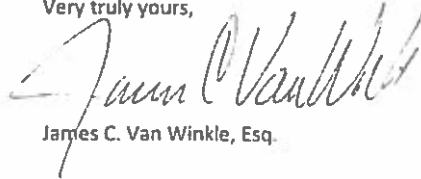
As the Reno Municipal Court Judge for Department 3 (1996-2010), I handled misdemeanor cases as well as heard employee discipline cases that were appealed to the Judges.

F: I would be willing to provide services in all the listed locales.

G: I would not have any conflicts with any of the organizations listed.

Thank you in advance for your time and consideration. Should you need further information or have any questions, please do not hesitate to contact me at (775) 224-4492 or e-mail me at jvwflyfish@gmail.com.

Very truly yours,



James C. Van Winkle, Esq.

Encl.

JAMES C. VAN WINKLE
4790 Caughlin Parkway, #756
Reno, NV 89519-0907
(775)224-4492
(775)825-8579 (fax)
jvwflyfish@gmail.com

WORK EXPERIENCE:

November 2010 to present:

Judge Pro-Tem, Reno Municipal Court and Sparks Municipal Court; Impartial Hearing Officer for the Nevada Department of Education; Mediator; and Short Trial Judge with the Second Judicial District Court.

February 1996-November 2010:

Judge, Reno Municipal Court, Department 3 – Adjudicating misdemeanor criminal cases and civil administrative appeals; handling of traffic and misdemeanor arraignments; handling of administrative and personnel matters for the Court.

January 1995-February 1996:

Deputy Attorney General, State of Nevada, Department of Motor Vehicles and Public Safety – Civil and administrative hearings and trials; contract matters; personnel matters.

January 1990-May 1993:

Chief Tribal Court Judge, Pyramid Lake Paiute Tribe – Handling all adult misdemeanor and civil matters.

June 1977-January 1995:

Private practice of Law, Reno, Nevada – General practice, divorce, personal injury, contract, worker's compensation, social security disability, criminal, wills and estates.

January 1992-January 1995:

Pro-Tem Judge, Reno Municipal Court

October 1974-June 1977:

Associate Attorney, Echeverria & Osborne, Reno, Nevada – Personal injury, divorce, contract, wills and estates, general litigation practice.

August 1973-October 1974:

Insurance Counsel, State of Nevada, Department of Commerce, Division of Insurance – Administrative hearings regarding insurance companies and agents; counsel to agency regarding Nevada Insurance Law.

JUDICIAL ORGANIZATIONS:

1996-present:

Member and Board of Directors, American Judges Association.

2006-2010:

Member, Judicial Council of the State of Nevada.

1999-2010:

Member, Nevada Supreme Court's Commission on Judicial Assessment (Rose Commission); Task Force on Judicial Collections; Judicial Representative on the Nevada Statewide Court Monitoring Project (monitoring domestic violence cases).

ORGANIZATIONS AND COMMUNITY INVOLVEMENT:

1995-present:

Reno Sunrise Rotary: Past president; volunteer with Virginia Palmer Elementary School Read to Succeed Program.

2009-present:

Northern Nevada International Center, Board of Directors.

1999-2010:

Keep Truckee Meadows Beautiful: Past president, board member.

1989-1994:

Sky Tavern Junior Ski Program: Legal Counsel and volunteer ski instructor.

1989-1996:

Volunteer soccer coach with YMCA, High Sierra and Washoe Zephyr Soccer Leagues.

1986-1990:

Volunteer and Nation Chief, YMCA Indian Guides and Indian Princesses Program.

1980-1981:

President, Silver State Striders Running Club.

FAMILY:

Married to Ellen D. Van Winkle. 2 grown children, Kristina and Brian.

INTERESTS:

Skiing, hiking, flyfishing, running, camping, cooking, traveling, and reading.

REFERENCES:

Mr. Cornelius Sheehan, Masters in Social Work, 421 Hill St, Reno, NV 89501
(775-287-7733)

Ms. Frankie Sue Del Papa, Former Nevada Attorney General, 1441 Alta St, Reno, NV 89503
(775-322-1323)

Reno Municipal Court Judge Ken Howard, PO Box 1900, Reno, NV 89505 (775-326-6673)

Mr. Steven Brown, PO Box 3793, Reno, NV 89509 (775-824-4200/775-348-6088)

Mr. Jerry Hall, 10 Suda Way, Reno, NV 89509 (775-323-7610)

DOUG WALTHER
ATTORNEY AT LAW
1136 E. Appion Way
Carson City, Nevada 89701

775-882-5246 (FAX)

dougwaltherlaw@charter.net

775-450-1137

January 26, 2012

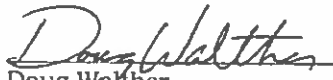
Nevada State Department of Administration
Attn: Adrian Foster
Grant Sawyer State Building
555 East Washington Avenue
Las Vegas, Nevada 89101

Re: Announcement for HEARING OFFICER (Nevada Licensed Attorney)

Dear Mr. Foster:

I would like to be considered for the position of Hearing Officer with the Department of Administration. Pursuant to your announcement for this position I have enclosed my resume and responses to the Criteria for Selection, as well as a copy of a recent Certificate of Good Standing issued by the Nevada State Bar. If you have any questions regarding this matter, please contact me. Thank you.

Sincerely,


Doug Walther
775-450-1137
dougwaltherlaw@charter.net

Douglas E. Walther

1136 E. Appion Way
Carson City, Nevada 89701
(775) 883-8627; 450-1137
dougwaltherlaw@charter.net

PERSONAL

Born March 23, 1955, Rochester, New York, married, three children.

LEGAL EMPLOYMENT

Member, State Bar of Nevada, 1983 to present.

Doug Walther, Attorney at Law, February, 2009 to Present: Solo Law Practice. Mediator, Nevada Foreclosure Mediation Program, December, 2009 to Present. Hearing Officer, Department of Education, Special Education Program, November, 2011 to present.

Chief Deputy Attorney General, Division of Government and Natural Resources, December, 2007 to February, 2009: Represent the Office of Controller, the Unclaimed Property and Pooled Collateral programs of the Treasurer's Office, the Office of Energy in the Governor's Office, the Department of Employment, Training and Rehabilitation and the Escheats Program. Supervise and mentor approximately 18 attorneys in the Division and participate in office committees to improve the brief bank, case management and other information systems in use in the office.

Senior Deputy Attorney General, January 2007 to December, 2007: Represented the Office of Controller, the Unclaimed Property and Pooled Collateral programs of the Treasurer's Office, the Office of Energy in the Governor's Office, and the Department of Employment, Training and Rehabilitation. Supervised and mentored three Deputy Attorneys General in the Civil Division. Updated office manual on rulemaking procedures, taught class on administrative rulemaking.

Manager, Office of Business Finance and Planning, Deputy Director, Department of Business and Industry, September, 2000 to January, 2007: Administer the Nevada Industrial Development Bond Program in the Department of Business and Industry, Director's Office, and assist the Director with administration of the Department, primarily in the areas of legislative, legal/regulatory issues and information technology, supervise Carson City Office of the Director's Office. Issue tax-exempt private activity bonds for economic development and perform other activities to develop the bond program. Member, Governor's Information Technology Strategic Planning Committee. Co-Chair, Department of Business and Industry Information Technology Committee.

Major accomplishments at Department of Business and Industry: Participated in the issuance of over \$200 Million in private activity revenue bonds to assist the economic development of the state. Established a "bond facilitator" program to assist applicants in presenting financing requests. Established a "Mini Bond" program that lowers issuance costs to permit issuance of bonds for smaller projects (\$500,000 to \$3,000,000); participated in the creation of the Renewable Energy Authority of Nevada, a non-profit corporation intended to assist in creating financing options for the development of renewable energy in the state. Adopted regulations to improve the administration of the bond and

volume cap programs, providing better accountability for use of volume cap and greater public access to information regarding volume cap use in the state. Assisted department agencies in appearances before the legislature and compliance with regulation review requirements. Acted as hearing officer in several agency regulatory proceedings. Established a videoconference facility linking northern and southern offices of the department, saving travel expenses. Created an IT training program for department employees. Managed the development of IT systems in the department valued at over \$2 Million, worked to create an in-house IT system development program to automate department business processes at little or no cost to the department. Developed IT systems for tracking employee time in the Director's Office, systems for the bond and volume cap (bonding authority) programs that account for program activity and provide for the digital storage of program documents, licensing systems for the Mortgage Lending Division and Transportation Services Authority, a case tracking system for the Labor Commissioner and several other automated systems for the department; developed and maintained several of the department's websites, some of which were the first in the department to provide live information to the public linked to department data systems.

Deputy Attorney General, Nevada Attorney General's Office, August, 1984 to September, 2000:

Senior Deputy Attorney General, January, 1991 to September, 2000: Supervised seven attorneys assigned to the Commerce Section, Civil Division, serving the following agencies - Insurance, Housing, Real Estate, Secretary of State, Financial Institutions, Manufactured Housing. Individual clients included the Director of the Department of Business and Industry, Financial Institutions Division, Manufactured Housing Division, Unclaimed Property Division, Energy Office and the Governor's Committee on Employment of Persons With Disabilities. Prosecuted cases before hearing officers and in state district courts involving mortgage companies, collection agencies, escrow agencies, and other financial institutions, mobile home parks, mobile home dealers; drafted legal opinions, regulations and statutes on these and other subjects; advised the Commissions of Real Estate and Real Estate Appraisers on issues of procedure and evidence during contested cases; authored twenty six published Attorney General Opinions. Reviewed contracts, provided legal assistance in personnel and other matters relating to management of client agencies, and taught classes in administrative law and use of computers. Author of *Administrative Rulemaking: A Procedural Guide* and *Administrative Hearings: A Guide for Hearing Officers*, publications of the Attorney General's Office for use by deputy attorneys general, administrators and persons serving as hearing officers or on boards and commissions. Member of Attorney General computer committees on software and training; created computer programs for standardization of word processing and time-keeping functions of deputies.

Counsel to the Real Estate Division, April, 1985 to January, 1991: Prosecuted cases before the Real Estate Commission, hearing officers and district courts involving real estate licensees, appraisers, escrow agents, and land, time share and campground developers; drafted legal opinions, regulations and statutes on these subjects. Reviewed contracts and provided legal assistance in personnel and other matters relating to management of the agency.

Counsel to the Department of Motor Vehicles and Public Safety, August, 1984 to April, 1985: Provided legal counsel to licensing, registration, highway patrol, investigations, motor carrier, and all other divisions of the department; handled cases before hearing officers, state and federal courts involving DUI and other license suspensions or revocations, motor vehicle dealers, vehicle forfeitures, civil rights claims, personnel actions; drafted legal opinions, regulations and statutes on these subjects; provided training in constitutional law to peace officer candidates at the Peace Officer Standards and Training Division. Reviewed contracts and provided legal assistance in personnel and other matters relating to management of the agency.

Other Legal Employment:

Administrative Assistant to Commissioner Christine Boggs, Nevada Public Service Commission, January, 1983 to August, 1984: Assisted in the resolution of procedural and evidentiary issues during administrative hearings involving electric, gas, water, telephone, transportation and other public utilities; drafted decisions in such cases; assisted in the drafting of regulations and statutes on these subjects.

Associate Attorney, Bryant & Erickson, Redmond, Oregon, September, 1981 to January, 1983: Trial practice in insurance defense, real estate, commercial law, domestic relations.

Legal Assistant, Professors James Nafziger and Carlton Snow, Willamette University, College of Law, 1980, 1981: Assisted in the research of articles for publication.

Law Clerk, State of Oregon, Insurance Division, Salem, Oregon, summer, 1980: Assisted hearing officer in contested cases, general administrative duties.

Law Clerk, Webb & Martinez, Salem, Oregon, December, 1979 to May, 1980, school year: Research and writing, property law concentration.

Legal Intern, Supreme Court of Nevada, Carson City, Nevada, summer, 1979: Wrote bench memoranda on pending cases.

LEGAL EDUCATION

- Graduate, Willamette University, College of Law, Salem, Oregon, May 1981; Class standing: 14th of 128 (unofficial); top 20%
- Honors and Awards: Dean's List (top 10%), first year; American Jurisprudence Awards in Civil Procedure, Insurance; High Papers in Civil Procedure, Contracts, Insurance and Real Estate Finance.
- Scholarship: Ben B. Cheney Foundation, 1979-1981
- Activities: Moot Court Board, 1980-1981
- Published Article: "Wrap-up Insurance: Does it Unfairly Discriminate or Restrain Trade?" 32 F.I.C. Quarterly 147 (Winter 1982), Second Prize, Federation of Insurance Counsel's 1981 Student Essay Contest.

UNDERGRADUATE EDUCATION

Harpur College, State University of New York at Binghamton; B.A. in History, May, 1977; G.P.A.: Overall - 3.46, in major - 3.57.

OTHER EMPLOYMENT

Manager, Oakshire Townhouse Apartments, Salem, Oregon, February, 1981 to September, 1981.
Night Manager, University Center, Willamette University, 1979-1981 school years.
Food Service Manager, California State College at Stanislaus, Turlock, California, 1977-1978.
Student Manager, Hinman Dining Hall, Binghamton, New York, 1974-1977.

Other: Painter, pipe fitter, roofer, paperboy.

OTHER ACTIVITIES

AYSO Soccer and Little League Coach, YMCA Indian Guides Program; hobbies include music, computers, running and hiking.

REFERENCES AND WRITING SAMPLES

Furnished upon request.

**Response to Department of Administration Request For
Resumes and Supplemental Information – HEARING
OFFICER**

1. **Criteria For Selection**

A. Nevada Licensed Attorney at Law

Doug Walther is licensed as an active attorney in the State of Nevada, State Bar # 1031 (See attached Certificate of Good Standing). Nevada Business License # NV20101214425.

B. Administrative law experience and alternative dispute resolution

Doug Walther worked as a deputy, senior and chief deputy attorney general for approximately 20 years during the approximate time period 1984-2000 and 2007-2009. He acted as counsel to many state agencies including at various times several boards and commissions, including the Real Estate Commission (approximately 10 years), and the Appraiser's Commission (approximately 5 years) and has prosecuted well over 100 administrative contested cases. He is the original author of the Attorney General's procedural manual "Rulemaking: A Procedural Guide" and has produced teaching materials and taught classes to boards and commissions, persons acting as hearing officers and other public attorneys on how to conduct administrative contested cases and adopt regulations.

His work with the Attorney General's Office also included working with clients to draft legislation and regulations, issuing formal and informal Attorney General Opinions, and advising boards and commissions on procedural, evidentiary and open meeting law issues. He has represented state agencies, boards and commissions in litigation before state and federal courts, including the seeking of injunctions and

receiverships. He has made numerous appearances before the Nevada Legislature on behalf of state agencies, providing testimony in support of legislation and assisting in the drafting of amendments to bills. He has assisted agencies in investigating violations of state law including licensing violations and has performed all legal work relating to such investigations, including the drafting and issuance of investigative subpoenas, depositions, administrative and judicial complaints, petitions for judicial review and appeals before the Nevada Supreme Court and Ninth Circuit Court of Appeals. Such work also included assisting in the drafting and review of contracts with independent contractors and assisting management with personnel issues.

From November of 2009 to the present Doug has acted as a mediator with the Nevada Foreclosure Mediation Program, mediating over 40 cases since his initial appointment. He has also been appointed as a hearing officer for the Nevada Department of Education, Special Education Program.

C. Experience with personnel disciplinary matters

As a deputy attorney general Doug Walther represented state agencies and officers in personnel matters during his entire career with the Attorney General's Office, participating in numerous personnel and grievance hearings.

D. Experience with the State of Nevada System

Doug Walther spent most of his 26 year career working with the State of Nevada system. In addition to his work as a deputy attorney general, Doug worked in management for six years in the Department of Business and Industry where he acted as a hearing officer in several case, and was directly involved in

completing work performance reviews and working in other personnel matters.

E. How recent is the relevant experience

Doug Walther retired from the State of Nevada in February, 2009. He has continued to conduct foreclosure mediations and act as a hearing officer for the Department of Education up to the present.

F. Indicate the ability to perform services in the following areas:
Las Vegas, Tonopah, Ely, Elko, Lovelock and Carson City/Reno

Doug Walther is able to work in all these areas.

G. If selected, would you have to disqualify yourself in cases involving:

• One of more institutions within the Nevada System of Higher Education?

No.

• A State of Nevada executive branch department or agency? If so which ones?

On a case by case basis Doug Walther might need to recuse myself in matters involving the Department of Education, Department of Business and Industry and the Attorney General's Office. Recusal would depend on the persons involved in the matter. Not every matter would require recusal.

• An employee's association? If so which one?

No.

State Bar of Nevada

Certificate of Good Standing

Douglas E. Walther

*(Bar Number 1031) was admitted by the Supreme Court of the State of Nevada
On 9/26/1983 as an Attorney and Counselor at law duly licensed to practice in all courts of
the State of Nevada, it is hereby further certified that DOUGLAS E. WALTHER
is now an Active member of the State Bar of Nevada in good standing.*

DATED this Tuesday, August 09, 2011



*Suzanne Walters
Member Services Assistant
State of Nevada*

**Hearing Officer – 2012 Recruitment
Northern Region Candidates**

Other Northern Candidates

Steven F. Bus
Bryan J. Carpenter*
Whitney D. Derrah
Nancy M. Ghush*
Ryan J. McElhinney*
Susan McKibben-Wilson

* Expressed an interested in working in other geographic locations.

Law Offices of Steven F. Bus, Ltd.

QUAIL CORNERS SOUTH
611 SIERRA ROSE DRIVE
RENO, NEVADA 89511

TELEPHONE (775) 825-2700
FAX (775) 825-2755
E-Mail: sfclaw@sfclaw.com

January 31, 2012

Via Facsimile 702-486-2925

Mr. Adrian Foster
Nevada State Department of Administration
Grant Sawyer State Building
555 East Washington Avenue
Las Vegas, NV 89101

Re: Hearing Officer Position

Dear Mr. Foster:

In response to your solicitation for interested Members of the State Bar in serving as a Hearing Officer, I have enclosed my resume and by way of this letter, providing the information requested. As to the criteria for selection, my Bar number is 3041. I have extensive experience in administrative law both as an employee with the Public Service Commission of Nevada and in private practice. While with the Commission, I wrote numerous orders and opinions on behalf of the Commission as well as provided legal advice to the Commission and helped preside over many hearings. Hearings before the Commission were governed by the Nevada Administrative Procedure Act. After I was promoted to Staff Counsel, I left the Commission in 1990. I continued to practice in the area of administrative law as a litigant including appealing administrative decisions to the District Court and the Nevada Supreme Court. I have significant experience in alternative dispute resolution, but only as a litigant. I have advised numerous clients on personnel disciplinary matters, but only in the private sector. I am able to provide services in Lovelock, Carson City and Reno. If selected, I would not have to disqualify myself for any of the reasons noted in section G of the criteria for selection.

Should you have any questions, please do not hesitate to contact me.

Sincerely,



Steven F. Bus, Esq.

Law Offices of Steven F. Bus, Ltd.

611 Sierra Rose Drive
Reno, Nevada 89511
775-825-2700

Personal

Married 28 years - three children
Residence: 4285 Meadowgate Trail, Reno, Nevada 89519

Employment

HAASE, HARRIS & MORRISON, RENO, NEVADA

Associate Attorney, 1985 - 1986

Mining, environmental, administrative, business, real estate and civil litigation.

PUBLIC SERVICE COMMISSION OF NEVADA (NOW THE PUBLIC UTILITIES COMMISSION)

Administrative Attorney to the Chairman, Scott Craigie, 1986-1988

Staff Counsel 1988 - 1990

Transportation, telephone, electric, gas, water and administrative law, including drafting regulations (NAC), legislation and opinions.

LAW OFFICES OF JAMES W. HARDESTY, ESQ. (NOW JUSTICE JAMES W. HARDESTY OF THE NEVADA SUPREME COURT)

Associate Attorney, 1990 - 1991

Business, real estate, corporate, personal injury, utility, transportation, administrative law and civil litigation

LAW OFFICES OF STEVEN F. BUS, LTD

Owner, 1991 - Present

Business, real estate, corporate, personal injury, transportation, utility (telephone, electric & water), administrative law and civil litigation.

Education

UNIVERSITY OF NEVADA

Bachelor of Arts

Dean's List, Member of Pi Sigma Alpha - National Political Science Honor Society

U.C. IRVINE (WHITTIER LAW SCHOOL)

Juris Doctor

Dean's List, Moot Court Honor's Board, Associate Editor - Law Review, Class Rank - Top 20%

Bar Membership

- State of Nevada
- Washoe County Bar Association
- U.S. District Court for the District of Nevada
- Ninth Circuit Court of Appeals
- American Inns of Court - Bruce R. Thompson Chapter (Not currently active)

Published Cases

- Manke Truck Lines, Inc. v. Public Service Commission of Nevada, 109 Nev. 1034, 862 P 2d 1201 (1993).
- Yellow Cab of Reno, Inc. v. The Second Judicial District Court, 127 Nev. Adv. Op. 52 (2011).

Notable Civil Cases

- Cheryl Hanna v. Michael Cossette, et al. - Case No. CV05-02320
- Ron Remick v. Whittlessea Checker Taxi, Inc, et al. - Case No. CV05-01799
- Marilyn Atkinson v. Troy Madraso, et al - Case No. CV96-00275
- Shaw v. Newmont Mining, et al. - Case No. CV-C-09-26
- Martinez v. CNH America, LLC- Case No. 3:08-cv-477-LRJ1 (Federal Court)

Notable Utility Cases

- Alturas Transmission Line
- Centel Telephone Company
- Nevada Power Company
- TCID/Idaho Power
- Electric Retail Deregulation

Trial Experience

Several bench and jury civil trials and over 100 administrative hearings before Utility Commissions in both California and Nevada.

Law Offices of Steven F. Bus, Ltd.

QUAIL CORNERS SOUTH
611 SIERRA ROSE DRIVE
RENO, NEVADA 89511

TELEPHONE (775) 825-2700
FAX (775) 825-2755
E-Mail: sfb@lawofsfbus.com

FAX TRANSMITTAL

THE INFORMATION CONTAINED IN THIS TRANSMITTAL IS PRIVILEGED AND CONFIDENTIAL. IT IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED BELOW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO USE AT THE ABOVE ADDRESS VIA U.S. MAIL OR FAX. THANK YOU.

SENDER'S FAX NUMBER (775) 825-2755

DATE: January 31, 2012

TO: Mr. Adrian Foster

FAX: 702-486-2925

COMMENTS: Hearing Officer Position

TOTAL NUMBER OF PAGES 4, including this cover sheet.

If you have any questions or comments, please contact Molly.

CONFIDENTIAL

BRYAN J. CARPENTER

6880 Canoe Hill Court ~ Sparks, Nevada 89436

Home: 775-424-3848 ~ Cell: 775-813-0948 ~ carpen62@unlv.nevada.edu

EDUCATION

WILLIAM S. BOYD SCHOOL OF LAW, UNLV, Las Vegas, Nevada

- *Juris Doctorate*, December 2007
- CALI Award for Highest Individual Score, Torts I, Fall 2005
- 2005 Client Counseling Competition Contestant, 2006 Contestant and Semi-finalist
- CCLS/UNLV Family Law Community Service Project (February 2006 – May 2006).
- UNLV Legal Writing Professor's Teaching Assistant (January 2007—July 2007).
- Vice Justice of Weiner Chapter, Phi Alpha Delta Law Fraternity, International (April 2006 – April 2007).
- Judicial Extern, Second Judicial District Court
- Student Attorney, Thomas And Mack Legal Clinic, Education/Child Welfare Clinic (August 2007-December 2007).

UNIVERSITY OF NEVADA, RENO, Reno, Nevada

- *Bachelor of Arts, Political Science*, May 2005
- *GPA*: 3.5
- *Honors*: Dean's List Fall 2003, Spring 2004, Fall 2004
- Employed full-time while seeking degree

PROFESSIONAL EXPERIENCE

KREITLEIN LAW GROUP, LTD , 470 E. Plumb Lane, Suite 310, Reno, Nevada

Associate Attorney

October 2008-Present

- Under supervision of attorney Philip Kreitlein, carries personal caseload of family and civil litigation matters.
- Have successfully appeared at hearing for unemployment appeals, workers comp appeals, and employment decision appeals.
- Consistently successful conclusion of probate, estate, general civil litigation, family and tort matters.

SECOND JUDICIAL DISTRICT COURT, State of Nevada, Washoe County

Judicial Law Clerk

September 2007 –October, 2008

- Dept. 4, Hon. Judge Connie J. Steinheimer.
- Briefing, Legal Memoranda, Order Preparation, Conduct of Research, Analysis of Legal Data, Preparation of, and the Process Emergent Motion Applications, Assisted with All Aspects of Court and Trial Administration.

UNITED STATES ATTORNEY'S OFFICE , The District of Nevada

Legal Extern

August 2007-September 2007

- Under the supervision of AUSA Ron Rachow, assisted in motion practice and appeared on behalf of the Government as a Certified Law Clerk.

THE LAW FIRM OF GANZ & HAUF, 101 Bridger Avenue, Las Vegas, NV

Law Clerk

May 2007—August 2007

- Under supervision of attorney Adam Ganz, assisted in all phases of litigation from discovery to trial. Prepared discovery and motion documents, interacted with clients, conducted research and conveyed findings.

BRYAN J. CARPENTER, ESQ.

6880 Canoe Hill Court

Sparks, NV 89436

reply to:

Bryan J. Carpenter, Esq.

bryanjcarpenter@msn.com

Telephone: (775) 813-0948

Fax: (775) 424-3848

December 27, 2011

VIA U.S. MAIL

Nevada State Department of Administration

Grant Sawyer State Building

Attention: Adrian Foster

5556 East Washington Avenue

Las Vegas, NV 89101

Re: Hearing Office Position Closing January 31, 2012

Dear Sir or Madam:

I write to express interest in the Department of Administration non-classified position of Hearing Officer, closing January 31, 2012. I am a duly licensed Nevada attorney, admitted into all courts in the state, Nevada Bar Number 11359. My practice since gaining admission to the bar has been focused on litigation. My pertinent experience and skills for the posted position include:

Within the last three years, I have represented clients in hearings with the State of Nevada to determine eligibility to receive disability and unemployment compensation, and have been personally involved in appeals from adverse decisions. I have previously managed employees and engaged in graduated disciplinary proceedings, although only from an employer's standpoint. Additionally, I have prepared hundreds of draft orders ranging from the mundane to extensive Findings of Fact, Conclusions of Law and Judgments following trials. Prior to entering private practice, I was a District Court law clerk, and assisted the court in dealing with judicial review of state personnel disciplinary actions, and the applicable standards of review pursuant to the Nevada Administrative Procedures Act. I have also recently appeared as litigant counsel in numerous arbitrations and mediations.

I am able to perform services in Tonopah, Lovelock, Ely, Elko, Carson City and Reno, and Las Vegas. There are no grounds presently which would require my disqualification with respect to any institution within the Nevada System of Higher Education, or any employee's associations, though my spouse is a current employee of the Nevada Division of Welfare and Supportive Services. Currently, my professional liability insurance covers losses up to an aggregate of \$900,000.00 annually, and will remain in effect indefinitely.

Nevada State Department of Administration

Attention: Adrian Foster

December 27, 2011

Page 2

I believe myself to be an excellent candidate for the position open and I welcome the opportunity to discuss this my capacity with you. Thank you again for your consideration.

Sincerely,



Bryan J. Carpenter, Esq.

BJC/

Enclosure: Resume

cc: File

Nevada State Department of Administration
Grant Sawyer State Building
Attn: Adrian Foster
555 East Washington Avenue
Las Vegas, NV 89101

January 27, 2012

Re: Application for Administrative Hearing Officer

To Whom It May Concern,

My name is Whitney Derrah. I am licensed Nevada attorney (State Bar No. 9763) and hereby submit my cover letter and resume for consideration for the Hearing Officer position as posted on the Nevada State web-page. I would be honored to serve as an administrative hearing officer for Northern Nevada.

During my tenure at Jones Vargas I was exposed to a number of varied administrative and regulatory law matters. I also have experience with the alternative dispute resolution process; both via mediation, arbitration, the Clark County Court Annexed Arbitration process as well as through multiple settlement conferences and hearings I conducted during my time as a family law practitioner. As a strong family law advocate I had the opportunity to deal with my clients' personnel and job issues as well as various workers compensation issues. Coupled with my experience as a civil litigator at Jones Vargas, I have had the opportunity to not only represent the interests of large corporations and clients, but I have also represented numerous individual clients facing the proposition of losing their livelihood during divorce. I have represented clients facing disciplinary matters through their employment and I have also represented large corporations enforcing or seeking to enforce disciplinary sanctions against employees. My strong legal background and enthusiasm will allow me to become familiar with the intricate ins and outs of the legal issues raised in the varying administrative law hearings. As an individual I am organized, respectful of opposing counsel and litigants, easy to work with, responsible and have never been the subject of a State Bar complaint or investigation. **I believe that my legal experience qualifies me to serve as a fair and independent adjudicator and I would take that responsibility very seriously.**

Additionally, I am available to perform services in the Carson City and Reno areas and on occasion would be available to travel for additional hearings if necessary. If selected, I would NOT have to disqualify myself from cases involving any institution within the Nevada System of Higher Education, any State of Nevada executive branch or agency or any employee association.

Finally, I am humbled by the complete support of my former colleagues including Michael Alonso, Ann Morgan, John Desmond, Brett Scolari, John Sande, Molly Rezac, Rayna Brachmann and others which I believe affirms my qualification for this position.

Thank you for your consideration.

Sincerely,



Whitney D. Derrah

Enclosure: Resume

WHITNEY D. DERRAH, ESQ.

EMMILWHIT@GON7.AOL.COM

7720 AU FURN RIDGE CIRCLE • RENO, NV 89523 • MOBILE PHONE (775) 343-2664

LEGAL EXPERIENCE

2008-2011 **FAMILY LAW PRACTITIONER** Reno, NV

ASSOCIATE ATTORNEY, Marilyn D. York, Inc.

- Practiced exclusively family law including numerous trials, hearings, mediations, settlements and court appearances in Washoe County and surrounding judicial districts.
- Responsible for all trial preparation from client selection to initial discovery, strategy, selection and preparation of expert witnesses, preparation of all motions and trial exhibits and first chairing major motion hearings and trials.
- Experience with all aspects of divorce, child custody, adoption, parental termination and child support cases.

2004-2008 **JONES VARGAS, ASSOCIATE** Reno, NV

ASSOCIATE ATTORNEY, Civil Litigation

- Litigated multi-million dollar cases, including extensive discovery, motion writing, legal research, depositions, preparation of proposed orders, court appearances, trial exhibits, negotiations and various other legal correspondence.
- Experience with contract law, defense work, administrative law, regulatory matters, real estate law, governmental affairs and bankruptcy.
- Earned annual recognition for hours billed.

EDUCATION

1997-2001 **Pepperdine University** Malibu, CA

- B.A., Organization Communication and Business Administration
- Graduated with honors.
- Selected as top graduated from degree program.

2002-2005 **Marquette University Law School** Milwaukee, WI

- Juris Doctorate of Law
- Assistant editor for author of punitive damages text book

AFFILIATIONS

STATE BAR OF NEVADA, STATE BAR NO. 9763

STATE BAR OF WISCONSIN, INACTIVE

INTERESTS

"Flying Doctors" volunteer organization, past president

Hiking, cooking, traveling, quilting, spending time with family

REFERENCES

Michael Alonso, Esq., Jones Vargas, 300 E. Second Street, Fifteenth Floor, Reno, Nevada 89501 Telephone: (775) 786-5000

John Desmond, Esq., 300 E. Second Street, Fifteenth Floor, Reno, NV 89501 (775) 786-5000

Rayna Brachmann, Esq., Surratt Law Practice, 3705 Lakeside Drive, Reno, Nevada 89509, Telephone: 775.636.8200

Ann Morgan, Esq., Jones Vargas, 300 E. Second Street, Fifteenth Floor, Reno, Nevada 89501 Telephone: (775) 786-5000

Casey Baker, Esq., 652 Forest St., Reno, NV Reno, Nevada, Telephone: (775) 348-0888

John Sande IV, Esq., 300 E. 2nd Street, Fifteenth Floor, Reno, NV 89501 Telephone: (775) 786-5000

Brett Scolari, Esq., Jones Vargas, 300 E. Second Street, Fifteenth Floor, Reno, Nevada 89501 Telephone: (775) 786-5000

To: Mr. Adrian Foster (702) 486-2925

From: Nancy Moss Ghushn *NMG*

Date: January 31, 2012

Re: State of Nevada Department of Administration
Hearing Officer Position

Nancy Moss Ghushn, Esq

785 Twin Pines Ct
Reno NV 89509
(775) 772-5644

State of Nevada Department of Administration
Grant Sawyer State Building
555 East Washington Ave.
Las Vegas, NV 89101

January 30, 2012

Ladies and Gentlemen.

Please accept this letter and attached resume as evidence of my interest in the position of Hearing Officer for the State of Nevada. The following will summarize my professional background with respect to the Criteria for Selection for your consideration.

As a Nevada licensed attorney for over 22 years (bar number 3721), I have been a member of both bench and bar, most recently as an administrative hearing officer and pro tem judge. My experience with administrative law consists of my work as an administrative hearing officer, both past and present. Presently, I am an Administrative Hearing Officer for Washoe County, conducting hearings pursuant to the Washoe County Code sections 125.120 through 125.315. In Washoe County, hearing officers have authority that includes conducting and directing administrative hearings and deciding matters during and subsequent to a hearing, including any related matters. The subject-matter of these hearings may involve such diverse county agencies as Animal Services, Building and Safety, Community Development, fire agencies, Health District, Sheriff's Office, or Public Works. As a point of interest, many of these cases were recently misdemeanor matters presented in a justice court of appropriate jurisdiction.

In the past I was also an appointed Hearing Officer for the Nevada Department of Education, and was assigned administrative hearings pursuant to the Individuals with Disability Act ("IDEA"), Section 504 of the Federal Rehabilitation Act, and NAC Chapter 388. As I recall, most if not all of my cases settled before proceeding to hearing after a number of teleconferences and settlement discussions I was required to and resigned my position when I was appointed as a Family Court Master.

I was also a Pro Tem Judge for Reno Justice Court for approximately eight years, from 1994 to 2002, until I withdrew my name due to my appointment as a court master in Washoe County Family Court. Currently, I am again a Pro Tem Judge for Reno Justice Court. In this capacity, I have heard and hear many and varied cases, including criminal matters such as misdemeanor trials, preliminary hearings, pleas, review hearings, traffic court, and also civil matters including landlord and tenant, temporary restraining orders, and Small Claims Court. The subject-matter addressed in Small Claims Court alone is wide and varied. I have also recently been appointed as a Pro Tem Judge for Sparks Justice Court but have not yet heard any cases in that forum.

Until recently, as stated above, I was a Family Court Master (part-time) for nine and a half years, until September 2011. I presided over innumerable family court matters including conducting hearings, case management conferences, communicating with staff and parties (in appropriate circumstances so as to avoid ex parte contact), preparing and issuing both verbal and written orders.

Nancy Moss Ghusn, Esq

785 Twin Pinev Ct
Reno NV 89509
(775) 772-5644

decisions, and determinations. These hearings involved matters such as juvenile dependency and delinquency, guardianships, domestic violence, child support, divorce, custody and visitation issues, and many areas of law related to these cases.

