

STATE OF NEVADA
GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

SUSAN HERRON,

Complainant,

vs.

INCLINE VILLAGE GENERAL
IMPROVEMENT DISTRICT,

Respondent.

Case No.: 2024-015

NOTICE OF ENTRY OF ORDER

PANEL A

ITEM NO. 915

TO: Complainant SUSAN HERRON, and her attorneys, Alex Velto, Esq. and Reese Ring Velto, PLLC; and

TO: Respondent INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT (IVGID) and its attorneys, Nick D. Crosby, Esq. and Marquis Aurbach.

PLEASE TAKE NOTICE that the **ORDER** was entered in the above-entitled matter on August 20, 2026.

A copy of said order is attached hereto.

DATED this 20th day of August 2026.

GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

By: Kelly Valadez
KELLY VALADEZ
Executive Assistant

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Government Employee-Management Relations Board and that on the 20th day of August 2026, I served a copy of the foregoing **NOTICE OF ENTRY OF ORDER** by mailing a copy thereof, postage prepaid to:

Alex Velto, Esq.
Reese Ring Velto, PLLC
200 S. Virginia St., Ste. 655
Reno, NV 89501
Attorneys for Complainant
Susan Herron

Nick D. Crosby, Esq.
Maquis Aurbach
10001 Park Run Dr.
Las Vegas, NV 89145
Attorneys for Respondent
Incline Village General Improvement District

Additionally, a copy of the foregoing was emailed to the following:

Alex Velto, Esq.
alex@rrvlawyers.com

Nick D. Crosby, Esq.
ncrosby@maclaw.com


KELLY VALADEZ
Executive Assistant

STATE OF NEVADA
GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

SUSAN HERRON,

Complainant,

vs.

INCLINE VILLAGE GENERAL
IMPROVEMENT DISTRICT,

Respondent.

Case No.: 2024-015

ORDER

PANEL A

ITEM NO. 915

On July 28, 2026, this matter came before the State of Nevada, Government Employee-Management-Relations Board (“Board”) for consideration and decision pursuant to the provisions of the Employee-Management Relations Act (NRS Chapter 288), NRS Chapter 233B, and NAC Chapter 288.

In addition to the testimony and arguments presented at hearings held on June 3, 2026, and June 4, 2026, the Board considered the following documents:

- (1) [Complainant Susan Herron’s] Complaint, filed May 3, 2024;
- (2) [Respondent IVGID’s] Answer to Complaint, filed May 23, 2024;
- (3) [Complainant Susan Herron’s] Pre-Hearing Statement, filed November 7, 2024;
- (4) [Respondent IVGID’s] Prehearing Statement, filed November 7, 2024;
- (5) [Complainant Susan Herron’s] Supplemental Pre-Hearing Statement, filed February 10, 2026;
- (6) [Complainant Susan Herron’s] Closing Brief, filed July 15, 2026;
- (7) [Respondent IVGID’s] Closing Brief, filed July 15, 2026;
- (8) Transcripts for the hearings held before the Board on June 3, 2026, and June 4, 2026; and
- (9) The exhibits admitted at the time of hearing.

///

///

I.

FINDINGS OF FACT

Procedural History

1. On May 3, 2024, Complainant Susan Herron filed a Complaint.

2. On May 23, 2024, Respondent IVGID filed an Answer. Additionally, on May 23, 2024, Respondent IVGID filed a Motion to Dismiss.

3. On June 17, 2024, Complainant filed an Opposition to Respondent's Motion to Dismiss.

4. On June 27, 2024, Respondent IVGID filed a Reply to Opposition to Motion to Dismiss.

5. On July 17, 2024, the Board filed its Order Denying Respondent's Motion to Dismiss.

6. On August 8, 2024, the Board Commissioner filed a Commissioner's Order.

7. On November 7, 2024, Complainant filed her Pre-Hearing Statement.

8. On November 7, 2024, Respondent IVGID filed its Pre-Hearing Statement.

9. On February 10, 2026, Complainant filed her Supplemental Pre-Hearing Statement.

Hearing Day 1

10. On June 3, 2026, a hearing was held in the matter before Panel A of the Board, comprised of Board Members Brent Eckersley, Michael Urban, and Jerry Keating.

Susan Herron

11. On June 3, 2026, Complainant Susan Herron was called as a witness. Complainant testified that she has worked for IVGID for twenty-four years, having started as an assistant to the executive assistant, working her way up to most recent role, the Director of Administrative Services. Transcript, 06/03/2026 Hearing, p. 40, ll. 2-13. As the Director of Administrative Services, her primary duties included assisting the general manager and supervising the district clerk and Mike Gove, the information technology manager. Transcript, 06/03/2026 Hearing, pp. 40-41, ll. 14-7. Her job duties also included providing notary services and responding to public records requests. Transcript, 06/03/2026 Hearing, p. 45, ll. 9-16; p. 80, ll. 9-12.

12. Complainant characterized her work performance as excellent to outstanding. Transcript, 06/03/2026 Hearing, p. 41, ll. 20-23. Prior to November 2023, Complainant never received any disciplinary action and was not subject to any investigation. Transcript, 06/03/2026 Hearing, p. 42, ll. 3-

1 8. Instead, over the course of her career, she received multiple promotions. Transcript, 06/03/2026
2 Hearing, p. 42, ll. 12-22. Prior to 2023, Complainant described her relationship with supervisors and
3 coworkers as outstanding. Transcript, 06/03/2026 Hearing, pp. 42-43.

4 13. Complainant additionally serves as an elected official in her local community; she was
5 elected as director for the North Lake Tahoe Fire Protection District and is presently in her twelfth year
6 of service. Transcript, 06/03/2026 Hearing, pp. 43-44.

