

1 STATE OF NEVADA
2 LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
3 RELATIONS BOARD
4

5 NORTH LAS VEGAS POLICE OFFICERS)
6 ASSOCIATION; and OFFICER GIANNI)
7 CAVARICCI)

Complainant,

vs.

8 THE CITY OF NORTH LAS VEGAS,)
9 NORTH LAS VEGAS POLICE DEPT.,)

Respondents.

ITEM NO. 717

CASE NO. A1-045964

ORDER

11 For Complainant: North Las Vegas Police Officers Association and Officer Gianni Cavaricci,
12 and their attorney, John Dean Harper, Esq.,

13 For Respondents: The City of North Las Vegas, North Las Vegas Police Department and their
14 attorney L. Steven Demaree, Esq.

15 On the 19th day of January, 2010, this matter came on before the State of Nevada, Local
16 Government Employee-Management Relations Board ("Board"), for consideration and decision
17 pursuant to the provisions of NRS and NAC chapters 288, NRS chapter 233B, and was properly
18 noticed pursuant to Nevada's open meeting laws.

19 Respondents City of North Las Vegas and North Las Vegas Police Department filed a
20 motion to dismiss this matter on November 9, 2009. Respondents ask the Board to dismiss
21 Counts 1 and 2 of the complaint on the basis that these allegations assert only violations of NRS
22 Chapter 289, a chapter over which this Board has no jurisdiction. Respondent also asks that
23 Count 3 of the complaint be dismissed due to a lack of probable cause. Respondent asserts that
24 Complainant Cavaricci will not be able to demonstrate a reasonable belief that the interview
25 referenced in the complaint may have led to discipline.

26 Complainants filed an opposition to the motion. Complainant asserts that this Board does
27 have jurisdiction over Counts 1 and 2 because NRS Chapter 289 was incorporated into the
28 collective bargaining agreement between the North Las Vegas Police Officers Association and

1 the Respondent City of North Las Vegas. As to Count 1, Complainant asserts that Respondent
2 failed to give Cavaricci 48 hours advance notice of his interrogation, and that this action amounts
3 to a violation of NRS 288.270(1)(a)-(c).

4 As to Count 2, Complainant asserts that Respondent refused to allow Cavaricci
5 representation, and this denial amounts to a violation of NRS 288.270(1)(a)-(c).

6 As to Count 3, Complainant asserts that Cavaricci had reason to believe the interrogation
7 might lead to discipline and that Count 3 presents a question of fact, which necessitates a hearing
8 rather than dismissal at this early stage of the proceedings.

9 Respondents filed their reply on December 1, 2009.

10 While the City is correct in stating that this Board has no jurisdiction over NRS Chapter
11 289, it does not necessarily mean that a complaint which references Chapter 289 is substantively
12 based on Chapter 289. The Board must liberally construe the complaint when determining if it
13 asserts claims arising under Chapter 288. NAC 288.235.

14 The complaint itself contains the required statement of the facts, and cites NRS
15 288.270(1)(a)-(c) as the authority under which the complaint is made. NAC 288.200(c)-(d).
16 Taken together, the complaint asserts claims for relief arising under NRS 288.270. The Board is
17 authorized to hear those claims arising under NRS 288.270. NRS 288.280.

18 As to Count 3, the question of whether or not Cavaricci had a reasonable belief that he
19 may be disciplined as a result of the interrogation presents a question of fact which the Board
20 cannot determine at this early stage of the proceedings.

21 Based upon the foregoing and good cause appearing therefore, IT IS HEREBY
22 ORDERED that Respondent's Motion to Dismiss is Denied.

23 IT IS FURTHER ORDERED that the parties shall submit pre-hearing statements within
24 20 days of the date of this order.

25 DATED this 2nd day of February, 2010.

26 LOCAL GOVERNMENT EMPLOYEE-
27 MANAGEMENT RELATIONS BOARD

28 BY: 
SEATON J. CURRAN, ESQ., Chairman

1 STATE OF NEVADA
2 LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
3 RELATIONS BOARD
4

5 NORTH LAS VEGAS POLICE OFFICERS)
6 ASSOCIATION; and OFFICER GIANNI)
7 CAVARICCI Complainant,)
8 vs.)

CASE NO. A1-045964

9 THE CITY OF NORTH LAS VEGAS,)
10 NORTH LAS VEGAS POLICE DEPT.,)

NOTICE OF ENTRY OF ORDER

11 Respondents.
12

13 TO: North Las Vegas Police Officers Association and Officer Gianni Cavaricci, and their
14 attorney, John Dean Harper, Esq.,

15 TO: The City of North Las Vegas, North Las Vegas Police Department and their attorney L.
16 Steven Demaree, Esq.

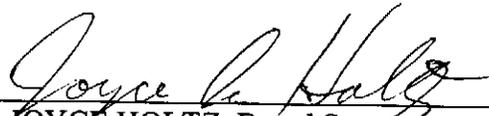
17 PLEASE TAKE NOTICE that an ORDER was entered in the above-entitled matter on
18 February 2, 2010.

19 A copy of said order is attached hereto.

20 DATED this 2nd day of February, 2010.

21 LOCAL GOVERNMENT EMPLOYEE-
22 MANAGEMENT RELATIONS BOARD

23 BY


24 JOYCE HOLTZ, Board Secretary
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CERTIFICATE OF MAILING

I hereby certify that I am an employee of the Local Government Employee-Management Relations Board, and that on the 2nd day of February, 2010, I served a copy of the foregoing ORDER by mailing a copy thereof, postage prepaid to:

John Dean Harper, Esq.
9330 W. Lake Mead Blvd., #200
Las Vegas, NV 89134

L. Steven Demaree, Esq.
City of North Las Vegas City Attorney's Office
2225 Civic Center Drive #228
North Las Vegas, NV 89030-6307


JOYCE HOLTZ, Board Secretary

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