Regarding other selection criteria, I do not have experience specific to alternative dispute resolution ("ADR"). However, I have had various training programs over the years, and I recently participated in a mediation as a party, which was enlightening. Also, I recall cases that I worked on early in my career as an attorney where I was involved in ADRs such as settlement conferences and negotiations with parties and opposing counsel. Indeed, I was interested enough in ADR early in my professional life and chose to participate in a mediation competition in law school.

Addressing the remaining two areas of selection criteria, personnel disciplinary matters and matters involving the State of Nevada System, I find that my education, training and experience has allowed me the ability to master new areas of the law numerous times throughout my career. Indeed, my work as a pro tem judge and administrative hearing officer makes it necessary to learn rapidly, and I embrace the opportunity to do so again.

I do not foresee any conflicts for which I would have to disqualify myself in cases involving the enumerated institutions. However, I do have a child who will enter the University of Nevada, Reno, in the fall as a freshman and is currently enrolled in a class there. Finally, although I live in Reno, I am available and willing to travel to various areas of the state if asked to do so.

Thank you for your time and consideration. Please do not hesitate to contact me should you require additional information.

Very Truly Yours,



Nancy Moss Ghusn
775-772-5644
nmg416@gmail.com

NANCY MOSS GHUSN, ESQ.

785 Twin Pines Ct

Reno, NV 89509

(775)772-5644
nmg416@gmail.com

EDUCATION / ADMISSION TO PRACTICE

- * Admitted to Practice in Nevada, September 1989
*also admitted to the Federal District Court of Nevada,
the Ninth Circuit Court of Appeals, and the Federal District Court of
Northern California
- * *Juris Doctor*, May 1989
Seattle University School of Law/University of Puget Sound
- * *Bachelor of Science*, May 1985
University of Nevada, Reno ("UNR")

EXPERIENCE

- * Family Court Master, part-time
Second Judicial District Court, Family Division
February 2002 to October 2011
- * Justice of the Peace, Pro Tem
Reno Justice Court, 1994-2002, 2010-present
Sparks Justice Court, winter 2011-present
Reno Municipal Court 2000-2001
- * Washoe County Administrative Hearing Officer
July 2010-present
- * IDEA Due Process Hearing Officer
Nevada Department of Education
August 2000-2002
- * Private Practice/Consulting Attorney
December 1992-2002
- * Adjunct Instructor, Truckee Meadows Community College
Business Law I, 1994, 1995 Fall Semesters
Legal Environment, 1997 Spring and Fall Semesters
- * Associate Attorney
Henderson & Nelson
Commercial Litigation
August 1990 - November 1992

NANCY MOSS GHUSN, ESQ.

Page 2

- * Judicial Law Clerk for The Honorable Roy L. Torvinen
Second Judicial District Court of the State of Nevada
September 1989 - August 1990
- * Federal Judicial Extern for The Honorable Edward C. Reed, Jr.
United States District Court for The District of Nevada
January 1989 - May 1989

INVOLVEMENT

- * Northern Nevada Women's Lawyers ("NNWLA"), 1990 -present
*President, 1998; Vice-President, 1997; Secretary, 1994
*NNWLA's nominee for and recipient of Nevada Women's Fund
"Women of Achievement" Award, 2001
- * City of Reno Parks and Recreation Commission
Commissioner, 1995-2002; Vice-Chair 1998, Chair, 1999
- * Volunteer Lawyers of Washoe County (VLWC)/Senior Law Center
Volunteer Attorney, 1992-2002
*VLWC "Outstanding Lawyer" Pro Bono Award, Spring 2000
- * State Bar of Nevada, Young Lawyer's Section Executive Board
*Vice-Chair and Acting Chair, March 1993 -March 1994;
*Board of Directors, Rural Pro Bono Program, 1992-1993;
*Established, co-chaired and participated in the "Goldilocks"
program in Washoe County School District, & "Bill of Rights" Day,
*Chair, Law Day 1993; Co-Chair, moderator, "Bridge the Gap."
- *Mentor to Disadvantaged Youth, Partners in Education, 1991-1993

Law School Highlights

- * Moot Court Board; Phi Alpha Delta Legal Fraternity, mediation competition
- * Worked two to three jobs at a time throughout law school

Undergraduate Highlights

- * One of ten "Outstanding Senior Women" at UNR, 1985
- * Legislative Intern, Nevada State Legislature - 1985 Session
- * Editor of *BRUSHFIRE*, the literary magazine of UNR, 1984-85
- * President 1983, Alpha Chi Omega, UNR Chapter
*1984 Outstanding Collegiate of Northern California/Nevada Region

REFERENCES FURNISHED UPON REQUEST

RM

RYAN J. McELHINNEY • Attorney at Law

Nevada State Dept. of Administration
Grant Sawyer State Building
555 East Washington Ave.
Las Vegas Nevada 89101
ATTN: Adrian Foster

January 4, 2012

To Whom It May Concern:

My name is Ryan McElhinney and I am interested in consideration for the position of Hearing Officer for the Department of Administration.

I am currently licensed to practice law in the State of Nevada (NV#12039). I was exposed to several areas of Administrative Law and the State of Nevada system in general while working for the Nevada Governor's Legal Counsel (see below, and resume). Although I have no alternative dispute resolution or personal disciplinary matters experience, I have proven myself to be more than capable of outstanding performance when put into unfamiliar situations (see Family Court experience, resume).

If selected for this position, I would have no conflict issues as to the Nevada System of Higher Education, any State of Nevada Executive Branch department or agency, nor any employee associations. Moreover, I am willing to travel anywhere within the State of Nevada to perform my duties.

I graduated from Whittier Law School in May of 2010. I received academic awards while in attendance, as well as praise and high marks for strong performance in a mock trial setting. I very much enjoyed the privilege of working for the Nevada Governor's Chief of Staff Joshua Hicks, and was fortunate to have fostered many professional relationships during my employment there.

I was also fortunate enough to work for the Honorable Jerome Polaha as his Law Clerk. I read and research with careful diligence, I am a quick study, and I provide an exceptional work product.

Thank you for your consideration,


Ryan McElhinney

935 Jones St.
Reno, NV 89503

ryan.mcelhinney@gmail.com
(775) 741-7502

NV#12039

RM | Ryan McElhinney

935 Jones St. Reno, NV 89503
ryan.mcelhinney@gmail.com
775-741-7502

Education

- **Juris Doctorate** – Whittier Law School, May 2010
 - Twice awarded CALI certification
 - Criminal Trial Advocacy course
 - full mock trial over 8 week course
- **B.A. English** – California Lutheran University, Aug. 2003
 - Staff Writer Student/Faculty/Alumni newspaper
 - Resident Assistant
 - 4 year Merit Scholarship

Professional experience

Sept. 2011 – Present: Ryan McElhinney, Attorney at Law

- on-going nuisance issue in Reno residential neighborhood, which will most likely result in litigation

Jul. – present: Washoe Legal Services

- pro bono family law cases
- several court appearances in the Family Division
- successfully argued and resolved child custody and divorce issues before the Family Court

Apr. 2011 – July 2011: Law Clerk for the Honorable Jerome Polaha

- manage submit list; bench memos and orders based on submit list, scheduled hearings and pre-trial motions (e.g. motions in limine);
- default judgments, change of name, minor's trust accounts, ex parte motions to enlarge time for service;
- prepare witness list for trial;
- regular interactions with Judge Polaha to discuss various issues before the Court.

Apr. 2011: Washoe Legal Services

- pro bono divorce (cases not officially assigned)

Feb. 2011 – April 2011: Sideshow Collectables – Freelance Writing

Dec. 2010 – Feb. 2011: David McElhinney, Attorney at Law – Legal Research

- research for memo in support of motion for summary judgment, specifically issue of sham declaration

Oct. - Nov. 2010: Richard Young, Attorney at Law – Legal research

- » memo in support of motion in limine for preliminary alcohol screening evidence

May-Aug. 2008: State of Nevada – Office of the Governor, Legal Intern for Chief of Staff Joshua Hicks

- » researched and drafted memos on many distinct legal issues
- » briefed Senate and Assembly hearings on special session of 2008
- » researched legal implications of proposed legislation for upcoming 2009 session
- » briefed important hearings as representative of Governor's office
- » interfaced with state and legislative personnel

Mar.-May 2003: Mike Lynch Consulting – “Zero Emission Vehicle Project”

- » build relationships with and ask for support of California political representatives for the project up for C.A.R.B. review in spring of 2003
- » media research, drafting letters of support and press releases, copy editing, maintaining relationships with C.A.R.B. members

Licensed in Nevada.

Other work history

Mar.-July 2007: Diversiform Inc. Portland, OR – Inside Sales

Aug. '06 – Feb. '07: Pro-Source Wholesale Sparks, NV – Warehouse Mgr./Sales

Apr. '05 – July '06: Moana Nursery Reno, NV – Yard Sales/Labor

July '03 – Mar. '05: Cox & Kromydas Architects Truckee, CA – Runner

letters of reference and writing samples available on request

Interests

- » self-taught guitar, fly fishing, golf, live music, films, hiking and photography

Susan McKibben Wilson
P.O. Box 19702
Reno, NV 89511
January 29, 2012

Nevada State Department of Administration
Grant Sawyer State Building
555 East Washington Avenue
Las Vegas, Nevada 89101
Attention: Adrian Foster
Phone (702) 486-2911

RECEIVED

FEB 01 2012

Department of Personnel
Las Vegas

Dear Sir or Madam:

I am writing to express my interest in the Hearing Officer Position offered by the State of Nevada, Department of Administration, Division of Human Resource Management. I believe that I possess the necessary analytical, organizational, and communication skills to successfully serve as a Hearing Officer.

During my eleven year tenure as a staff attorney with the Nevada Supreme Court, I had the opportunity to analyze complex civil and criminal legal issues, and draft numerous opinions, memoranda, and orders resolving appeals, writ petitions, and motions. I was also responsible for supervising other staff attorneys, reviewing their work, and providing feedback. Moreover, I was able to refine my communication skills through my participation in monthly hearings, in which I orally presented cases to judicial panels for resolution. Although I thoroughly enjoyed my work, I decided to leave employment outside the home after the birth of my second child in 2006, and devote my full attention to raising my two children. As my children are now in school, I have decided to return to the workforce.

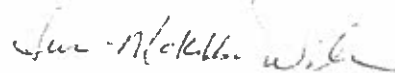
The following is my response to the criteria for selection set forth in the position advertisement:

- A. I am a Nevada licensed attorney (Nevada State Bar number 5829). Although my license has been inactive, I am a member in good standing and I plan to activate it this year for employment.
- B. Experience with administrative law and alternative dispute resolution: During my employment with the Nevada Supreme Court, I worked on a variety of complex civil cases, and am proficient in researching and helping resolve legal disputes at the appellate level.
- C. Experience with personnel disciplinary matters: I supervised attorneys and support staff during my employment at the Nevada Supreme Court as a Supervising Central Legal Staff Attorney. I reviewed their work product and participated in performance reviews.

- D. Experience with the State of Nevada system: During my employment with the Nevada Supreme Court, I became familiar with general state employment issues.
- E. Time of relevant experience: I was employed with the State of Nevada continuously from 1995 to 2006. As indicated above, I have spent the past few years raising my children, but I am now pursuing opportunities for professional growth.
- F. Location: I am able to perform services in all of the areas listed, but would prefer to work primarily in Carson City and Reno.
- G. Disqualifications: I would not have to disqualify myself in cases involving institutions within the Nevada System of Higher Education, any State of Nevada executive branch department or agency, or an employees' association.

I have enclosed my resume for your review. I am motivated and enthusiastic, and I always conduct myself with integrity and professionalism. I would be happy to provide references, writing samples, or any additional information that you may need in your selection process. Thank you for considering my application.

Sincerely,



Susan Mckibben Wilson

Enclosure

Susan McKibben Wilson
P.O. Box 19702
Reno, NV 89511
(775) 762-0825
susan_mckibben@yahoo.com

PROFESSIONAL EXPERIENCE AND EMPLOYMENT

Nevada Supreme Court, Carson City, NV

Staff Attorney October 1995 – November 2006

Conducted legal research and analysis of various civil and criminal appellate cases. Drafted opinions, memoranda, and orders resolving appeals, writ petitions, and motions. Supervised and trained staff attorneys in legal analysis and case resolution. Orally presented cases for resolution before judicial panels.

Carr, DeFilippo, & Ferrell, Palo Alto, CA

Attorney/Law Clerk February 1995 – September 1995

Prepared and filed petitions and related correspondence with the U.S. Patent and Trademark Office. Performed legal research and analysis of trademark, patent, and copyright issues.

Vargas & Barlett, Reno, NV

Law Clerk June 1993 – August 1993

Researched legal issues and drafted motions and legal memoranda for general civil litigation firm pertaining to environmental law, tort actions, and corporate cases.

EDUCATION

Santa Clara School of Law, Santa Clara, CA

Juris Doctor May 1994

G.P.A.: 3.53 (Top 12%)

Honors: Dean's List; Certificate of Excellence in Legal Analysis, Research, and Writing

University of California, Los Angeles, CA

Bachelor of Arts, Psychology June 1991

Honors: Dean's List

PROFESSIONAL AFFILIATIONS

Member of the Bar, State of Nevada, admitted 1995 (Bar Number 5829)

Member of the Bar, State of California, admitted 1994 (Bar Number 172484)

PERSONAL INTERESTS

Cycling, running, skiing, family, and traveling.

LV Commissioners

Hearing Officer – 2012 Recruitment Southern Region Candidates

Recommended for Interview

- ✓ ~~Jeffrey F. Allen~~ *approved* *Bush*
- ✓ Norman N. Hirata*
- ✓ Daniel S. Hussey
- ✓ Gary A. Eulliam*
- ✓ Richard R. Reed
- ✓ Ann E. Winner
- ✓ ~~Paul Lambdley~~ *Lambdley*

*Expressed an interested in working in other geographic locations.

Law Offices of Jeffrey F. Allen
2941 Carmelo Drive
Henderson, NV 89052
→ Tel: (702) 595-1127 →

January 20, 2012

Nevada State Department of Administration
Attn: Adrian Foster
Grant Sawyer State Building
555 E. Washington Ave.
Las Vegas, NV 89101

Re: Hearing Officer Position

Dear Mr. Foster:

This letter shall respond to the open position of Hearing Officer posted by the Nevada Department of Administration. I am very interested in serving as a Hearing Officer and feel that I am qualified to do so. As my attached resume demonstrates, I have extensive experience handling administrative matters and particularly disciplinary cases. In the past four years, I have conducted approximately fifteen labor arbitrations involving discipline (usually termination) of an employee. However, these matters dealt with local government employees as opposed to employees of the State of Nevada. My experience with the State of Nevada system is limited to advising local government employees on PERS issues.

If I am selected to serve as a Hearing Officer, I would be limited to handling matters in Las Vegas. Again, as I currently deal only with local government organizations and employees, I do not anticipate having to disqualify myself due to a conflict for any case.

Please find my resume enclosed herein for your review. If you have any questions or you would like to schedule an interview, please contact me at your convenience. Thank you for your time and consideration.

Respectfully,



Jeffrey F. Allen, Esq.

JEFFREY F. ALLEN
Nevada State Bar No. 9495
California State Bar No. 200793
2941 Carmelo Drive
Henderson, NV 89052
Tel: (702) 595-1127

EDUCATION

Boston University School of Law
Juris Doctor, May 1998

University of California at San Diego
Bachelor of Arts, March 1995
Major: Economics

EXPERIENCE

North Las Vegas Police Officers Association

General Counsel, 1/10 – Present

Handle all legal affairs for labor union consisting of police officers, corrections officers, marshals and detectives employed by the City of North Las Vegas Police Department; Safeguard and promote benefits and job security for officers within NLVPOA bargaining unit; Conduct numerous labor arbitrations, administrative hearings, civil actions and EMRB proceedings on behalf of union; Lead contract negotiations with City on behalf of union; Monitor and enforce City of NLV compliance with legal obligations under NRS §288, ADA, HIPAA, FMLA, Title VII of Civil Rights Act of 1964, etc.; Handle all internal corporate and transactional matters as well as creation and maintenance of NLVPOA affiliated Political Action Committees.

Law Offices of Jeffrey F. Allen

Attorney, 1/10 – Present

Represent various labor unions including the Las Vegas Peace Officers Association (corrections officers employed with City of Las Vegas), International Association of Fire Fighters, Local #1607 (North Las Vegas) and International Association of Fire Fighters, Local #1883 (Henderson) with respect to employment law, internal governance and corporate matters. Assist in contract negotiations and handle administrative proceedings and labor arbitrations.

Olson, Cannon, Gormley & Desruisseaux

Senior Associate, 4/06 – 12/09

Managed complex civil litigation in Nevada state courts, federal court and before the Employee Management Relations Board; Conducted multiple trials and arbitrations; Areas of practice include commercial litigation, professional malpractice, intellectual property, employment law, products liability and general liability.

Meyers & McConnell, LLP

Associate attorney, 2/04 - 4/06

Aggressively litigated complex cases in California and Nevada state courts, federal courts and NASD arbitration; Areas of practice included products liability, professional malpractice, general liability, commercial litigation and construction litigation; Participated in multiple appeals before the California Court of Appeal (2nd District) and the United States Court of Appeals (9th District).

Zimmerman, Rosenfeld, Gersh & Leeds, LLP

Associate attorney, 9/02 - 11/03

Managed complicated commercial litigation in both federal and state courts dealing primarily with issues of intellectual property, interpretation of contracts and finance/accounting; Additional areas of practice included general liability and employment law; Conducted extensive law and motion work, appearing at numerous hearings in connection therewith; Served as second chair during a two week jury trial.

Law Offices of John C. Ye & Associates

Trial attorney, 10/99 - 7/02

Headed the litigation department for a high volume general practice law firm in Los Angeles, managing approximately 150 civil litigation files at any given time; Represented clients during jury and bench trials, arbitrations, mediations, depositions, and law & motion proceedings; Dealt with the following areas of law: personal injury (including wrongful death claims), criminal law, contractual disputes, medical malpractice, general liability, and enforcement of judgments.

INTERESTS

Spending time with wife and two children, working out, playing and watching sports, reading and playing piano.

NORMAN N. HIRATA
Attorney, District Court Arbitrator
& Administrative Hearing Officer
2454 Bedford Park Drive
Henderson, NV 89052
(310) 980-0743
nhirataesq@centurylink.net

January 29, 2012

Adrian Foster
Nevada State Department of Administration
Grant Sawyer State Building
555 E. Washington Ave.
Las Vegas, NV 89101
afoster@admin.nv.gov

Re: HEARING OFFICER CONTRACT

Dear Ladies and Gentlemen:

This letter is to express my interest in continuing as an Administrative Hearing Officer for the State of Nevada. I have enjoyed my two years of service to the State of Nevada and to the employees of the State of Nevada. Based upon the invaluable experience and knowledge gained as a hearing officer, added to my past and continuing experience in the practice of law, mediations, arbitrations, trials and life, I am certain that I would be able to perform at the highest level for the next two years.

The attached resume highlights the ability, knowledge and expertise that I have in conducting and participating in administrative hearings; in drafting decisions and awards, and in serving as an impartial arbitrator for the Clark County District Court and as a Hearing Officer for the State of Nevada. In the paragraphs below, I will briefly review my experience, skills and knowledge that fulfill your "Criteria for Selection."

A. Nevada Licensed Attorney:

Nevada State Bar number 9419	Admitted 4/20/05
California State Bar number 69010	Admitted 6/25/76
Admitted to practice before:	U. S. District Court of Nevada, U. S. District Court, Central District of California, Ninth Circuit, U.S. Court of Appeals, and The United States Supreme Court.

B. Administrative Law Experience and Alternate Dispute Resolution:

Administrative Hearing Officer, State of Nevada	July 2010 to Present
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During the last 18 months of service as an administrative hearing officer, I have conducted 11 administrative hearings and have written numerous Findings of Fact, Conclusions of Law and Decisions. At present, I am in the process of scheduling hearings and completing work on several additional cases assigned to me. I believe that I have gained a reputation for fairness, willingness to listen to both sides, judicial control and decisiveness, knowledge and integrity during these hearings. I enjoy participating in the administrative process that I am assisting in.

Alternate Dispute Resolution:

1. Superior Court of California, court-appointed Arbitrator
in personal injury cases 1978-1991
2. Eighth Judicial District of Nevada, court-appointed Arbitrator
in personal injury cases 2006 to present

C. Experience with Personnel Disciplinary Matters

Administrative Hearing Officer, State of Nevada July 2010 to Present

During the last 18 months of service as an administrative hearing officer, I have conducted 11 administrative hearings and have written numerous Findings of Fact, Conclusions of Law and Decisions. At present, I am in the process of scheduling hearings and completing work on several additional cases assigned to me. I believe that I have gained a reputation for fairness, willingness to listen to both sides, judicial control and decisiveness, knowledge and integrity during these hearings. I enjoy participating in the administrative process that I am assisting in.

Prior Experience

Santa Monica City Attorney's Office 1989 to August 2007

As a Deputy City Attorney, I assisted in the preparation of the city's defense in wrongful termination actions brought by city employees against the City of Santa Monica. I also defended police officers in Civil Rights lawsuits, requiring me to review administrative hearings involving discipline, suspensions and terminations

D. Experience with the State of Nevada System

Administrative Hearing Officer, State of Nevada July 2010 to Present

During the last 18 months of service as an administrative hearing officer, I have conducted 11 administrative hearings and have written numerous Findings of Fact, Conclusions of Law and Decisions. At present, I am in the process of scheduling hearings and completing work on several additional cases assigned to me. I believe that I have

gained a reputation for fairness, willingness to listen to both sides, judicial control and decisiveness, knowledge and integrity during these hearings. I enjoy participating in the administrative process that I am assisting in.

E. Recent Relevant Experience

Administrative Hearing Officer, State of Nevada July 2010 to Present

During the last 18 months of service as an administrative hearing officer, I have conducted 11 administrative hearings and have written numerous Findings of Fact, Conclusions of Law and Decisions. At present, I am in the process of scheduling hearings and completing work on several additional cases assigned to me. I believe that I have gained a reputation for fairness, willingness to listen to both sides, judicial control and decisiveness, knowledge and integrity during these hearings. I enjoy participating in the administrative process that I am assisting in.

Ongoing Experience as a Judicial Arbitrator 2006 to Present
for the Clark County District Court

I continue to receive appointments from the Eighth Judicial District in Clark County, Nevada, to schedule arbitration hearings, receive testimony and evidence, apply the facts to the law, and make judicial decisions, i.e., arbitration awards. These awards become final judgments in District Court, if not appealed within 30 days

F. Areas Acceptable

Residing in Henderson, Nevada, I would prefer working in the Las Vegas, Nevada, area. However, I would not object to a few cases set in Tonopah, Reno, Ely, Elko, Lovelock or Carson City.

G. Disqualifications

I would not disqualify myself in any case involving any of the State of Nevada's Departments or Agencies.

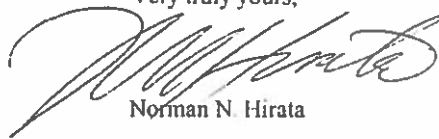
**ADDITIONAL REASONS WHY I SHOULD BE SELECTED TO CONTINUE
AS AN ADMINISTRATIVE HEARING OFFICER:**

1. I want to continue doing these administrative hearings and enjoy the work that I'm performing.
2. I'm semi-retired and have the time to do the work assigned, without the conflicts of a full-time attorney's duties and responsibilities.

3. I have the experience and knowledge to continue protecting the legal rights of employees and following the statutes, rules and regulations that guide the findings of fact, conclusions of law and decisions that I must make.

Please review the above information, the enclosed resume, and a copy of my prior application (to provide a more complete background with prior qualifications) for the hearing officer position, and contact me if you have any additional questions. I look forward to an interview with the Personnel Commission.

Very truly yours,

A handwritten signature in black ink, appearing to read "N. Hirata", written in a cursive style.

Norman N. Hirata

Cc: sblotter@admin.nv.gov

NORMAN N. HIRATA
Attorney, District Court Arbitrator
& Administrative Hearing Officer
2454 Bedford Park Drive
Henderson, NV 89052
(310) 980-0743
nhirataesq@centurylink.net

January 29, 2012

RESUME - HEARING OFFICER

ADMINISTRATIVE LAW & ALTERNATE DISPUTE RESOLUTION EXPERIENCE

- Administrative Hearing Officer, State of Nevada** **July 2010 to Present**
Scheduled hearings; conducted administrative hearings; prepared Findings of Fact, Conclusions of Law and Decisions.
- Judicial Arbitrator for Eighth District Court, Clark County, Nevada** **2006 to Present**
Scheduled arbitrations; conducted arbitrations; prepared Arbitration Awards.
- Los Angeles Superior Court Arbitrator** **1978-1991**
Scheduled arbitrations; conducted arbitrations; prepared Arbitration Awards.

LEGAL EXPERIENCE

Employment:

- 12/12/11 Retired from Legal Employment with Law Firm; self-employed
- 6/09-present Attorney and District Court Arbitrator; State Administrative Hearing Officer
Henderson, NV
- 3/10-12/12/11 Amesbury Law Office, Las Vegas, Nevada
- 10/08-05/09 Nevada Attorney for Injured Workers-Las Vegas
- 09/07-09/08 Hall, Jaffe & Clayton, LLP- Las Vegas
Brady, Vorwerck, Ryder & Caspino - Las Vegas Office
Recruited from California to take High-Exposure P.I. Cases to Trial
- 03/89-08/07 Santa Monica City Attorney's Office, Civil Litigation Division
Deputy City Attorney III- Personal Injury, Premises Liability, Civil Rights Defense
- 03/86-03/89 Los Angeles City Attorney's Office, Civil Liability Department
Deputy City Attorney II - Personal Injury, Premises Liability, Civil Rights Defense
- 07/76-03/86 Private Practice - Powell & Hirata

Education:

- Glendale University College of Law **Admitted Nevada Bar: 4/20/05**
- Juris Doctor - December 1975; Graduated with Honors
 - Invited to participate in Moot Court and Law Review **Admitted California Bar: 6/25/76**
University of California at Berkeley
 - Bachelor of Arts, June 1968; California Alumni Scholarship
 - Honors at Entrance and Graduation, Honors Program - Sociology
Intramural Athlete of the Year, Putnam Hall, 1965

- Distinctions:** National Institute of Trial Advocacy (NITA), Master Advocates Program - January 12, 1991
Admitted to U.S. District Courts, Central District of California and Nevada; 9th Circuit Court of Appeals; and The United States Supreme Court

NORMAN N. HIRATA
Attorney and District Court Arbitrator
2454 Bedford Park Drive
Henderson, NV 89052
(310) 980-0743
nahirata@embarqmail.com

December 19, 2009

*PREVIOUS
Application*

Beverly Ghan
Nevada State Department of Personnel
209 East Musser Street, Room 101
Carson City, NV 89701-4204

Re: HEARING OFFICER (Nevada Licensed Attorney)

Dear Ladies & Gentlemen:

This letter is to express my interest in the Hearing Officer position listed in the unclassified job listing on your website. Based upon my skills and experience in Administrative Law, Mediations, Arbitrations, Trials and Life, I am certain that I would be ideal for the Hearing Officer position.

My resume highlights my ability, knowledge and expertise in conducting and participating in Administrative Hearings; in drafting decisions and awards; and in serving as trial attorney and arbitrator (judge). In the paragraphs below, I will specify how and where I obtained the skills and knowledge to fulfill your "Criteria for Selection."

A. Nevada Licensed Attorney

Nevada State Bar No. 9419
California State Bar No. 69010

Admitted 4/20/05
Admitted 6/25/76

B. Administrative Law Experience

1. Law Clerk and Decision Writer – South Coast Air Quality Management District, El Monte, CA 1974-1976
Attended administrative hearings and drafted Decisions for the SCAQMD Hearing Board, based upon the District's Rules and Regulations.

2. Law Office of Norman N. Hirata; Powell & Hirata 1976-1986
Environmental Law Attorney – Representing clients before the SCAQMD Hearing Board seeking variances and administrative relief from Air Pollution Rules and Regulations of the SCAQMD. Clients included Laura Scudder, Inc., The Southern California Roofing Contractors' Association, and many companies cited by the SCAQMD. I also testified as an expert witness in depositions involving the SCAQMD.
Represented clients before City of Los Angeles, City Attorney's Office Hearings, and before Department of Motor Vehicles License Revocation Hearings.
3. Superior Court of California, Court Appointed Arbitrator in Personal Injury Cases 1987-1991
Appointed by the Los Angeles Superior Court as a Court Arbitrator, to conduct arbitration hearings and to prepare all Orders and Rulings, including the Arbitration Awards.
4. Santa Monica City Attorney's Office 1989 to August 2007
As a Deputy City Attorney, I assisted in the preparation of the City's defense to wrongful termination actions brought by City employees against the City of Santa Monica. I also defended police officers in Civil Rights lawsuits, and would often review administrative hearings involving discipline, suspensions and terminations.
5. Nevada Attorney For Injured Workers 10/08 to 5/09
Represented injured workers in seeking Workers Compensation benefits from employers, before the Appeals Officer. When I won the appeal, I drafted the Decision and Order for the Appeals Officer.
6. Eighth Judicial District of Nevada, Court Appointed Arbitrator in Personal Injury Cases 2006 to Present
Appointed by the Nevada Supreme Court as a District Court Arbitrator, to conduct arbitration hearings and to prepare all Orders and Rulings, including the Arbitration Awards.

EXPERIENCE WITH PERSONNEL DISCIPLINARY MATTERS

1. Santa Monica City Attorney's Office 1989 to August 2007
As a Deputy City Attorney, I assisted in the preparation of the City's defense to wrongful termination actions brought by City employees against

the City of Santa Monica. I also defended police officers in Civil Rights lawsuits, and would often review administrative hearings involving discipline, suspensions and terminations.

EXPERIENCE WITH THE STATE OF NEVADA SYSTEM

I have read and studied the Nevada Administrative Procedures Act, Chapter 233B, sections 233B.010 through 233B.150; NRS Chapter 284, State Personnel System, Sections 284.010 through 284.405 (with special attention to 284.376, 284.390-284.405); and am studying other applicable statutes and case law.

1. Nevada Attorney For Injured Workers 10/08- 5/09

I acquired Nevada administrative hearing experience by preparing for and presenting my clients' cases before the Workers Compensation Appeals Officer, and in drafting the Decisions and Orders for the Appeals Officers.

RECENT RELEVANT EXPERIENCE

1. Ongoing Experience as a Judicial Arbitrator 2006 to Present

I am presently receiving testimony and evidence, applying the facts to the law, and making Judicial decisions, i.e., Arbitration Awards. These awards become Final Judgments in District Court, if not appealed within 30 days.

2. Nevada Attorney For Injured Workers 10/08- 5/09

I acquired Nevada administrative hearing experience by preparing for and presenting my clients' cases before the Workers Compensation Appeals Officer, and in drafting the Decision and Order for the Appeals Officers.

3. Santa Monica City Attorney's Office 1989 to August 2007

As a Deputy City Attorney, I assisted in the preparation of the City's defense to wrongful termination actions brought by City employees against the City of Santa Monica. I also defended police officers in Civil Rights lawsuits, and would often review administrative hearings involving discipline, suspensions and terminations.

AREAS ACCEPTABLE

Since I reside in Henderson, NV, I would prefer working in Las Vegas. However, I would not object to an occasional case setting in Carson City, Reno, Ely or Tonopah.

DISQUALIFICATIONS

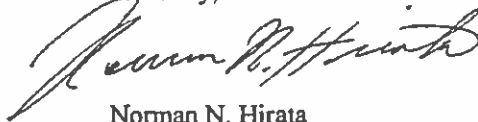
I do not believe that I would need to disqualify myself from any case within the State of Nevada's Departments or Agencies.

ADDITIONAL REASONS WHY I WOULD BE IDEAL FOR THE HEARING OFFICER POSITION.

1. I am semi-retired and would have the TIME to do the work assigned, without the conflicts of a full-time practicing attorney.
2. I receive a pension from the Santa Monica City Attorney's Office, through CalPers, and am not bothered by the fact that "there is no minimum guarantee of hours."
3. I would LOVE to do the work, and would find it interesting and enjoyable.
4. The two year contract period is ideal, renewable for an additional two years.

Please review the above information and the enclosed resume and call me if you have any questions. I look forward to an interview with the Personnel Commission.

Sincerely,



Norman N. Hirata

**DANIEL S. HUSSEY
ATTORNEY AT LAW
2273 TRAFALGAR COURT
HENDERSON, NEVADA 89074**

MESSAGE PHONE (702) 435 - 1520

December 30, 2011

Nevada State Department of Administration
Grant Sawyer State Building
555 East Washington Ave
Las Vegas, Nevada 89101
Attention: Adrian Foster

RE: Hearing Officer

Ladies and Gentlemen,

I hereby apply to be reappointed Hearing Officer based in Las Vegas.

I address the Selection Criteria as follows.

A. I am a Nevada licensed attorney, in good standing, since 1973. Bar # 257.

B. Administrative Law Experience.

I have served as the Southern Hearing Officer since 2004.

I served as the Southern Alternate Hearing Officer the previous six years.

From 1982 through 2001 I served the Clark County Nevada School District as their attorney, with primary responsibility for all personnel matters. The District had more than 25,000 employees in various employment categories, including supervisors, law enforcement officers, support staff, administrators, and professional staff. There were several different administrative hearing structures, each with multiple steps. I participated in administrative hearings on a daily basis. Between 1982 and 2001 I had extensive American Arbitration Association Labor Arbitration experience. I also represented the School District in administrative, personnel and other matters in court.

Prior to my employment with the School District I served the City of Las Vegas as a trial attorney, had a private practice, and served the Eighth Judicial District Court as a law clerk to a trial judge.

Commencing in January 1974, I served as the attorney member of the Nevada State Personnel Commission for 10 years. At that time matters which are now heard by hearing officers were primarily heard by the Commission. I was instrumental in expanding the use of hearing officers. My tenure on the Commission included service as Chairman after 1980.

- C. Experience with Personnel Disciplinary Matters &
- D. Experience with the State of Nevada System.

I have extensive experience as set forth above, in the writing, interpretation, application and review of disciplinary rules. With the School District, I was involved with virtually all disciplinary matters from their inception. As a Member of the Commission for ten years, as the Southern Alternate Hearing Officer for six years, and most recently, seven years as the Southern Hearing Officer, I have heard and resolved many assigned cases. Personnel disciplinary cases have been a major focus of my professional endeavors since 1974.

I have extensive additional experience including service in the United States Air Force from 1959 thru 1963. I have been actively involved in Nevada Government since 1965. I am a graduate of the University of Nevada Las Vegas and after graduating from the University of California Los Angeles Law School I was admitted to the practice of law in Nevada in 1973. I was admitted to practice in the Federal District Courts in Nevada (1973), the Ninth Circuit Court of Appeals (1982) and the United States Supreme Court (1983).

- E. Recent Experience.

My professional experience in this field of practice continues.

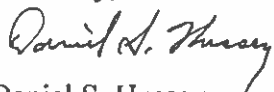
- F. Ability to perform services in the listed areas.

I prefer to be based in the Las Vegas area but if needed for a particular case or cases I can serve anywhere in the State.

G. I have no need to disqualify myself in cases involving:
Institutions within the Nevada System of Higher Education,
Any State of Nevada executive branch department or agency,
Any employee's association.

