

STATE OF NEVADA  
LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT  
RELATIONS BOARD

MATHEW C. BURKE,  
Complainant,

vs.

CLARK COUNTY,  
Respondent.

ITEM NO. 654B

CASE NO. A1-045900

For Complainant: Frank J. Cremen, Esq.  
Glenn M. Taubman, Esq.

For Respondent: Yolanda T. Givens, Esq.  
Clark County District Attorney's Office

On January 26, 2007, Mathew C. Burke ("Burke") filed a complaint with the Local Government Employee-Management Relations Board ("Board") against Clark County ("County"). Burke's allegations against the County were that he filed a grievance against the County, and it denied the grievance solely on the basis that the recognized employee organization did not present the grievance. The Service Employees International Union, Local 1107 ("SEIU") represents the bargaining unit applicable to Burke. Clark County filed an answer and a hearing was ultimately held in this matter. The Board found in favor of Burke, and against Clark County. The Board also awarded fees and costs to Burke, and instructed Burke to file the appropriate motion with Clark County having the opportunity to oppose the same. Pursuant to that Order, Burke filed his motion for fees and costs. Clark County did not oppose the same.

This matter came on before the Board for further consideration on the 23rd day of June 2008, noticed pursuant to NRS and NAC chapters 288. NRS chapter 233B, and Nevada's Open Meeting Laws.

Pursuant to NRS 288.110(6), Burke is entitled to the recovery of attorneys' fees and costs as the prevailing party. Pursuant to NAC 288.240(6), should a party fail to oppose a motion

1 such silence "may be construed as an admission that the motion is meritorious and [is a] conse  
2 to granting the motion." In light of the lack of involvement of local counsel, Burke is no  
3 entitled to recover any attorneys' fees incurred with Frank Cremen, Esq. Additionally, the Boar  
4 does not traditionally award travel fees and costs, and such shall be denied as to Attorney Jo<sup>hn</sup>  
5 Martin.

6 BASED THEREUPON, IT IS HEREBY ORDERED that Burke is hereby awarded th  
7 sum of \$25,760.00 as attorneys' fees and costs incurred in this matter of \$1,225.00.

8 DATED this 23rd day of June, 2008.

9 LOCAL GOVERNMENT EMPLOYEE-  
10 MANAGEMENT RELATIONS BOARD

11 BY:   
12 JAMES E. WILKERSON, SR., Chairman

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14 BY:   
15 JANET FROST, ESQ., Vice-Chairman

16 BY:   
17 JOHN E. DICKS, ESQ., Board Member  
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