7 14. Additionally, Complainant is a commissioned notary and has been for at least twenty
8 years. Transcript, 06/03/2026 Hearing, p. 44, ll. 4-8. As part of her job duties for IVGID, Complainant
9 has notarized a variety of documents including recall petitions for members of the public. Transcript,
10 06/03/2026 Hearing, p. 45, ll. 9-16. Complainant infrequently provides notarial services to community
11 members outside of her regular work hours. Transcript, 06/03/2026 Hearing, p. 45, ll. 7-11. As a notary,
12 Complainant was legally required to provide notary services when requested and had never declined to
13 notarize something at IVGID. Transcript, 06/03/2026 Hearing, p. 45, ll. 4-6; p. 48, ll. 21-23.

14 15. During working hours, Complainant provided notary services to individuals collecting
15 signatures for recall petitions that were initiated in June 2023 against IVGID Trustees Sarah Schmitz and
16 Matthew Dent. Transcript, 06/03/2026 Hearing, p. 45, ll. 12-19; p. 121, ll. 23-25. Complainant notarized
17 an Affidavit of Circulator for individuals circulating the recall petitions for Trustees Dent and Schmitz.
18 Transcript, 06/03/2026 Hearing, pp. 45-46; Joint Exhibit 20, p. JOINT-0088. Separate from notarizing
19 the Affidavit of Circulator, Complainant did sign the recall petitions herself. Transcript, 06/03/2026
20 Hearing, p. 49, ll. 12-14. Complainant was aware that other IVGID employees signed the recall petitions,
21 as well. Transcript, 06/03/2026 Hearing, p. 49, ll. 15-17. Complainant alleges she did not use IVGID
22 resources to support the recall efforts against Trustees Schmitz and Dent. Transcript, 06/03/2026 Hearing,
23 p. 49, ll. 2-11. Complainant did not make any financial contributions to the committee for recalling
24 Trustees Schmitz and Dent. Transcript, 06/03/2026 Hearing, p. 51, ll. 3-5. If asked during off-work hours,
25 Complainant was vocal in her community about her support of the recall petitions against Trustees
26 Schmitz and Dent. Transcript, 06/03/2026 Hearing, p. 52, ll. 9-25. Complainant was frequently asked
27 about her political opinions and believes this is because she is a trusted and knowledgeable individual
28 within her community. Transcript, 06/03/2026 Hearing, pp. 52-53.

1 16. Complainant is unaware whether Trustees Schmitz or Dent would have been surprised
2 regarding Complainant's support of the recall efforts. Transcript, 06/03/2026 Hearing, pp. 53-54.
3 Complainant testified that her notary log containing entries regarding the recall petitions is not filed with
4 IVGID and that IVGID has no knowledge of the log's contents unless it requests to see the log. Transcript,
5 06/03/2026 Hearing, pp. 123-124. Complainant testified that IVGID never requested to see her notary
6 log. Transcript, 06/03/2026 Hearing, p. 124, ll. 9-11. Complainant believes IVGID was aware of her
7 notary services for individuals supporting the recall petition because IVGID's front desk staff could see
8 these individuals enter the building when obtaining such notary services. Transcript, 06/03/2026 Hearing,
9 pp. 124-125.

10 17. The Board finds IVGID was unaware of Complainant's notary services for the recall
11 petitions. As Complainant testified, IVGID was unaware of the contents of Complainant's notary log,
12 Complainant provided notary services for a variety of documents and purposes during work hours, and
13 the individuals obtaining her notary services for the recall petitions did not have their purpose announced
14 or shared with other IVGID employees when they entered the building. *See* Transcript, 06/03/2026
15 Hearing, p. 184, ll. 1-24. Additionally, Complainant admitted that neither Trustee Schmitz nor Dent
16 would know what document was being notarized by Complainant, without standing in Complainant's
17 physical proximity as she notarized. Transcript, 06/03/2026 Hearing, p. 125, ll. 21-25. Complainant
18 testified neither trustee had asked to see her notary logbook or been in Complainant's physical proximity
19 as she notarized any of the recall petitions. Transcript, 06/03/2026 Hearing, p. 126, ll. 1-14.

20 18. Although the parties did not provide as evidence copies of the recall petitions, the parties
21 provided a news article dated June 30, 2023, from the Tahoe Daily Tribune. Joint Exhibit 16. This article
22 states the recall petitions against Trustees Schmitz and Dent were originally filed on June 16, 2023,
23 cancelled, and reissued on June 23, 2023. *Id.* Complainant testified IVGID learned that Complainant had
24 signed the recall petitions when Trustee Schmitz made a public records request for the recall petitions.
25 Transcript, 06/03/2026 Hearing, p. 130, ll. 16-24. However, Complainant is unaware of when Trustee
26 Schmitz made the public records request and even whether Trustee Schmitz made a public records request
27 at all. Transcript, 06/03/2026 Hearing, p. 131-132. Because no evidence was provided other than
28 Complainant's uncorroborated and unpersuasive testimony that IVGID (i.e., Trustee Schmitz or Trustee

1 Dent) had knowledge prior to Complainant's administrative leave that Complainant signed the recall
2 petitions, the Board finds IVGID did not have knowledge that Complainant signed the recall petitions
3 and therefore could not have used such knowledge as a basis for political or personal discrimination
4 against Complainant when IVGID placed her on administrative leave.