Thank you for your consideration. If I may provide any further information, please do not hesitate to contact me.

Sincerely,



Daniel S. Hussey
Hearing Officer
Nevada Bar # 257

GARY A. PULLIAM, ESQ.
10205 Imperial Pointe Ave.
LAS VEGAS, NEVADA 89134
Phone - (702) 467-7196
Fax - (702) 272-0739
E-mail - pulliam.gary@gmail.com

January 4, 2012

Nevada State Department of Administration
Grant Sawyer Building
555 East Washington Avenue
Las Vegas, Nevada 89101
Attn: Adrian Foster

Re: Application for Hearing Officer

Dear Mr. Foster:

I am writing in response to the announcement regarding the Hearing Officer position for the State of Nevada. I am presently a Hearing Officer for the Southern Nevada area and I wish to be reappointed.

My experience makes me an excellent candidate for reappointment to the position. I have over twenty five years experience practicing law in Nevada. I have extensive litigation experience in labor and employment matters. Additionally, I have extensive judicial and quasi judicial experience. All these factors are the perfect combination for the position.

I have enclosed my current resume and responses to the *Criteria for Selection* questions requested in the position announcement.

I look forward to having the opportunity to interview for the position. Should you have any questions, please contact me at the above number or e-mail. Thank you for your consideration.

Sincerely,



Gary A. Pulliam, Esq.

Enclosures

GARY A. PULLIAM
10205 Imperial Pointe Avenue
Las Vegas, Nevada 89134
(702) 467-7196

LEGAL EXPERIENCE

July 2011 to Present

PART TIME JUDICIAL & QUASI JUDICIAL POSITIONS
Las Vegas, Nevada

Traffic Commissioner for the City of Las Vegas
Nevada Department of Personnel Hearing Officer
Alternate Municipal Court Judge - City of Las Vegas
Court Appointed Arbitrator - 8th Judicial District Court
Short Trial Judge - 8th Judicial District Court
Private Mediator and Arbitrator
United States Air Force Reserve

Jan 2010 to May 2011

STAFF COUNSEL - AMERICAN FAMILY INSURANCE
Las Vegas, Nevada

Regional Legal Staff Counsel
Responsible for handling personal injury trials and arbitration hearings
Responsible for supervision of retained counsel

Jul 2009 to Jan 2010

PULLIAM CONFLICT RESOLUTION
Las Vegas, Nevada

Practice exclusively in the area of mediations and arbitrations

March 2008 to June 2009

**JUDGE ADVOCATE GENERAL CORP UNITED STATES
AIR FORCE**
Nellis AFB, Las Vegas, Nevada

Served as acting Deputy Staff Judge Advocate during command transition
Served as Chief of Military Justice and Chief of Administrative Law
Appointed Special Asst. U.S. Attorney for Magistrates Court
Active duty tour ended June 2009

Oct. 2007 to Feb. 2008

STAFF COUNSEL - FARMERS INSURANCE GROUP
Las Vegas, Nevada

Trial Attorney

Responsible for handling personal injury arbitration hearings

Sept. 2005 to Oct. 2007

OFFICE OF THE NEVADA ATTORNEY GENERAL
Las Vegas, Nevada

Assistant Chief Solicitor General

Served as Chief of the Las Vegas Litigation Division

Supervised 7 attorneys, 2 paralegals and 5 support staff

Responsible for handling inmate Civil Rights, Title VII and general tort litigation, as well as personnel matters for Nevada state agencies

June 2001 to Sept 2005

**STAFF COUNSEL - FARMERS INSURANCE GROUP AND
ZURICH NORTH AMERICA**
Las Vegas, Nevada

Trial Attorney

Responsible for handling personal injury trials and arbitration hearings

May 1998 to June 2001

STAFF COUNSEL-ALLSTATE INSURANCE COMPANY
Las Vegas, Nevada

Managing Attorney for Allstate Insurance Staff Counsel
Office for the State of Nevada

Supervised a staff of 22 employees, including 11 attorneys

Responsible for handling personal injury trials and arbitration hearings

Nov. 1996 to May 1998

CHIEF CIVIL DEPUTY DISTRICT ATTORNEY
Nye County, Nevada

County Counsel for Nye County, Nevada

Responsible for supervising all aspects of civil litigation for Nye County, including the monitoring of outside counsel

Served as Legal Advisor to the elected and appointed boards in Nye County

Served as a Management Representative of the Collective Bargaining Team

May 1994 to Nov. 1996

SOLE PRACTITIONER
Las Vegas, Nevada

Handled criminal, commercial, domestic and personal injury cases

June 1993 to May 1994

ASSOCIATE - THEODORE MANOS & ASSOCIATES
Las Vegas, Nevada

Responsible for a wide variety of civil and criminal matters for the firm

Nov. 1987 to June 1993

JUDGE ADVOCATE GENERAL CORP UNITED STATES
AIR FORCE
Nellis AFB, Las Vegas, Nevada

Served as an Assistant Staff Judge Advocate and Area Defense Counsel

CIVIL LAW RELATED DUTIES

Manager of the Labor Law Division

Legal Advisor to Director of Personnel at Nellis Air Force Base

Management representative in labor litigation

Member of Management Collective Bargaining Team

Legal Advisor to Aircraft Investigation Boards

CRIMINAL LAW RELATED DUTIES

Prosecuted and defended over 30 General and
Special Courts-Martial

Acted as Government and Respondent's counsel for over 20
Administrative Discharge Boards

Served as Area Defense Counsel at one of USAF's busiest bases

Appointed Special Asst. U.S. Attorney for Magistrates Court and
prosecuted over 120 misdemeanor cases

April 1987 to Nov. 1987

SOLE PRACTITIONER
Las Vegas, Nevada

Handled commercial, criminal and domestic cases

Oct. 1985 to April 1987

LAW CLERK AND ASSOCIATE- MAHAN AND ELLIS CHARTERED
Las Vegas, Nevada

Practiced exclusively commercial law

Oct. 1983 to Oct. 1985

ASSISTANT GENERAL MANAGER, HOTEL NEVADA
Las Vegas, Nevada

Assistant to Owner and General Manager

Management Representative for all Administrative Labor Litigation and
Collective Bargaining Team

EDUCATION

JURIS DOCTOR

California Western School of Law
San Diego, California, 1983

BACHELOR OF ARTS, SOCIOLOGY

University of Nevada, Las Vegas, 1978

LICENSURE

United States Supreme Court, 2007
Ninth Circuit Court of Appeals, 2005
United States Court of Military Appeals, 1988
United States Air Force Court of Military Review, 1988
Nevada Gaming Commission and Gaming Control Board, 1987
United State District Court for Nevada, 1986
State Bar of Nevada, 1986

OTHER EXPERIENCE

State Bar Southern Nevada Disciplinary Board, 2010 to present
Pro Tem Judge Justice Court-Las Vegas Township, 2005 to 2007
Summer Law Clerk - John Peter Lee, Ltd. - 1980-1983
Former Instructor for College of Southern Nevada and Las Vegas College

CONTINUATION OF PART III - CRITERIA FOR SELECTION

A. Nevada licensed attorney (provide State bar number)?

I have been licensed in Nevada since October 1986. My Nevada bar number is 2776.

B. Administrative law experience and alternate dispute resolution?

Throughout my legal career I have handled numerous administrative law cases. I have extensive experience handling employment and labor cases with the State of Nevada; Nye County, Nevada; the United States Air Force; and private businesses in Las Vegas.

I also have extensive experience in alternate dispute resolution cases. I have been a court appointed arbitrator for the 8th Judicial District Court since 2000. Additionally, I have experience in private arbitrations and mediations.

C. Experience with personnel disciplinary matters?

As stated above I have vast experience dealing with different types of disciplinary and employment related matters during my over 25 years experience practicing law. I also am presently a Hearing Officer for the State of Nevada.

D. Experience with the State of Nevada system?

I have experience with the Nevada system when I worked for Nye County and the Nevada Attorney General's office.

E. How recent is the relevant experience?

My most recent experience has been with the Nevada Attorney General's office where I represented the Department of Corrections, UNLV, CSN and other state agencies in disciplinary matters. Additionally, I am a member of the Southern Nevada Disciplinary Committee for the State Bar of Nevada. In that role I have participated in numerous disciplinary hearings involving Nevada attorneys.

I am presently a Hearing Officer for the State of Nevada. At the time of preparing this application I have not presided over any hearings. However, if I am offered an interview for the present position, I hope to share any relevant experience with the Personnel Commission at that time.

F. Indicate the ability to perform services in the following areas:

Las Vegas - yes

Tonopah - yes

Ely - yes

Elko - yes

Lovelock - yes

Carson City/Reno - yes

G. If selected would you have to disqualify yourself in cases involving :

One or more institutions within the Nevada System of Higher Education? - no

A State of Nevada executive branch department of agency? - no

An employees' association? - no

LAW OFFICES
RICHARD R. REED, ESQ.
711 ½ SOUTH SIXTH STREET
LAS VEGAS, NEVADA 89101

Telephone: (702) 382-4564

Fax: (702) 382-8776

January 24, 2012

HAND DELIVERED

Nevada State Department of Administration
Grant Sawyer State Building
555 East Washington Avenue
Las Vegas, Nevada 89101

Attn. Adrian Foster

Re: Application – Hearing Officer

Dear Mr. Foster:

Please consider this letter, together with the attached resume' as my application for the position of Hearing Officer, as announced by your department in late December, 2011. When I originally applied for this position two years ago, I included copies of 5 written decisions which I rendered as an arbitrator here in Clark County, which I understand are still available to anyone interested. In addition, having served for the last two years as a Hearing Officer, I have available copies of the decisions I have rendered in that capacity for review upon request.

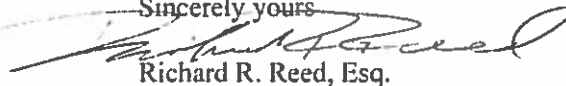
As I approach the end of my 46th year as a practicing lawyer in two states, I have found that the most rewarding aspects of my career involve my experiences as a judge (in Idaho), and as an arbitrator and, more recently, as a hearing officer for the Nevada Department of Personnel. I truly enjoy this activity and would like to do even more of it. I have received positive feed back from those who have brought cases before me as an arbitrator, and positive ratings from those who have been involved in cases I have heard as a Hearing Officer. I believe that my experience qualifies me to continue as a Hearing Officer and actively seek reappointment to that position.

Responding specifically to the items mentioned on page 2 of the announcement, I submit the following:

- A. Nevada licensed attorney since 1977, Nevada Bar # 1199.
- B. Administrative law experience: Prior to 2010, I was involved in several administrative hearing procedures as a private practitioner. Since 2010, I have served as a Hearing Officer for the Personnel Commission for the State of Nevada.
- C. Experience with personnel disciplinary matters: I have either owned outright or been a partner in private law firms for over 40 years, and of course personnel issues have arisen from time to time. Also, as Probate Judge in Twin Falls County, Idaho, I supervised a staff of juvenile probation officers, a state parole officer, clerks and secretarial personnel.
- D. Experience with the State of Nevada system: As a Hearing Officer for the State Personnel Commission for the last two years, I have conducted hearings on a variety of State personnel matters, including suspensions, demotions, dismissals, each case having presented a set of unique issues for resolution.
- E. How recent the relevant experience: From July, 2010 to the present.
- F. I have the ability to hear matters in all the locations mentioned in the announcement, but would prefer to hear matters primarily in Las Vegas.
- G. If selected, I would not have to disqualify myself in any matter involving any of the agencies mentioned in the announcement.

I thank you most sincerely and those others in the Department of Administration for your consideration of my application for the position of Hearing Officer. I shall look forward to hearing from you further on this matter, and the opportunity to meet personally with you or members of the Commission as this process continues.

Sincerely yours

A handwritten signature in black ink, appearing to read "Richard R. Reed". The signature is fluid and cursive, written over a horizontal line.

Richard R. Reed, Esq.

RESUME'
RICHARD R. REED, ESQ.
711 ½ SOUTH SIXTH STREET
LAS VEGAS, NEVADA 89101

Telephone: (702) 382-4564

Fax: (702) 382-8776

January 24, 2012

SUMMARY: 46 years as a lawyer, 43 as a practicing lawyer, 3 as Probate Judge, Twin Falls County, Idaho.

In private practice, conducted numerous civil trials and arbitrations, both jury and non-jury, and several appeals to the Supreme Courts of Idaho and Nevada. For the past 14 years, served as an arbitrator in the court-annexed program in Clark County, and some private arbitrations.

EDUCATION: University of Idaho: BA in Political Science, 1963; University of Idaho College of Law, JD, 1966. Winner, Moot Court competition after arguments before the Idaho Supreme Court, 1964.

BAR STATUS: Admitted to practice before all state and federal courts in Idaho, August 19, 1966; admitted to practice before all state and federal courts in Nevada, September 12, 1977. Currently a member in good standing of the Nevada State Bar, Bar # 1199.

PROFESSIONAL EXPERIENCE:

1982 – Present: Sole practitioner, general civil and trial practice, Las Vegas, and Arbitrator in Clark County District Court. Also, Hearing Officer, Nevada State Personnel Commission, June, 2010 to Present.

1977-1982: Associate, Law Offices of Thomas E. Lea, Esq., Las Vegas; general civil, trial and real estate practice.

1977: Relocated to Nevada from Idaho. Law clerk and Bailiff for Hon. John Gabrielli, District Judge, Reno.

-
- 1973-1977: Sole practitioner, general civil and trial practice, Twin Falls, Idaho. Also served as deputy District Attorney for Twin Falls County.
- 1970-1973: Partner, Schwartz Doerr & Reed, Twin Falls, Idaho. General civil and trial practice, including insurance subrogation and defense.
- 1967-1970: Probate Judge, Twin Falls County, Idaho. Presided over approximately 200 trials, juvenile, probate and competency hearings; supervised a staff of 6 people.
- 1966-1967: Associate, Cunningham, Schwartz & Doerr, Twin Falls, Idaho. General civil and trial practice, including insurance subrogation and defense.

REFERENCES:

Furnished upon request.

Ann Elworth Winner, PLLC

1117 South Rancho Drive, Las Vegas, Nevada 89102

(702) 243-7000

January 12, 2012

Nevada Department of Personnel
209 East Musser Street, Room 101
Carson City, Nevada 89701-4204
Attn: Adrian Foster

Enclosed please find my resume in support of application for the position of Hearing Officer. This letter addresses the supplemental information sought in the posting for the position.

A. Nevada Bar Number 6338

B.-E. As my resume indicates, I am currently serving the State of Nevada as a Hearing Officer in a contractual capacity with both the Department of Personnel and the Taxicab Authority. I have been with the Department of Personnel for over five years, and have been with the Taxicab Authority for over seven years. All of the hearings are conducted pursuant to the Nevada Administrative Procedure Act, with which I am extremely well-versed. I also serve the City of Las Vegas as an Administrative Hearing Officer.

In my time as a hearing officer with the Department of Personnel, I have heard cases ranging from involuntary transfers to suspensions and terminations, as well as Whistleblower cases. I believe, given my current and recent experience with the state system, that I am an ideal candidate for this position. I look forward to the opportunity to further discuss my qualifications with the Personnel Commission.

F. I am available to perform these services in Las Vegas, though I could travel as needed to cover matters for which a conflict exists with other Hearing Officers.

G. Due to my position with the Taxicab Authority, I would disqualify myself from any case involving that agency.

Thank you for your consideration.

Sincerely,


Ann Elworth Winner

Ann Elworth Winner

1117 South Rancho Drive, Las Vegas, Nevada 89102

(702) 243-7000

Education

Creighton University School of Law
Juris Doctorate, *Magna Cum Laude*, 1996

University of Nebraska
Bachelor of Arts, English, 1992

Experience

- September, 2008 to present ***City of Las Vegas, Nevada***
Hearing Officer
Preside over proceedings involving parking infractions.
- August, 2006 to present ***State of Nevada Department of Personnel***
Hearing Officer
Preside over proceedings involving Whistleblower claims and disciplinary actions taken by State agencies against classified employees.
- January, 2005 to present ***State of Nevada Taxicab Authority***
Hearing Officer
Preside over administrative proceedings involving citations issued to taxicab drivers, certificate holders and unlicensed taxicab operators in Clark County, Nevada.
- January, 2005 to present ***Atkin Winner & Sherrod***
Of Counsel
Perform all aspects of criminal and civil litigation in state and federal courts, as well as administrative agencies.
- January, 2000 to January, 2005 ***State of Nevada Office of the Attorney General***
Senior Deputy Attorney General/Deputy Attorney General
Represented multiple state agencies in administrative hearings and State and Federal courts. Provided counsel on a variety of issues, including the Administrative Procedure Act, Nevada Open Meeting Law and access to public and private records. Trained sworn peace officers regarding trial testimony. Prosecuted traffic citations. Assisted clients with the preparation of proposed regulations and policies. Defended state agencies and employees in civil rights and tort actions.
Clients included: Department of Business and Industry, Taxicab Authority, Employee Management Committee and Nevada Boards of Architecture, Physical Therapy, Education and Cosmetology.
- October, 1997 to January, 2000 ***Barker, Brown, Busby, Chrisman & Thomas***
Associate
Performed all aspects of civil litigation in state and federal courts and represented clients before several administrative agencies.
Emphasis: Administrative law, insurance coverage and defense.

Licenses and Certification

State and Federal Courts, Nebraska and Nevada
Ninth Circuit Court of Appeals
Federated Association of Regulatory Boards Attorney Certification

Hearing Officer – 2012 Recruitment Southern Region Candidates

Other Southern Candidates

Malik W. Ahmad
John W. Boyer
Amy L. Braudis*
Adam J. Breeden
Susan K. Bush
Rob D. Chung*
Alice M. Coulson
Louis V. Csoka
Philip J. Dabney
Angela H. Dows*
Franny Forsman*
Michael T. Gebhart
Nancy R. Harkess
Roger L. Harris*
Han G. Lee*
Monti J. Levy*
Renee L. Mancino*
Nathaniel J. Reed
Colleen J. Rice*
Leonard J. Root*
Travis E. Shetler
Ross Smillie
Kimberley P. Stein*
Thomas J. Tanksley

* Expressed an interested in working in other geographic locations.

January 18, 2012

Attention: Adrian Foster
Nevada State Department of Administration
Grant Sawyer State Building
555 East Washington Avenue
Las Vegas, Nevada 89101

Subject: Hearing Officer

Dear Sir/Madam:

I am applying for the position of a Hearing Officer as advertised recently. Aside from being a Licensed Attorney with the State Bar of Nevada for six (6) years, I have a wide range of experience in administrative hearing proceedings, appeal processes and judicial review process with the State of Nevada Unemployment Department and the Social Security Administration. I also have extensive experience in Worker's Compensation law and Mediation under the Supreme Court of Nevada Foreclosure Mediation Program. I am familiar with administrative law, labor and employment law, and employees' grievance procedural methods for both casino and non-casino workers.

I am also very familiar with the requirement of NRS Chapter 233 B requiring judicial review, dismissals, suspensions and the judicial review process at for the District Court in Clark County, Nevada.

Attached hereto, please see my resume and answers to your questions. I am eagerly looking forward for an opportunity to meet you in person for an interview.

Thank you for any such consideration.

Respectfully,



Malik W. Ahmad

MALIK W. AHMAD

8072 West Sahara Ave., Ste. A

Las Vegas, Nevada 89117

Office: (702) 270-9100

Cell: (702) 285-3006

E-mail: Malik11397@aol.com

LICENSURES

- Admitted: State Bar of Nevada, May 2007; Bar No. 10305
- Admitted: Supreme Court of Nevada
- Admitted: US District Court
- Admitted: US Bankruptcy Court, District of Nevada
- Application pending: United States Supreme Court
- Malpractice Insurance Coverage

EDUCATION:

- Bachelor of Arts (BA) (Overseas) Emphasis: Liberal Arts
- Master of Arts (MA): World History (Overseas)
- LLB (Overseas)
- Diploma Labor Laws (Overseas)

POSITIONS:

- Member: Barrington Monterossa Board HOA Association;
Elected twice, term expired 2011
- Member Shadow Mountain Ranch HOA Association,
Treasurer and Secretary of the Board;
Elected twice, term expired 2011.
- Secretary South Asian Lawyers Association (2009-2014)

PRACTICE AREAS

- Labor & Employment Law
- Family Medical Leave Act
- Civil & Business Litigation
- Loan Modification & Real Estate Law
- Bankruptcy: Chapter 7, 11, 13

QUESTIONS & ANSWERS

A. Nevada licensed attorney (provide State bar number).

My State bar number is 10305.

B. Administrative law experience and alternative dispute resolution.

For administrative law experience, please see a detailed reply under Item D.

Nevada State Supreme Court Mediation Program

Under Nevada law, the State of Nevada Foreclosure Mediation Program (FMP) is open to homeowners of owner-occupied houses who receive a foreclosure notice, formally titled Notice of Default (or Breach) and Election to Sell. I filed at least 40 cases under FMP to help homeowners in getting loan modifications. Also, I helped and organized a Continuing Legal Education class for attorneys under the auspices of the Nevada Justice Association. I have attended and represented clients in mediation programs held under FMP.

C. Experience with personnel disciplinary matters.

Extensively dealt with casino and non casino employees in references to their personnel disciplinary matters, grievances, promotions, dismissals, termination as well as compensation and awards under Fair Labor Standards Act as well Nevada wage laws, Family Medical Act and filed lawsuit and won. Represented physicians in their disciplinary matters.

D. Experience with the State of Nevada system.

- (1) Nevada Department of Employment, Training & Rehabilitation
2800 East Saint Louis Avenue
Las Vegas, Nevada 89104

Dealt extensively in the unemployment denial appeal process, contesting the denial of unemployment benefits for more than 75 cases, most of which were won. Practice included filing an appeal review, administrative review and judicial review in Clark County District Court.

- (2) State of Nevada Hearing Division Appeals Office
2200 South Rancho Drive, Suite 220
Las Vegas, Nevada 89102

Practice included independent appeal processes for workers compensation disputes, *Victims of Crime* program appeals, and a variety of state agency administrative hearings. Extensively dealt with appeal processes & notice of injury or occupational diseases (OD) which arose during the course of the client's employment. I am very familiar with the review and appeal process, as well as the judicial review process with the court system. Dealt extensively with Nevada Revised Statutes (NRS) Section 616A through 616D, and 617, governing of Workers Compensation issues in Nevada, and NRS 616C.295 through NRS 616C.392, which governs the proceedings of the Hearings Division.

- (3) Nevada Gaming Commission & State Gaming Control Board

555 East Washington Avenue, Suite 2600
Las Vegas, Nevada 89101

Appeared in front of the Nevada Gaming Commission and State Gaming Control Board for casino and non-casino workers' loss of Sheriff's card.

(4) Nevada State Board of Medical Examiners

Represented physicians in disputes with the Nevada State Board of Medical Examiners, under the Nevada Medical Practice Act (chapter 630 of the Nevada Revised Statutes and Nevada Administrative Code). Represented doctors in their disciplinary matters both to the board and in their individual matters and in their administrative hearings with the hospitals who revoked their privilege to practice medicine.

(5) Equal Rights Commission

555 E. Washington Avenue, Suite 4000
Las Vegas, NV 89101

Represented clients at the Equal Rights Commission in reference to their right to sue letters and other vindication of rights under Title VII.

(6) State Bar of Nevada Fee Dispute Committee

Represented clients in Fee Dispute Committee under the auspices of the State Bar in reference to client fee disputes and other ancillary matters.

(7) Nevada Real Estate Division

Represented real estate brokers and agents in matters of discipline and licensing issues.

E. How recent is the relevant experience?

I am registered with the Lawyer Referral Service of the State Bar of Nevada, and often get significant referrals for employees' grievances in reference to their loss of wages, demotions, terminations, promotions as well as other personnel issues. I have taken continuing legal education classes in addition to reading extensively in the latest development in employment and labor industry matters. I have represented employees in hearings conducted with their human resource departments. I have represented students in front of the Clark County School District disciplinary panels. All of my experience is current and continuing.

F. Indicate the ability to perform services in the following areas:

I am available to perform services in Las Vegas, Henderson, Mesquite and Tonopah.

G. If selected, would you have to disqualify yourself in cases?

I have no conflicts of interest with any Nevada executive branch, department, agency or any employees' association.

John W. Boyer
Attorney At Law

1605 Golden Oak Drive
Las Vegas, Nevada 89117
(702) 385-3269
Email: boyeresq@yahoo.com

January 4, 2012

STATE OF NEVADA DEPARTMENT OF ADMINISTRATION, DIVISION OF HUMAN
RESOURCE Attn: ADRIAN FOSTER, PERSONNEL ANALYST

555 W. WASHINGTON AVE.

LAS VEGAS, NEVADA 89101

Re: Hearing Officer position.

Dear Sirs:

Enclosed are my resume and a copy of my Nevada Bar Card indicating my Nevada Bar Number 2356. The bar card for 2012 has not been issued yet, but I am a member in good standing. I am submitting these items as an applicant to become a Hearing Officer as described in the Nevada Lawyer publication of the State Bar of Nevada. If you need any additional information or references please let me know as soon as possible so I may supplement this application.

Sincerely,


JOHN W. BOYER, ESQ.

JWB/jwb

Encl.

RESUME OF JOHN W. BOYER ESQ.

ADR EXPERIENCE: Originally trained and approved as a Court approved panelist April of 2002. After arbitrating numerous cases, I requested to be placed in inactive status in approximately 2005. In October of 2009 I requested to be restored to active status as an Arbitrator for the Eighth Judicial District Court. Since then I have served as an Arbitrator on numerous cases and continue to act as an Arbitrator with over twenty pending cases. I am also currently serving as Judge Pro Tempore in the Eighth Judicial District Court with several closed and pending jury trial cases. I am also currently serving on the Fee Dispute Committee at the State Bar of Nevada as a mediator and arbitrator panelist. In the month of January 2012 I will complete classwork at the Clark County Regional Justice Center Access to Justice Program to obtain a certificate for becoming a mediator in all civil matters. The ultimate goal is to become a Settlement Judge for the State of Nevada Supreme Court for the year 2013. I am currently a mediator for the Supreme Court Foreclosure Mediation Program.

EDUCATION & TRAINING: My entire schooling from grades one through twelve was in the Clark County School District. I graduated in 1972 from UNLV with a Bachelor of Science degree in Business Administration and in 1976 graduated from the University of Gonzaga Law School. On summer vacations from school I was trained and became a blackjack dealer. I have been trained to be an arbitrator, foreclosure mediator and short trial judge. I am a member of Howard McKibben American Inns of Court Master of the Bench where I receive monthly continuing education and also serve as a provider of continuing legal education.

LICENSES AND CERTIFICATIONS: Since 1976 I have been licensed to practice in all State and Federal Courts in the State of Nevada.

MAIN AREAS OF SUBJECT MATTER EXPERIENCE: My past practice emphasis included business transactions; real property law; construction law including defects and mechanics liens. I have particular personal interest in real estate loans, property valuations, personal credit issues; real property loan defaults and trust matters. I have spent substantial time acquiring working practical knowledge of construction improvements, tools and automotive mechanics. My personal interest reading subjects are primarily in the fields of human behavior, anthropology, business and non-technical economics. My first position was as an associate with the law firm of Cochran, Lehman, Nelson and Rose which almost exclusively practiced in the area of personal injury. Other than a short time when I worked as Of Counsel for Thorndal, Armstrong, Delk Balkenbush & Eisinger I have been a sole practitioner. I have practiced extensively at the Nevada State Contractors Board representing contractors, material suppliers and property owners.

*John W. Boyer
Attorney At Law*

1605 Golden Oak Drive
Las Vegas, Nevada 89117
(702) 385-3269
Email: boyeresq@yahoo.com

January 5, 2012

STATE OF NEVADA DEPARTMENT OF ADMINISTRATION, DIVISION OF HUMAN
RESOURCE Attn: ADRIAN FOSTER, PERSONNEL ANALYST

555 W. WASHINGTON AVE.

LAS VEGAS, NEVADA 89101

Re: Hearing Officer position.

Dear Sirs:

Enclosed is my exempt business license receipt. Would you please supplement my application with this item.

Sincerely,


JOHN W. BOYER, ESQ.

JWB/jwb

Encl.

Exempt Business License Receipt

You have submitted a Business License application that is exempt under Nevada State Statute. The exemption code: 003 entitles you to file this application without paying the standard application fees.

If your exemption status changes or your business is no longer exempt, you must file an amendment to this business license that reflects your current business status.

Item	Quantity	Price	Cost
Order Total			\$0.00

Nevada Secretary of State Ross Miller
101 N Carson Street Suite 3 Carson City, NV 89701 | (775) 684-5708
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STATE BAR OF NEVADA

Membership Certification

John W. Boyer

Bar #2356



Member's Signature

**2011 Active Member
State Bar of Nevada**

702.385.2200 • 800.354.2797 • Fax 702.385.2579 • www.nhb.org

January 30, 2012

Adrian Foster
Nevada State Department of Administration
Grant Sawyer State Building
555 East Washington Avenue
Las Vegas, NV 89109

Re: Hearing Officer (Nevada Licensed Attorney)

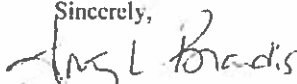
Dear Mr. Foster:

I am writing to express my interest in the Hearing Officer position within the Department of Administration. I began my career in the area of administrative law practice while working as an Assistant Attorney General for the State of Missouri. After relocating to Nevada in 2007, I continued litigating but transitioned into the area of real estate with a focus on eminent domain law.

While I have very much enjoyed my work in these areas, I have modified my practice over the last year so I have a more flexible schedule that allows me to pursue other options, such as serving as a hearing officer. My prior experience serving as an Assistant Attorney General allowed me to act in many different capacities that are relevant for the Hearing Officer position. I have served the roles of in-house counsel, hearing officer, and litigator in handling hundreds of administrative, civil, and appellate matters. Daily I analyzed investigative reports and complaints against various professional licensees, as well as assess compliance with licensing statutes and regulations. These experiences would assist me in fulfilling the mission of the Department of Administration to ensure that the proper policies and procedures for conducting personnel hearings are followed.

I look forward to hearing from you to schedule an interview to further discuss this great opportunity. Thank you.

Sincerely,


Amy L. Braudis

Enc.

Amy L. Braudis

abraudis@hotmail.com
314.283.9847

4457 Vicobello Avenue

Las Vegas, NV 89141

- EXPERIENCE**
- Law Offices of Brian C. Padgett** – Las Vegas, NV: Associate (5/11-Present)
Eminent domain Attorney. Contract attorney responsible for drafting and managing motion practice along with discovery matters for a number of multi-million dollar, complex cases on behalf of landowners.
- Leach Johnson Song & Gruchow** – Las Vegas, NV: Associate (2/08-5/11)
Real Estate Litigation/Transactional Attorney. Responsible for handling a multitude of real estate matters, primarily in the area of eminent domain, community-interest law, and mechanics lien litigation. Represent corporate entities in handling real estate transactions and advise of legal implications of corporate transactions and sound corporate governance.
- Lee, Hernandez, Brooks, Garofalo & Blake** – Las Vegas, NV: Associate (10/07-2/08)
Construction Defect/Complex Litigation. Provided litigation defense for general contractors and subcontractors of commercial and residential properties in Nevada. Also represented various plaintiffs in contractual disputes and provided appellate representation.
- Missouri Attorney General** – Jefferson City, MO: Assistant Attorney General (8/05-7/07)
Governmental Affairs Division. Acted as in-house counsel for professional licensing boards & represented the boards before the Administrative Hearing Commission to seek discipline against professional licensees who engage in misconduct. Represented the Director of Revenue on DWI appeals; represented the Department of Mental Health in guardianship hearings in circuit courts; and represented the Department of Health & Senior Services in administrative hearings.
- EDUCATION**
- Saint Louis University School of Law** – St. Louis, MO: J.D., May 2005
- Indiana University** – Bloomington, Indiana: B.S. in the School of Public & Environmental Affairs: Concentration in Legal Studies, (8/98-12/01)
- American University** – Washington, D.C.: course in criminal justice, (5/01-8/01)
- Richmond University** – London, England: courses in communication & architecture, (5/00-7/00)
- ACTIVITIES**
- Olive Crest Homes & Services for Abused Children** – *Angel for Angels*
Volunteer as part of auxiliary group designed to provide support for Las Vegas area Olive Crest foster children by organizing events and activities for the children and promoting awareness to raise support and resources for local foster care families.
- Clark County Bar Association** – *New Lawyer's Committee*
Member of committee serving to support newly admitted members of the local bar through promotion and organization of community and social events, as well as assisting the University of Las Vegas Boyd School of Law student competitions.
- Nevada State Bar** – *Volunteer for Young Lawyers Section*
Volunteer who introduces the legal system to fourth grade children by presenting the fictional trial of Goldilocks.
- REFERENCES** *Available Upon Request*

Criteria for Selection:

Submitted by Amy L. Braudis

A. Nevada licensed attorney:

Nevada Bar number: 9983

B. Administrative law experience and alternative dispute resolution

Please see resume regarding experience with administrative law practice while working for the Missouri Attorneys General's Office.

C. Experience with personnel disciplinary matters

Please see resume regarding experience with administrative law practice specifically involving disciplinary matters for licensed professionals while working for the Missouri Attorneys General's Office.

D. Experience with the State of Nevada system

While I have not had the pleasure yet of dealing with the Nevada Department of Administration, I would welcome the opportunity to expand on my prior experiences in Missouri and learn the Nevada procedures and processes for handling personnel matters.

E. How recent is relevant experience?

As my resume indicates, my most recent administrative work was during my tenure at the Missouri Attorney General's Office which ended in July, 2007. In my tenure at Leach Johnson Song & Gruchow, however, I also handled proceedings before the Nevada Real Estate Division, which has similar administrative processes in place.

F. Indicate the ability to perform services in the following areas:

- ✓ Las Vegas
- ✓ Tonopah
- ✓ Ely
- ✓ Elko
- ✓ Lovelock
- ✓ Carson City/Reno

G. If selected, would you have to disqualify yourself in cases involving:

-One of more institutions within the Nevada System of Higher Education?

-A State of Nevada executive branch or agency? - An employees' association?

None



BREEDREN & ASSOCIATES

A Legal Professional Limited Liability Company

2750 W. Lake Mead Blvd., Suite 4100 Las Vegas, NV 89128

Ph. (702) 502-1272

Fax (702) 508-9309

January 17, 2012

Via U.S. Mail

Nevada State Department of Administration
Attention: Adrian Foster
Grant Sawyer State Building
555 East Washington Avenue
Las Vegas, Nevada 89101

RE: Application for Hearing Officer Position

Dear Department of Administration:

Enclosed, please find my resume for the position of Hearing Officer as listed online and in the January issue of Nevada Lawyer. I am a solo practitioner located in Las Vegas and have practiced law for approximately 8 years, all in Nevada. My practice is focused on litigation in various areas of law. In addition to a resume, the job posting requested a specific summary of qualifications, which are below:

A. *Nevada licensed attorney (provide State bar number).* I have been a licensed attorney in Nevada since 2004 (Nevada bar # 8768) with no history of bar discipline nor any bar complaints.

B. *Administrative law experience and alternative dispute resolution experience.* Regarding administrative law and ADR experience, I have appeared at Nevada DMV license suspension hearings, unemployment appeals and at worker's compensation hearings on behalf of clients. My primary legal experience is as a personal injury defense attorney. Associated with that practice, I have attended countless arbitrations and mediations. More recently, I was appointed by the State Bar of Nevada to its Fee Dispute Committee and have served as the arbitrator of attorney/client fee disputes both on a panel and as the sole arbitrator.

