

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

5 IN THE MATTER OF THE PETITION FOR ) ITEM NO. 494A  
6 RECOGNITION BY THE CLARK COUNTY )  
7 DEPUTY SHERIFF BAILIFF'S ) CASE NO. A1-045712  
8 ASSOCIATION, F.O.P., LOCAL #1, )  
9 ORDER

10 On or about May 10, 2001, the Clark County Deputy Sheriff Bailiffs Association  
11 (hereafter "Association") served notice on Clark County of its desire to be recognized as the  
12 bargaining agent for the Clark County Deputy Sheriff Bailiffs.

13 On June 25, 2001, Clark County filed its objection with the Local Government  
14 Employee-Management Relations Board (hereafter "Board"). By virtue thereof, this Board has  
15 jurisdiction over this matter.

16 On August 2, 2001, the Board entered an order directing the parties, including the  
17 Association, to file their prehearing briefs within twenty (20) days thereof.

18 This Board is informed that on or about August 22, 2001, Mr. Smith corresponded with  
19 the EMRB Commissioner Shari Thomas that he was representing the Association and requested  
20 an extension of time in which to file the prehearing statement. Mr. Smith was informed both  
21 telephonically and via written letter that such correspondence was inadequate and that only the  
22 Board (not the Commissioner) can grant extensions.

23 On September 12, 2001, this matter was set for an administrative hearing on October 19,  
24 2001, beginning at the hour of 8:00 a.m.

25 On or about September 21, 2001, attempts were made to contact Mr. Smith telephonically  
26 to arrange a convenient prehearing date and time. Mr. Smith never returned the telephone calls,  
27 nor provided in writing a convenient date for the prehearing conference. The prehearing  
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1 conference was scheduled, without the benefit of Mr. Smith's providing his calendar for  
2 convenient dates.

3 Notice of the prehearing conference was sent via facsimile and mail to Mr. Smith and  
4 counsel for Clark County and the prehearing conference was ultimately held on October 2, 2001.  
5 Immediately prior to the prehearing conference, Mr. Smith provided the Commissioner with a  
6 copy of a proposed prehearing statement. This document lacked several items, e.g., lists of  
7 exhibits and witnesses and the time needed to present the Association's case. Furthermore, this  
8 Board has no statute permitting the filing of documents by facsimile transmission.

9 On or about October 6, 2001, a prehearing statement was filed on behalf of the  
10 Association, which still failed to meet the requirements of NAC Chapter 288. To this date and  
11 time, the Association has filed a prehearing statement, which still is not properly filed with this  
12 Board pursuant to NAC Chapter 288.

13 The Board held a status hearing on this matter on October 10, 2001 with Commissioner  
14 Thomas, such hearing noticed in accordance with Nevada's Open Meeting Law.

15 BASED upon the egregious conduct of Ulrich Smith, Esq. as discussed above, Mr.  
16 Smith's repeated failure to comply with this Board's applicable statutes and codes, and pursuant  
17 to NAC 288.210(3), IT IS HEREBY ORDERED that the County's objection to the Association's  
18 recognition is GRANTED in that the Association has failed to prosecute its claim for  
19 recognition. This order is not addressing the merits of the issues in this case.

20 DATED this 10<sup>th</sup> day of October, 2001.

21 LOCAL GOVERNMENT EMPLOYEE-  
22 MANAGEMENT RELATIONS BOARD

23 BY: 

24 JOHN E. DICKS, ESQ., Chairman

25 BY: 

26 JANET TROST, ESQ., Member  
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