5 19. Furthermore, the Board finds IVGID was unaware of Complainant's husband's financial
6 contributions to the recall petitions when IVGID placed Complainant on administrative leave. The Recall
7 Contributions and Expenses Report filed on November 27, 2023, lists Complainant's husband, Mark
8 Herron, as a financial contributor for the recall petitions. Joint Exhibit 14. However, Complainant had
9 been placed on administrative leave on November 14, 2023, well before this report was filed (i.e., made
10 public). *See* Joint Exhibit 3. Aside from Complainant's unpersuasive and uncorroborated testimony that
11 Trustee Callicrate or someone on the recall petition committee "probably blabbed it" (Transcript,
12 06/03/2026 Hearing, pp. 133-135; pp. 175-177), no evidence was provided to demonstrate that IVGID
13 knew of Mr. Herron's financial contributions outside of the filing of the Recall Contributions and
14 Expenses Report. Accordingly, the Board finds IVGID was unaware of Mr. Herron's financial
15 contributions prior to Complainant's administrative leave, and therefore such contributions could not
16 have been the basis for any political or personal discrimination against Ms. Herron when she was placed
17 on administrative leave.

18 20. Complainant has been married to her husband, Mark Herron, for thirty-four years.
19 Transcript, 06/03/2026 Hearing, pp. 49-50. Complainant was aware that her husband made financial
20 contributions to a committee for the recall of Trustees Schmitz and Dent. Transcript, 06/03/2026 Hearing,
21 pp. 49-50; Joint Exhibit 14, p. JOINT-0062; Joint Exhibit 15, p. JOINT-0070; Transcript 06/03/2026
22 Hearing, pp. 51-52. Complainant is aware her husband's financial contributions are a matter of public
23 record. Transcript, 06/03/2026 Hearing, p. 50, ll. 22-24. Complainant and her husband often discuss
24 politics together at home. Transcript, 06/03/2026 Hearing, p. 51, ll. 6-8. Complainant and her husband
25 both wanted Trustee Schmitz to be recalled. Transcript, 06/03/2026 Hearing, p. 51, ll. 9-12. Complainant
26 did not direct her husband to make these financial contributions to the recall committee. Transcript,
27 06/03/2026 Hearing, pp. 50-51. Complainant believes her husband signed the petitions to recall Trustees
28 Schmitz and Dent. Transcript, 06/03/2026 Hearing, p. 51, ll. 9-12.

1 21. Complainant believes the recall efforts against Trustees Schmitz and Dent were
2 unsuccessful, as both trustees remained on the IVGID board. Transcript, 06/03/2026 Hearing, p. 58, ll.
3 18-23.

4 22. After the recall efforts, Complainant began to notice Trustees Schmitz and Dent were
5 interacting with Complainant differently. Transcript, 06/03/2026 Hearing, pp. 61-62. Complainant
6 testified that “[t]asks were diverted from me” and “tasks were given to me that I had no opportunity of
7 succeeding at.” Transcript, 06/03/2026 Hearing, p. 62, ll. 8-10. Complainant testified that, for example,
8 Trustee Schmitz would berate Complainant regarding policy projects during board meetings without
9 providing constructive feedback; Complainant testified this happened approximately six times.
10 Transcript, 06/03/2026 Hearing, pp. 62-32. Complainant testified she reached out to Trustee Schmitz
11 after these meetings in an attempt to get feedback, but Trustee Schmitz would not return her calls or
12 emails, and Complainant felt the efforts were futile. Transcript, 06/03/2026 Hearing, p. 63, ll. 3-11.
13 Complainant felt Trustee Schmitz was “picking on” Complainant during these board meetings, for
14 personal reasons, as Trustee Schmitz comments to Complainant were degrading and observed by others
15 who would comment apologetically for Trustee Schmitz behavior to Complainant. Transcript,
16 06/03/2026 Hearing, p. 64, ll. 5-14.

17 23. On November 14, 2023, IVGID sent Complainant a letter, placing Complainant on a paid
18 administrative leave of absence pending the outcome of an active investigation. Joint Exhibit 3. During
19 the administrative leave, IVGID continued to issue her employee benefits, and Complainant continued
20 to accrue time off benefits. *Id.* The letter did not state the reasons for the investigation. *Id.* Although
21 Complainant was personally served with this letter during a meeting with Mr. Bandelin and Ms. Feore,
22 Complainant was not told why she was being investigated or placed on leave. Transcript, 06/03/2026
23 Hearing, pp. 82-83. While on administrative leave, IVGID required Complainant be available to return
24 to work during her regular work schedule, as she may be called back at any time. Joint Exhibit 3;
25 Transcript, 06/03/2026 Hearing, p. 85, ll. 6-15. Complainant believes Trustee Schmitz or Dent gave Mr.
26 Bandelin directive to place Complainant on leave. Transcript, 06/03/2026 Hearing, p. 96, ll. 9-12.

27 24. On February 1, 2024, Complainant underwent an interview with an IVGID investigator,
28 Mr. Anderson. Transcript, 06/03/2026 Hearing, pp. 90-91. During this interview, Complainant was

1 informed of the allegations against her, underlying the investigation. Transcript, 06/03/2026 Hearing, p.
2 91, ll. 19-23. Complainant testified that, during this interview, “[Mr. Anderson] asked me if I knew what
3 I had been accused of, and I said, no, I didn’t.” Transcript, 06/03/2026 Hearing, p. 91, ll. 21-23. The
4 Board is unpersuaded by Complainant’s testimony that she did not know the reasons for the investigation.
5 Complainant did not present credible and consistent evidence regarding her knowledge or lack thereof of
6 the reasons for the investigation. For example, in Complainant’s written notes of the timeline of events,
7 for her entry on December 29, 2023, she wrote the following: “Random thought-if this investigation is
8 about me doing random searches, are you also investigating Gove” Joint Exhibit 4, p. JOINT-0025;
9 *see also* Transcript, 06/03/2026 Hearing, pp. 145-146. This entry demonstrates not only that Complainant
10 likely knew of the reasons for the investigation well before her 02/01/2024 interview with the
11 investigator, but also that Complainant suspected the investigation was due to her searches with IVGID’s
12 email system—despite Complainant’s testimony that she had never misused the system or been accused
13 of misuse prior to being placed on administrative leave.