C. *Experience with personnel disciplinary matters.* I have no experience specific to personnel disciplinary matters other than occasional clients who have consulted with me regarding terminations (union and non-union members).

D. *Experience with the State of Nevada system.* I have appeared at hearings in the state system for DMV suspensions, unemployment appeals and worker's compensation hearings.

E. *How recent is the relevant experience?* I have continuously practiced in Clark County Nevada since 2004. All of the above-described experience has occurred in the past two years with the exception of worker's compensation hearings which were approximately 4 years ago.

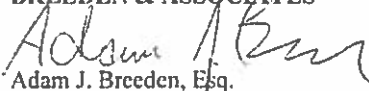
F. *Indicate the ability to perform services in the following areas.* I would be available for hearings in Las Vegas.

G. *Conflicts/Disqualification.* I have no conflicts that would disqualify me from hearings involving the Nevada System of Higher Education, a Nevada executive department or agency or an employees association.

Thank you for considering me for the position. Please do not hesitate to contact me if you have any further questions. I can be e-mailed at adam@breedenattorneys.com or reached by phone at (702) 562-1232. References can be provided on request.

Sincerely,

BREEDEN & ASSOCIATES


Adam J. Breeden, Esq.

Adam J. Breeden

7473 W. Lake Mead Pkwy #100 • Las Vegas, NV 89128
Phone: (702) 562-1232 • Email: Adam@breedenattorneys.com

Breeden & Associates, PLLC

A Las Vegas, Nevada based law firm focused on service to the client in many fields of law

SUMMARY OF EXPERIENCE

Personal Injury: Plaintiff and Defendant • Minor and catastrophic injury • Trial and arbitration
Family Law: Divorce • Child custody • Child Support • Guardianship
Business: Business formation and advice • Real estate • Business sales
Collections: Commercial and business accounts • Personal loans • Real estate loans

WORK HISTORY

Breeden & Associates, PLLC Las Vegas, NV
Managing Attorney/Partner. Private practice in the areas of insurance defense, personal injury law, family/domestic matters, real estate matters and collections. Civil litigation practice of all types, including medical malpractice, arbitration, deposition and trial.

Lewis Brisbois Bisgaard & Smith, LLP Las Vegas, NV
Associate Attorney (September 2010-October 2011). Practice in the areas of personal injury defense, auto accidents, slip and fall, premises liability.

Porter & Terry, LLC Las Vegas, NV
Associate Attorney (Nov. 2003-April 2007; December 2008-May 2009). Insurance defense practice for all aspects of litigation. Representative clients include AAA Nevada (previously California State Automobile Ass'n Inter-Insurance Bureau), Western United Insurance, Farmers Insurance Group (including Farmers Ins. Exchange, Mid-Century Ins. Group and Fire Ins. Exchange), State Farm Mutual Ins. Co., the Hertz Corporation and Jaynes Construction. Experience in cases ranging from minor soft tissue to multiple fatality accidents, including:

- Coverage opinions/analysis
- Bad faith litigation defense
- Auto/truck accident litigation
- Property claims
- Federal and state appeals
- Direct client interaction/interviews
- Initial case analysis
- Preparing responses to written discovery
- Original case/statute research
- Motion preparation and oral argument
- Depositions, taking and defending
- Document review/analysis
- Negotiation and settlement of cases
- Examinations under oath

PROFESSIONAL LICENSES AND QUALIFICATIONS

- Licensed in all Nevada state courts
- Licensed in all Ohio state courts (inactive)
- Licensed in District of Nevada federal court
- Licensed in U.S. Ninth Circuit Court of Appeals
- Member, State Bar of Nevada Fee Dispute Committee
- B.A., Summa cum laude, The Ohio State University
- Juris Doctorate, Law Review, University of Cincinnati College of Law
- Legal Aid Center of Southern Nevada, pro bono award recipient

BUSH & LEVY, LLC.

Attorneys at Law
1404 South Jones Blvd
Las Vegas, Nevada 89146
Telephone: 702-868-4411
Facsimile: 702-868-0248

Susan Kaye Bush

Monti Jordana Levy

January 13, 2012

VIA US MAIL

Nevada Department of Administration
Attention: Adrian Foster
Grant Sawyer State Building
555 East Washington Avenue
Las Vegas, NV 89101

RE: Application for Hearing Officer

Ms. Foster:

I am interested in applying for the position of Hearing Officer with the State of Nevada. Please find enclosed my Resume and Supplemental Information addressing the criteria for selection questions.

Should you have any questions, or if further information is needed, please do not hesitate to contact me. Thank you for your time and consideration.

Sincerely,


Susan Kaye Bush, Esq.

Enclosures as stated.

SUSAN KAYE BUSH, ESQ.

**1404 South Jones Blvd
Las Vegas, Nevada 89146
Telephone: (702) 868-4411
Fax: (702) 868-0248**

Education:

William S. Boyd School of Law, Las Vegas, Nevada

Juris Doctorate May 2002

Activities: Society of Advocates Member and Executive Board, Client Counseling Competition-Finalist, Moot Court Competition- Semi-Finalist, CALI Award Recipient for Legal Writing

University of Nevada, Las Vegas

B.A. Communications Studies May 1999

Activities: Producer for UNLV Television Show

Experience:

Bush & Levy, LLC., Las Vegas, NV

3/06 – present

Partner – Practicing primarily in criminal defense and family law. Providing legal counsel to those accused of any crime including all misdemeanor and felony charges from initial investigation and arrest through sentencing and post conviction relief. Also practicing family law, including, child protective services and termination of parental rights petitions.

Cooksey, Toolen, Gage, Duffy & Woog, Las Vegas, NV

12/02 – 12/06

Associate (12/02-3/06); Of Counsel (4/06-12/06) – Insurance defense work primarily in complex litigation and class action cases representing developers. Areas of law practiced include: additional insured claims, contracts, negligence, negligence misrepresentation and fraud, arbitration, personal injury and construction defect claims. Responsibilities include: case management; communication with insurance carriers, coverage counsel and clients; expert coordination; motion practice; attendance at depositions and court hearings. Experience in litigating cases in Washoe County, Douglas County and Clark County District Courts.

Justice Court Las Vegas Township, NV

9/02 – 12/02

Judicial Law Clerk – Research and writing of bench briefs for the judges. Assisting the judges in preparing orders and judgments for both civil and criminal cases. Attend court hearings as necessary.

Internships:

Eighth Judicial District Court, Clark County, NV

1/02 – 5/02

Law Student Extern for the Honorable Michael A. Cherry – Draft bench briefs for all civil matters and attend criminal hearings and trials. Assist the judge in preparing for trials, settlement conferences, pretrial matters, and all necessary hearings. Gained insight into the judicial decision-making process.

Venetian Hotel and Casino, Las Vegas, NV

1/01 – 4/01

Internship/Law Clerk – Working with the corporate legal department in organizing the litigation and tenant lease files. Learning basic litigation procedures, document preparation and legal issues associated with corporate law.

Professional Associations and Memberships:

State Bar of Nevada (member); Clark County Bar Association (member); Nevada Attorneys for Criminal Justice (member); National Association of Criminal Defense Lawyers (member); Truancy Diversion Program (Truancy Judge 2006-2007).

SUPPLEMENTAL INFORMATION
Criteria for Selection – Hearing Officer
SUSAN KAYE BUSH, ESQ.

- A. **Nevada Licensed Attorney:** Admitted to the State Bar of Nevada in 2002, Bar Number 8007.
- B. **Administrative Law Experience and Alternative Dispute Resolution:** As an attorney, I have represented clients in matters pending before the Nevada Real Estate Commission and administrative hearings held by the Department of Motor Vehicles. I have also litigated civil cases in the Court Annexed Arbitration Program, participated in settlement conferences held by judges, special hearing masters, and court appointed mediators. Also, I am registered to attend the State Bar of Nevada's Arbitrator Training in February.
- C. **Experience with Personnel Disciplinary Matters:** Prior to becoming an attorney, I worked as a retail manager and was responsible for all hiring, training, evaluations and terminations of the store employees pursuant to the company's policies. In addition, I also worked as a supervisor at a large call center and was responsible for monitoring, evaluating and recommending discipline for a team of employees. As an attorney, I am a partner in my firm and responsible for the hiring, training, discipline and termination of the staff.
- D. **Experience with the State of Nevada System:** I do not have any direct experience with the State of Nevada System.
- E. **How Recent is the Relevant Experience:** My legal experience is within the last 10 years. My employee management experience is a combination of 15 years of experience.
- F. **Indicate the Ability to Perform Services in the Following Areas:** I would be willing to act as a Hearing Officer in the Las Vegas area.
- G. **If selected, would you have to disqualify yourself in cases involving:**
- Nevada System of Higher Education: No.
 - State of Nevada executive branch, department or agency: No.
 - Employee Association: No.

Rob D. Chung Esq.
5710 Glennie Lane #E
Los Angeles, CA 90016
rob chung@chunglawgroup.com
(310) 433-9772

Objective:

To become a Judicial Officer of the Courts

Employment:

Chung Law Group – President /CEO

May 2009-Present

- Daily duties running a solo practice
- Prospecting for new clients/networking
- Conduct Foreclosure Mediations as a mediator
- Representing clients in court and legal hearings
- Research legal issues and laws

MR Realty – Broker / Owner

May 04-May 09

- Advised clients on real estate matters and investments
- Researched properties, trends, and forecast for clients
- Negotiated and completed real estate purchase contracts

Ace Liquor – Owner

Jan 01-May 04

- Managed daily operations of a liquor store
- Managed customer service, vendor relations, and employee issues.
- Profit & Loss; Inventory; Account Payables & Receivables; and maintenance

Education:

McGeorge School of Law UOP
(1997-1999)

Juris Doctorate

California State University, Los Angeles
(1986-1995)

Bachelor of Science

Accomplishments:

California State Bar Licensee – (May 2008)
Nevada State Bar Licensee – (September 2007)
California GRI Brokers Licensee – (July 2002)
President (APALSA), McGeorge SOL – (1998-1999)
Chair (Intramural Sports), McGeorge SOL – (1997-1999)

Interests:

Sports, Investments, Finances, Real Estate, Family, and Law

Supplemental Information

Rob D. Chung Esq.

- A. Nevada License Attorney:
- # 10327
- B. Administrative law experience and alternative dispute resolution:
- Nevada Foreclosure Mediation Program Mediator
 - (2010 – Present)
- C. Experience in personnel disciplinary matters:
- Personnel Manager at AMC Montebello Movie Theatres (1996-1997)
 - Small Business Owner w/ 3 employees – Ace Liquor (2001-2004)
- D. Experience with the State of Nevada system:
- Nevada Foreclosure Mediation Program (2010-present)
- E. How recent is the relevant experience:
- My relevant experience is current and is still ongoing. I enjoy my work as a mediator and take great pride in what I have learned in the short time I have been fortunate to work in this field. Although I have only been involved in Alternative Dispute Resolution in Nevada since 2010, as a mediator for the Nevada Foreclosure Mediation Program, I have been interested in Administrative law and alternative dispute resolution since I began my legal career in 2009. I desire to become a Judge in the distant future and becoming a Hearing Officer will help me realize this long term goal and give me invaluable experience and knowledge.
- F. Indicate the ability to perform services in the following areas:
- Las Vegas is where I would like to perform the duties of a Hearing Officer. However I would be open to every and all Nevada cities and counties if it would give me an opportunity to become a Hearing Officer for the State of Nevada.

Alice M. Coulson
Attorney at Law, Nevada State Bar No. 10872
5710 East Tropicana AV, Suite 1167
Las Vegas, NV 89122
702-440-8117
acoulso@juno.com
December 26, 2011

Nevada State Department of Administration
Grant Sawyer State Building
555 East Washington Avenue
Las Vegas, NV 89101
Attn: Adrian Foster

Dear Mr. Foster:

I am applying for the position of Hearing Officer. A resume detailing my qualifications and experience is included.

I am capable of performing the duties as outlined in the announcement on the State of Nevada Website. I am able to convene hearings and communicate with all involved parties. I can conduct hearings by taking testimony, review and receive documents, can issue orders and decisions with proper finalized written determinations.

I fit the criteria of selection. My bar number is included in my inside address. I have had administrative law experience through appearances at the California Workers' Appeals Board when I was practicing law in California. I have also recently acted as defense counsel at the Nevada State Unemployment Appeals Board.

I understand how testimony recorded testimony is taken with cross-examination to review a decision. I can apply the testimony to the law and render a well-reasoned decision.

My experience with alternative dispute resolution is as follows. I have been appointed to the State of Nevada Foreclosure Mediation Program. The duties are scheduling mediations, contacting all parties, sending notices, arranging a room, holding the mediation in a neutral manner, issuing and serving a mediator statement of agreement between the parties.

I have also been appointed as a Mediator through the Clark County Neighborhood Justice Center. I have mediated cases and can work well with co-mediators. I am able to adapt my experience to many and varied issues.

As far as personnel disciplinary matters are concerned, I have been elected President of homeowner's boards in the two communities where I have lived since 2004. I have been part of hearing processes continuously since 2004. Decisions usually involve fines and determination of

Page 2, Coulson, Hearing Officer

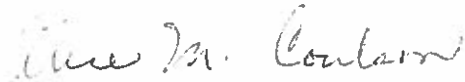
remedies for complaints. I believe this experience can transfer to the type of disciplinary hearings you describe. In a board of director capacity, I am also involved in hiring and firing of contractors and property managers.

My experience with the State of Nevada System is as described above. Additionally, I have observed the hearing process in the Nevada Mental Health Court.

I can provide services primarily in Las Vegas. If transportation costs were provided, I could very occasionally go to Carson City/Reno.

If selected, I would not have to disqualify myself because of any agency that was listed.

Thank you for your consideration.



Alice M. Coulson,
Attorney at Law

ALICE M. COULSON

acoulso@juno.com

Las Vegas, Nevada 89122

(702) 440-8117

CAREER OBJECTIVE—PROFESSIONAL POSITION

With ten plus years of experience in advocacy, leadership, and problem solving, I am persistent in negotiation, settlement and effective communication of information to diverse populations. My capabilities include effective use of computer technology and public presentations.

Areas of Expertise

Public Relations, Counseling, Mediation, Bankruptcy/Best Case, Real Property, Short Sale, Loan Modification, Landlord-Tenant, Risk Management, Ethics, Homeowners Association Law, Construction Defect, Personal Injury, Workers' Compensation, Disability, Mental Health and Elder Law.

RECENT EDUCATION AND CERTIFICATIONS

Computer Information Systems, College of Southern Nevada, 2011—Training Upgrade.
Bankruptcy Law Courses at CSN and University of Nevada Las Vegas, Educational Outreach, 2010.
Certified Trained Mediator, Neighborhood Justice Center, Las Vegas, NV, 2009-present.
Court Appointed Mediator, Foreclosure Mediation Program, State of NV, 2009-present.

PRIOR DEGREES AND EDUCATION

Juris Doctorate, Law, Southwestern University School of Law, Los Angeles, CA, 1978.
Master of Science, Psychology, California State University, Los Angeles, CA, 1996.
Master of Library Science, University of Pittsburgh, Pittsburgh, PA, 1967
Bachelor of Arts, English and Secondary Education, Eastern Nazarene College, Quincy, MA, 1965.

LICENSES--(Law) Nevada, Massachusetts, California. (Insurance, Life) Nevada.

RELEVANT VOLUNTEER AND PROFESSIONAL EXPERIENCE

Canyon Willow East Condominiums, HOA, Director, 2011-present.

Blackhorse Condominiums - HOA, Board Member, Legal Advisor, President, 2004- 2010.

Accomplishments: Selected law firm to pursue and successfully conclude construction defect suit resulting in settlement and saving of more than \$5 million dollars to repair community of 264 units. Establish budget, hire and evaluate management, vendors, collections agents, and suppliers. Apply Nevada Revised Statutes 116; revise and enforce By-laws, rules, and regulations.

Volunteer, Las Vegas Metropolitan Police Department Las Vegas, NV 2005-Present
Provide information services to the public. Participate in public relations events resulting in hundreds of hours of contributed time to the City of Las Vegas. Airport visitor assistance, VIVA program.

Legal Experience

Attorney, Dempsey, Roberts, Smith	Las Vegas, NV	2008
Law Clerk for Attorneys, LaBran & Reddingius	Pasadena, CA	1999-2001
Staff Attorney, Kemper Insurance	Los Angeles, CA	1984-1986
Associate Attorney, Lon Isaacson & Associates	Los Angeles, CA	1984
Staff Attorney, Home Insurance	Los Angeles, CA	1981-1982
Sole Practitioner	Los Angeles, CA	1979-1984

Teaching Experience

Substitute Teacher, Clark County School District, K-12	Las Vegas, NV	2008-2009
Adjunct Professor, DeVry University	Henderson, NV	2006-2007
Law and Ethics in the Professions, English Composition, Developmental English		

LOUIS V. CSOKA
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
(702) 510-6994
Louis@lvclawgroup.com

EXPERIENCE: **LVC Law Group, Las Vegas, Nevada**
Manager and Owner, October 2009 to present

Managed all affairs of a law firm; represented institutional and individual clients before federal, state, and municipal government agencies; drafted legal memoranda and various transactional documents, including organizational documents and purchase agreements; and represented individual clients in bankruptcy and litigation matters (primarily, in personal injury litigation).

Gordon Silver, Las Vegas, Nevada
Associate, December 2003 to September 2009

Represented clients before federal, state, and municipal government agencies, including the Nevada Gaming Commission and the Nevada Department of Taxation; lobbied before the Nevada Legislature and state agencies; researched gaming, general corporate, business law, regulatory, and real estate issues; drafted legal memoranda and various transactional documents, including various service agreements; mentored first-year and summer associates; and counseled clients on the gaming and regulatory aspects of various corporate and operational issues, including on gaming issues pertaining to gaming entity acquisitions, gaming licensing, gaming aspects of casino bankruptcy and restructuring, structuring of casino investment, casino compliance, casino credit, gaming disputes, disciplinary actions, gaming device acquisition concerns, gaming taxes, gaming promotions, casino operations, race and sports book operations, foreign gaming concerns, including Native American gaming issues, Internet gaming, and gaming crimes.

Lionel Sawyer & Collins, Las Vegas, Nevada
Associate, Summer 2000 and June 2001 to December 2003

Represented clients before various government agencies, including the Nevada Gaming Commission; drafted gaming regulations for both Nevada and the United States Virgin Islands; researched gaming, general corporate, and business law issues; drafted legal memoranda and legal documents, including court documents; drafted opinion letters; and drafted articles for law firm and professional journal publication.

PUBLICATIONS: *Developments in Banking Law: Interstate Banking and Branching*, Author, 2000;

Combating Money Laundering: A Primer for Financial Services Professionals, Author, 2001;

Internet Gambling in 2002 and Beyond, Co-Author, 2002;

'Net Success': Interactive Promotions in the Internet Age, Co-Author, 2002;

The Discharge Interview: Prevent Lawsuits and Exert Management Rights, Co-Author, 2002;

Internet Gambling in 2003 and Beyond, Co-Author, 2003;

The Internet Gambling Report VI, Contributing Author, 2003;

Casino Credit and Collections Law, Contributing Author, 2003;

The Games People Play: Is it Time for a New Legal Approach to Prize Games?, Co-Author, 2004;

The Internet Gambling Report VII, Contributing Author, 2004;

The Internet Gambling Report VIII, Contributing Author, 2005;

Internet Skill Gaming: Is It Legal?, Author, 2006;

The Internet Gambling Report IX, Contributing Author, 2006;

The Unlawful Internet Gambling Enforcement Act of 2006: The Law of Unintended Consequences, Author, 2007;

The Dream of Greater Municipal Autonomy: Should the Legislature or the Courts Modify Dillon's Rule, a Common Law Restraint on Municipal Power?, Author, 2007;

Fantasy Sports: One Form of Mainstream Wagering in the United States, Co-Author, 2007; and

Three Persisting Myths of Gaming Technology Law, Author, 2008.

EDUCATION:

Boston University School of Law, Boston, Massachusetts
J.D., 2001
Honors: Annual Review of Banking Law (Editor 2000-2001)

University of Nevada, Las Vegas, Las Vegas, Nevada
B.S. *magna cum laude*, in Hotel Administration, 1997

RECOGNITIONS:

"Rising Star for Mountain State Region" by Superlawyers.com (2009)

"Top Attorney" by Nevada Business Magazine (2010 and 2011)

"A-V Rated" by Martindale Hubbell (2011)

III. Criteria for Selection

These positions require a current active Nevada State Bar Membership. *Please apply with a resume and/or supplemental information that addresses the following listed criteria:*

- A. Nevada licensed attorney (provide State bar number) **7667**
- B. Administrative law experience and alternative dispute resolution **yes**
- C. Experience with personnel disciplinary matters **yes**
- D. Experience with the State of Nevada system **yes**
- E. How recent is the relevant experience **last 10 years**
- F. Indicate the ability to perform services in the following areas:
 - Las Vegas
 - Tonopah
 - Ely
 - Elko
 - Lovelock
 - Carson City/Reno

- G. If selected, would you have to disqualify yourself in cases involving:
 - One or more institutions within the Nevada System of Higher Education? If so which ones?
 - A State of Nevada executive branch department or agency? If so which ones?
 - An employees' association? If so which one?

Nevada Gaming Control Board

IV. Submission Information and Deadline - January 31st, 2012

Resumes and supplemental information should contain complete information corresponding to the Criteria for Selection. The information provided should reflect the qualifications of an individual, not a legal firm or group. Failure to respond to each criterion may be cause for rejection from consideration. The Personnel Commission will make selections based on a weighting of the Criteria for Selection, as it sees fit, and interviews of the most qualified candidates conducted during an open meeting. All applicants will receive written communication regarding their status as the recruitment process advances. Material should be submitted by January 31st, 2012 to:

Nevada State Department of Administration
Grant Sawyer State Building
555 East Washington Avenue
Las Vegas, Nevada 89101
Attention: Adrian Foster
Phone (702) 486-2911

Brian Sandoval
Governor

Jeff Mohlenkamp
Director

Teresa J. Thienhaus
Administrator



STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management
209 East Musser Street, Suite 101/Carson City, NV 89701
(775) 684-0150/ <http://dop.nv.gov>

Dear Mrs. Foster:
Please see attached.
Thank you.
Louis V. Csohans

HEARING OFFICER (Nevada Licensed Attorney)

I. General Information

Pursuant to State requirements, the State of Nevada, through the Department of Administration, Division of Human Resource Management, is soliciting resumes and supplemental information from Nevada licensed attorneys for Hearing Officer positions in Northern and Southern Nevada. The contract period will run from approximately July 01, 2012 through June 30, 2014. Hearings assigned to these positions are primarily conducted in Reno, Carson City and Las Vegas areas but may be held in other locations throughout the State such as Lovelock, Elko and Ely. (Hearing Officers do not need to be available in all areas to be considered.) The contract rate for services is \$100/hr. (The time required to travel to and from the hearing is not reimbursable. Whenever possible, video conferencing will be used for hearings held outside of the Reno, Carson City and Las Vegas areas.) With pre-approval travel including mileage/airfare and per diem expenses will be reimbursed at the U.S. General Services Administration rate. Billing claims must be submitted on a monthly basis. Hearing Officers must complete the appropriate documents through the Controller's Office to receive payment. At the time of contract awarding, certain insurance coverage may be required unless waived by the State's Risk Management Division and Attorney General's Office. Additionally, a Nevada State business license issued by the Secretary of State's Office is required. As the parties will be able to participate in the selection of a Hearing Officer for specific cases, there is no minimum guarantee of hours.

II. Scope of Work

Hearing Officer responsibilities include cases related to disclosure of improper governmental action, dismissals, suspensions, demotions, and involuntary transfers of permanent, classified employees. Pursuant to the Nevada Administrative Procedures Act (NRS Chapter 233B), decisions issued are subject to judicial review.

As provided in NRS Chapter 284, Hearing Officers are responsible for convening hearings, communicating with all involved parties as necessary, conducting the hearings, issuing written orders and decisions, and preparing finalized written determinations.

The following clerical support will be provided by the Department of Personnel: scheduling of hearing room locations; assistance with coordination with involved parties; equipment and staff required to obtain an accurate audio recording of the hearings; and preparation of files for review by District Court.



January 5, 2012

Nevada State Department of Administration
Attn: Adrian Foster
Grant Sawyer State Building
555 East Washington Ave.
Las Vegas, NV 89101

Re: State Hearing Officer

Dear Mr. Foster:

I am writing to seek appointment as a Hearing Officer for the State of Nevada. Enclosed is my resume. Within this letter is additional information responsive to the Criteria for Selection:

A. I am a licensed Nevada attorney, bar number 3391, and have been so licensed since 1988.

B. I have substantial experience in administrative law and practice throughout my career, having appeared before such administrative bodies as the Public Service Commission (now the Public Utilities Commission); the Nevada State Contractors Board; the Nevada Labor Commissioner; the Nevada Equal Rights Commission; the Nevada Real Estate Division's Appraisal Board; and the Clark County Commission, among others. In addition, I have current relevant experience in alternative dispute resolution. I serve as a Hearing Officer for Clark County. I serve as a private mediator and arbitrator. I am a listed arbitrator with the American Arbitration Association, on its commercial and construction panels. I also serve as a Short Trial Judge for the Eighth Judicial District Court and a Justice of the Peace Pro tem for Las Vegas Justice Court. My arbitration and mediation experience exceeds 12 years, while my judicial experience is about nine years. My Hearing Officer experience is approaching three years.

C. My experience with personnel disciplinary matters is confined to my role as a partner in law firms, where I have participated in and been involved with employee discipline, terminations and responding to claims made by terminated employees. I am authorized as a Clark County Hearing Officer to hear certain types of personnel matters, but I have not been assigned a case of that nature to date.

D. I do not have experience with the State of Nevada personnel system.

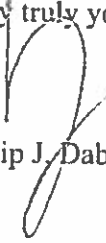
E. My experience described above is current and ongoing.

F. I am available to perform the services in any of the listed areas, but my primary place of practice is in Las Vegas. I am willing to travel if necessary to serve outside of Clark County.

G. If selected, I would not need to disqualify myself for any of the institutions within the Nevada System of Higher Education; any executive branch department or agency; or any employees' association.

Thank you for your consideration.

Very truly yours,


Philip J. Dabney

PJD:ns

Phil Dabney
Partner
Las Vegas Office


■ *Construction and Design Representation*

702-669-4621

pjdabney@hollandhart.com

EXPERIENCE

Mr. Dabney joined Holland & Hart in 2006. As a member of the Las Vegas office, Mr. Dabney concentrates in construction litigation and alternative dispute resolution. He has experience with cases involving commercial construction contract and pay disputes, construction claims, construction defect disputes, real estate, administrative law, general commercial and personal injury.

Mr. Dabney has trained with the American Arbitration Association and the Peter Maida mediation program.

Mr. Dabney is licensed to practice law in Nevada, Colorado and Illinois. An AV-Rated attorney, he is listed in the 2008 edition of *Chambers USA*, America's Leading Lawyer for Business for Construction Litigation.

PROFESSIONAL ACTIVITIES

- Member, American Bar Association
- Member, Nevada State Bar Association
- Member, Clark County Bar Association
- Panelist, American Arbitration Association
- Panelist, Eighth Judicial District Court Arbitration Program
- Panelist, Mediators of Southern Nevada
- Arbitrator, Nevada State Bar Fee Dispute Committee
- Arbitrator, American Arbitration Association, Commercial and Construction Industry Panels
- District Court Pro Tempore Judge, Short Jury Trial Program
- District Court Arbitrator for Mandatory Arbitration Program
- Justice Court Pro Tempore Judge

PUBLICATIONS AND SPEAKING ENGAGEMENTS

"Hudson v. Palmer: Closing the Iron Curtain on Fourth Amendment Protection in Prison Cells; Nevada Construction Law and Mechanics Liens," PESI 1996-02.

"Mechanics Lien Law of Nevada," Lorman 1994.

EDUCATION

Northern Illinois University J.D. 1986

- *cum laude*

- *Managing Editor, Northern Illinois University Law Review*

Northern Illinois University B.S. 1983

- *Journalism*

ANGELA H. DOWS, ESQ.

Address: 8340 Palmada Drive • Las Vegas, Nevada 89123
Telephone: 702.423.3046 • E-mail: attorneyangela@gmail.com • Facsimile: 702.492.2358

December 16, 2011

Via U.S. Mail

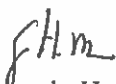
Nevada State Department of Administration
Attn: Adrian Foster
Grant Sawyer State Building
555 East Washington Avenue
Las Vegas, Nevada 89101

Dear Ms. Foster:

Attached hereto is my resume and supplemental information related to the Criteria for Selection related to your posting for a Hearing Officer (Nevada Licensed Attorney) with the State of Nevada, Department of Administration, Division of Human Resource Management.

You may call or e-mail with any questions you may have.

Very truly yours,
READE & ASSOCIATES


Angela H. Dows, Esq.

AHD:

Encl: (2)

- Resume

- Supplemental Information

ANGELA H. DOWS, ESQ.

Address: 8340 Palmada Drive • Las Vegas, Nevada 89123
Telephone: 702.423.3046 • E-mail: attorneyangela@gmail.com • Facsimile: 702.492.2358

BAR AND COURT ADMISSIONS

- Supreme Court of the United States, October 2010
- United States Court of Appeals for the Ninth Circuit, August 2010
- United States Bankruptcy Court, District of Nevada, February 2008
- United States District Court, District of Nevada, June 2007
- State Bar of Nevada, April 2007

EDUCATION

William S. Boyd School of Law, University of Nevada Las Vegas Las Vegas, Nevada
Juris Doctorate Degree in Law May 2006

- Dean's Award for Excellence, May 2006
- Society of Advocates Moot Court Team President, August 2005-May 2006

College of Business and Public Administration, University of North Dakota Grand Forks, North Dakota
Bachelor of Business Administration in Business Management and Marketing, Minor in Biology May 2002

- Magna Cum Laude, May 2002
- College of Business Dean's List, May 2001-May 2002

WORK EXPERIENCE

Reade & Associates Law Firm Las Vegas, Nevada
Associate Attorney January 2009-Present

- Assist clients with cases involving:
 - commercial and residential mortgages and leases, including contract disputes, disclosures, deficiency judgments, evictions, title disputes, and title insurance claims;
 - civil rights disputes related to employment and imprisonment conditions;
 - tax disputes, construction liens, construction financing, and surety bond claims;
 - public utility representation related to property damage claims, and
 - creditor rights in bankruptcy, including proofs of claim, reaffirmation agreements, motions for relief from stay, objections to debtor plans, and adversary actions.
- Trial experience in cases involving real estate commissions, and real estate disclosures.

Federal Criminal Justice Act Las Vegas, Nevada
Panel Attorney October 2008-Present

- Representation of clients charged with drug conspiracy, money laundering, mail fraud, wire fraud, bank fraud, and revocation of supervised release in the federal criminal justice system, including plea agreements, trials, and briefing before the Ninth Circuit Court of Appeals.
- Brief and argue issues regarding search and seizure, relief from prejudicial joinder, post-arrest statements, and sentencing mitigation.

Vannah & Vannah Law Firm Las Vegas, Nevada
Law Clerk and Associate Attorney August 2006-September 2008

- Researched and drafted discovery, pleadings, trial memoranda, deposition questions, trial witness questions, and post-trial pleadings for a personal injury, and insurance bad faith, civil litigation firm.

TRAININGS AND VOLUNTEER EXPERIENCE

- Mediator for United States District Court Inmate Civil Rights Cases, November 2010-present
- Vice Chair of the State Bar of Nevada Ethics Committee, October 2008-present
- Training on International Criminal Defense from the United Nations Research Institute, April 2011
- Member, State Bar of Nevada Disciplinary Board, April 2008-March 2011

ANGELA H. DOWS, ESQ.

Address: 8340 Palmada Drive • Las Vegas, Nevada 89123
Telephone: 702.423.3046 • E-mail: attorneyangela@gmail.com • Facsimile: 702.492.2358

SUPPLEMENTAL INFORMATION

A. Nevada licensed attorney:

Yes. State Bar of Nevada number is 010339.

B. Administrative law experience and alternative dispute resolution.

Yes, to both areas. I have represented parties in administrative proceedings and Petitions for Judicial Review related to employment, and unemployment taxes. One case required client preparation, questions, and arguments for the record with the hearing officer at the State of Nevada Department of Employment, Training, and Rehabilitation, as well as review of the record and briefing thereon in the Petition for Judicial Review. The above required knowledge and application of the rules in the Nevada Administrative Procedures Act.

I have extensive experience with alternative dispute resolution, by: (a) serving as a mediator for the Neighborhood Justice Center from approximately 2007 to 2009, mediating approximately fifteen (15) disputes, and (2) serving as a mediator for the State of Nevada Foreclosure Mediation Program, mediating approximately seventy-three (73) cases to date. Recently, the State of Nevada Foreclosure Mediation Program has required that mediators provide written findings related to each mediation.

C. Experience with personnel disciplinary matters.

I have assisted my supervisors in my current employment in reviews, warnings for insubordinate employees, as well as serving as a witness for a layoff decision. Additionally, I have served as co-counsel for a client related to a layoff from the State of Nevada with allegations of insubordination.

D. Experience with the State of Nevada system.

The answer to part "B" above is incorporated herein by reference. Additionally, I served as co-counsel in a case where the client had a civil rights case against entities within the State of Nevada. In this case, the client had a related administrative Whistle Blower action, and the written order and decision from the hearing officer was reviewed and utilized in the civil rights case.

E. How recent is the relevant experience.

Within the last year to two years.

F. Indicate the ability to perform services in the following areas:

- a. X Las Vegas
- b. X Tonopah
- c. X Ely
- d. _____ Elko
- e. _____ Lovelock
- f. _____ Carson City/Reno

G. If selected, would you have to disqualify yourself in cases involving:

- a. One or more institutions within the Nevada System of Higher Education? If so, which ones?
No disqualification needed.
- b. A State of Nevada executive branch or agency? If so, which ones?
No disqualification needed.
- c. An employees' association? If so, which one?
No disqualification needed.

Franny Forsman

Attorney at Law
P.O. Box 43401
Las Vegas, NV 89116
702-501-8728
f.forsman@cox.net

January 20, 2012

Nevada State Department of Administration
Grant Sawyer State Building
555 E. Washington Avenue
Las Vegas, NV 89101

RE: Hearing Officer Application

To the Department:

I have attached my resume in response to your solicitation. In addition to the background information contained on the resume, I provide the following supplemental information addressing the criteria for selection:

Licensure: I have been licensed to practice law in Nevada since 1982. No discipline or other adverse actions have been filed or taken against me.

Administrative Law experience: While in private practice, my major client was a transportation company with a certificate issued by the Public Service Commission. I have extensive experience in rulemaking and administrative proceedings. Additionally, I have represented clients in state and local proceedings before government bodies and various licensing boards. More recently, I have litigated administrative law issues involving the FDA and the EPA.

Experience with Personnel Disciplinary Matters: As the Federal Public Defender for 22 years, I was responsible for all personnel matters for the agency which employed over 100 people. I have hired, terminated and disciplined many employees over that period. (The Federal Public Defender is not subject to civil service regulations as a part of the judiciary). Additionally, I have participated as an employer in EEOC matters including mediation.

