

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

5 THOMAS E FRALEY, JR.,

6 Complainant,

7 vs.

8 CITY OF HENDERSON; HENDERSON
9 POLICE OFFICER'S ASSOCIATION,

10 Respondents.

ITEM NO. 547A

CASE NO. A1-045756

ORDER

11 For Complainant: Richard I. Dreitzer, Esq.

12 For Respondents: David A. Hintzman, Esq.
13 Henderson City Attorney's Office

14 Thomas D. Beatty, Esq.

15 On January 24, 2003, a complaint was filed in this matter against the City of Henderson
16 ("City"); and on February 10, 2003, Complainant Thomas Fraley ("Fraley") filed an Amended
17 Complaint against the City and the Henderson Police Officers' Association ("Association").

18 Answers to the Amended Complaint were filed by the Respondents. Thereafter this
19 matter was set for hearing and the hearing lasted ten days. A Decision was entered by the Board
20 on April 2, 2004.

21 On April 14, 2004, the City filed a Petition for Rehearing. On April 15, 2004, the City
22 also filed a Motion for Partial Stay of Decision and Order and to Deposit Funds with the Board.

23 On April 26, 2004, Fraley filed an opposition to the City's motion for partial stay and to
24 deposit funds.

25 The Board deliberated on said petition and motion on April 27, 2004, noticed in
26 accordance with Nevada's Open Meeting Law. Based upon the Board's deliberations,

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1 IT IS HEREBY ORDERED with respect to the Petition for Rehearing as follows:

2 The Petition is denied, but the Board takes this opportunity to make the following
3 corrections to its Decision and Order to more fully set forth the Board's findings, conclusions
4 and orders.

5 1. The Board did not intend to use "unclean hands" as in the doctrine of unclean
6 hands in equitable law. The Board reduced Fraley's salary in light of facts indicating Fraley may
7 have contributed to his damage.

8 2. The Board misspoke when it referred to three respondents sharing the liability of
9 Fraley's fees and costs. Such fees and costs shall be paid by the two respondents named in this
10 matter, namely, the City of Henderson and the Henderson Police Officers Association.

11 3. References in Conclusions of Law number 5, 6, and 7 should have been made to
12 NRS 288.270 (1)(f) rather than NRS 288.270 (1)(b).

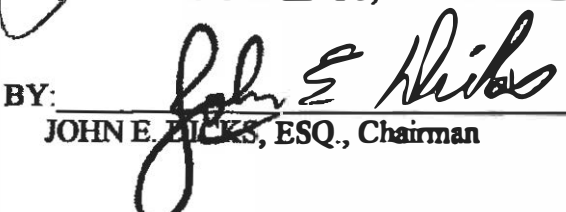
13 IT IS FURTHER ORDERED with respect to the City's Motion for Partial Stay that said
14 motion be denied. The motion to deposit funds is also denied and the money has already been
15 returned to the City.

16 DATED this 27th day of April, 2004.

17 LOCAL GOVERNMENT EMPLOYEE-
18 MANAGEMENT RELATIONS BOARD

19 BY: 
20 JANET TROST, ESQ., Chairman

21 BY: 
22 TAMARA E. BARENGO, Vice-Chairman

23 BY: 
24 JOHN E. HICKS, ESQ., Chairman
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