14 25. Complainant alleges the investigator asked Complainant about her political activities.
15 Transcript, 06/03/2026 Hearing, p. 92, ll. 15-17. The investigator asked whether Complainant was aware
16 of the recall petitions, to which Complainant affirmatively answered, stating she had signed the petitions.
17 Transcript, 06/03/2026 Hearing, pp. 92-93. Complainant further testified the investigator asked about her
18 notary services for the recall petition. Transcript, 06/03/2026 Hearing, p. 93, ll. 7-10. The Board finds
19 Complainant’s testimony regarding the notary services does not carry significant weight, as no additional
20 evidence was provided to provide any further details regarding the investigator’s questions about
21 Complainant’s notary services.

22 26. On February 21, 2024, Complainant received a voicemail from Ms. Feore, stating IVGID
23 found no misconduct and Complainant could return to work, ending the administrative leave. Transcript,
24 06/03/2026 Hearing, p. 94, ll. 7-16.

25 27. Despite Complainant’s multiple requests, IVGID did not provide Complainant with an
26 investigative report. Transcript, 06/03/2026 Hearing, pp. 96-97.

27 28. IVGID had an internal policy, providing that individuals subject to investigation will be
28 made aware of the final determination. Transcript, 06/03/2026 Hearing, p.102, ll. 3-22; Joint Exhibit 48,

1 p. JOINT-0358. Additionally, IVGID had an internal policy that IVGID would promptly investigate
2 complaints of discriminatory conduct. Transcript, 06/03/2026 Hearing, pp. 102-103, Joint Exhibit 48.
3 Although Complainant argues IVGID did not promptly investigate her complaints or provide her with a
4 final determination, the Board finds otherwise. First, IVGID placed Complainant on administrative leave
5 in November 2023 through February 2024, while it conducted its investigation. The Board heard ample
6 testimony (including Complainant's regarding the investigative interview) regarding IVGID's actions
7 during this investigation; accordingly, the Board finds the actions, timeline, and length of the
8 investigation were prompt and reasonable. Second, the Board finds IVGID provided Complainant a final
9 determination when Ms. Feore notified Complainant on February 21, 2024, that IVGID found no
10 misconduct and that Complainant could return to work. Although this determination was not written and
11 did not include a copy of any investigative report, the Board finds such determination met the minimal
12 requirements of IVGID's internal investigation policies.

13 29. Complainant testified that, sometime after February 2024, she heard from Mr. Bandelin,
14 IVGID's acting general manager, that Trustee Schmitz was not willing to work with, or had concerns
15 about working with, anyone that signed the recall petition. Transcript, 06/03/2026 Hearing, pp. 71-73.
16 Complainant believes Mr. Bandelin had received written communication from Trustee Schmitz stating
17 that "she was having trouble, you know, wondering how she was going to work with people who had
18 signed the recall position - - recall petitions that she was in possession of." Transcript, 06/03/2026
19 Hearing, p. 73, ll. 9-15. The Board finds this testimony unpersuasive, as Complainant could not recall
20 with more specificity the details of her communications with Mr. Bandelin and the written
21 communications he allegedly received from Trustee Schmitz.

22 30. When asked if anyone else at IVGID expressed to Complainant that Trustee Schmitz was
23 unwilling to work with staff who signed the recall petition, Complainant answered with the following:

24 I believe there was a couple of members of staff that had similar – had heard about this,
25 because I believe, if my recollection serves me right, Mr. Bandelin mentioned this in a
senior or executive team meeting to a number of us, and I think it was well known.

26 Transcript, 06/03/2026 Hearing, p. 74, ll. 10-18. The Board finds this testimony unpersuasive, as
27 Complainant could not recall with more specificity the details of these communications (e.g., who
28 initiated these communications, when the communications took place, the contents of the

1 communications, the recipients of the communications, and the form of the communications, etc.).

2 31. Complainant is unaware of whether Trustee Dent had similar concerns (i.e., that he had
3 difficulty or was unwilling to work with staff who signed the recall petition against him). Transcript,
4 06/03/2026 Hearing, p. 74, ll. 19-22.

5 32. Complainant alleges Trustees Schmitz and Dent initiated an investigation into
6 Complainant's notary practice. Transcript, 06/03/2026 Hearing, pp. 75-76; p. 95, ll. 9-15. When asked
7 when this investigation began, Complainant testified: "[T]hat began probably around or before I left,
8 before I was put out on leave or shortly thereafter. I don't remember the specific time." Transcript,
9 06/03/2026 Hearing, p. 75-76, ll. 23-2. When asked how the investigation occurred, Complainant
10 testified: "I believe a request was made to then-General Manager Indra Winquest asked a question about
11 did the – did IVGID own my notary stamp? Did IVGID pay for my bond? Did IVGID do anything with
12 any of the Notario materials? And the answer was, no, they did not, and hadn't since I obtained them."
13 Transcript, 06/03/2026 Hearing, p. 76, ll. 3-9. However, when asked if the investigation found any
14 wrongdoing, Complainant testified, "There was no formal investigation similar to the one Mr. Anderson
15 conducted. It was just a question asked of me by Mr. Winquest." Transcript, 06/03/2026 Hearing, p. 76,
16 ll. 14-18. Complainant believes Trustees Schmitz and Dent initiated the investigation because
17 Complainant notarized the recall petitions against them. Transcript, 06/03/2026 Hearing, p. 76, ll. 10-13.