Experience with State of Nevada system: I was employed by the State for 3 years. I am familiar with Department of Corrections matters as a result of extensive collaboration with that Department over matters involving my clients.

Recency of Experience: My experience before the Public Service Commission is not recent. However, my federal agency administrative experience is within the last 5 years. My personnel experience extended until the time of my retirement in June, 2011.

Dept. of Administration
January 20, 2012
Page 2

Locality: I reside in Las Vegas. However, I am often in Northern Nevada to attend to an elderly parent so I could also perform services in Carson City/Reno.

Disqualification: Unless my status as an adjunct Professor at UNLV's Boyd Law School would create a conflict, I would have no reason to disqualify myself from proceedings involving any of the groups listed.

Before the Family Court system was created, I served as an Alternate Domestic Relations Referee for the Eighth Judicial District and adjudicated hundreds of pretrial matters.

Thank you for your consideration of my qualifications.

Sincerely,

Franny Forsman

RESUME
FRANNY A. FORSMAN
P.O. Box 43401
Las Vegas, NV 89116
(702) 501-8728

Academic History

1968- B.A. in Social Work-University of Nevada-Reno

1977- J.D. University of Notre Dame Law School; recipient of Justice Lewis Powell Medal for Excellence in Advocacy

Legal Background

1977-1981- Attorney, Law Offices of Wildey, Forsman & Chamblee, South Bend, IN

1981-1984- Deputy Supervising Staff Attorney for the Nevada Supreme Court

1984-1989- Shareholder, Beckley, Singleton, Delanoy, Jemison & List, Las Vegas, NV

1989-2011-Federal Public Defender for the District of Nevada, Las Vegas and Reno, NV

2001-present- Adjunct Professor of Trial Advocacy, Boyd School of Law

Associations, Memberships, Boards

State Bar of Indiana- 1977-1982

State Bar of Nevada- 1982-present

Ninth Circuit Court of Appeals- 1984-present

U.S. Supreme Court- 2008-present

Board of Governors, State Bar of Nevada- 1992-1996

President, State Bar of Nevada-1996

Chair, Board of Continuing Legal Education- 1987

Chair, Ordinance Drafting Committee, LVMPD Review Board- 1994

Fellow, American Academy of Appellate Lawyers, 2009-present

Chair, Defender Services Advisory Group, U.S. Judicial Conference, 1996

Member, Nevada Supreme Court Indigent Defense Commission, 2007-present

Awards, Honors

Civil Libertarian of the Year (ACLU) - 2010; Champion of Justice (Nevada Legal Services)- 2011; Terry McCarthy Award (Asscn. of Federal Defenders)-2011; Women Helping Women Award (Soroptomist)- 1989; Defender of the Year (NV Attys for Criminal Justice)-1991.

January 25, 2012

RECEIVED

JAN 30 2012

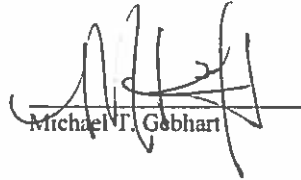
Department of Personnel
Las Vegas

Nevada State Department of Administration
Grant Sawyer Building
555 East Washington Avenue
Las Vegas, Nevada 89101
Attn: Adrian Foster

I am submitting my resume for consideration for selection as a Hearing Officer. I believe my experience and training are exactly what you are looking for. I am available to perform services in the Las Vegas areas primarily, but am open to travel. I would not need to disqualify myself from any cases involving educational institutions, an executive branch or agency, or an employees' association.

I look forward to discussing this opportunity with you.

Thank you for your consideration,


Michael T. Gobhart

Administrative Officer, City of Las Vegas, Nevada

03/96-07/01

- Member of Human Resource Department Labor Relations Team. Assisted in the preparation of legal cases, including, but not limited to conducting sensitive investigations; represented City during internal and LVMPD contract negotiations; represented City at a variety of alternative dispute resolution proceedings, including mediations, conciliations, negotiations, and formal arbitrations involving disciplinary and non-disciplinary actions; managed the City's internal training programs.
- Thorough knowledge of federal and state laws affecting public sector human resource administration and labor relations, including collective bargaining processes.

Police Officer, City of Henderson, Nevada

03/86-02/05

- Extensive experience in all aspects of law enforcement, including lead investigative responsibility in homicide and undercover narcotic units.
- Served as a representative of police officer association and participated in contract negotiations.

PROFESSIONAL ACTIVITIES

- Member, American Bar Association
- Member, Southern Nevada Human Resource Association
- Barrister, Inns of Court
- Former Editor of the Nevada Employment Law Newsletter (M. Lee Smith, publisher)
- Author, *Privilege Logs in Nevada*, Nevada Lawyer (October 2003)

Nancy R. Harkess, Esq.
701 N. Green Valley Parkway, Suite 228, Henderson, Nevada 89074
702-837-1529

January 18, 2012

Nevada State Department of Administration
Grant Sawyer State Building
55 East Washington Avenue
Las Vegas, Nevada 89101
Attention: Adrian Foster

Re: Hearing Officer Position

Dear Ms. Foster:

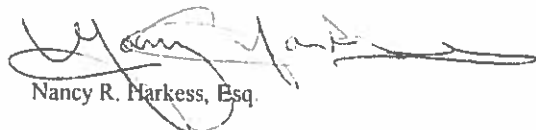
This is to apply for the position of Hearing Officer in the Las Vegas area. I am an attorney licensed in the State of Nevada, Bar Number 9271.

While employed by the National Nuclear Security Administration (NNSA), I served an extended detail in NNSA's Washington, D.C. office of general counsel. During that time the focus of my duties was administrative law, which included assisting the general counsel with conducting personnel disciplinary hearings.

Currently, I serve as a mediator for the State of Nevada Foreclosure Mediation Program, and also have experience in representing clients in legal arbitration. It would not be necessary for me to disqualify myself in cases involving any institutions of high education, any executive branch department or agency, or any employees' association.

Thank you for your consideration of me for this position.

Very truly yours,


Nancy R. Harkess, Esq.

Encl. Resume

RESUME

Nevada Bar No. 9271
Admitted to Practice in the
U.S. District Court, District of Nevada

Nancy Harkess
HARKESS LAW OFFICES
10120 S. Eastern Avenue, Suites 228-244
Henderson, NV 89052
702-837- ILAW (1529)
Harkesslaw@gmail.com

Experience

Harkess Law Offices, LLC, 2008 - Current

Duties: Represent clients in the areas of bankruptcy, family and contract law, personal injury, and wills and trusts. I serve as a certified mediator with the State of Nevada Foreclosure Mediation Program.

Kahle & Associates, 2007 - 2008

Insurance defense

Duties: Research and write legal motions and briefs and arbitration and mediation briefs, court appearances, depositions, discovery and medical summaries

Shook & Stone, 2006 - 2007

Personal injury, medical malpractice and wrongful death

Duties: Research and write motions and briefs, court appearances including arguing motions, depositions, arbitrations and mediations, client intake and case management.

Lee & Russell, 2003 - 2006

Construction defect defense

Duties: Research and write motions and briefs, court appearances, depositions, mediations and case management.

National Nuclear Security Administration, 1993 - 2003

U.S. Government, Defense Programs

Public Affairs Officer Duties: Spokesperson, media and governmental relations liaison, research and write issue white papers, coordinate public hearings and special events, write and edit corporate videos and publications. While stationed in Washington, D.C., I focused on personnel disciplinary matters and administrative law, and helped author the legislation creating the Department of Homeland Security.

Education

William Boyd School of Law, JD

University of Nevada Las Vegas, BA in Journalism

University of Phoenix, MBA

Honors and Awards

Las Vegas Chamber of Commerce Women of Achievement

International Association of Communicators (IABC) Communicator of the Year

IABC Silver Quill and numerous Bronze Quill awards for writing and design

Nuclear Weapons Complex Award of Excellence

Law Office of Roger Harris

Licensed in Nevada and Illinois

1022 Nevada Hwy.
Suite 103
Boulder City, NV 89005
(702) 293-6596

January 10, 2012

Nevada State Department of Administration
Grant Sawyer State Building
555 East Washington Avenue
Las Vegas, Nevada 89101

Attention: Adrian Foster

Dear Ms. Foster:

Thank you for the opportunity to submit my resume and supplemental information for the position of Hearing Officer.

I understand that I will receive written communications regarding the status of the recruitment as the process advances.

Sincerely,



Roger L. Harris, Esq.

Encl. Resume (3 Pages)

RESUME OF ROGER L. HARRIS, ESQ.

1022 Nevada Way #103

Boulder City, NV 89005

(702) 293-6596, (702) 493-9149

Fax (702) 293-4531

e-mail: knghrs@aol.com

Professional Experience:

1993-2008 Hearing Officer, State of Nevada Taxicab Authority.

I was the Administrative Hearing Officer contracted with the State of Nevada to arbitrate and decide contested matters between Officers of the Authority and the licensed taxicab companies or their employees

1994-2010

Hearing Officer, City of Las Vegas Parking Authority

I was the Administrative Hearing Officer contracted with the City of Las Vegas to arbitrate and decide contested matters between Officers of the Parking Authority and the General Public.

1994-current

Law Office of Roger L. Harris. Nevada Bar #5355

I maintain a general practice in Boulder City, Nevada with experience in litigation, (civil and criminal). Jury, Bench, Administrative trial experience, Depositions and all forms of written discovery experience, Motion writing, and drafting pleadings and orders.

1977-1992

Harris & Goldstein Ltd in Chicago, Ill. Member of the Illinois State Bar

General Law practice in Chicago. Dissolved upon my move to Nevada.

Illinois Supreme Court Pilot Arbitration Program. Senior Arbitrator.

Personal Information:

Residence Address: 1590 Carnoustie Court, Boulder City, NV 89005
Marital Status: Married with 3 grown children.
Credit: Excellent
Health: Excellent

SUPPLEMENTAL INFORMATION

A. Nevada licensed attorney (provide State bar number)

5355

B. Administrative law experience and alternative dispute resolution

The State of Illinois Supreme Court commenced a Mandatory Arbitration Program in the mid 1980s to deal with the backlog of cases pending in the Cook County Circuit Court. At that time I had compiled 10 years of litigation experience and was assigned the Position of Senior Arbitrator. Jurisdiction was vested upon damages sought with an automatic review by the Circuit Court.

Upon locating to Nevada, I was the successful applicant for a Contract issued by the State of Nevada Taxicab Hearing Authority for the position of Administrative Hearing Officer. The Administrative Procedures Act and Statutes Governing the conduct of Taxicab Companies and their Employees vested my authority.

As the Hearing Officer my primary duties involved the scheduling of Administrative Hearings, overseeing issues related to discovery, presiding over the hearings, and rendering Decisions as to findings of law and fact. Decisions were reviewable by the Board administratively and the District Court.

The City of Las Vegas removed its Parking Program from Municipal Court Jurisdiction to an Administrative Hearing Process. I was the Independent Hearing Officer hired by the City to resolve disputed citations and assess penalties. There was no review of my decisions.

As private counsel, I appear before the Department of Motor Vehicles Administrative Hearing Officer on matters pertaining to license revocations.

C. Experience with personnel disciplinary matters

My employment with the State of Nevada resulted in my being interviewed regarding personnel disciplinary investigation of employees of the State. I have never provided formal testimony in any Hearing before this Division.

D. Experience with the State of Nevada system

During my tenure as the Hearing Officer for the State of Nevada Taxicab Authority, I presided over thousands of contested matters.

As an Independent Contractor, I was familiar with Contractual requirements of the State of Nevada including insurance requirements, licensing, and submission of billing claims and documents.

E. How recent is the relevant experience

My contracts with the State ran from 1993-2008. My contracts with the City ran from 1994-2010. I continue to make administrative appearances as private counsel.

F. Indicate the ability to perform services in the following areas:

No restrictions

G. If selected, would you have to disqualify yourself in cases involving?

No disqualifications.

Han G. Lee, Esq.
2028 Sedona Morning Dr.
Las Vegas, NV 89128
(702) 403-3741
guleelv@gmail.com

January 4, 2012

Nevada State Department of Administration
Grant Sawyer State Building
555 East Washington Avenue
Las Vegas, Nevada 89101
Att: Adrian Foster

Dear Mr. Foster,

This correspondence is with regards to the open hearing officer position with the Nevada Department of Administration, Division of Human Resource Management. I believe I am great candidate for this position. I am personable, but tenacious, willing to put in the hours to get the job done, and to hold impartial hearings.

I have been admitted to practice in Nevada since 2009, and I have experience in various areas of law. I most recently worked as an associate attorney at Kung & Brown in the areas of commercial litigation, general construction law, and family law. I also worked as an associate attorney at Bremer, Whyte, Brown & O'Meara, a multi-jurisdictional, AV-rated firm in the areas of personal injury defense and construction defect. I also have public sector experience while I worked as a law clerk in the Eighth Judicial Court of Nevada, Family Division, Department E.

I have experience in administrative law appearing before various unemployment and social security hearings. I also appeared in multiple mediations and arbitrations as well. I also served as an arbitrator while I was attending law school and was a member of the dispute resolution society. I would welcome a chance to work for the state of Nevada.

Also enclosed are my resume and supplement information for your review.

Thank you for your time and consideration.

Regards,


Han G. Lee, Esq.

HAN G. LEE, ESQ.
2028 Sedona Morning Dr., Las Vegas, NV 89128
(702) 403-3741
guleelv@gmail.com

LAW LICENSES

State of Nevada, May 2009
Federal District Court of Nevada, May 2009

EXPERIENCE

Kung & Brown,
214 S. Maryland Pkwy., Las Vegas, NV 89101 (702) 382-0883
Associate Attorney, Jan. 2011 – July 2011

- Draft pleadings
- Argue motions before district and family courts
- Research case and statutory law on various civil and family issues
- Draft correspondence to opposing counsels, clients, witnesses, and experts
- Analyze and review documents for cases in areas of commercial litigation and family law

Bremer, Whyte, Brown & O'Meara, LLP,
7670 W. Lake Mead Blvd., Suite 225, Las Vegas, NV 89128 (702) 258-6665
Associate Attorney, May 2009 - May 2010

- Draft pleadings
- Argue motions before district courts
- Conduct depositions
- Research case and statutory law on various civil issues
- Draft correspondence to opposing counsels, clients, witnesses, and experts
- Analyze and review documents for cases in personal injury and construction defect cases

Eighth Judicial District Court of Nevada, Family Division, Department E,
601 N Pecos Rd., Las Vegas, NV 89101 (702) 455-5105
Law Clerk, Feb. 2009 - Mar. 2009

- Review all documents submitted to the court
- Research complex areas of family law & draft memoranda with recommendations
- Discuss the cases and make recommendations to the judge

Denton, Lopez & Cho,
601 S. Tenth St., Suite 203, Las Vegas, NV 89101 (702) 384-1723
Law Clerk, Oct. 2008 - Jan. 2009

- Draft pleadings and motions for filing
- Research and write memoranda on various legal issues including family, contracts, and immigration law
- Draft correspondence to clients and adverse parties

PROFESSIONAL REFERENCES

The Honorable T. Arthur Ritchie, Jr., *Judge of the Eighth Judicial District Court of Nevada*

Eight Judicial District Court of Nevada, Family Division, Department H,
200 Lewis Ave., Las Vegas, NV 89101 (702) 384-1725

Paul A. Acker, Esq., *Partner*

Bremer, Whyte, Brown & O'Meara, LLP,
7670 W. Lake Mead Blvd., Suite 225, Las Vegas, NV 89128 (702) 258-6665

Jarien Cho, Esq., *Attorney*

Denton, Lopez & Cho, 601 S. Tenth St., Suite 203, Las Vegas, NV 89101
(702) 384-1725

EDUCATION

William S. Boyd School of Law at University of Nevada, Las Vegas, Las Vegas, NV
Juris Doctor, Aug. 2005-May 2008

Phi Alpha Delta Law Fraternity, Treasurer

Thomas & Mack Legal Clinic, Student Attorney

Saltman Dispute Resolution Society, Comptroller

University of Nevada-Las Vegas Parking Arbitration Committee, Arbitrator

University of Colorado at Boulder, Boulder, CO

Bachelor of Arts in Economics and American History, Aug. 1999-Dec. 2003

LANGUAGE SKILLS

Korean, fluent reading, speaking, and writing abilities

SUPPLEMENTAL INFORMATION

A. Nevada licensed attorney?

Yes: bar number 11407, admitted since 2009.

B. Administrative law experience and alternative dispute resolution

I have numerous experiences in administrative law as a practicing attorney. I appeared in various unemployment and social security hearings. Furthermore, I have experience in all aspects of alternative dispute resolution. I appeared in multiple mediations and reached numerous settlements. I have also appeared in several arbitrations as well. Furthermore, while I was in law school, I also served as an arbitrator on disputes over parking tickets and was a member of the dispute resolution society at the law school.

C. Experience with personnel disciplinary matters

I have experience with personnel disciplinary matter in terms private sector informal personnel disciplinary matters (i.e. with my assistants and paralegals). However, I am fully willing and able to research, interpret, and apply the law in personnel disciplinary matters.

D. Experience with the State of Nevada system

I have experience in public sector while I briefly worked as a law clerk at the Eighth Judicial District Court of Nevada, Department E back in 2009. Although I have not had a chance to serve in the public sector since then, I would again welcome a chance to do.

E. How recent the relevant experiences are

All my relevant experiences occurred between 2007, while I was in law school, and present date. As mentioned above, I served as an arbitrator and was a member of the dispute resolution society in law school. Since being admitted to practice in Nevada in 2009, I regularly appeared in numerous mediations, arbitrations, and administrative hearings. I am more than capable of serving the public should I be chosen for this position.

F. Ability to perform services in the following areas:

I will be available to perform services in all listed areas (Las Vegas, Tonopah, Ely, Elko, Lovelock, and Carson City/Reno).

- G. If selected, must I disqualify myself in cases involving:
One or more institutions within the Nevada System of Higher Education?
A State of Nevada executive branch department or agency?
An employee's association?

Although I attended the law school at UNLV Boyd School of Law, I do not believe that fact in itself necessarily must disqualify myself in any cases involving the school unless there are any additional relevant facts that justifies recusal. I do not have any involvement with any other institution within the Nevada System of Higher Education, State of Nevada executive branch, or any employee's association.

Monti Jordana Levy

BUSH & LEVY, LLC.

1404 S. Jones Blvd, Las Vegas NV 89146

(702) 868-4411 fax: (702) 868-0248

mlevy@bushlevylaw.com

EDUCATION

Seattle University School of Law, Seattle, WA

Juris Doctor: May 2002—Magna Cum Laude

Class Standing: Top 10% all three years

Dean's List (2001-2002)

Dean's List (2000-2001)

Dean's List (1999-2000)

CALI Award for highest grade in Legal Writing II: 2001

CALI Award for highest grade in Legal Writing I: 1999-2000

Merit Scholarship after first year

University of Nevada Las Vegas, Las Vegas, NV

Visiting Student: 2001-2002

CALI Award for highest grade in Water Law

CALI Award for highest grade in Intellectual Property II

University of Nevada Las Vegas, Las Vegas, NV

Bachelor of Arts in Criminal Justice: December 1998

Major GPA: 3.82 Overall GPA: 3.65

Dean's Honor List: 1997-1998 (three semesters)

Golden Key National Honor Society

August Vollmer Award for excellence in Criminal Justice

Greenspun College of Urban Affairs Scholarship

EXPERIENCE

BUSH & LEVY, LLC, Las Vegas, NV

Partner

Represent criminal defendants through trials and appeals; represent clients in family law

March, 2006-Present

Nevada Attorney General's Office, Las Vegas, NV

Deputy Attorney General

Investigated and prosecuted felony Insurance Fraud cases for the State of Nevada

October 2005-March 2006 (Left to Open Private Practice)

Henderson City Attorney's Office, Henderson, NV

Deputy City Attorney

Prosecuted misdemeanor cases for the City of Henderson.

April 2005-September 2005

Law Office of John J. Momot, Las Vegas, NV

Associate Attorney

Primarily Represented criminal clients in all areas of criminal defense. I also represented clients in family law and personal injury cases. Was responsible for Court appearances of all types and assisted in all types of cases from misdemeanor cases to first degree murder cases.

June 2002-April 2005

Department of Justice-United States Attorney's Office-District of Nevada, Las Vegas, NV

Law Clerk

Performed legal writing and research. Appeared in District Court as Certified Law Clerk for the United States Attorney. September 2001-January 2002

Clark County District Attorney's Office, Las Vegas, NV

Legal Intern

Performed legal writing and research. Appeared in court on misdemeanor DUI and traffic cases.

Offered and secured plea bargains with defense counsel. June 2001-August 2001

BUSH & LEVY, LLC.

Attorneys at Law
1404 S. Jones Blvd
Las Vegas, Nevada 89146
Telephone: 702-868-4411
Facsimile: 702-868-0248

Susan Kaye Bush

Monti Jordana Levy

January 12, 2012

Adrian Foster
Personnel Analyst
Nevada State Department of Administration
555 East Washington Avenue
Las Vegas, NV 89101

Dear Ms. Foster:

Enclosed please find a copy of my resume; I am interested in applying for the position of Hearing Officer with the State of Nevada. Below are my qualifications as requested in the Criteria of Selection for this position.

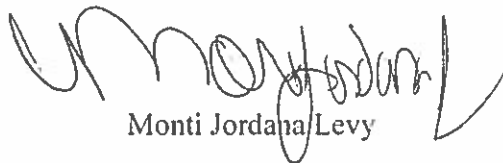
- A. **Nevada Licensed Attorney:** Bar Number 8158—Admitted October, 2002
- B. **Administrative Law Experience and Alternative Dispute Resolution:** I have represented clients in both DMV hearings and Unemployment Benefits Hearings. I have also represented clients in family law cases during mediations.
- C. **Experience with Personnel Disciplinary Matters:** As a partner in a law firm, I have had to terminate and discipline employees as well as investigate any potential wrongdoing by employees
- D. **Experience with the State of Nevada System:** I was employed by the Attorney General's Office prior to opening my own practice as a Deputy Attorney General prosecuting offenses involving Insurance Fraud. I have appeared in many state court jurisdictions including Justice Courts throughout Clark County and Nye County and District Courts throughout Clark County and Nye County.
- E. **How Recent is the Relevant Experience:** All of my legal experience has been in the past ten (10) years

F. Indicate the Ability to Perform Services in Geographic Areas: I would be available to act as a Hearing Officer in Las Vegas, and potentially would be able to travel to other areas on occasion.

G. Disqualification: I would not have to disqualify myself in any of the areas listed in the Criteria for Selection.

Thank you for taking the time to review my qualifications. Should you have any questions, or if further information is needed, please do not hesitate to contact me at any time.

Sincerely,



Monti Jordana Levy

Dear Sirs,

January 7, 2012

I submit this letter of interest for the position of Hearing Officer with the State of Nevada. My multi-faceted abilities include, an outgoing personality, my extensive legal researching and writing abilities, case management and trial experience, my extensive technical knowledge, and a multitude of different experiences with various Nevada Administrative Agencies. These experiences make me a strong candidate for this position.

In 2002, I opened a general civil law practice, upon licensure (NV Bar number 08172), which continues to date. I have continued to add more and more experience in the civil arena to the continual hands-on legal experience in the courtroom and transactional experience outside the courtroom. Relevant to this letter is the fact of having experience with three administrative law agencies within the State of Nevada. That experience includes administrative law experience with the Gaming Commission, the Nevada Foreclosure Mediation Program, and the Nevada Real Estate Division.

With the Gaming Commission my experience comes as an attorney representative and regulatory with the Gaming Control Board and issues that surrounded approvals or denials on rules and regulations on behalf of the Casinos Race and Sports Books while in my position as an Operations Manager. I have also testified on pending Gaming Legislation before the Nevada Legislature as well as appearing before the Nevada Gaming Control Board and Nevada Gaming Commission. I provided the research and data necessary for their push to combat the proposed federal ban on sports wagering within Nevada. That research can be found in my resultant paper, The Constitutionality of the Federal Sports Wagering Prohibitions. () The paper reflects my ability to analyze an issue that balanced Federal, State, and Administrative law as well as the ability to analyze complex and sensitive gaming problems and recommend an effective course of action for those problems. The State of Nevada ultimately passed the legislation, and my research and testimony is codified as A.J.R. 2 in the Nevada Legislative History.

In September 2009 I was appointed by the Nevada Supreme Court as one of the first ninety-seven Foreclosure Mediators under the newly legislated Foreclosure Mediation Program. A prestigious honor, this experience adds additional experience in real estate to my general civil practice work through my law firm. The appointment requires an extensive understanding of the real estate lending market, including all current federal programs and mandates for workout, short sales, and foreclosures. In August 2011 after handling more than two hundred and fifty foreclosure mediations (approximately 20-40 per month since initial appointment) I was re-appointed by the Supreme Court for a third one-year term, one of approximately thirty Mediators that returned from the initial ninety-seven appointed in August 2009.

With the Nevada Real Estate Division I have experience primarily with the Ombudsman's Office from 2002 to the present date. As an attorney practicing HOA law I have participated in the ADR program as an attorney representative on behalf of clients in non-binding Arbitration and Mediation. I have also had a multitude of interactions with the Real Estate Division's Ombudsman's office in regards to Homeowner's Associations coming into compliance with N.R.S. Chapter 116 for the first time after not operating as valid, licensed entities.

In my job as an Operations Manager for eleven years from 1995 to 2006, I was responsible for personnel interviewing, selection, training, and the management of new and current employees in all departments. Management included at-will employee disputes, disciplinary action, promulgation, monitoring and enforcement of policy handbook procedures.

If selected it wouldn't be necessary for me to recuse myself from any cases involving any institutions within the Nevada System of Higher Education, no employees' association, nor any Nevada executive branch or departmental agency. In that capacity I am also able to serve throughout the State of Nevada. My main office is in Logandale, which is easily accessible to Las Vegas, Tonopah, Ely, Elko and Carson City/Reno, and I am able to work in all areas listed.

Thank you for your time and consideration. I am including my resume in addition to this letter of interest.

Sincerely,



The Law Offices of Renee L. Mancino LLC

P.O. Box 1605

Las Vegas, NV 89021

Phone: (702) 398-7870 Fax: (702) 938-7281

• November 2002 to Present • *Managing Attorney* •

Experience with clients in a multitude of different practice areas. Including, gaming law, landlord-tenant law, contract claims, employment, family law, real property and real estate homeowner's association law. Court and Administrative Law experience including, Administrative claims from \$1 million and up. Civil Litigation claims from \$2 million and up; depositions, motion hearings, evidentiary hearings, discovery, motion and trial work. Hands on negotiation and drafting of legal contracts and documents including Homeowner's Association Rules and Regulations, Bylaws, and Conditions, Covenants, and Restrictions. Also Certified Mediator and Arbitrator for all Civil Disputes. 2009, 2010, and 2011 Nevada Supreme Court Appointee to the Nevada Foreclosure Mediation Program's Mediator's Panel, the panel charged with mediating all individual residential and soon to be commercial foreclosure cases filed within the State of Nevada.

Nevada Wallboards & Parlay Cards

3850 So. Valley View

Las Vegas, NV 89103

Phone: (702) 367-8022 Fax: (702) 367-9730

• January 1995 to January 2006 • *Operations Manager* • *Attorney* • *Consultant* •

Casino Race & Sports Book support company. As a race & sports book gaming support company located in Las Vegas, Nevada providing service and support to the race & sports book industry throughout the United States, Mexico, and the Bahamas. As Operations Manager my duties included oversight and operation of all departments in this multifaceted casino support company. The various departments and a brief description of the job duties include:

Accounting: Oversight and supervision over all facets of the accounting department including accounts payable and receivables. Also responsible for setting product pricing schedules and handling open bid procedures with casinos, resorts, bars, racinos, and other gaming clients.

Product Production and Distribution: Supervision over parlay card production and sales including coordination and scheduling of parlay card production personnel, daily workflow management, and international and national shipping. Duties also included client contract negotiations, client crisis management, and customer service.

Informational Systems: Supervision and implementation of all Informational Systems operations. This includes computer networking, computer hardware, and software development, maintenance, and upgrading. As a business that relied heavily on technology it was necessary to remain on the cutting edge of all new and emerging technologies in computer networking (both intranet and Internet), as well as production and workflow products, IT security, Intellectual Property Issues for in-house, custom developed software to serve the gaming industry, and tools applicable to normal business operations and the gaming industry.

Personnel Department: Instrumental in personnel interviewing, selection, training, and management of new and current employees in all departments.

Las Vegas Dissemination Company (LVDC)

3555 W. Reno Ave. Ste. C

Las Vegas, NV 89118

Phone: (702) 739-8781 Fax: (702) 739-8137

• January 1995 to January 1996 • *Satellite Racing Hub Wire Room* •

A leader in providing racing information to the gaming industry as one of the premier providers of Off Track Betting facilities in the United States. LVDC disseminates racing information 24 hours a day 7 days a week every day of the year. As a Race Wire Room Clerk responsibilities included transmission, overview, and oversight of pari-mutuel information and relations between the Nevada Race Books, Racetracks, Off-track betting sites, and the LVDC pari-mutuel hub. Including, entering scratches, changes and other data and information for all daily racing. Locking out races at post time, posting official results, troubleshooting the racing feed, satellite and transponder information. Also included control of electronic data transmissions used to inform and control Casino based computer systems.

Education

• 2002 *Juris Doctorate* • *University of Nevada Las Vegas- Boyd School of Law*

• Combined Overall g.p.a. 3.05

2000-2002 *Member Society of Advocates* -Participant in two regional moot court competitions.

1111 Riv. 10th
Las Vegas, Nevada 89101
Phone: (702) 958-8700
Fax: (702) 958-7181
rene@rencolaw.com

Renée L. Mancino

March 2001- Giles Sutherland Rich Intellectual Property-Patent Law Moot Court Team- San Francisco, California. Problem concerned a patent claims construction, interpretation, and infringement appeal before the United States Court of Appeals for the Federal Circuit.

March 2002- American Bar Association, National Appellate Advocacy Moot Court Competition- Houston Texas. Award recipient for the 5th Best Brief in the overall competition. Issues were presented before the Supreme Court of the United States and concerned how to balance and reconcile provisions of two federal acts, the Magnuson-Moss Warranty Act, a consumer protection statute, and contrary provisions found in the Federal Arbitration Act.

• **Double academic excellence C.A.L.I. Award recipient**

• Fall 2000 International Public Law

• Spring 2001 Gaming Law Policy

• **Academic research paper presentations**

March 2001- Presentation of *The Constitutionality of the Federal Sports Wagering Prohibition* before the Nevada Legislature in support of Assembly Joint Resolution 1.

May 2001- Presentation of *The Constitutionality of the Federal Sports Wagering Prohibition* before the Nevada Gaming Control Board and the Nevada Gaming Commission

• **Academic research papers**

The Constitutionality of the Federal Sports Wagering Prohibitions-A Tenth Amendment analysis of the constitutionality of proposed federal wagering sports prohibitions on amateur, high school, and college sporting events.

State and Federal Legislation for Unsolicited E-mail and Other Electronic Advertising- A comprehensive survey of all state and federal legislation addressing unsolicited e-mail.

Can Spam Be Protected As Commercial Free Speech Or Must It Survive Strict Scrutiny: What Would The Supreme Court Do With Spam? The constitutionality of spam on the Internet under the First Amendment.

Closing the Legal Loopholes in International Parental Abduction- A comparative analysis of the federal laws and treaties that govern parental custody issues with emphasis on closing loopholes in international law.

• **1994 Bachelor of Science Degree • University of Akron, Akron, Ohio**

• Major- Physiology, Biological Science. Minor. Chemistry.

• Combined Overall g.p.a. 3.6

• **1992 Associate of Arts & Science Degrees • Cuyahoga Comm. College, Cleveland, Ohio**

• Double Degreed. Double Major-Pre-professional science- Biology, Psychology. Minor, French.

• Deans List 1990-1992

• Summa Cum Laude Graduate 4.0 g.p.a. for both degrees.

Professional Associations/Special Skills

• November 2002 • **Admitted to the Nevada Bar**

Member: *Gaming Law Division*

• March 2003 • **Admitted to the United States District Court, District of Nevada**

• May 2003 • **Admitted to the Utah Bar**

• May 2003 • **Admitted to the United States District Court, District of Utah**

• Member American Bar Association: Member General & Small Practice Law Section, Member Gaming Law Committee, Member MacLaw Board of Directors (second 3 yr. term), Member So. Nevada Collaborative Professionals, Mediators of Southern Nevada, Collaborative Professionals of Nevada.

• **Computer Hardware Skills** includes extensive multi-platform proficiency on both Macintosh and Windows (W98, NT, NI Server, XP, Vista, Windows 7, OS X) operating system platforms including hardware, peripheral, and software installation, maintenance, Server-Client configuration, database administration and development (ACI 4D and FileMaker), networking (intranet and Internet), and troubleshooting.

• **Computer Software Proficiency** in: Business Productivity Software: Microsoft Word, Excel, and Power Point. Corel Word Perfect. ACI 4th Dimension. FileMaker Pro. Graphic Arts Software: Adobe Acrobat, Distiller, Acrobat Professional, Type Style, Photoshop, PageMaker, Go Live, Macromedia Freehand.

References

***Additional references available upon request.**

Ellen Jaicks	Kamal Jafarnia	Susan G. Trautman	Brandi Jensen	Angela White
General Counsel	Assistant General Counsel	General Counsel	City Attorney	Attorney
B.O.S.S. Office Services	Realty Capital Securities	Nevada Energy	Fernley, Nevada	SS Administration
702-218-8927	857-350-9503	702-252-0520	775-784-9862	702-280-0180

Law Office of Nathaniel J. Reed, Ltd.

1405 S. Maryland Parkway
Las Vegas, Nevada 89104
Phone (702)388-0279 / Fax (702)388-1328

1/4/2012

DELIVERED BY MESSENGER

Adrian Foster
State of Nevada Personnel Analyst
555 E. Washington Ave.
Grant Sawyer Bldg. Suite # 1400
Las Vegas, NV

RE: Hearing Officer Application

Dear Mr. Foster:

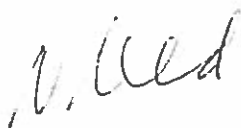
This letter will serve as my application as a state hearing officer. I am not associated with any personnel agencies mentioned in our conversation, therefore there would be no conflict or disqualification problems.

For several years I have served the County as a hearing officer. The cases involved are business license suspension revocations, denial of sheriff work cards, nuisance sign violating, whistle blower hearings as well as other various hearings set forth by the appropriate ordinances.

I prefer to limit my hearings to the Las Vegas area. I look forward to serving our State in a very important capacity.

My resume is enclosed for your perusal.

Sincerely,


Nathaniel J. Reed, Esq.
Nevada Bar No. 3575

Enclosure

CORRICULUM VITAE
NATHANIEL J. REED, ESQ.