18 33. As part of Complainant's job duties, she responded to public records requests. Transcript,
19 06/03/2026 Hearing, p. 80, ll. 9-12. Through Information Technology Director Mike Gove and District
20 General Manager Indra Winquest, IVGID approved Complainant's access to IVGID's Barracuda email
21 system so that Complainant could search through IVGID emails to respond to public records requests.
22 Transcript, 06/03/2026 Hearing, pp. 79-80; p. 82, ll. 4-6. Complainant denies ever misusing her access
23 to the email system. Transcript, 06/03/2026 Hearing, p. 80, ll. 13-15.

24 34. Complainant testified Trustee Schmitz had asked to review Complainant's emails at least
25 once prior to the recall petition. Transcript, 06/03/2026 Hearing, pp. 147-148.

26 35. On August 2, 2024, Trustee Schmitz emailed IVGID Interim General Manager Bobby
27 Magee a public records request, requesting review of Complainant's email activity during Mr. Magee's
28 absence. Transcript, 06/03/2026 Hearing, pp. 76-77; Joint Exhibit 12. Complainant learned of Trustee

1 Schmitz's public records request and was aware that Trustee Schmitz requested searches of
2 Complainant's work email. Transcript, 06/03/2026 Hearing, p. 76, ll. 19-21; p. 78, ll. 9-15. Complainant
3 testified she did not know why Trustee Schmitz was asking to review Complainant's work emails.
4 Transcript, 06/03/2026 Hearing, p.77, ll. 22-24.

5 36. Complainant testified that Trustee Dent also sought investigation into Complainant's
6 work emails. Transcript, 06/03/2026 Hearing, p. 79, ll. 11-15.

7 37. Complainant felt "targeted" as a result of the investigations into her work emails.
8 Transcript, 06/03/2026 Hearing, p. 79, ll. 19-21; p. 95, ll. 4-13. Complainant testified: "I believe I was
9 targeted because I signed the recall. I notarized the recall statement. And I believe it was - - it was
10 personal. I don't think Trustee Schmitz nor Trustee Dent liked that I was a well-regarded and well-
11 respected member of the community that they were serving as well." Transcript, 06/03/2026 Hearing, p.
12 95, ll. 8-13.

13 38. Complainant further testified she had a temporary restraining order against Kevin Lyons,
14 a member of the public who Complainant alleges was a consultant "brought on by Trustee Dent and
15 supported by Trustee Schmitz." Transcript, 06/03/2026 Hearing, p. 104, ll. 8-23. When the restraining
16 order expired and Mr. Lyon's attended board meetings and staff trainings with Complainant,
17 Complainant felt uncomfortable by Mr. Lyon's presence. Transcript, 06/03/2026 Hearing, p. 105, ll. 4-
18 8; p. 109, ll. 2-5. Complainant testified Trustees Dent and Schmitz had been aware of Complainant's
19 protective order against Mr. Lyons, but Complainant could provide no credible details demonstrating the
20 trustees' knowledge. Transcript, 06/03/2026 Hearing, pp. 104-105; p. 109, ll. 16-25. The Board finds
21 Complainant's testimony about Kevin Lyons to be unpersuasive and inadequate to demonstrate any
22 political or personal discrimination of IVGID against Complainant. To the extent Complainant asks the
23 Board to speculate that her dislike or protective order against Mr. Lyons, an individual allegedly favored
24 by Trustees Dent and Schmitz, demonstrates a basis or motive for the alleged discrimination, the Board
25 will not speculate and cannot make such unsubstantiated and tenuous connections.

26 Bobby Magee

27 39. On June 3, 2026, Complainant called Bobby Magee as a witness. Mr. Magee credibly
28 testified that he was employed by IVGID in a variety of roles, working as the Interim Finance Director

1 starting in June 2023. Transcript, 06/03/2026 Hearing, p. 196. Mr. Magee testified that Trustee Schmitz
2 expressed knowledge that Complainant had signed the recall petition. Transcript, 06/03/2026 Hearing, p
3 199, ll. 3-8. However, Mr. Magee could not identify when Trustee Schmitz first expressed such
4 knowledge. Transcript, 06/03/2026 Hearing, pp. 199-200; p. 225, ll. 14-20. Instead, Mr. Magee stated,
5 “She had said it several times, and I believe that where she really started pressing this was around the
6 April to May 2024 timeline, where she really started stepping up her - - her comments to me specifically
7 about that.” Transcript, 06/03/2026 Hearing, p. 199, ll. 11-15. Although Mr. Magee also testified that
8 Trustee Schmitz expressed knowledge, prior to Complainant’s administrative leave, that Complainant
9 signed the recall petition (Transcript, 06/03/2026 Hearing, pp. 199-200), the Board finds such testimony
10 unsubstantiated and unpersuasive.

11 40. Additionally, Mr. Magee testified that Trustee Schmitz never told him that she wanted
12 Complainant fired for signing the petition. Transcript, 06/03/2026 Hearing, p. 237, ll. 11-15. Although
13 Mr. Magee believes Trustee Schmitz was pressuring him to take disciplinary action against Complainant,
14 he also testified it was difficult for him to believe that a trustee would want Mr. Magee to fire someone
15 just because that individual signed a petition. Transcript, 06/03/2026 Hearing, pp. 239-240. Ultimately,
16 although Mr. Magee expressed frustration with the numerous instances in which he would hear
17 politicized comments about the recall petition, including from Trustee Schmitz (Transcript, 06/03/2026
18 Hearing, pp. 214-216; Joint Exhibit 10, p. JOINT-0044), his testimony failed to demonstrate to the Board
19 that it was more likely than not that Trustee Schmitz had knowledge, prior to Complainant’s
20 administrative leave, that Complainant had signed the recall petitions. Additionally, although Mr. Magee
21 testified Trustees Schmitz and Dent suggested disciplinary and budgetary actions against Complainant,
22 Mr. Magee’s testimony provided insufficient basis for the Board to find personal or political
23 discrimination on part of IVGID against Complainant.

24 41. On June 3, 2026, Complainant called Indra Winquest as a witness. Mr. Winquest was
25 employed by IVGID from 2003 until 2023, serving as the general manager beginning the summer of
26 2020. Transcript, 06/03/2026 Hearing, pp. 246-247. While Mr. Winquest served as the general manager,
27 he was aware of complaints of Trustees Schmitz and Dent regarding public allegations that Complainant
28 was withholding public records, delaying public record delivery, and involved with inaccurate financial

1 statements. Transcript, 06/03/2026 Hearing, p. 253, ll. 5-25. Mr. Winquest testified Trustees Schmitz and
2 Dent started expressing their concerns about Complainant “from the day they got on the board,” which
3 Mr. Winquest estimates was in 2016 for Trustee Dent and 2020 for Trustee Schmitz. Transcript,
4 06/03/2026 Hearing, p. 270, ll. 1-10. Mr. Winquest testified that he felt pressured by Trustee Schmitz to
5 take adverse employment action against Complainant but that ultimately decisions regarding such
6 employment actions were up to Mr. Winquest to make. Transcript, 06/03/2026 Hearing, p. 254, ll. 1-16.
7 Mr. Winquest left employment with IVGID prior to the filing of the recall petitions. Transcript,
8 06/03/2026 Hearing, p. 256, ll. 3-12.

9 Hearing Day 2

10 42. On June 4, 2026, the hearing continued from the day prior and was held before Panel A
11 of the Board, comprised of Board Members Brent Eckersley, Michael Urban, and Jerry Keating.

12 Mike Bandelin

13 43. On June 4, 2026, Complainant called Mike Bandelin as a witness. Mr. Bandelin currently
14 serves as the IVGID Director of Community Services and started that role in July 2025. Transcript,
15 06/04/2026 Hearing, p. 20, ll. 20-24. Prior to this, Mr. Bandelin served as the General Manager of the
16 Diamond Peak Ski Resort, having started that position in 2015. Transcript, 06/04/2026 Hearing, pp. 20-
17 21. However, in the summer of 2023, Mr. Bandelin served as the IVGID Interim General Manager.
18 Transcript, 06/04/2026 Hearing, p. 21, ll. 7-16; pp. 23-24. Mr. Bandelin testified that neither Trustee
19 Schmitz nor Dent instructed Mr. Bandelin to investigate Complainant. Transcript, 06/04/2026 Hearing,
20 p. 44, ll. 10-18. Instead, Mr. Bandelin had heard from IVGID staff members, Mike Gove and Bobby
21 Magee, that Trustee Schmitz believed Complainant had engaged in misconduct, and Bobby Magee
22 advised Mr. Bandelin to look into Complainant’s activity within the Barracuda email system. Transcript,
23 06/04/2026 Hearing, pp. 44-46. As a result, Mr. Bandelin placed Complainant on administrative leave
24 pending an investigation, without first discussing the matter directly with Trustee Schmitz. *Id.*;
25 Transcript, 06/04/2026 Hearing, pp. 52-53. Mr. Bandelin testified Trustee Schmitz had told him
26 Complainant had signed a recall petition. Transcript, 06/04/2026 Hearing, p. 46, ll. 12-13. However, Mr.
27 Bandelin did not state when Trustee Schmitz had told him this (i.e., whether it was before or after
28 Complainant’s administrative leave). Mr. Bandelin testified Trustees Dent and Schmitz never told Mr.

1 Bandelin that Mr. Herron, Complainant's husband, contributed to a recall committee. Transcript,
2 06/04/2026 Hearing, pp. 46-47.

3 Mike Gove

4 44. On June 4, 2026, Complainant called Mike Gove as a witness. Mr. Gove currently serves
5 as the Information Technology Manager for IVGID and previously served as the Information Technology
6 Director. Transcript, 06/04/2026 Hearing, p. 91, ll. 14-18. In November 2023, Mr. Gove served as
7 IVGID's Information Technology Director. Transcript, 06/04/2026 Hearing, p. 92, ll. 2-3. On November
8 8, 2023, Trustee Schmitz requested from Mr. Gove an audit log of Complainant's activity in the
9 Barracuda Archive. Transcript, 06/04/2026 Hearing, pp. 92-93; Joint Exhibit 1, p. JOINT-0001. Within
10 hours, Mr. Gove emailed Trustee Schmitz with a .csv file containing the requested audit log. *Id.* Mr. Gove
11 credibly testified that, when Trustee Schmitz called Mr. Gove to request the audit log, she had asked if
12 Complainant had access to Trustee Schmitz's emails and whether any controls were in place to limit the
13 emails Complainant had access to. *Id.* Mr. Bandelin testified he was under the impression that Ms. Feore
14 initiated the complaint against Complainant, ultimately leading to the investigation and administrative
15 leave. Transcript, 06/04/2026 Hearing, pp. 96-97.

16 45. Mr. Gove credibly testified that as part of the investigation and Barracuda audit, his staff
17 set up search parameters, reviewed Complainant's Excel file used to manage public records requests,
18 generated the audit .csv file, and explained to the investigator the contents of the audit file. Transcript,
19 06/04/2026 Hearing, pp. 111-115. Mr. Gove estimated it would have taken him a couple of hours to
20 cross-reference the data in the audit file with public records requests to ascertain whether Complainant's
21 email searches properly corresponded to these public records requests. Transcript, 06/04/2026 Hearing,
22 pp. 118-119. Mr. Gove testified it was common for public records requests to be made for the emails of
23 Trustees Schmitz and Dent. Transcript, 06/04/2026 Hearing, pp. 122-123.