EDUCATION:

Northwestern University, Evanston, Illinois BS	1957
John Marshall Law School, Chicago, Illinois LLB	1959
John Marshall Law School, Chicago, Illinois JD	1970
National Judicial College - Sentencing Misdemeanors	1995
Nevada Supreme Ct Settlement Round Table Conference/Seminars	2001- Present

PROFESSIONAL EXPERIENCE:

Clark County Hearing Officer Business License & Child Family Services	2008 - Present
Nevada State Bar Fee Dispute Committee	2007 - 2008
Nevada Supreme Court Settlement Judge	2001 - Present
Pro-Tempore North Las Vegas Municipal Court	2000 - 2005
Pro-Tempore North Las Vegas Justice Court	1999 - 2005
Pro-Tempore Justice, Clark County Justice Court	1999 - Present
Pro-Tempore Judge, Henderson Municipal Court	1996 - Present
Pro-Tempore Justice, Henderson Justice Court	1996 - Present
Arbitrator, Eighth Judicial District Court	1993 - Present
Pro-Tempore Judge, Las Vegas Municipal Court	1992 - 2005
State Panel of Defense Attorneys, Trials, Post-Convictions Appeals & Death Cases, Rule 250 Qualified	1988 - 2008
General Law Practice, Las Vegas, Nevada	1984 - Present
Supervising Attorney, South Texas Legal Aid	1982 - 1983
General Law Practice, Chicago, Illinois	1959 - 1982
Nevada State Bar Fee Dispute	2009 - Present
Nevada Legal Aid Center Pro-Bono	2011 - Present

TEACHING EXPERIENCE:

University of Nevada Las Vegas, Paralegal Instructor, Continuing Education, Legal Research and Writing	1994 - 1999
Southern NV Technical Institute, Paralegal Instructor	1988 - 1990

LICENSES & CEERTIFICATIONS:

United States Supreme Court	1992
United States Court of Appeals, 9th Circuit, Federal District Court Nevada, Northern Illinois 1960, Southern TX	1992
State Bar of Illinois	1959
State Bar of Texas	1982
State Bar of Nevada	1988

MILITARY INFORMATION:

Graduate Office Candidate School, Fort Sill, Oklahoma	1952
Lieutenant Artillery 25th Division Battery Commander, Korea	1952 - 1954

PROFESSIONAL ASSOCIATIONS:

Nevada Bar Association, Nevada State Bar, Clark County Bar
National and Nevada Criminal Defense Lawyers
Federal Bar Association, Texas Bar Association
Las Vegas Country Club

PUBLICATIONS:

"Ask a Lawyer" Column in the Review-Journal
Grandparent's Rights of Visitation
"Nevada Work ID Cards, Nevada Association of Criminal Defense Lawyers Reasonable Doubt"

Colleen J. Rice
2230 Westwind Road
Las Vegas, Nevada 89146
(702) 335-3251

January 25, 2012

Mr. Adrian Foster
Nevada State Department of Administration
Grant Sawyer State Building
555 East Washington Avenue
Las Vegas, Nevada 89101

Re: Application for Hearing Officer

Dear Mr. Foster:

I am a licensed Nevada attorney with over twenty-five years of experience relevant to serving as a Hearing Officer for the Division of Human Resources Management. Please accept this letter and enclosed resume as my application.

Between 1995 and 2009 I rose through the ranks of the legal department at Nevada Power Company, Sierra Pacific Resources and NV Energy, ultimately serving as Acting General Counsel. Because we were a regulated public utility, those years gave me administrative law experience in Nevada. In addition, I gained considerable alternative dispute resolution experience because our standard contracts typically required that disputes be resolved via mediation and arbitration. My years at the power company also gave me significant experience with personnel discipline, both in an advisory capacity and as supervisor of up to twenty-four employees.

Before moving to Nevada, I practiced law for eleven years in Minnesota and North Dakota with a small AV rated general practice law firm located in the border town of Moorhead, Minnesota. I was proud to become a named partner in 1986, the first female lawyer to achieve that status in either Moorhead or its twin town of Fargo, North Dakota. My practice focused on litigation and especially relevant to this position were the numerous workers' compensation cases I tried before the Minnesota system of administrative law judges.

Success during the first 25 years of practice allowed me to semi-retire at a relatively young age. Since 2010, I have been doing limited consulting, legal research and writing under the auspices of my Nevada corporation, Writing for Results. My current schedule would offer maximum flexibility to serve as a Hearing Officer.

With that introduction, this letter will now discuss each of your selection criteria.

Mr. Adrian Foster
Page 2
January 25, 2012

Nevada licensed attorney: I have been licensed (Bar No. 5752) in the State of Nevada since 1995. I was licensed in Minnesota and North Dakota between 1983 and 1994.

Administrative law experience: I have 20 plus years of administrative law experience. Most recently (from 2005 to 2009), as Associate General Counsel and Acting General Counsel at NV Energy, I supervised attorneys who practiced before the Public Utilities Commission. I also had first-hand experience during 2005 when as Acting General Counsel, I appeared before the Federal Energy Regulatory Commission during the alternative dispute resolution phase of our claims against Enron. In addition, between 1995 and 1999 I handled a few dockets before the PUCN as Assistant General Counsel for Nevada Power Company. I have another eleven years of administrative law experience between 1983 and 1994, when during private practice I litigated numerous workers' compensation claims before the Minnesota Office of Administrative Hearing's administrative law judges.

Because there are many similarities between administrative law and civil litigation, my 26 years of civil litigation experience is also relevant. Civil litigation was the focus of my private practice (1983 - 1994). I represented commercial clients with respect to commercial litigation and insurance coverage disputes, and represented both plaintiffs and insurers in personal injury matters. While in-house at Nevada Power and NV Energy between 1995 and 2009, I was the responsible in-house attorney for several civil suits but as explained below, we preferred alternative dispute resolution.

Alternative dispute resolution: During my 15 years at NV Energy and Nevada Power, I almost always had an active arbitration or mediation on my file list. The number of disputes was especially high during my tenure because the financial problems caused by the Western energy crisis of 2001 and 2002 created an unusually high number of disputes with energy suppliers that were contractually required to be resolved by mediation and arbitration. Working on those disputes took the vast majority of my time between 2002 and 2006. In addition, I was the in-house attorney responsible for handling five multi-million dollar arbitrations involving long term energy contracts. The first three took the bulk of my time between 1995 and 1997 and the last two took considerable time between 2007 and 2009.

Personnel disciplinary matters: My years at the power company gave me significant experience with personnel discipline, both in an advisory capacity and as a supervisor. As Acting General Counsel, the most sensitive employment law matters crossed my desk and as primary attorney for the Generation Division (2005 - 2009), I was often the first stop to provide legal advice when employment issues arose. My four years of management experience (2005 - 2009), during which I supervised up to twenty-four employees, gave me personal experience with the same type of progressive discipline utilized by the State. I

Mr. Adrian Foster
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January 25, 2012

was an active manager and became familiar with the progression from informal warnings to documented performance plans. On four unfortunate occasions when progressive discipline failed, I followed through with termination.

Experience with the State of Nevada system: Although I have not previously had direct involvement with Nevada's personnel system, several aspects of it are familiar to me. The formal structure of state employment is familiar due to a pre-law school job with North Dakota Job Service. As mentioned above, I utilized a similar approach to progressive discipline as a manager at NV Energy and Nevada Power. My twenty-plus years of experience with civil litigation and administrative hearings make the required hearing procedures very familiar. While not knowledgeable of the nuances of Nevada's personnel system, past experience has prepared me to be a quick study.

How recent relevant experience has been: I've included timing information when discussing relevant experience.

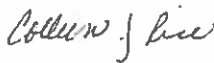
Hearing location flexibility: Although I reside in Las Vegas, I'm able to travel to any hearing location. I'm familiar with much of the State and have been to all but one of the listed towns. My work at Nevada Power took me to Reno and Ely, and my husband (a proud fourth generation Nevadan) has made sure that I've seen much of the state.

Possible disqualifications: If selected, I would not have any conflicts of interest requiring me to disqualify myself.

In addition to the above criteria I'd like to mention another important quality – judicial temperament. Having appeared before countless civil judges, arbitrators and administrative law judges, I believe that the best ones are not only well versed in the law and procedure, but also have many other attributes including excellent communication skills, patience, open-mindedness, compassion, humility, tact, courage, courtesy, character, good judgement and common sense. I would bring each of those qualities to service as a Hearing Officer for the Division of Human Resources Management.

I appreciate your time and look forward to a personal meeting to discuss my qualifications further.

Sincerely yours,



Colleen J. Rice

COLLEEN J. RICE

2230 Westwind Road
Las Vegas, Nevada 89146

Phone: (702) 335-3251
Email: tjcrice@cox.net

EXECUTIVE PROFILE

An experienced lawyer who has served as Acting General Counsel for a publicly traded corporation and been a partner in a small "AV" rated general practice law firm. Broad litigation and transactional experience in several areas of law including commercial, employment law, insurance and energy. Strong administrative skills, having effectively managed a corporate legal department that supported its parent company, two utility subsidiaries and several non-utility subsidiaries. Excellent interpersonal and writing skills. Reputation for honesty, even temperament and being well organized.

PROFESSIONAL EXPERIENCE

NV ENERGY, INC. f/k/a SIERRA PACIFIC RESOURCES

Associate General Counsel

2005 – 2009

Lead in-house attorney with supervisory authority over other attorneys and a direct report to the General Counsel.

- Assisted the General Counsel in reorganizing the law department.
- Supervised five other attorneys involved in the practice areas of employment law, labor law, workers' compensation, regulatory, real estate and commercial matters.
- Lead in-house attorney with respect to the acquisition of three power plants with a combined purchase price of \$890 million. Assisted in negotiations and managed due diligence.
- Supported the Generation Division with respect to all its legal requirements including negotiating, drafting and resolving disputes concerning power agreements, gas agreements, coal supply contracts, coal transportation agreements, joint project agreements and water agreements.

Acting General Counsel

June, 2005 – January, 2006

Had overall responsibility for legal matters affecting the company including corporate, transactional, claims and regulatory issues while also performing my regular duties as Associate General Counsel. Managed the Legal and Claims Departments composed of twenty-four employees. Oversaw legal aspects of negotiating and settling multi-million dollar litigation arising out of the 2001-2002 Western energy crisis including litigation with Enron, El Paso and Morgan Stanley.

Assistant General Counsel

1999 – 2004

Represented the company's four non-regulated affiliates engaged in the business of energy management with respect to all aspects of their commercial transactions

and disputes. Also represented the regulated electric utility subsidiaries with respect to their power purchase contracts and related dispute resolution.

- Represented Sierra Energy Company, a subsidiary involved in district cooling and energy conservation, with respect to all aspects of its operations including employment law.
- Responsible for all legal aspects of selling Sierra Energy Company.
- Supported the Generation Division in several mediations and arbitrations of power purchase contract disputes.
- Negotiated contractual amendments to commodity contracts necessary to maintain business operations during stressful economic conditions and assisted with litigation related to demands for assurances.

NEVADA POWER COMPANY n/k/a NV ENERGY 1995 – 1999

Assistant General Counsel

- Managed outside counsel and oversaw complicated arbitrations involving long term power purchase contracts.
- Provided general legal counsel to several corporate departments as needed.

DOSLAND, NORDHOUGEN, LILLEHAUG, JOHNSON & SAANDE, P. A
Moorhead, MN

General practice six member "AV" rated law firm serving as primary counsel for American Crystal Sugar Company and also engaged in commercial, employment law, insurance defense, estate planning, and personal injury practice areas.

Partner 1986 – 1994
Associate 1983 – 1985

- Represented commercial clients in North Dakota and Minnesota with respect to commercial litigation and insurance coverage disputes, and provided counsel regarding general business issues including employment law. Experienced in trade secret, workers' compensation and personal injury litigation.

AWARDS

February 7, 2006 Commendation from the Board of Directors of Sierra Pacific Resources for service as Acting General Counsel: "At a time when the corporation was deeply involved in very important litigation activities. Ms. Rice managed and led the legal affairs of the company and provided excellent advice and counsel to the Chief Executive Officer and to the Board of Directors with superb care, diligence, enthusiasm, and competence."

PUBLICATIONS

N.D.C.C. §17-04-06 – First Step Toward a Level Playing Field for Wind Projects and Rural Landowners, 85 N. Dak. L. Rev. 715, 723-757.

EDUCATION

JD, University of Minnesota, Minneapolis, MN Student instructor for appellate advocacy program	1983
BS, Valley City State College, Valley City, ND Business Administration Major	1980
BS, North Dakota State University, Fargo, ND Speech Education Major and Political Science Minor	1978

BAR ADMISSIONS

Admitted to practice in the state and federal courts of Minnesota and North Dakota from 1983 to 1994 and the state and federal courts of Nevada since 1995.

REFERENCES

Ann Pongracz
Senior Deputy Attorney General
Colorado River Commission of Nevada
555 E. Washington Ave., Suite 3100
Las Vegas, Nevada 89101
(702) 486-2691
apongracz@crc.nv.gov

Richard L. Hinckley
General Counsel
College of Southern Nevada
6375 West Charleston, #W3E
Las Vegas, Nevada 89146
(702) 651-7452
richard.hinckley@csn.edu
(Former General Counsel of
Nevada Power Company)

Steve Morris
Morris Peterson
300 South 4th Street
Las Vegas, Nevada 89101
(702) 474-9400
sm@morrislawgroup.com

Ann Casey
Staff Consultant, Generation Operations
NV Energy
6226 West Sahara Avenue
(702) 402-5986
acasey@nvenergy.com

LEONARD J. ROOT, ESQ.

2554 Paradise Village Way • Las Vegas, NV 89120-1020 • (702) 597-1999

OBJECTIVE:

A challenging attorney position with an opportunity to use my extensive experience and skills within a small office and/or large law firm.

QUALIFICATIONS:

- Twenty five (25) years experience as an Attorney in Bankruptcy Cases
- Twenty (25) years experience as Attorney
- Seven (7) years experience with a hotel performing attorney functions

PROFESSIONAL EXPERIENCES:

- 6/01/1997 - Present Attorney representing clients in the following areas:
 Duties: A.) Workers Compensation
 B.) In arbitration
 C.) In court - performed 8 trials
 D.) Research & writing
 E.) Representing indigents under State of Nevada Public Defenders office in criminal cases. Have performed eleven administrative law trials before insurance division, DMV, etc.
 F.) Bankruptcy - Chapters 7 & 13
- 6/1/1996 - 5/1/1997 Attorney with medical legal screening panel within insurance division
- 6/1/1981 - 5/13/1993 Attorney / Negotiator - Truck Insurance Exchanged / Farmers Insurance
 Duties: Settle heavy commercial claims, including medical malpractice claims against both M.D.s and hospitals. Performed and supervised 5-10 jury trials within 15-year period.

EDUCATION/CERTIFICATIONS:

- 1994 Property, Casualty & Surety Broker's License
 1987 Chartered Property Casualty Underwriter (C.P.C.U.)
 1987 Associate Risk Management Certificate (A.R.M.)
 1987 Graduate in Claims Administration (G.C.A.)
 1978 South Texas College of Law, Houston, TX I.D.
 1975 University of Las Vegas, NV Las Vegas, NV B.A.
 (Major - History, Accounting and tax-related courses)

PROFESSIONAL AFFILIATIONS:

- 1991 Texas Bar Association
 1989-1990 Chartered Property Casualty Underwriter (C.P.C.U.)
 1985 American Society for Hospital Risk Management
 1985 Nevada Trial Lawyers Association
 1984 Nevada Bar Association
 1980 American Trial Lawyers Association
 1979 Utah State Bar Association

REFERENCES INCLUDED

III. Criteria for Selection

These positions require a current active Nevada State Bar Membership. Please apply with a resume and/or supplemental information that addresses the following listed criteria:

- A. Nevada licensed attorney (provide State bar number)
- B. Administrative law experience and alternative dispute resolution
- C. Experience with personnel disciplinary matters
- D. Experience with the State of Nevada system
- E. How recent is the relevant experience
- F. Indicate the ability to perform services in the following areas:
 - Las Vegas
 - Tonopah
 - Ely
 - Elko
 - Lovelock
 - Carson City/Reno
- G. If selected, would you have to disqualify yourself in cases involving:
 - One or more institutions within the Nevada System of Higher Education? If so which ones?
 - A State of Nevada executive branch department or agency? If so which ones?
 - An employees' association? If so which one?

At Sawyer State

NONE

IV. Submission Information and Deadline - January 31st, 2012

Resumes and supplemental information should contain complete information corresponding to the Criteria for Selection. The information provided should reflect the qualifications of an individual, not a legal firm or group. Failure to respond to each criterion may be cause for rejection from consideration. The Personnel Commission will make selections based on a weighting of the Criteria for Selection, as it sees fit, and interviews of the most qualified candidates conducted during an open meeting. All applicants will receive written communication regarding their status as the recruitment process advances. Material should be submitted by January 31st, 2012 to:

Nevada State Department of Administration
 Grant Sawyer State Building
 555 East Washington Avenue
 Las Vegas, Nevada 89101
 Attention: Adrian Foster
 Phone (702) 486-2911

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Attention: ADRIAN FOSTA Date: JANUARY 31, 2012
 Company: STORIS PERSONNEL From: LEONARD J. ROOT
 Phone: 702 / 486 - 2911 Company: ADRIAN FOSTA - AT - Ubu
 Fax: (702) 486-2925 Phone: (702) 597-1999

Comments:
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TRAVIS E. SHETLER
ATTORNEY AT LAW

TELEPHONE: 702.866.0091

844 EAST SAHARA AVENUE • LAS VEGAS, NEVADA 89104
TRAVIS@SHETLER@GMAIL.COM

FACSIMILE: 702.866.0093

January 30, 2012

Nevada State Department of Administration
Division of Human Resource Management
Grant Sawyer State Building
555 East Washington Avenue, Suite 1400
Las Vegas, Nevada 89101
Attention: Adrian Foster, Personnel Analyst

RE: Hearing Officer Position

Dear Mr. Foster,

I have been practicing both civil and criminal law in Nevada and Federal Courts for the past 20 years. I have represented many clients in various types and aspects of Nevada Administrative Hearings during my career. I also currently serve as a Judge Pro Tem in Clark County, as well as an arbitrator. I have conducted over one hundred legal hearings and issued rulings in almost every case.

I have been involved in some personnel disciplinary matters over the past 20 years, and I am able to travel throughout the State of Nevada in order to conduct administrative hearings.

Additionally, I would not have to disqualify myself in any cases involving the Nevada System of Higher Education, executive branch department or agency, or any employee's association.

My resume is enclosed for your review. I look forward to having the opportunity of meeting you in person. If you have any questions or concerns, please feel free to call me.

Sincerely,



Travis Shetler,
Nevada Bar No. 4747



TRAVIS E. SHETLER
702.866.0091

TRAVISSHETLER@GMAIL.COM

844 EAST SAHARA AVENUE
LAS VEGAS, NEVADA 89104

EDUCATION

1992	WILLAMETTE UNIVERSITY COLLEGE OF LAW SALEM, OREGON	J.D.
1992	WILLAMETTE UNIVERSITY COLLEGE OF LAW SALEM, OREGON CERTIFICATE IN DISPUTE RESOLUTION	
1989	UNIVERSITY OF WASHINGTON SEATTLE, WASHINGTON	B.A.

EMPLOYMENT

2005-2012	LAW OFFICE OF TRAVIS E. SHETLER, P.C. CRIMINAL DEFENSE (STATE/FEDERAL) & CIVIL LITIGATION
2004-2005	SINKELDAM & SHETLER, L.L.P. CRIMINAL DEFENSE (STATE/FEDERAL) & CIVIL LITIGATION
2002-2004	LAVIGNE & SHETLER, P.C. CRIMINAL DEFENSE (STATE/FEDERAL) & CIVIL LITIGATION
2001-2002	BARRON, VIVONE, HOLLAND & PRUITT CIVIL LITIGATION
1999-2000	SABBATICAL
1999	NEVADA ATTORNEY GENERAL'S OFFICE CIVIL LITIGATION
1998-1999	NYE COUNTY DISTRICT ATTORNEY'S OFFICE CIVIL LITIGATION
1997-1998	LAW OFFICE OF TRAVIS E. SHETLER CIVIL LITIGATION
1992-1997	BURRIS & THOMAS CIVIL LITIGATION
2002-2012	JUSTICE OF THE PEACE PRO TEMPORE/REFEREE LAS VEGAS JUSTICE COURT
1995-1999	TRAFFIC & SMALL CLAIMS COURT REFEREE
1998-2012	ARBITRATOR FOR CLARK COUNTY DISTRICT COURT MANDATORY ARBITRATION PROGRAM

INDIGENT APPOINTMENT

2003-2011	FEDERAL CRIMINAL JUSTICE ACT PANEL DEFENSE ATTORNEY UNITED STATES DISTRICT COURT NEVADA
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BAR MEMBERSHIP

1992-2012	NEVADA STATE BAR - BAR NUMBER 4747
-----------	------------------------------------

ROSS SMILLIE
ATTORNEY • MEDIATOR • ARBITRATOR

TELEPHONE: 702.866.0091

844 EAST SAHARA AVENUE • LAS VEGAS, NEVADA 89104
LAWMAN3158@AOL.COM

FACSIMILE: 702.866.0093

January 31, 2012

Nevada State Department of Administration
Grant Sawyer State Building
555 East Washington Avenue
Las Vegas, Nevada 89101
Attention: Adrian Foster

RE: Hearing Officer Position

Dear Mr. Foster,

My name is Ross Smillie. I am a Nevada resident and my Nevada State Bar Number is 3158. I am also a retired California police officer, but have been a member of the Nevada Bar since 1987. I originally practiced law in Reno, Nevada in the late 1980's. However, since 2009 I have been practicing law in Las Vegas, Nevada.

I have been an active, certified Nevada Supreme Court Foreclosure Mediation Program Mediator since 2009, and been involved in a wide variety of evidentiary/fact-finding investigations, litigation, negotiation and settlement, written rulings, orders and proposed sanctions.

I participate as a member of the Nevada State Bar's Alternative Dispute Resolution (ADR) Section, received extensive training and experience in the field of ADR, and been involved in both administrative and court hearings since 1983. I have been involved in some personnel disciplinary matters in both Nevada and California over the past 25 years, and able to travel to Tonopah and Ely in order to conduct administrative hearings.

Furthermore, I would not have to disqualify myself in any cases involving the Nevada System of Higher Education, executive branch department or agency, or an employee's association.

My resume is enclosed for your review. I look forward to having the opportunity of meeting you in person. If you have any questions or concerns, please feel free to call me at (702) 677-0581.

Sincerely,



Ross Smillie, Esq.



Curriculum Vitae

Ross Smillie

Attorney – Mediator - Arbitrator
844 East Sahara Avenue
Las Vegas, NV 89104

Lawman3158@aol.com
(702) 866-0091 office
(702) 677-0581 cell

Career Overview

Retired police officer and attorney with experience in conflict resolution, civil and criminal law

Certifications

- Certified Nevada Supreme Court Foreclosure Mediator
- Certified Course Manager and Instructor from the California Governor's Office

Education

- Pepperdine University, School of Law, Juris Doctorate 1985
- California State University, Long Beach, Bachelor of Science in Business Administration, with a Major in Financial Management 1981

Conflict Resolution Experience

Foreclosures, landlord-tenant, premises liability & security, residential & commercial neighborhood communities (urban & suburban), churches, workplace, family, personal injury & property damage, malpractice, insurance, contracts, construction, condemnation, water rights, and real property

Training & Experience

Since 1980's, received hundreds of hours of education, training and/or experience in alternative dispute resolution, arbitration, negotiation, settlement, litigation & trial, psychology & human behavior, litigation pitfalls, civil rights, business law & contracts, weighing evidence & witness credibility, fraud, interpersonal communication and public speaking, and a wide variety of continuing legal education and law enforcement topics

Professional Licenses and Memberships

- Nevada Bar Association (Member #3158), since 1987
- Nevada Bar Association Alternative Dispute Resolution Section
- Clark County Bar Association
- Federal Bar Association

Awards

- Multiple Police Commendations & Citations, Long Beach Police Department
- Commercial Security & Fraud Lecture Series Award, Long Beach Apartment Association
- Chief's Award for Academic Excellence, Long Beach Police Academy
- Academic & Athletic Excellence Scholarship, Long Beach Century Club

Teaching Experience

- Long Beach Police Academy & In The Community
-

Howard & Howard

law for business

www.h2law.com

Direct Dial 702.667.4808

Kimberly P. Stein

email: kps@h2law.com

January 30, 2012

Via Hand Delivery

Nevada State Department of Administration
Grant Sawyer State Building
555 East Washington Avenue, Suite 1400
Las Vegas, NV 89101
Attention: Adrian Foster

RE: Hearing Officer positions for the State of Nevada, Department of Administration, Division of Human Resource Management in Northern and Southern Nevada

Dear Mr. Foster,

I am writing to you to formally apply for one of the open Hearing Officer positions. Enclosed you will find my updated resume and bio. In addition, I am providing the following supplemental information to address the required criteria:

- A. Nevada licensed attorney (provide State bar number)
 - 8675
- B. Administrative law experience and alternative dispute resolution
 - While I was the Chief of Enforcement for the Securities Division, I acted as the administrative law judge in several hearings involving notaries for the Nevada Secretary of State's office.
 - As an attorney, I have participated in various mediations, arbitrations and settlement conferences on behalf of my clients, including the Nevada Secretary of State's office.
- C. Experience with personnel disciplinary matters
 - While employed with the Secretary of State's office, I attended all required supervisory training/human resource classes, including: Progressive Disciplinary Procedures, Handling Grievances, and the Equal Opportunity Employment Overview. I further handled several personnel issues for the Securities Division.
 - As an attorney, I have advised clients regarding personnel issues concerning their employees both as in-house and outside counsel.

Nevada State Department of Administration
RE: Hearing Officer positions
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Page 2

- Prior to being an attorney, I was in business for over ten years, and held supervisory positions throughout my career.

D. Experience with the State of Nevada system

- As described above, I was the Chief of Enforcement for the Securities Division, of the Office of the Nevada Secretary of State from May of 2009 until May of 2011, and attended all required supervisory training.

E. How recent is the relevant experience

- As recent as May of 2011.

F. Indicate the ability to perform services in the following areas:

- Las Vegas
- Tonopah
- Ely
- Elko
- Lovelock
- Carson City/Reno

G. If selected, would you have to disqualify yourself in cases involving:

- One or more institutions within the Nevada System of Higher Education? If so which ones?
- A State of Nevada executive branch department or agency? If so which ones?
- An employees' association? If so which one?

Nevada State Department of Administration
RE: Hearing Officer positions
January 30, 2012
Page 3


Upon reviewing my resume and my supplemental information, you will note that I have more than the requisite experience relating to hearings held under the Nevada Administrative Procedures Act and I am current with the personnel disciplinary system of the State of Nevada.

While I currently practice as part of a firm, I will be able to take on this contract position, without interference.

I appreciate your time and consideration in this matter. I look forward to the opportunity to interview for this position in the near future.

Very truly yours,

HOWARD & HOWARD PLLC



Kimberly P. Stein, Esq.

KIMBERLY P. STEIN, ESQ.

5073 Southern Hills Lane
Las Vegas, NV 89113
(702) 896-9562 (home)
(702) 271-1050 (cell)
Kstein_bmw@yahoo.com

Professional Experience

LAW:

Howard and Howard Attorneys PLLC, Las Vegas, NV

Of Counsel, 1/12 – Present

- Practice Areas include: Business & Corporate Law, Commercial Litigation, Financial Services, Gaming, Intellectual Property, Real Estate, and Securities

Fox Rothschild, Las Vegas, NV

Partner, 6/11 – 1/12

- Practice Areas include: Securities Law, Gaming Law, Intellectual Property, Civil Litigation, Corporate Law/Business Formation, and Real Estate Law.

Office of the Nevada Secretary of State, Securities Division, Las Vegas, NV

Chief of Enforcement, 5/09 – 5/11

- Responsible for enforcement of the security laws and regulations of the State of Nevada.
- Pursue both criminal and civil penalties for violations of Nevada's securities law.
- Work with various other state and federal agencies, including the Real Estate Division, Insurance Division, the SEC and the FBI in conjunction with on going investigations.
- License firms and individuals engaged in the sale of securities and/or the providing of investment advice for compensation.
- Provide the Secretary of State's office with legal advice regarding securities matters.
- Act as the Administrative Law Judge in Notary Hearings for the Secretary of State.

Sona Mobile (OTC BB: SNMB.OB), Las Vegas, NV

Vice President, Corporate and General Counsel, 3/08 – 3/09

- Responsible for all of the Company's legal, regulatory and compliance matters.
- Managed all of Company's IP.
- Negotiated all major contracts on behalf of Company.

- Acted as Corporate Secretary in regards to all reporting requirements and Board meetings, review all SEC filings, and advise the Board of Directors with regards to security issues.
- Participated in policy-making of Company with regards to all aspects of Company from game design, manufacturer to delivery of product.
- Selected and monitored outside counsel in IP, commercial, and securities matters.
- Handled all employer-employee law matters.
- Worked with CEO and CFO on all Strategic Development and Investor Relations functions of Company.
- Company representative to Trade Associations.

Flangas McMillan Law Group (Partner), Las Vegas, NV
Jolley, Urga, Wirth & Woodbury (Associate), Las Vegas, NV
 5/03 – 02/08

- Practice Areas include: Securities Law, Gaming Law, Intellectual Property, Civil Litigation, Corporate Law/Business Formation, Real Estate Law.
- Litigated several actions in both State and Federal court ranging from motions to dismiss, temporary restraining orders, preliminary injunctions, summary judgment motions and participated in jury trials. Actions included trademark, copyright and patent infringement.
- Represented clients in front of several licensing boards, including the Nevada Gaming Control Board and Gaming Commission.
- Formed numerous businesses, created Private Placement Memoranda, filed documents with the SEC and filed numerous trademark applications with the USPTO.

Clerkships –

Jolley, Urga, Wirth & Woodbury, Summer 2002, Las Vegas, NV

Clark County District Attorney's Office, Civil Division, Summer 2001, Las Vegas, NV

- Researched and developed ordinances for Clark County Commission.
- Assisted in implementation of ordinances within various County departments.

BUSINESS:

Gaming – 4/95 – 8/00

Worked for various major gaming companies in Las Vegas and the Bahamas, including Mikohn Gaming, Sun International Resorts, Inc., Casino Data and Systems, Alliance Gaming.

Mikohn Gaming Corporation, Las Vegas, NV

Sales Support Manager

- Developed strategies for the roll out of various products, including slot machines, player tracking systems and table games.
- Coordinated implementation of new products from developmental stage, through licensing approvals, through the manufacturing and sale process.
- Managed all centralized sales reporting functions including budget tracking, sales commissions, and expense reports.
- Developed policy and procedure manuals for the department and implemented a computerized sales reporting system.

Sun International Resorts, Inc., Ft. Lauderdale, FL

Senior Financial Analyst

- Developed ongoing management reporting and implemented ad hoc financial/operational projects for both the existing resort and the development of the new project, which included the Royal Towers and the new casino.
- Managed capital asset accounts and developed analytical tools for the Atlantis Resort & Casino in the Bahamas.

Casino Data Systems, Las Vegas, NV

Manager of Finance/Senior Financial Analyst

- Directed multi-divisional operations with particular attention to slot machine manufacturing and development, multi-site progressives and player tracking systems.
- Assisted CFO in SEC reporting and filing.
- Analyzed various merger and acquisition opportunities.

Alliance Gaming (United Coin), Las Vegas, NV

Marketing/Financial Analyst

- Assisted CEO with development and implementation of new Gambler Bonus System, including obtaining licensing approvals with Nevada Gaming Control Board.
- Analyzed customer and financial data associated with gaming operations.

Banking – 1/90 – 6/94

Beginning with a career in banking field, worked for First Interstate Bank of Nevada in Las Vegas (presently Wells Fargo) starting as an Intern in the Legal Department and going on to become a Senior Credit Analyst responsible for analyzing complex financial statements and supporting loan officers in three main areas: Gaming, Corporate Real Estate, and Corporate.

Education

Boston University School of Law
Juris Doctor

University of Nevada, Las Vegas
Masters of Business Administration

University of Nevada, Las Vegas
Bachelor of Science Degree in Business Administration,
Major: Managerial Finance

Professional Associations

Memberships:

- Member, Clark County Bar Association
- Member, American Bar Association
- Member, Nevada Justice Association
- Member, UNLV Foundation, Annual Giving Council
- International Association of Gaming Advisors
- Founding Member, CFO/Controller Group

Directorships:

- Regional Trustee, Olive Crest, Las Vegas Chapter

Previous Directorships:

- Director, UNLV MBA Alumni Council, 1996-1998
- Director, Nevada Council on Economic Education, 1996-1998

Teaching or lecturing:

- Adjunct professor of Economics at UNLV, various times, starting 1996
- Given lectures on Sarbanes-Oxley to various local organizations

Howard & Howard

Attorneys

Kimberly P. Stein
Wells Fargo Tower, Suite 1400
3800 Howard Hughes Parkway
Las Vegas, NV 89169-5980
Office: (702) 667-4808
Fax: (702) 567-1568

Cell: (702) 271-1050

[KStein@howardandhoward.com]

Ms. Stein concentrates her practice on securities law, gaming law, intellectual property, civil litigation, corporate law/business formation and real estate law. As the former Chief of Enforcement for the Securities Division of the Office of the Nevada Secretary of State, Ms. Stein provides clients with in-depth legal advice and insight on Nevada's securities laws and regulations. Ms. Stein has worked with numerous federal and state agencies, including the SEC, FBI, Nevada Gaming Control Board and Gaming Commission, to perform investigations, enforce securities laws and regulations, and she uses that extensive experience to aid corporate clients in a wide range of securities matters.

Ms. Stein also has experience representing clients in a range of other corporate matters, including negotiating contracts, drafting private placement memorandums, compliance plans, financing, litigation in State and Federal courts, managing intellectual property, filing trademark applications, copyright infringement matters and handling employer-employee matters.

Prior to joining Howard & Howard, Ms. Stein served as Chief of Enforcement to the Office of the Nevada secretary of State, Securities Division. She was also Vice President of Corporate and General Counsel to Sona Mobile, where she was responsible for all of the company's legal, regulatory and compliance matters and handled their intellectual property.

Before practicing law, Ms. Stein spent more than twelve years in the gaming, finance and banking industries. She began her career working for state and federal banks in Nevada. Ms. Stein spent more than five years working with several major gaming companies as a sales support manager, manager of finance and financial analysts in Nevada, Florida and the Bahamas. Her experience in the gaming industry includes developing policy and procedure manuals and new product strategies for slot machines, player tracking systems and table games as well as analyzing merger and acquisition opportunities. Ms. Stein also worked for a major U.S. brokerage firm and for a Nevada based investment advisor.

Ms. Stein received her B.S. (1992) and her M.B.A. (1995) from the University of Nevada, Las Vegas. She earned her J.D. from Boston University School of Law in 2003. Ms. Stein is a member of the Clark County Bar, American Bar and Nevada Justice Associations. She is also a member of the UNLV Foundation's Annual Giving Council, the International Association of Gaming Advisors and a Regional Trustee of Olive Crest, Las Vegas Chapter. Ms. Stein is licensed to practice in the State of Nevada, where she has been a long-term resident.

Concentration

• Business & Corporate Law

Education & Honors

Boston University School of Law, 2003
J.D.

University of Nevada – Las Vegas, 1995
M.B.A.

University of Nevada – Las Vegas, 1992
B.S.
Major: Managerial Finance

Admissions

Nevada, 2003

Affiliations or Memberships

State Bar of Nevada

Clark County Bar Association, Member

American Bar Association, Member

Nevada Justice Association, Member

UNLV Foundation – Annual Giving Council, Member

International Association of Gaming Advisors

Olive Crest, Las Vegas Chapter, Regional Trustee

- Commercial Litigation
- Financial Services
- Gaming
- Intellectual Property
- Real Estate
- Securities

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I have served as a mediator for over ten years, including for the Nevada Supreme Court since 2001, private mediations, and as a volunteer mediator for the Neighborhood Justice Center.