24 46. Mr. Gove testified he met with IVGID's investigator, Mr. Anderson, on January 23, 2024.
25 Transcript, 06/04/2026 Hearing, pp. 100-101. Mr. Gove testified that Mr. Anderson possessed a copy of
26 the Barracuda audit log during this meeting and that Mr. Gove had not provided Mr. Anderson with this
27 log. Transcript, 06/04/2026 Hearing, pp. 101-102.

28 //

1 Erin Feore

2 47. On June 4, 2026, Complainant called Erin Feore as a witness. Ms. Feore is employed by
3 IVGID as the HR Project and Management Analyst and has been in this role for less than a year.
4 Transcript, 06/04/2026 Hearing, p. 126, ll. 7-9. Previously, she served as IVGID's Director of Human
5 Resources and served in this role for four and a half years. Transcript, 06/04/2026 Hearing, pp. 126, ll.
6 12-15. Ms. Feore testified she was instructed by IVGID's general counsel and investigator not to tell
7 Complainant the reason for her administrative leave. Transcript, 06/04/2026 Hearing, pp. 131-132. Ms.
8 Feore testified IVGID was concerned that, if Complainant was made aware of the reasons for the
9 investigation, she would impede the integrity of the investigation. Transcript, 06/04/2026 Hearing, p.
10 133, ll. 2-9. Ms. Feore denied making the original complaint against Complainant; instead, Ms. Feore
11 believed the complaint originated from Interim Finance Director Bobby Magee, who was made of a
12 complaint against Complainant "that something to do with our finance department had been released as
13 a matter of public record and that that had started to concern Mr. Magee about Ms. Herron's access to
14 emails." Transcript, 06/04/2026 Hearing, p. 134, ll. 4-10; p. 133, ll. 10-18.

15 48. Ms. Feore testified she was interviewed by the IVGID investigator in either January or
16 February 2024 as part of the investigation regarding Complainant. Transcript, 06/04/2026 Hearing, pp.
17 148-149. Ms. Feore testified she believed the timeframe for the 14-week investigation was reasonable
18 given the complexity of the investigation and the large amount of work and hours she had to put into the
19 investigation herself. Transcript, 06/04/2026 Hearing, pp. 160-161. Ms. Feore credibly testified the
20 investigation was "extremely time-consuming" because she had to learn about the public records request
21 process, struggled to find necessary information, and dealt with multiple follow-up requests. Transcript,
22 06/04/2026 Hearing, pp. 172-174. Ms. Feore credibly testified that IVGID would have still conducted an
23 investigation into an employee's alleged misconduct of accessing emails without authorization,
24 regardless of whether that employee had signed a recall petition. Transcript, 06/04/2026 Hearing, p. 174,
25 ll. 12-19.

26 49. Any finding of fact better construed as a conclusion of law shall be so deemed.

27 ///

28 ///

1 II.

2 CONCLUSIONS OF LAW

3 Parties

4 1. Complainant Susan Herron is a local government employee as defined by NRS 288.050.
5 Ms. Herron is employed by Respondent IVGID as the Director of Administrative Services. Ms. Herron
6 is a supervisory employee as defined by NRS 288.138. Additionally, Ms. Herron is an administrative
7 employee as defined by NRS 288.132. Ms. Herron has been employed by IVGID since 2003.

8 2. Respondent IVGID is a local government employer as defined by NRS 288.60.

9 Jurisdiction

10 3. Under NRS 288.110(2), the Board may hear and determine any complaint arising out of
11 the interpretation of, or performance under, the provisions of NRS Chapter 288 by any local government
12 employer, local government employee, any employee organization, or any labor organization.
13 Accordingly, the Board holds jurisdiction to hear this matter, as Complainant, a local government
14 employee, complains that Respondent IVGID, a local government employer, committed a labor practice
15 prohibited by NRS 288.270(1)(f); Complainant alleges Respondent willfully discriminated against
16 Complainant because of political or personal reasons or affiliations.

17 Discriminatory Conduct

18 4. NRS 288.270(1)(f) provides: "It is a prohibited practice for a local government employer
19 or its designated representative willfully to: ... Discriminate because of race, color, religion, sex, sexual
20 orientation, gender identity or expression, age, physical or visual handicap, national origin or because of
21 political or personal reasons or affiliations."

22 5. In 1986, for resolving prohibited-labor-practice claims against employers brought under
23 NRS 288.270, the Nevada Supreme Court adopted the federal Transportation Management test, a
24 framework used in adjudicating federal prohibited-labor-practice claims under the National Labor
25 Relations Act. *Reno Police Protective Ass'n v. City of Reno*, 102 Nev. 98, 715 P.2d 1321 (1986). Under
26 this test, "[a]n aggrieved employee must make a prima facie showing sufficient to support the inference
27 that protected conduct was a motivating factor in the employer's decision." *Reno Police Protective Ass'n*
28 *v. City of Reno*, 102 Nev. 98, 101-02, 715 P.2d 1321, 1323 (1986) (quoted by *Bisch v. Las Vegas Metro*

1 *Police Dept.*, 129 Nev. 328, 340, 302 P.3d 1108, 1116 (2013)). “Once this is established, the burden of
2 proof shifts to the employer to demonstrate by a preponderance of the evidence that the same action
3 would have taken place even in the absence of the protected conduct.” *Id.* “The aggrieved employee may
4 then offer evidence that the employer’s proffered ‘legitimate’ explanation is pretextual and thereby
5 conclusively restore the inference of unlawful motivation.” *Id.*

6 6. However, in 1994, the Federal Transportation Management test was modified by *Director,*
7 *OWCP v. Greenwich Collieries*, 512 U.S. 267, 276-78, 114 S.Ct. 2251 (1994). In 2013, the Nevada
8 Supreme Court expressly adopted the modifications made by *Greenwich Collieries* for discrimination
9 claims brought against a local government employer under NRS 288.270. *Bisch v. Las Vegas Metro*
10 *Police Dept.*, 129 Nev. 328, 302 P.3d 1108 (2013). Under the revised framework, for the employee-
11 plaintiff to establish a prima facie case of discrimination, “it is not enough for the employee to simply
12 put forth evidence that is capable of being believed; rather, this evidence must actually be believed by
13 the factfinder.” *Bisch*, 129 Nev. at 340, 302 P.3d at 1116. “Only upon meeting this burden of persuasion
14 does the burden of proof shift to the employer.” *Id.*

15 7. “Personal reasons” are “‘non-merit-or-fitness’ factors, i.e., factors that are unrelated to
16 any job requirement and not otherwise made by law a permissible basis for discrimination.” *Kilgore v.*
17 *City of Henderson*, Item No. 550H, Case No. A1-045763 (2005). “Thus, the proper construction of the
18 phrase ‘personal reasons or affiliations’ include ‘non-merit-or-fitness’ factors, and would include the
19 dislike of or bias against a person which is based on an individual’s characteristics, beliefs, or activities
20 that do not affect the individual’s merit or fitness of any particular job.” *Id.* Ascertaining whether personal
21 reasons served as the basis for discrimination against an employee is “an intense factual inquiry.”
22 *Cardinale v. City of N. Las Vegas*, Item No. 871, Case No. 2019-0120 (2021).

23 8. Complainant Susan Herron failed to establish a prima facie case of discrimination by her
24 employer for political or personal reasons under NRS 288.270(1)(f). While Complainant alleges IVGID
25 unlawfully discriminated against her for political or personal reasons when it placed her on administrative
26 leave, the only evidence supporting her allegations of discrimination is her own testimony and
27 speculation that the Board finds unpersuasive, unsubstantiated, and contradicted by other evidence. To
28 the extent Complainant alleges IVGID discriminated against her because she signed the recall petitions

1 against Trustees Dent and Schmitz, the preponderance of the evidence demonstrates that neither trustee
2 had knowledge prior to Complainant's administrative leave that she had signed the recall petitions. To
3 the extent Complainant alleges IVGID discriminated against her because she provided notary services in
4 support of the recall petitions, the preponderance of the evidence demonstrates IVGID was unaware she
5 was providing notary services related to the recall petitions. To the extent Complainant alleges IVGID
6 discriminated against her because her husband made financial contributions to the recall efforts, the
7 preponderance of the evidence demonstrates IVGID had no knowledge of these financial contributions
8 prior to Complainant's administrative leave. Even had Complainant demonstrated IVGID's knowledge
9 prior to her administrative leave, no credible evidence was offered to demonstrate that IVGID
10 consequently placed Complainant on administrative leave due to that knowledge.

11 9. Instead, the preponderance of the evidence reveals that IVGID placed Complainant on
12 paid administrative leave pending an investigation into her work activities regarding the Barracuda email
13 system and the email searches she made when responding to public records requests. Ample testimony
14 of IVGID employees demonstrates concerns were raised regarding Complainant's possible misuse of
15 email access, and this was the basis of the investigation completed during her administrative leave.
16 Complainant's testimony and speculation that she was placed on administrative leave for personal
17 reasons (i.e., unrelated to her work or performance) are unpersuasive and do not support a *prima facie*
18 showing of unlawful discrimination. Further, even had Complainant met her initial burden of making a
19 *prima facie* case, IVGID demonstrated by a preponderance of the evidence that Complainant would have
20 been placed on administrative leave, even absent the protected conduct (i.e., political or personal
21 reasons). As previously discussed, the preponderance of the evidence demonstrates IVGID was unaware
22 of the otherwise protected conduct and had placed Complainant on administrative leave solely for
23 investigation into allegations of her misuse of the email system. While IVGID later found these
24 allegations were unsubstantiated and concluded no misconduct had occurred, the failure of the
25 investigation to result in different findings or disciplinary action does not alone characterize the
26 investigation as unlawfully discriminatory or inappropriate.

27 10. To the extent Complainant argues the extended duration of her administrative leave was
28 the unlawful discriminatory conduct (i.e., and not merely the imposition of the administrative leave

1 itself), the Board finds this argument unavailing. The preponderance of the evidence demonstrates the
2 investigation was lengthy due to its complex nature, tedious and time-consuming labor, and an IVGID
3 employee's initial lack of familiarity with the public records request process generally. No credible
4 evidence was presented to demonstrate the duration of Complainant's administrative leave was due to
5 purposeful delay or discrimination for political or personal reasons.

6 11. The Board acknowledges that the evidence did show that IVGID was at times a very
7 disorganized organization that lacked stability and consistent leadership for many years. Although
8 IVGID's conduct in its investigation and communications with Complainant do not rise to the level of
9 unlawful discrimination, the Board would be remiss to go so far as characterizing IVGID's treatment of
10 Complainant as either courteous or respectful. The Board acknowledges Complainant's long-tenured
11 commitment to public service over the course of her career and sympathizes with Complainant due to the
12 disrespectful treatment she endured during her employment and the fact that IVGID ultimately found she
13 had committed no misconduct after its investigation. However, the preponderance of the evidence simply
14 fails to adequately substantiate any claims of unlawful discrimination.

15 12. Any conclusion of law better construed as a finding of fact shall be so deemed.

16 III.

17 ORDER

18 Based on the foregoing, IT IS HEREBY ORDERED the Board finds in favor of Respondent. The
19 Board declines to award fees and costs in this matter.

20 IT IS SO ORDERED.

21 DATED this 20th day of August 2026.

22 GOVERNMENT EMPLOYEE-
23 MANAGEMENT RELATIONS BOARD

24 By:


BRENT C. ECKERSLEY, ESQ.

25 By:


MICHAEL A. URBAN, ESQ.

26 By:


JERRY KEATING