I have served as an Arbitrator for the Eighth Judicial District Court since 1998 on many dozens of cases involving personal injury and other civil disputes and I have also served as a Short Trial Judge for the same court.

A.D.R. training I have received includes the following:

Harvard Law School One-Week Course: "Mediation Workshop".

Pepperdine University Law School: Straus Institute For Dispute Resolution: Six-Day Extensive Course on "Mediating the Litigated Case".

Ongoing yearly training as a Nevada Supreme Court Settlement Judge/Mediator.

Eighth Judicial District Court Annexed Arbitrator and Short Trial Judge initial training and subsequent refresher training.

Arbitrator Training for National Association of Securities Dealers Arbitrations, now "FINRA".

Neighborhood Justice Center, Clark County: Lengthy mediation training.

Attorney Litigation Experience:

I have had extensive involvement in virtually all aspects of civil litigation, representing plaintiffs and defendants, since 1982. This includes commercial disputes and business torts, personal injury and premises liability, insurance litigation, defamation, employment relationships, real estate disputes, and other litigation such as defamation, intellectual property disputes, gaming and unfair competition. I worked for the following Nevada firms before opening my own office in 1998:

-Morton R. Galane, A.P.C., also called Galane, Tanksley, Ballif and Rickdall, 1984 to 1998;

-Lionel, Sawyer & Collins, 1982 to 1984.

Legal Education:

University of Arizona College of Law, Juris Doctor, cum laude, 1982
Writer and Editor, Arizona Law Review, 1979-82

Professional Memberships:

ABA ADR Section
FINRA Arbitrator and Mediator Panels
Volunteer Mediator, Clark County Neighborhood Justice Center
Nevada American Inns of Court (Emeritus)
Nevada Bar Association: Member of Committee on Alternative Dispute Resolution
Clark County Bar Association
Former active member of Toastmasters Int'l. for over 10 years

Admitted to Practice:

United States Supreme Court
United States Federal Circuit Court of Appeals
Ninth Circuit Court of Appeals
United States District Court for Nevada
Nevada State Courts
Nevada Gaming Commission

Military Service:

Lieutenant, United States Navy 1972-1978
Graduate: Aviation Officers Candidate School
Graduate: United States Navy pilot training for single engine airplanes, helicopters
and advanced helicopters
(Aviation Ratings received: Commercial, instrument, instructor)

Supplemental Information based on the Criteria for Selection:

- A. I am a Nevada licensed attorney - Nevada Bar #0431
- B. See Resume
- C. I was previously a military officer and worked for firms for 16 years (1982-1998)
- D. Only as a Nevada Supreme Court Settlement Judge (2001-present)
- E. See Resume; I am also currently serving on the Fee Dispute Committee for the Nevada State Bar and have been for many years.
- F. My ability to perform services is only in the Las Vegas area.
- G. If selected, I would NOT have to disqualify myself in cases involving any of the areas listed.

Thank you for considering me for this position.

Personnel Commission Meeting
March 16, 2012

FOR DISCUSSION AND POSSIBLE ACTION

Summary

The following regulation has been proposed for permanent adoption. A brief explanation precedes the regulation and summarizes the intent of the regulation change. **NOTE:** [Brackets] and ~~strikeouts~~ signify language that is to be removed. Language to be inserted is in *bold italics*.

The following summarizes the recommended action of the Personnel Commission and identifies if there has been support or opposition to the proposed action:

LCB File No. R008-12

The Division of Human Resource Management recommends the adoption of LCB File No. R008-12 which amends LCB File R077-11. The amendment will allow the change made to NAC 284.210 regarding shift differential to expire on July 7, 2013, and the NAC 284.210 will revert back to its previous language. AFSCME Local 4041 requested this amendment and it was acceptable to the directors of the agencies that requested the changes. The expiration date coincides with the end of a pay period.

REGULATION CHANGES PROPOSED FOR PERMANENT ADOPTION

LCB File No. R008-12

Explanation of Proposed Change: LCB File R077-11 made changes to NAC 284.210 **Differential rate of pay for qualifying shift.** This amendment will amend LCB File R077-11 and allow those changes to expire by limitation on July 7, 2013, and NAC 284.210 will revert back to the previous language. This amendment was recommended by AFSCME Local 4041 and was agreeable to the directors of the agencies that had requested the original changes to the shift differential regulation.

LCB File R077-11 is hereby amended to read as follows:

Section 1. R077-11, which was adopted by the Personnel Commission on December 9, 2011, and filed with the Secretary of State on December 30, 2011, is hereby amended by adding thereto a new section, designated section 2, to read as follow:

Sec. 2 This regulation expires by limitation on July 7, 2013.

IX. Approval of Occupational Group Study Revised Class Specifications

A. Agriculture & Conservation Occupational Group

1. Subgroup: Conservation

a. *1.712 - Wildlife Staff Specialist*

B. Domestic Services Occupational Group

1. Subgroup: Food Services

a. *3.100 - Food Service Administrator*

C. Regulatory & Public Safety Occupational Group

1. Subgroup: Safety Inspections

a. *11.560 - Manufactured Housing Code Compliance Officer*

b. *11.561 - Manufactured Housing Inspector*

2. Subgroup: Emergency Management

a. *11.605 - Radiological/Hazardous Materials Officer*

b. *11.609 - Radiological Maintenance Officer*

c. *11.611 - Training and Operations Manager*

d. *11.612 - Training and Operations Officer*

Personnel Commission
March 16, 2012

The Division of Human Resource Management has partially completed class specification reviews of classes in various occupational groups. The following classes are recommended to be abolished, revised or approved effective March 16, 2012.

Basis for Recommendation

1. Subgroup: Conservation
 - a. 1.712 – Wildlife Staff Specialist, Grade 38

The Division of Human Resource Management recommends minor revisions to the class specification for the Wildlife Staff Specialist. Positions in this class perform program research, planning, analysis and evaluation; draft proposed legislation, policies, procedures and regulations related to wildlife management programs and activities throughout the State. Special requirements were added to specify additional requirements of the positions.

DIVISION OF HUMAN RESOURCE MANAGEMENT
FY10 OCCUPATIONAL GROUP STUDY FROM-TO CHARTS
EFFECTIVE MARCH 16, 2012

AGRICULTURE & CONSERVATION

CURRENT				PROPOSED			
CODE	TITLE	GRADE/EEO-4		CODE	TITLE	GRADE/EEO-4	
CONSERVATION							
1.712	Wildlife Staff Specialist	38	B	1.712	Wildlife Staff Specialist	38	B



STATE OF NEVADA
Department of Administration
Division of Human Resource Management

CLASS SPECIFICATION

<u>TITLE</u>	<u>GRADE</u>	<u>EEO-4</u>	<u>CODE</u>
WILDLIFE STAFF SPECIALIST	38	B	1.712

Under [the] general direction [~~of a Wildlife Bureau Chief or Deputy Administrator~~], Wildlife Staff Specialists perform program research, planning, analysis and evaluation; draft proposed legislation, policies, procedures and regulations related to wildlife management programs and activities throughout the State.

Develop drafts of policies, procedures, position statements, policy plans, regulations and agreements; review current information, procedures, policies and plans; evaluate needs and research alternatives; identify problems and assess potential solutions; write and revise proposals and submit for final approval in order to resolve problems and issues and implement new methods.

Participate in developing program budgets; collect and analyze financial and statistical data; assess needs and available resources; develop and institute schedules and procedures for data collection; assess and document budgetary requirements; prioritize needs; review, modify and draft budget proposals; develop equipment specifications; and submit to the supervisor in order to plan for future operations.

Develop program plans; outline goals and program requirements; develop and implement research proposals and projects; develop five-year, biennial and annual plans; establish timelines and objectives; and monitor and evaluate progress.

Research, develop, prepare and coordinate grant application proposals to secure federal funding in accordance with federal guidelines; and amend federal aid grants based on program changes and direction.

Coordinate and direct assigned programs; compile, analyze and interpret research and survey data; develop and maintain databases; document facts, draw conclusions and submit recommendations for action; prepare summary narrative and statistical reports; establish training requirements and document training needs; coordinate findings and plans with other governmental agencies; disseminate information to field personnel, State and federal agencies and the general public; present and defend final proposals before special interest groups, community organizations, commissions, committees and other groups.

Provide the public and scientific community with information by developing pamphlets, *wildlife plans*, technical papers and other publications; research, compile and organize information; respond to inquiries or requests for information; communicate with governmental agencies and organizations and concerned special interest groups; coordinate and plan printing, publishing and distribution; prepare information for release to the media to educate the public regarding wildlife issues and enhance community relations.

May train, supervise and evaluate the performance of subordinate staff as assigned.

Perform related duties as assigned.

MINIMUM QUALIFICATIONS

SPECIAL REQUIREMENTS:

- * *A valid driver's license is required at the time of appointment and as a condition of continuing employment.*
- * *A pre-employment criminal history check and fingerprinting is required.*

EDUCATION AND EXPERIENCE: Bachelor's degree from an accredited college or university in wildlife management, biology or closely related field and four years of professional experience that included organizing, planning and completing [wildlife] management studies, writing technical reports and preparing species or land use management plans and recommendations *related to wildlife management*; **OR** an equivalent combination of education and experience; **OR** one year of experience as a Biologist III in Nevada State service.

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

Working knowledge of: the general life histories, ecology, habitats and population dynamics of wildlife species; statistical analysis and techniques; research techniques/principles such as population modeling, etc.; federal aid manuals and guidelines. **General knowledge of:** current technological solutions related to wildlife management applications. **Ability to:** read, understand and interpret documents, technical papers, manuals and scientific journals; collect, tabulate and analyze data; communicate effectively both orally and in writing with various groups who have diverse interests to respond to inquiries regarding programs and policies; apply theoretical principles into practical applications for research and management programs; interpret field data and formulate appropriate management strategies; identify management problems and develop procedural solutions; identify research needs and develop programs to meet management needs; maintain effective working relationships with the public, staff and other agencies.

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

Working knowledge of: Nevada geography including [division] *agency* game management areas; applicable Nevada Revised Statutes, Nevada Administrative Codes, State Board of Wildlife Commissioners' policies and procedures, departmental and division policies and procedures and federal regulations; State budgeting and [divisional] fiscal practices needed to provide input into the [bureau's] *agency* program budget; [division's] funding structure and the federal aid budget requirements for proper fiscal documentation of new and continuing projects; State and [division] *agency* contractual procedures to develop, obtain approval and control compliance with contracts for services; needed materials and equipment, vendors, pricing and purchasing procedures; other State and federal agencies' policies and procedures as they interact with the goals and objectives of the *agency* [division]. **Ability to:** make technical presentations for training seminars; manage training programs to include identifying needs, planning and coordinating instructors; operate computers and associated software; and supervise and train staff *as assigned*.

This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.

1.712

ESTABLISHED:	8/1/68
REVISED:	6/15/72
REVISED:	11/16/72
REVISED:	12/2/76
REVISED:	7/1/87-P
	10/17/86PC
REVISED:	7/1/97P
	6/4/96PC
REVISED:	7/2/01R
	1/25/02UC
REVISED:	5/18/12PC
REVISED:	3/16/12PC

Personnel Commission
March 16, Agenda

The Division of Human Resource Management has partially completed class specification reviews of classes in various occupational groups. The following classes are recommended to be abolished, revised or approved effective March 16, 2012.

Basis for Recommendation

1. Subgroup: Food Services
 - a. 3.100 – Food Services Administrator

The Nevada Department of Administration, Division of Human Resources conducted a class specification maintenance review for the Food Service Administrator, 3.100, grade 37, class. This class is unique to the Department of Corrections. During the review, and in conjunction with the Department of Corrections, it was determined that this class is not currently being utilized and will not be used in the future.

It is therefore recommended that the Food Service Administrator, 3.100, grade 37, class be abolished.

**DIVISION OF HUMAN RESOURCE MANAGEMENT
 FY10 OCCUPATIONAL GROUP STUDY FROM-TO CHARTS
 EFFECTIVE MARCH 16, 2012**

DOMESTIC SERVICES

CURRENT				PROPOSED			
CODE	TITLE	GRADE/EEO-4		CODE	TITLE	GRADE/EEO-4	
FOOD SERVICES							
3.100	Food Service Administrator	37	A		ABOLISH		



STATE OF NEVADA - DEPARTMENT OF PERSONNEL

CLASS SPECIFICATION

TITLE	GRADE	EEO 4	CODE
FOOD SERVICE ADMINISTRATOR	37	A	3.100

CLASS CONCEPTS

Under general supervision, the Food Service Administrator is assigned to plan, organize and coordinate administration of the comprehensive statewide food services program for all facilities within the Department of Corrections.

Plan, develop and establish the master food plan for all food service operations; draft and publish the master menu; calculate and establish ingredient quantities and cost estimates for production of the menu based on ingredient costs, inmate population and recipes.

Participate in developing the department's food budget; project supply and equipment needs; track and record expenditures in accordance with department policies and State regulations; make expenditure decisions within budgetary limitations.

Analyze monthly financial statements and budget summary reports and provide year to date reports to administration and institutional fiscal staff; review each institution's food purchase orders based on actual budget and/or the appropriateness of the orders; and maintain necessary central records on approved menus, food estimates and population forecasts.

Provide financial control system by conducting monthly analysis of each institution's financial statements and end of month inventories; determine actual food cost through analysis of purchase records against combined financial statements; and ensure adequate food inventory levels through review of warehouse storage levels.

Review and take appropriate action in accordance with departmental policies and procedures to major menu changes requested by Food Service Managers or Institutional Cooks.

Consult with the State Public Works Board, architects and contractors on behalf of the department in the preplanning and construction of new food service facilities that include original drawings, layout and cost estimate of food service areas and equipment needed.

Review all requisitions for equipment purchases submitted by individual institutions prior to final approval; write specifications and orders for new equipment; maintain current equipment inventory; evaluate future needs for facilities including equipment and staffing; and make budget recommendations.

Conduct evaluation of the quality of food services in correctional facilities statewide and ensure that established standards are met.

Develop operating procedures and instructions for the food service program; investigate complaints pertaining to food service program and take corrective action in accordance with established policies and procedures.

Provide technical consultation and guidance to food service staff.

Perform related duties as assigned.

MINIMUM QUALIFICATIONS

~~EDUCATION AND EXPERIENCE: Graduation from high school or equivalent education and five years of progressively responsible experience in a large food service operation which included planning, organizing and supervising work that involved monitoring food service budget, determining and purchasing equipment and supplies needed, monitoring quality and service standards, administering food service policies and procedures, one year of which must have been in a managerial capacity; OR an equivalent combination of education and experience.~~

~~ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):~~

~~Working knowledge of: principles and methods of volume food preparation and production, including handling, storage and sanitation; food values and nutrition; large food service purchasing methods and practices; and large food service management principles and practices. Ability to: prepare menus with estimated costs, food values and nutritional breakdown to meet menu requirements for volume feeding; forecast cost of operation including food, equipment and supplies and prepare budget estimates; write specifications for purchasing food, materials, equipment and supplies; evaluate and analyze financial reports of food service units and their effectiveness; and communicate effectively both orally and in writing.~~

~~FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):~~

~~Working knowledge of: departmental purchasing policies and procedures. General knowledge of: agency budgetary process. Ability to: develop and establish standards and procedures for all institutions in food preparation, sanitation and safety to meet the needs of the institution; design kitchen layout for remodeling and/or construction, specifying space requirements and equipment needs; and develop programs needed to meet the unique needs of the department's multi-unit operation.~~

~~This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.~~

3.100

ESTABLISHED: 6/1/77
 REVISED: 7/1/89P
 5/20/88PC
 REVISED: 7/1/99P
 10/2/98PC
 REVISED: 7/1/01LG

The Division of Human Resource Management has partially completed class specification reviews of classes in various occupational groups. The following classes are recommended to be abolished, revised or approved effective March 16, 2012.

Basis for Recommendation

1. Subgroup: Safety Inspections

a. 11.560 – Manufactured Housing Code Compliance Officer, Grade 32

Management at the Manufactured Housing Division reviewed the class specification for Manufactured Housing Code Compliance Officer and determined the concepts, minimum qualifications and knowledge, skills and abilities were consistent with current expectations. No changes were necessary.

Incumbents in this class review construction plans and specifications for modular buildings; inspect and certify the facilities, production and quality control processes of modular construction manufacturers; and investigate consumer complaints against manufactured housing dealers, manufacturers, and mobile home parks.

b. 11.561 – Manufactured Housing Inspector, Grade 31

The class specification for Manufactured Housing Inspector was reviewed by management at the Manufactured Housing Division and it was determined that the concepts, minimum qualifications and knowledge, skills and abilities are consistent with current expectations. No changes were necessary.

Incumbents in this class inspect manufactured homes, commercial coaches, mobile homes and mobile home parks upon installation; investigate consumer complaints against dealers, manufacturers, and mobile home parks; and participate in inspection of manufacturing plants for compliance with federal requirements.

**DIVISION OF HUMAN RESOURCE MANAGEMENT
 FY10 OCCUPATIONAL GROUP STUDY FROM-TO CHARTS
 EFFECTIVE MARCH 16, 2012**

REGULATORY & PUBLIC SAFETY

CURRENT				PROPOSED			
CODE	TITLE	GRADE/EEO-4		CODE	TITLE	GRADE/EEO-4	
SAFETY INSPECTIONS							
11.560	Manufactured Housing Code Compliance Officer	32	C	11.560	Manufactured Housing Code Compliance Officer	32	C
11.561	Manufactured Housing Inspector	31	C	11.561	Manufactured Housing Inspector	31	C



STATE OF NEVADA
Department of Administration
Division of Human Resource Management

CLASS SPECIFICATION

<u>TITLE</u>	<u>GRADE</u>	<u>EEO-4</u>	<u>CODE</u>
MANUFACTURED HOUSING CODE COMPLIANCE OFFICER	32	C	11.560

Under general supervision of the Administrator, Manufactured Housing, this class is assigned to review construction plans and specifications for modular buildings; inspect and certify the facilities, production and quality control processes of modular construction manufacturers; and investigate consumer complaints against manufactured housing dealers, manufacturers, and mobile home parks.

Review manufacturers' quality control procedures and business records, and physically inspect facilities and production process before certifying factories to ship modular housing into Nevada.

Check plans and specifications for buildings and enclosed components built in a factory for delivery in Nevada for compliance with Uniform Building Code and Standards; arrange contracts with out-of-state building inspectors for construction inspection of modular buildings to be shipped to Nevada.

Investigate and resolve reported consumer complaints involving manufactured housing. Determine whether the Division has jurisdiction; conduct physical inspection to identify problem and its origin; follow through with dealers and manufacturers to ensure appropriate remedial action is taken; and recommend disciplinary action against Division licensees as appropriate. When manufacturing violations and design flaws are detected, research their incidence and report to federal regulatory agency.

Conduct investigations into alleged violations of statutes or Division regulations by contacting and interviewing witnesses, reviewing dealership records, making on-site inspections, assembling evidence to build cases, coordinating informal and formal hearings and presenting the case, and recommending legal action as appropriate.

Enforce the standards, established by the Division, for the construction of new mobile home parks and the alteration of or addition to existing mobile home parks. Review and approve/disapprove the developer's application and plans; oversee the construction and provide final division approval. Investigate reported substandard conditions in mobile homes and mobile home parks, including inadequate sanitation or weather protection; hazardous premises or structure; faulty construction materials; unsafe wiring, plumbing, or mechanical equipment; or potential for fire or explosion. Prepare report of findings and notify owners of required remedial action; follow through to ensure that ordered upgrading or repair is carried out; recommend prosecution of owners for non-compliance.

Monitor performance of local building departments under agreements with the Manufactured Housing Division to conduct installation inspections. Participate in resolving discrepancies between federal and State codes and local jurisdictions' requirements for manufactured housing construction and installation.

Supervise clerical and technical employees; act on behalf of the Administrator as assigned; conduct seminars for Division licensees and local building officials regarding division regulations and procedures; maintain records related to Division activities.

Perform related duties as assigned.

MINIMUM QUALIFICATIONS

SPECIAL REQUIREMENTS:

- * Pursuant to NRS 284.4066, positions in this class have been identified as affecting public safety. Persons offered employment in these positions must submit to a pre-employment screening test for controlled substances before hire.
- * A valid driver's license is required at the time of appointment and as a condition of continuing employment.

EDUCATION AND EXPERIENCE: Associate's degree from an accredited school in building trades or fire science, and two years of experience as a general construction contractor, a plans examiner or building inspector in a local governmental entity; **OR** four years of experience as described above; **OR** certification as an ICBO Plans Examiner or Building Inspector; **OR** an equivalent combination of education and experience. (*See Special Requirements*)

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

Working knowledge of: the Uniform Building Code, National Electrical Code, Uniform Plumbing Code, the Uniform Mechanical Code, and the Model Energy Code as relevant to factory-built housing. **Ability to:** read and accurately interpret building and facility construction plans and specifications, and compare actual construction to plan; recognize and correct code non-compliance in plans submitted; recognize conditions likely to result in failure of any building system; perform basic mathematical calculations; communicate clearly and concisely orally and in writing; enforce regulations tactfully and fairly; interview complainants, licensees, and witnesses to determine facts; investigate complaints and determine whether violations of law have occurred; audit business records as part of compliance investigations; use hand tools required in the inspection of manufactured housing; physically inspect manufactured housing installations, including climbing and crawling in confined spaces.

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

Working knowledge of: federal codes regarding manufactured housing construction; legal principles and practices as applied to enforcing violations of State law regarding manufactured housing and mobile home parks; laws, policies and procedures pertaining to the Division of Manufactured Housing. **Ability to:** supervise coworkers; evaluate and analyze evidence which may be conflicting and reach sound conclusions; apply division policies, procedures, and State laws to specific situations.

This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.

11.560

ESTABLISHED: 3/30/81R
 9/11/81PAC
 REVISED: 9/14/81-3
 REVISED: 10/25/85
 REVISED: 12/19/85-12
 REVISED: 11/15/91PC
 REVISED: 7/1/97P
 9/19/96PC
 REVISED: 3/16/12RNC



STATE OF NEVADA
Department of Administration
Division of Human Resource Management

CLASS SPECIFICATION

<u>TITLE</u>	<u>GRADE</u>	<u>EEO-4</u>	<u>CODE</u>
MANUFACTURED HOUSING INSPECTOR	31	C	11.561

Under general supervision of the Administrator, Manufactured Housing Division, this class is assigned to inspect manufactured homes, commercial coaches, mobile homes and mobile home parks upon installation; investigate consumer complaints against dealers, manufacturers, and mobile home parks; and participate in inspection of manufacturing plants for compliance with federal requirements.

Physically inspect manufactured homes, commercial coaches, and mobile homes upon installation, rebuilding, or remodeling; issue certificates of compliance which are required before occupancy and utility service can occur. Inspections include evaluating compliance with regulations for support and tie down, including footings, piling, blocking and anchoring; and plumbing, heating, cooling, fuel burning and electrical systems connections.

Investigate and resolve reported consumer complaints involving manufactured housing. Determine whether the Division has jurisdiction; conduct physical inspection to identify problem and its origin; follow through with dealers and manufacturers to ensure appropriate remedial action is taken; recommend disciplinary action against Division licensees as appropriate. When manufacturing violations and design flaws are detected, research their incidence and report to federal regulatory agency.

Conduct investigations of alleged violations of statutes or Division regulations by contacting and interviewing witnesses, reviewing dealership records, making on-site inspections, assembling evidence to build a case, coordinating informal and formal hearings and presenting the case; and recommending legal action as appropriate.

Physically inspect construction of mobile home parks for conformance to plan as approved by the Division's Code Compliance Officer, and grant final Division approval.

Investigate reported substandard conditions in mobile homes and mobile home parks, including inadequate sanitation or weather protection; hazardous premises or structure; faulty construction materials; unsafe wiring, plumbing, or mechanical equipment; or potential for fire or explosion. Prepare report of findings and notify owners of required remedial action; follow through to ensure that ordered upgrading or repair is carried out; recommend prosecution of owners for non-compliance.

Monitor performance of local building departments under agreements with the Manufactured Housing Division to conduct installation inspections.

May participate in federal monitoring program of manufactured housing plants as part of a team conducting on-site monitoring of manufacturers' inspection programs and performing production inspections.

Perform related duties as assigned.

MINIMUM QUALIFICATIONS

SPECIAL REQUIREMENTS:

- * Pursuant to NRS 284.4066, positions in this class have been identified as affecting public safety. Persons offered employment in this class must submit to a pre-employment screening test for controlled substances.
- * A valid driver's license is required at the time of appointment and as a condition of continuing employment.

EDUCATION AND EXPERIENCE: Associate's degree from an accredited school in building trades or fire science; **OR** two years experience as a general construction contractor, a plans examiner or building inspector in a local governmental entity, or a quality assurance inspector in a manufactured housing plant; **OR** an equivalent combination of education and experience. (*See Special Requirements*)

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

Working knowledge of: accepted industry building, mechanical, electrical and plumbing codes applicable to one-story residential and office buildings. **Ability to:** read and accurately interpret building and facility construction plans and specifications, and compare actual construction to plan; recognize conditions likely to result in failure of a building system; perform basic mathematical calculations; communicate clearly and concisely orally and in writing; enforce regulations tactfully and fairly; interview complainants, licensees, and witnesses to determine facts; investigate complaints and determine whether violations of law have occurred; review business records as part of compliance investigations; use hand tools required in the inspection of manufactured housing; physically inspect manufactured housing installations, including climbing and crawling in confined spaces.

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

Working knowledge of: federal codes regarding manufactured housing construction; common manufacturers' installation standards; laws, policies, and procedures pertaining to the Division of Manufactured Housing. **Ability to:** evaluate and analyze evidence which may be conflicting and reach sound conclusions; efficiently and accurately inspect manufactured housing installations for safety in compliance with federal codes; apply division policies, procedures, and State law to specific situations.

This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.

	<u>11.561</u>
ESTABLISHED:	11/18/77
REVISED:	5/22/78-3
REVISED:	10/25/85
REVISED:	12/19/85-12
REVISED:	11/15/91PC
REVISED:	7/1/97P
	9/19/96PC
REVISED:	3/16/12RNC

Personnel Commission
March 16, 2012

The Division of Human Resource Management has partially completed class specification reviews of classes in various occupational groups. The following classes are recommended to be abolished, revised or approved effective March 16, 2012.

Basis for Recommendation

1. Subgroup: Emergency Management
 - a. 11.605 - Radiological/Hazardous Materials Officer, Grade 36
 - b. 11.609 - Radiological Maintenance Officer, Grade 34
 - c. 11.611 - Training and Operations Manager, Grade 37
 - d. 11.612 - Training and Operations Officer, Grade 35

These single-position classes, established between 1963 and 1985, have no incumbents or authorized positions and have not been used in recent years by the Department of Public Safety, Division of Emergency Management. Continuing duties have been assumed by positions elsewhere in the agency, and the Department of Public Safety agrees with the recommendation to abolish these classes.

**DIVISION OF HUMAN RESOURCE MANAGEMENT
 FY10 OCCUPATIONAL GROUP STUDY FROM-TO CHARTS
 EFFECTIVE MARCH 16, 2012**

REGULATORY & PUBLIC SAFETY

CURRENT				PROPOSED			
CODE	TITLE	GRADE/EEO-4		CODE	TITLE	GRADE/EEO-4	
EMERGENCY MANAGEMENT							
11.605	Radiological/Hazardous Materials Officer	36	B		ABOLISH		
11.609	Radiological Maintenance Officer	34	B		ABOLISH		
11.611	Training and Operations Manager	37	A		ABOLISH		
11.612	Training and Operations Officer	35	B		ABOLISH		



STATE OF NEVADA – DEPARTMENT OF PERSONNEL

CLASS SPECIFICATION

<u>TITLE</u>	<u>GRADE</u>	<u>EEO 4</u>	<u>CODE</u>
RADIOLOGICAL/HAZARDOUS MATERIALS OFFICER	36	B	11.605

~~Under administrative direction, performs work of a technical nature in the field of radiological and hazardous material, associated instrumentation, and emergency planning for protection of the public from the effects of radiological and other hazardous materials; develops, conducts and evaluates training for emergency response capabilities; supervises the division Radiation Program and provides a Quality Assurance Program to monitor calibration and to ensure radiation safety; and performs other related work as required.~~

~~Develops and negotiates the FEMA Radiological Program and annual budget as part of the Agency's Comprehensive Cooperative Agreement (CCA) with the Federal Emergency Management Administration (FEMA).~~

~~Supervises the Division's Radiation Safety Program and the Repair and Calibration Shop through a quality assurance program. Monitors expenditures and provides guidance as needed. Serves as the back up to the Safety Officer if unable to perform his/her duties.~~

~~Works with federal, State and local governments, business and industry emergency responders in the development of radiological and hazardous material emergency capabilities necessary to ensure public safety and protection in the event of a radiological or other hazardous material incident or accident with primary emphasis on application of radiological planning for national security crisis, and for development of a statewide Radiological Defense (RADEF) Program Management System. Guidance is provided through Federal Emergency Management Agency (FEMA) policies, regulations and directives coordinated with appropriate State program policy and guidance.~~

~~Provides for and coordinates the planning, programming, training, budgeting, contracting, evaluation, and personnel management aspects of statewide radiological and other hazardous materials and provides protection of the public under emergency conditions. Work is performed under specific work and services contracts between the State and FEMA. Performance is evaluated by FEMA in regard to accomplishing the major components which comprise a specific contract workload and is the basis for determining continuation of contractual support for the position.~~

~~Assists in the development and staffing of State, local and industrial radiological systems, response systems, and response planning for all other hazardous materials incidents/accidents. This is accomplished by assisting the entities with development of a mitigation response and recovery plan which lists the proper procedures and resources available. Through continuous training and exercises, an entity will be able to identify strengths and weaknesses within the plan and correct any deficiencies that would hinder a response to a hazardous material accident/incident.~~

~~Participates in developing, conducting and evaluating tests and exercises for local RADEF systems. Participates in developing and implementing improvements at all levels of government. Evaluation is based upon the ability of RADEF systems personnel to protect themselves and those in their charge under emergency conditions.~~

~~Assists in the development and implementation of training and educational programs for citizens as well as organized civil defense, emergency, police and fire personnel in preparing for a radiological accident. The training requirements are both quantitative and qualitative in order to maintain the appropriate level of knowledge and skills among RADEF system personnel. Review is for overall impact upon the State's mission, policies and practices.~~

~~Provides for capabilities to interpret radiation situation reports, at all levels of government, in order to provide advice and guidance so as to prevent or minimize the number of deaths and the amount of injury due to a radiation incident. Work is performed by applying a knowledge of the principles and practices related to the recognition, elimination and control of radiation hazards. Review is for conformance with overall policy and accomplishment of objectives. Serves as Duty Officer and Officer of the Day on a periodic basis for the Division~~

MINIMUM QUALIFICATIONS

EDUCATION AND EXPERIENCE: Bachelor's degree from an accredited college or university with major coursework in Radiological Technology, Health Physics or closely related field and two years of related experience of a technical nature in the field of radiological and hazardous material including associated instrumentation, and emergency planning for protection of the public from the effects of radiological and other hazardous material; OR an equivalent combination of education and experience in which the candidate has demonstrated possession of the entry level knowledge, skills and abilities.

ENTRY KNOWLEDGE, SKILLS, AND ABILITIES (required at time of application):

Knowledge of: the principles of health physics in relation to radiation control; the radiological principles and practices related to the recognition, elimination and control of radiation hazards; radioactive source handling techniques, and safety; federal protection and exposure regulations; electronic theory and circuits as it relates to instrumentation; licensing procedures regarding the handling of radioactive material. Ability to: utilize equipment and techniques involved in the investigation and analysis of radiation levels; apply scientific methodology to radioactive protection problems; conduct, investigate and survey to locate and identify radiological hazards; analyze, prepare and present routine scientific and technical reports relating to radiological programs.

FULL PERFORMANCE KNOWLEDGE, SKILLS, AND ABILITIES (typically acquired on the job):

Knowledge of: the application of health physics principles in relation to radiation control; radiological emergency procedures necessary to insure public safety and protection in the event of a radiological accident; the background and objectives of a total emergency management program and the principles of non military defense; the principles and application of effective RADEF program evaluation and program development; federal, State and local laws, rules, regulations and policies related to radiological defense programs; the principles and practices of supervision; the principles and practices related to the recognition, elimination and control of radiation hazards. Skill in: utilizing equipment and techniques involved in the investigation and analysis of radiation levels; applying scientific methodology to radioactive protection problems; conducting, investigating and surveying to locate and identify radiological hazards; analyzing, preparing and presenting complex scientific and technical reports. Ability to: interpret, evaluate, plan and develop a diverse and comprehensive radiological defense program; determine quantitative and qualitative radiological defense training requirements and to develop and provide the necessary training.

This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.

11.605

- ESTABLISHED: 4/8/83
REVISED: 10/28/83
REVISED: 7/1/95P
REVISED: 9/16/94PC



STATE OF NEVADA – DEPARTMENT OF PERSONNEL

CLASS SPECIFICATION

TITLE GRADE EEO-4 CODE
RADIOLOGICAL MAINTENANCE OFFICER 34 B 11.609

Under general supervision, administers the Division of Emergency Management's Radiation Safety Program and the Maintenance and Calibration Program, by establishing methods and procedures for performing Radiation Safety tasks, inspections, maintenance and calibration of radiation detection instruments and radioactive materials, as required by the Nuclear Regulatory Commission and NAC materials.

Assists in developing and negotiating the radiological instrument maintenance and calibration program agreement and annual budget as part of the Agency's Comprehensive Cooperative Agreement (CCA) with the Federal Emergency Management Administration (FEMA). Maintains quarterly inspections to ensure maintenance and calibration are on schedule and in compliance with federal contract.

While serving as the agency's Radiation Safety Officer, performs the Radiation Safety tests, conducts inventories of Radioactive Material, provides security of Radioactive material, obtains dosimetry services, documents radiation exposure to employees of the division as well as students in training classes and establishes calibration standards used with all Radiation Detection Instruments and sources. This is performed to ensure compliance with NAC 459 and the Nuclear Regulatory Commission.

Calibrates Radiation Detection Instruments using established procedures whereby a Radioactive Material is used instead of an electronic device. Evaluate instrument operability through electronic component testing prior to calibration and after, repair as required.

Prepares and documents all work performed for accountability and for tracking unusual and normal wear of instruments. Order parts based on statistical data collected on instrument repair. Maintain 10% inventory on hand of parts available for repair through GSA if parts are available. Purchase other component parts as budget will allow. Research parts, repair parts and re-design as necessary to maintain operability of instruments.

Travels to all parts of the State delivering instruments to designated county officials for emergency response personnel. Provides counties with calibrated radiation detection instruments for emergency response involving radiological incidents. Advises State agencies when requested of any new transportation regulations that may hinder or escalate emergency response at radiological incidents.

Conducts and supports training courses on the use and operation of Radiological Instruments and their limitations to all emergency response personnel. Advises emergency response personnel on individual protective measures to ensure radiation safety at a radiological incident.

MINIMUM QUALIFICATIONS

EDUCATION AND EXPERIENCE: Bachelor's degree from an accredited college or university with major coursework in Radiological Technology, Health Physics or closely related field and one year of related experience of a technical nature in the field of radiological and hazardous material including associated instrumentation, the repair and calibration of radiation detection instruments, and emergency planning for protection of the public from the affects of radiological and other hazardous material; OR an equivalent combination of education and experience in which the candidate has demonstrated possession of the entry level knowledge, skills and abilities.

MINIMUM QUALIFICATIONS (cont'd)**ENTRY KNOWLEDGE, SKILLS AND ABILITIES REQUIRED (required at time of application):**

Knowledge of: instrument efficiency and sensitivity to ensure the radiation safety program is in compliance.
Working knowledge of: electronic theory. **Ability to:** select the appropriate measuring device for a particular radioactive material used in the program; evaluate the need for radiation shielding and to determine the types and amounts of shielding required; recognize the potential for contamination associated with work with radioactive materials, to control contamination, and to decontaminate equipment, facilities, and personnel when requested; apply electronic theory to practical application in order to repair and calibrate radiation detection instruments.

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):

Knowledge of: current standards, guides, and reports published by various organizations and the ability to understand, interpret, and effectively apply them; applicable NRC regulations, regulatory guides, and NUREG series reports and ability to understand and effectively apply them; radiation detection instrument operation to repair and calibrate instruments. **Working knowledge of:** transport regulations and requirements as they apply to the transport of radioactive materials. **Ability to:** understand radiation health protection standards, theories, and practices; sufficiently operate instruments used in the radiation program for measuring radiation and radioactive materials and to interpret the resulting measurements; calculate radioactive decay, instrument efficiency and instrument sensitivity; calculate internal and external radiation doses; design and fabricate replacement parts for the repair of radiation detection instruments; manage or conduct a radiation protection training program for facility personnel; recognize and anticipate existing and potential radiation safety problems; prepare a facility emergency plan and to conduct or manage the conduct of operations in accordance with the plan. Serves as Duty Officer and Officer of the Day on a periodic basis for the Division.

This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.

11.609

ESTABLISHED: 11/14/73
 REVISED: 1981
 REVISED: 12/19/85-12
 REVISED: 7/1/95P
 9/16/94PC



STATE OF NEVADA – DEPARTMENT OF PERSONNEL

CLASS SPECIFICATION

TITLE	GRADE	EEO 4	CODE
TRAINING AND OPERATIONS MANAGER	37	A	11.611

Under administrative direction of the Director of Emergency Management, manages the emergency operations programs for the Division of Emergency Management; serves as statewide coordinator of search and rescue functions; and performs related duties as required.

Manages the State Operations Center to provide proper information/coordination during emergencies or natural disasters. Duties include: developing a plan of operation for the center as well as operating policies and procedures and a training program for staff of the center; researching the communications field to improve the operations of the center; serving as a liaison and coordinator between Nevada and other state, county, and federal entities for disaster planning; going to the scene of a disaster or major emergency situation as the Representative of the Governor to conduct a site analysis and work with the Incident Commander on coordinating resources to alleviate the emergency incident. After a disaster, the incumbent works with local and state officials to pinpoint weaknesses and develop plans to eliminate them through training.

Functions as the search and rescue coordinator for the State of Nevada to ensure training needs and assistance are available during an emergency. Duties include: acting as the state representative on the Nevada Search and Rescue Board to deal with common problems and concerns; developing a search and rescue plan by assessing the State's resources and needs, researching NRS, contacting and gathering information from experts in the field, studying and researching other state plans in the Western United States; maintaining training schedules, assisting with and providing training for local entities from field techniques to management responsibilities; developing and maintaining a statewide search and rescue resource list and communications network; working on development of special agreements such as that between the State and USAF. Works with the State Search and Rescue Board keeping them aware of projects and training; soliciting and locating equipment and storage facilities for equipment and/or supplies that will be essential in an emergency; assisting local entities with fund raising; serving as the State's expert to local entities in search and rescue.

MINIMUM QUALIFICATIONS

EDUCATION AND EXPERIENCE: Graduation from high school or equivalent education plus five years of supervisory experience in the fields of public safety emergency response training or emergency operations involving response coordination to emergency situations; OR Bachelor's degree from an accredited college or university in education, business administration, public administration or fields relative to public safety plus three years of supervisory experience in the fields of public safety emergency response training or emergency operations involving response coordination to emergency situations; OR Master's degree from an accredited college or university in education, business administration, public administration or fields relative to public safety plus one year of supervisory experience in the fields of public safety emergency response training or emergency operations involving response coordination to emergency situations.

ENTRY KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):

Knowledge of: adult education training techniques and procedures; general training methods and procedures. Knowledge of the national search and rescue plan; management principles and practices; research principles and methods as applied to developing solutions to problems or planning activities associated with assigned work areas; first aid and emergency medical training; medical rescue and response training; mountain and desert survival skills as applied to search and rescue activities; mountain medicine concerned with hypothermia and stress as applied to search and rescue training. Ability to: work effectively with a variety of individuals, groups and agencies; communicate effectively both orally and in writing; work independently; organize, supervise, train and review the work of professional, technical and clerical staff; monitor the work of contractors, establish cooperative working relationships, and negotiate agreements

MINIMUM QUALIFICATIONS (cont'd)

~~FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):~~

~~**Knowledge of:** the principles and application of effective program evaluation and program development as applied to managing and administering program areas of responsibility; principles, practices and techniques of organization, management and administration; general training techniques and equipment and their uses; video production techniques to include composing dialogue; the Federal Emergency Management Agency (FEMA) professional development series as applied to training; the State Emergency Plan and national, local and State disaster plans.~~

~~This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.~~

	11.611
ESTABLISHED:	7/22/85
REVISED:	10/17/86-3
REVISED:	7/1/95P
	9/16/94PC



STATE OF NEVADA – DEPARTMENT OF PERSONNEL

CLASS SPECIFICATION

TITLE	GRADE	EEO 4	CODE
TRAINING AND OPERATIONS OFFICER	35	B	11.612

Under direction, develops, maintains, monitors and coordinates federal emergency management grant programs for the State Emergency Management Division; serves as State Emergency Management Training Coordinator; and performs related work as required.

Coordinates training activities and program development involving emergency management functions in the State to ensure that assigned personnel are prepared to respond and take corrective action in such emergencies as floods, earthquakes, plane crashes, hazardous material spills, gas explosions, fire, etc. Duties include assessing local counties' emergency management needs and assisting the Director of Emergency Management in their activities; meeting with local county managers and personnel to determine their training needs, developing or revising courses and/or course material to meet their needs; arranging for subject matter experts to present training or conducting training in emergency management areas such as planning, communications, Federal Emergency Management Agency (FEMA)/State rules and regulations, organization, national or State policy and objectives, etc; assisting local and state agencies with developing and conducting disaster exercises; reviewing federal and private training publications to stay apprised of available training courses; assisting in the preparation of the annual emergency management training portion of the comprehensive cooperative agreement; publishing an annual emergency management training calendar for local emergency management coordinators, department heads, State agencies, public enterprises and emergency response agencies; supervises a training professional.

Performs duty officer functions on assigned shifts to ensure response and assistance during emergency situations within the state. Duties include: documenting the information received on a disaster or emergency from one of the state entities; notifying the Operations Officer and other agency, federal, State or local personnel concerned with emergency response; assisting in the disaster, until the Operations Officer takes charge, by coordinating the flow of personnel and material needed to contain or bring the emergency under control.

Develops grant applications, progress reports for federally funded programs; oversees maintenance of budgetary and performance records as required by funding agency; develops budgets and allocates funding to other State and local agencies; develops training manual; develops contracts for outside trainers.

Provides assistance to other areas of the Department where expertise in the area of hazardous materials is needed. Duties include: developing state plans, working as a member of a task force providing expertise in the area of emergency and disaster techniques for the general public and setting up and answering questions at public events such as health fairs.

MINIMUM QUALIFICATIONS

EDUCATION AND EXPERIENCE: Graduation from high school or equivalent plus six years of responsible experience in the fields of emergency response training and emergency operations involving actual response and response coordination for emergency situations; OR a Bachelor's degree from an accredited college or university in education, business administration, public administration or fields relative to public safety plus four years of experience in the fields of emergency response training and emergency operations involving actual response and response coordination to emergency situations; OR a Master's degree from an accredited college or university in education, business administration, public administration or fields relative to public safety plus two years of responsible experience in the fields of emergency response training and emergency operations involving actual response and response coordination to emergency situations.

~~ENTRY KNOWLEDGE, SKILLS AND ABILITIES (required at time of application):~~

~~Knowledge of:~~ adult education training techniques and procedures; federal grants management requirements; program planning and evaluation; principles and practices of public administration; intergovernmental relations and agreements as related to disaster preparation and emergency management. ~~Ability to:~~ work effectively with a variety of individuals, groups and agencies; communicate effectively both orally and in writing; work independently; negotiate agreements, establish cooperative working relationships, supervise professionals, and monitor the work of independent contractors.

~~FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES (typically acquired on the job):~~

~~Knowledge of:~~ general training techniques and equipment and their uses; video production techniques to include composing dialogue; FEMA professional development series; State Emergency Plan and national, local and state disaster response plans.

~~This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.~~

~~11.612~~

~~ESTABLISHED: 9/1/65
REVISED: 10/28/83
7/22/85PC
REVISED: 7/1/95P
9/16/94PC~~

REPORT OF CLASSIFICATION CHANGES NOT REQUIRING PERSONNEL COMMISSION APPROVAL

Attached is a report of changes made to the classification plan pursuant to NRS 284.160, sections 4 through 6 which reads as follows:

- “4. The classification plan and changes therein are subject to approval by the commission, except that the director may make a change in the classification plan without the prior approval of the commission if:
- (a) The director deems it necessary for the efficiency of the public service;
 - (b) The change is not proposed in conjunction with an occupational study; and
 - (c) The director, at least 20 working days before acting upon the proposed change:
 - (1) Provides written notice of the proposal to each member of the commission, to all departments and to any head of an employees' organization who requests notice of such proposals; and
 - (2) Posts a written notice of the proposal in each of the principal offices of the department of personnel.
- Any occupational study conducted by the department in connection with the preparation, maintenance or revision of the classification plan must be approved by the commission.
5. If no written objection to the proposed change to the classification plan is received by the director before the date it is scheduled to be acted upon, the director may effect the change. The director shall report to the commission any change in the classification plan made without its approval at the commission's next succeeding regular meeting.
6. If a written objection is received before the date the proposed change is scheduled to be acted upon, the director shall place the matter on the agenda of the commission for consideration at its next succeeding regular meeting.”

The conditions set forth in these statutes have been met. A copy of the justifications and revised class specifications are on file in the office of the Administrator of the Division of Human Resource Management.

The following changes have been effected:

REPORT OF CLASSIFICATION CHANGES

POSTING #: 04-12
Effective: November 3, 2011

CURRENT			PROPOSED			
CODE	TITLE	GRADE/EE0-4	CODE	TITLE	GRADE/EE0-4	
1.817	Conservation Crew Supervisor III	31 D	1.817	Conservation Crew Supervisor III	31	D
1.820	Conservation Crew Supervisor II	29 D	1.820	Conservation Crew Supervisor II	29	D
1.825	Conservation Crew Supervisor I	27 D	1.825	Conservation Crew Supervisor I	27	D

EXPLANATION OF CHANGE

Upon request of the Nevada Division of Forestry, the Division of Human Resource Management recommends minor revisions to the series concept to include duty statements associated with positions in the series. Modifications were also made to the class concept of the Conservation Crew Supervisor III and the knowledge, skills and abilities.

Following reorganization of the Conservation Camp Program and abolishment of the Assistant Conservation Camp Supervisor class, some Conservation Crew Supervisor III's now assist the Camp Supervisor with training, budget monitoring and coordinating projects. The class specification now reflects these responsibilities.

The Nevada Division of Forestry supports the changes.

CURRENT			PROPOSED			
CODE	TITLE	GRADE/EE0-4	CODE	TITLE	GRADE/EE0-4	
	New		7.413	Deputy Division Administrator, State Lands	42	B

EXPLANATION OF CHANGE

The Department of Conservation & Natural Resources (DCNR), Division of State Lands, requested that the Division of Human Resource Management establish a new class titled Deputy Division Administrator, State Lands. The position will plan, organize, direct and manage all program sections related to division operations, activities and personnel as directed by the Administrator within the Division of State Lands. The position also establishes goals, objectives, schedules, policies and procedures compatible with statutory, regulatory, departmental and divisional requirements and reviews and approves work plans, budgets and applications for federal grants in accordance with applicable federal laws and regulations.

It is recommended the Deputy Division Administrator, State Lands be placed in the Property Appraisal, Validation & Acquisition subgroup of the Fiscal Management & Staff Services occupational group. It is also recommended that this class be allocated at grade 42, to align with the Assistant Chief, Right-of-Way in the Department of Transportation. Incumbents in both classes assist the head of a division in managing the staff and activities of the division; supervise subordinate supervisors; provide policy, procedural and technical direction to division sections; participate in budget development and control of expenditures; and act on behalf of the division head as requested. In addition, positions in both classes are similar in that they oversee and participate in high profile and politically sensitive projects involving land use, resource management and

protection, and land acquisition. Both classes have decision-making authority in their respective divisions and require a bachelor's degree in business/public administration or real estate-related field and five years of increasingly responsible experience, two years of which were in a supervisory capacity.

During the review, the Division of Human Resource Management worked closely with management of the DCNR who assisted in developing the class specification.

POSTING #: 05-12
Effective: November 30, 2011

CURRENT			PROPOSED		
CODE	TITLE	GRADE/EEO-4	CODE	TITLE	GRADE/EEO-4
11.411	Real Estate Projects Chief	38 B	11.411	Real Estate Projects Reviewer	36 B

EXPLANATION OF CHANGE

As requested by the Real Estate Division of the Department of Business & Industry, the Division of Human Resource Management is proposing revisions to the class specification for the vacant, single-position class of Real Estate Projects Chief. In the current environment of retrenchment, the Real Estate Division functions differently than when the position was regarded, as stated in the current class specification, as the "chief regulator" of matters involving land development, including subdivisions, timeshares, and membership campgrounds. That role is now carried out directly by the Division Administrator, with assistance from this position, which at times in the past was supervisory but which no longer has those responsibilities. However, the position remains the locus of technical expertise for review of real estate projects and compliance with applicable statutes and regulations.

The class specification has been revised to better reflect the current authority and responsibility of the position, as well as the lesser amount of experience required at the entry level. The title change from Real Estate Projects Chief to Real Estate Projects Reviewer reflects the change in emphasis for the duties. The recommended grade 36 is one grade below that of the class of Chief Compliance/Audit Investigator, used by the Real Estate Division to oversee proactive and reactive investigations that include the execution of projects previously reviewed by the proposed Real Estate Projects Reviewer and approved by the Administrator.

The Real Estate Division participated in this study and supports the recommendation.

POSTING #: 06-12
Effective: December 7, 2011

CURRENT			PROPOSED		
CODE	TITLE	GRADE/EEO-4	CODE	TITLE	GRADE/EEO-4
	New		7.812	Communications Director, NDOT ***	40 B

EXPLANATION OF CHANGE

The Nevada Department of Transportation (NDOT), has requested that the Division of Human Resource Management (HRM) establish a new class titled Communications Director, NDOT. The position will manage and direct the Public Information Division, Customer Service Programs, Multi Media Section, and Public

Hearings and communicate transportation strategy, policy, law, legislation and regulation and the impact on agreements and relations with federal, State and local government, the general public and the business community.

It is recommended the Communications Director, NDOT be placed in the Public Information subgroup of the Fiscal Management & Staff Services occupational group. It is also recommended that this class be allocated at grade 40, three grades above the Public Information Officer II, grade 37, based on the three additional areas of responsibility. Public Information Officers manage the public relations and public information program for an agency on a statewide basis; write media releases, newsletters and informational brochures; produce multi-media presentations and take photographs. The Communications Director, NDOT, in addition to the management and direction of the four units/programs, serves in the capacity of liaison with the Governor's office, legislators, government officials and citizen groups in an effort to facilitate the department's position on pending legislation or to resolve issues and/or concerns, encourage cooperation, and reduce negative perception of the department.

During the review, the Division of Human Resources worked closely with management of NDOT who indicated they plan to request this class be moved into the unclassified service during the 2013 Legislative session. As a result, it is recommended this class be abolished through attrition.

POSTING #: 07-12
Effective: December 14, 2011

CURRENT			PROPOSED		
CODE	TITLE	GRADE/EEO-4	CODE	TITLE	GRADE/EEO-4
	New		7.641	HAVA Administrator***	41 B

EXPLANATION OF CHANGE

The Secretary of State has requested that the Division of Human Resource Management create a new class titled HAVA Administrator. Formerly classified as a Management Analyst IV, this federally funded position administers all facets of the federally mandated Help America Vote Act (HAVA) passed by the U.S. Congress in 2002 to address voting irregularities in the 2000 presidential election and to achieve standardization in the administration of elections.

In the nine years since this federal law was passed, the complexity of administering HAVA has evolved. It is not a static program and requires compliance with other federal elections statutes and regulations, some of which require companion State laws to be enacted such as the Military and Overseas Voters Act and the National Voting Rights Act. As a result, there is a significant legal component to administering HAVA. While a law degree is not required, it is desirable, and a strong background in public policy development and analysis would enable the incumbent to interpret and implement federal and State policy and regulations.

It is also recommended that the HAVA Administrator class be aligned with the Health Information Technology Project Director at grade 41. Both classes have responsibility for development and implementation of broad, federally mandated programs which require collaborating with a variety of entities such as stakeholder groups, governing bodies, boards and other organizations; researching, interpreting and explaining technical information such as laws, regulations and requirements; and grant administration. The education and experience requirements are also comparable.

The Secretary of State has stated the intent to propose this position be moved into the unclassified service during the next legislative session. As a result, this class will be abolished at such time as the legislature approves the position as unclassified.

POSTING #: 08-12
Effective: December 27,, 2011

CURRENT			PROPOSED		
CODE	TITLE	GRADE/EEO-4	CODE	TITLE	GRADE/EEO-4
1.808	Forestry Incident Business Specialist NEW	35 B	1.808	Forestry Incident Business Specialist	35 B
			1.806	Forestry Incident Accounts Specialist	32 B

EXPLANATION OF CHANGE

The Nevada Division of Forestry requested that the Division of Human Resource Management establish a second level to the Forestry Incident Business Specialist class titled Forestry Incident Accounts Specialist. This position functions as the division's incident accounts specialist, negotiating costs billed by cooperating fire/resource agencies and ensuring compliance with signed annual operating plans and master agreements. Furthermore, it serves as supervisor to an accounting staff and provides direction to technical and professional staff regarding fire billing procedures.

It is recommended that the Forestry Incident Accounts Specialist be allocated at grade 32, to align three grades below the Fire Incident Business Specialist to reflect that position's greater decision-making responsibility; responsibility for on-site meetings with federal and local cooperators; and the authority to approve various purchase transactions and agreements necessary to respond to the emergency incident without the immediate availability of the supervisor.

During this review, the Division of Human Resource Management worked closely with the Administrative Services Officer of the Division of Forestry who assisted in developing the class specification.

CURRENT			PROPOSED		
CODE	TITLE	GRADE/EEO-4	CODE	TITLE	GRADE/EEO-4
5.205	Education Programs Director	41 A	5.205	Education Programs Director	41 A
5.206	Education Programs Supervisor	40 B	5.206	Education Programs Supervisor	40 B
5.232	Education Programs Professional	39 B	5.232	Education Programs Professional	39 B

EXPLANATION OF CHANGE

At the request of the Department of Education, the Division of Human Resource Management has removed from the minimum qualifications, the language "related to the position" from all three levels in the series. Those four words have resulted in the denial of many qualified applicants because they do not have specific experience related to the position. The Department of Education believes that candidates who do not have specific position-related experience can perform successfully if they have the education and experience required.

Additionally, minor changes were made to knowledge, skills and abilities of each level to remove position-specific language.

During this review, the Division of Human Resource Management worked closely representatives from the Department of Education who assisted in revising the class specification.

CURRENT			PROPOSED		
CODE	TITLE	GRADE/EEO-4	CODE	TITLE	GRADE/EEO-4
7.231	Revenue Officer III	34 B	7.231	Revenue Officer III	34 B
7.233	Revenue Officer II	32 B	7.233	Revenue Officer II	32 B
7.239	Revenue Officer I	30 B	7.239	Revenue Officer I	30 B

EXPLANATION OF CHANGE

At the request of the Department of Taxation, the Division of Human Resource Management recommends changes to the class concept of the Revenue Officer I to clarify that some positions within the agency may be permanently allocated below the journey level, and automatic progression to the next level may not occur for those positions. For positions funded at the journey level, progression to the next level may occur upon meeting the minimum qualifications, satisfactory job performance and approval of the appointing authority.

Additionally, the Division of Human Resource Management has described duties to be performed by positions permanently allocated to the Revenue Officer I level and those duties not performed by these positions. Furthermore, the minimum qualifications of all three levels in the series have been expanded to clarify the type of relevant and acceptable experience.

Representatives of the Departments of Taxation and Motor Vehicles participated in the review and support the changes.

CURRENT			PROPOSED		
CODE	TITLE	GRADE/EEO-4	CODE	TITLE	GRADE/EEO-4
12.152	Workforce Services Representative V	34 B	12.152	Workforce Services Representative V	34 B
12.153	Workforce Services Representative IV OPTIONS A: Workforce Investment Services B: Disability Program Navigator	32 B	12.153	Workforce Services Representative IV	32 B
12.157	Workforce Services Representative III OPTIONS A: Workforce Investment Services B: Local Veterans Employment Representative C: Local Disability Program Navigator	30 B	12.157	Workforce Services Representative III OPTIONS A: Employment Services B: Local Veterans Employment Representative	30 B
12.158	Workforce Services Representative II OPTIONS A: Workforce Investment Services B: Disabled Veterans Outreach Program	28 E	12.158	Workforce Services Representative II OPTIONS A: Employment Services B: Disabled Veterans Outreach Program	28 E
12.159	Workforce Services Representative I	26 E	12.159	Workforce Services Representative I	26 E

EXPLANATION OF CHANGE

The Department of Employment, Training and Rehabilitation (DETR) requests that the Division of Human Resource Management make revisions to the Workforce Services Representative series. The Governor recently

charged DETR with the responsibility for overseeing his Silver State Works Program, which is intended to put Nevadans back to work through hiring incentives and training opportunities. The Workforce Services Representative IV is tasked with marketing and selling the Silver State Works program to businesses in the community. In order to achieve this, it is recommended that the minimum qualifications be modified to allow three years of sales and/or marketing experience. Because the knowledge, skills and abilities already include sales and marketing experience, these were not modified.

Additionally, the Disability Program Navigator was eliminated as of March 1, 2011 and those options are recommended to be abolished. Furthermore, the agency has requested all references to Workforce Investment Services be replaced with Employment Services to reflect the change in the program.

During this review, the Division of Human Resource Management worked closely with DETR's Subject Matter Expert and Personnel Officer who assisted in revising the class specification.

CURRENT			PROPOSED		
CODE	TITLE	GRADE/EEO-4	CODE	TITLE	GRADE/EEO-4
1.700	Deputy Administrator, Wildlife	44 A		ABOLISH	
1.703	Wildlife Bureau Chief	40 A		ABOLISH	
1.709	Wildlife Regional Manager	40 A		ABOLISH	
1.739	Chief, Conservation Education	40 A		ABOLISH	
13.114	Chief Game Warden	42 A		ABOLISH	

EXPLANATION OF CHANGE

The Division of Human Resource Management recommends the abolishment of these classes. They had been identified for abolishment through attrition. There are no classified positions in these classes, as the incumbents have been moved into the unclassified service.

Law Office of Bill Kockenmeister
PO BOX 19023
Reno, Nevada 89511**
775-815-5511
Facsimile: 775-851-8180
Email:

** New Address

June 12, 2008

Joe Vanacore
AFSCME

VIA Email:

Dear Mr. Vanacore:

You have asked me the proper procedure when a hearing has been completed and an order issued and the employee believes that the agency has withheld evidence. It is my opinion that the proper procedure is to file a Petition for Reconsideration or Rehearing and indicate the evidence that the employee believes was withheld by the agency.

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

Sincerely,

Bill Kockenmeister
Administrative Hearing Officer

From: "Joe" <jvanacore@charter.net>
To: "Glenn Marr" <gmarr1212@charter.net>
Sent: Friday, October 10, 2008 7:35 AM
Subject: RE: petition

I believe Kockenmeister meant to file the petition with him, because I asked Kockenmeister that same question, right in front of you, and Jeff. Bill's exact words were, it doesn't matter that you have an appeal at the Supreme Court level, this is a different matter. In this case we are asking to have the case reconsidered due to the withholding of evidence. The petition for reconsideration is with him, that is what he is talking about. I have spoken to him about it several times, and he insisted that we file with him, and it was up to him, based on the evidence we gave him, whether or not he would reconsider the decision, or to hear the case again in its entirety.

I hope that helps. Take care, and if you need any other questions answered, let me know. I would never have let you get another attorney for this process, if there was no process, nor would I waste my time in a matter that I know isn't going anywhere. That was the reason I went straight to the decision maker, and asked what he would do, and what we could do, [REDACTED]
[REDACTED]
[REDACTED]

Sincerely,
Joe Vanacore

jvanacore@charter.net

From: Glenn Marr [mailto:gmarr1212@charter.net]
Sent: Wednesday, October 08, 2008 6:55 PM
To: Jeff Blanck; Joe Vanacore
Subject: petition

Joe,

I called your office and Amy informed me that you will be out til the 20th. Maybe you can read this before you get back. Read the attachment please.

In Kockenmeister's letter (Jun 12) he state's. "It is my opinion that the proper procedure is to file a Petition for Reconsideration or Rehearing and indicate the evidence that the employee believes was withheld by the agency".

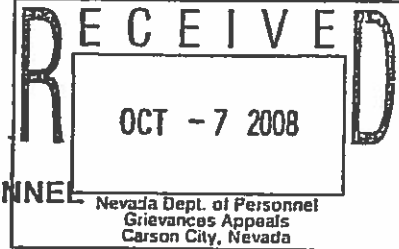
Do you know what "proper procedure" Kockenmeister is refering to? According to

1 STATE OF NEVADA DEPARTMENT OF PERSONNEL
2 BEFORE THE HEARING OFFICER
3

4 In the Matter of
5 GLENN MARR,

6 Employee.

Case No.: CC-14-05-BK



8 DEPARTMENT OF PERSONNEL

9 MOTION TO STRIKE

10 COMES NOW, Respondent, State of Nevada, Department of Conservation and Natural
11 Resources, by and through its counsel of record, Catherine Cortez Masto, Attorney General
12 for the State of Nevada, and Bryan L. Stockton, Deputy Attorney General, and Moves the
13 Hearing Officer for the Nevada Department of Personnel to Strike the *Request for*
14 *Reconsideration for a New Hearing Due to Withheld Evidence* (hereinafter, Request) filed by
15 Glen Marr on or about September 29, 2008.
16

17 POINTS AND AUTHORITES

18 The Nevada Department of Personnel Hearing Officer affirmed the decision of the
19 Nevada Division of Forestry (NDF) to terminate Glenn Marr's (Marr) employment with the
20 State of Nevada on November 2, 2005, for conduct that was incompatible with Marr's
21 continued employment. Marr then appealed to the Ninth Judicial District Court, in and for the
22 County of Douglas, which affirmed the termination. Marr has now appealed to the Nevada
23 Supreme Court in Nevada Supreme Court Case No. 50844.

24 The Nevada Supreme Court "has consistently explained that 'a timely notice of appeal
25 divests the district court of jurisdiction to act and vests jurisdiction in this court.'" *Mack-Manley*
26 *v. Manley*, 122 Nev. 849, ___, 138 P.3d 525, 529 (2006). Thus the Hearing Officer retains no
27 jurisdiction to entertain the Request and it must be stricken from the record.
28

///

1 The State Engineer also notes that Jeffery Dickerson, Esq., has been Marr's counsel
2 throughout this proceeding and is still participating in the appeal at the Nevada Supreme
3 Court. Nevada's Supreme Court Rules require the State of Nevada to continue to recognize
4 Mr. Dickerson as the attorney of record until Mr. Blanck is properly substituted as counsel.

5 Notice of change of attorney. When an attorney is changed, as
6 provided in Rule 47, written notice of the change and of the
7 substitution of a new attorney, or of the appearance of the party in
8 person, shall be given to the adverse party; until then he shall be
bound to recognize the former attorney.

9 Nevada Supreme Court Rule 48.

10 Until this Motion is ruled upon, the State of Nevada will not respond to the allegations
11 made in the Request.

12 **CONCLUSION**

13 It is so well-settled that a trial court may not entertain jurisdiction over a matter that is
14 being heard on appeal, the hearing must strike this frivolous Request for Reconsideration for a
15 New Hearing Due to Withheld Evidence.

16
17 DATED this 7th day of October, 2008.

18 CATHERINE CORTEZ MASTO
19 Attorney General

20 By: 

21 BRYAN L. STOCKTON
22 Nevada State Bar #4764
23 Deputy Attorney General
24 100 North Carson Street
25 Carson City, Nevada 89701-4717
26 (775) 684-1228
27 Attorneys for Nevada Division of
28 Forestry


1 EMPLOYER has filed a Motion to Strike the Petition for
2 Reconsideration. EMPLOYER argues that the administrative
3 hearing officer has no jurisdiction to hear this matter while it
4 is on appeal.¹ EMPLOYEE argues that the "Supreme Court will have
5 no problem dismissing the action if such rehearing is granted."

6 **DECISION**

7 The undersigned administrative hearing officer is
8 sympathetic to the argument that EMPLOYEE's due process rights
9 were violated if, in fact, relevant evidence was withheld by the
10 EMPLOYER. It is clear, however, that as long as the matter is
11 pending before the Nevada Supreme Court, the hearing officer
12 would not have jurisdiction to reconsider the prior decision.
13 For that reason, the Petition for Reconsideration will be
14 dismissed without prejudice. EMPLOYEE may refile the Petition
15 for Reconsideration after the matter is no longer pending in a
16 court of competent jurisdiction.
17

18 For the foregoing reasons, the Petition for Reconsideration
19 is dismissed without prejudice.

20 Dated: November 1, 2008

21 
22 _____
23 Bill Kockenmeister
24 Administrative Hearing Officer
25

26 The Decision is currently on appeal before the Nevada Supreme Court.

Vicki,

I am sorry. I tried to talk them into selecting parts, but Jeff Dickerson wants a copy of ~~the~~ everything in these binders.

Thank you

B



STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

100 North Carson Street
Carson City, Nevada 89701-4717

CATHERINE CORTEZ MASTO
Attorney General

RANDAL R. MUNN
Assistant Attorney General

December 19, 2007

Jeff Dickerson, Esq.
9655 Gateway Drive, Suite B
Reno, Nevada 89521

Re: *Glenn Marr v. Peter Anderson, et al.*
Case No. 3:06-cv-00354-LRH-RAM

Dear Mr. Dickerson:

I am sending to you via Reno Carson Messenger Service the following discovery:

1. Notebook No. 1 containing Nevada Division of Forestry Reference Materials Manuals;
2. Notebook No. 2 containing Nevada Division of Forestry Internal Investigation WR-1005-0009 Air Operations documents;
3. Notebook No. 3 Nevada Division of Forestry Reference Materials Flight Maintenance Records – Statements

Please call Bryan Stockton at 684-1228 if you have any questions.

Sincerely,

CATHERINE CORTEZ MASTO
Attorney General

By:

A handwritten signature in cursive script that reads "Vicki Beavers".

VICKI BEAVERS
Legal Secretary II
Conservation & Natural Resources
(775) 684-1238

UNDER COLOR OF STATE LAW

Covers not only acts done by an official under a State law, but also acts done by an official under any ordinance of a county or municipality of the State, as well as acts done under any regulation issued by any State or County or Municipal official, and even acts done by an official under color of some State or local custom.

To act "under color of state law" means to act beyond the bounds of lawful authority, but in such a manner that the unlawful acts were done while the official was purporting or pretending to act in the performance of his official duties. In other words, the unlawful acts must consist of an abuse or misuse of power which is possessed by the official only because he is an official. A person may be found guilty even though he was not an official or employee of the State, or of any county, city, or other governmental unit if the essential elements of the offense charged have been established and the person was a willful participant with the state or its agents in the doing of such acts.

"Misuse of power, possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law, is action taken `under color of' state law." *United States v. Classic*, 313 U.S. 299, 326 (1941)

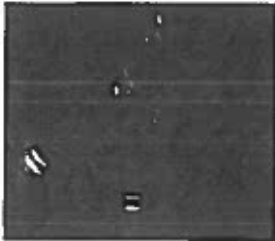
"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress . . ." 42 U.S.C. S 1983 (1988)



Civil Rights

Home • About Us • What We Investigate • Civil Rights • Color of Law

Color of Law Abuses



U.S. law enforcement officers and other officials like judges, prosecutors, and security guards have been given tremendous power by local, state, and federal government agencies—authority they must have to enforce the law and ensure justice in our country. These powers include the authority to detain and arrest suspects, to search and seize property, to bring criminal charges, to make rulings in court, and to use deadly force in certain situations.

Preventing abuse of this authority, however, is equally necessary to the health of our nation's democracy. That's why it's a federal crime for anyone acting under "color of law" willfully to deprive or conspire to deprive a person of a right protected by the Constitution or U.S. law. "Color of law" simply means that the person is using authority given to him or her by a local, state, or federal government agency.

The FBI is the lead federal agency for investigating color of law abuses, which include acts carried out by government officials operating both within and beyond the limits of their lawful authority. Off-duty conduct may be covered if the perpetrator asserted his or her official status in some way.

During 2009, the FBI investigated 385 color of law cases. Most of these crimes fall into five broad areas:

- Excessive force;
- Sexual assaults;
- False arrest and fabrication of evidence;
- Deprivation of property; and
- Failure to keep from harm.

Excessive force: In making arrests, maintaining order, and defending life, law enforcement officers are allowed to use whatever force is "reasonably" necessary. The breadth and scope of the use of force is vast—from just the physical presence of the officer...to the use of deadly force. Violations of federal law occur when it can be shown that the force used was willfully "unreasonable" or "excessive."

Sexual assaults by officials acting under color of law can happen in jails, during traffic stops, or in other settings where officials might use their position of authority to coerce an individual into sexual compliance. The compliance is generally gained because of a threat of an official action against the person if he or she doesn't comply.

False arrest and fabrication of evidence: The Fourth Amendment of the U.S. Constitution guarantees the right against unreasonable searches or seizures. A law enforcement official using authority provided under the color of law is allowed to stop individuals and, under certain circumstances, to search them and retain their property. It is in the abuse of that discretionary power—such as an unlawful detention or illegal confiscation of property—that a violation of a person's civil rights may occur.

Fabricating evidence against or falsely arresting an individual also violates the color of law statute, taking away the person's rights of due process and unreasonable seizure. In the case of deprivation of property, the color of law statute would be violated by unlawfully obtaining or maintaining a person's property, which oversteps or misapplies the official's authority.

Key Civil Rights Links

Civil Rights Home

Priority Issues

- Hate Crime
- Human Trafficking/Involuntary Servitude
- "Color of Law" Abuses
- Freedom of Access to Clinic Entrances

Report Civil Rights Violations

- File a Report with Your Local FBI Office
- File a Report on Our Internet Tip Line