

Justin Darling
1610 Rocking Horse Dr
Henderson, NV 89002
Jwdwj713@hotmail.com
702-587-2094

FILED
February 28, 2025
State of Nevada
E.M.R.B.

Complainant

**BEFORE THE GOVERNMENT EMPLOYEE
MANAGEMENT RELATIONS BOARD**

JUSTIN DARLING, a Local)
Government Employee,)
Complainant,)
)
vs.)
)
LAS VEGAS VALLEY)
WATER DISTRICT; a)
Political Subdivision of the)
State of Nevada)
Respondents.)
)
)
)

CASE NO.: 2025-005

COMPLAINT

Complainant, JUSTIN DARLING, a Local Government Employee, appearing in Proper Person, respectfully submits the following Complaint.

STATEMENT OF JURISDICTION AND PARTIES

1. At all relevant times herein, the Complainant, JUSTIN DARLING (hereinafter "DARLING"), was and is a local government employee employed by the Respondent,

LAS VEGAS VALLEY WATER DISTRICT. DARLING'S current mailing address is: 1610 Rocking Horse Dr., Henderson, Nevada 89002

2. At all relevant times herein, the Respondent, LAS VEGAS VALLEY WATER DISTRICT (hereinafter "DISTRICT"), was a and is a political subdivision as defined by NRS Chapter 41 and was the local government employer of DARLING. The DISTRICT'S current mailing address is 1001 South Valley View Blvd., Las Vegas, NV 89153.

3. The Local Government Employee Management Relations Act was adopted by the Legislature of the State of Nevada in 1969 and is now embodied in NRS Chapter 288.

4. NRS 288.270 provides in relevant part as follows:

"1. It is a prohibited practice for a local government employer or its designated representative willfully to:

(a) Interfere, restrain or coerce any employee in the exercise of any right guaranteed under this chapter.

(c) Discriminate in regard to hiring, tenure or any term or condition of employment to encourage or discourage membership in any employee organization.

(d) Discharge or otherwise discriminate against any employee because he has signed or filed an affidavit, petition or complaint or given any information or testimony under this chapter, or because he has formed, joined or chosen to be represented by any employee organization.

(f) ***Discriminate*** because of race, color, religion, sex, sexual orientation, gender identity or expression, ***age***, physical or visual handicap, national origin, or ***because of political or personal reasons or affiliations.***" (Emphasis added).

5.This Board has jurisdiction pursuant to NRS 288.110 and NRS 288.280 to hear and determine “any controversy concerning prohibited practices.”

6.This Board has further jurisdiction pursuant to NRS 288.110(2) to “hear and determine any complaint arising out of the interpretation of, or performance under, the provisions of this chapter by any local government employer, local government employee or employee organization.”

7.Employees and recognized employee organizations are further required to raise before this Board issues within the jurisdiction of the Board before resorting to civil suit.

Rosequist v. Int'l Ass'n of Firefighters, 118 Nev. Adv. Op. No. 47, 49 P.3d 651 (2002).

GENERAL ALLEGATIONS

8.Due to the Pro Per nature of this Complaint, the Complainant has been afforded an opportunity to prepare the attached letter outlining the facts and circumstances that form the basis of this action. The letter is attached hereto as Exhibit “A” and is incorporated by reference herein.

Accordingly, Complainant, JUSTIN DARLING, while reserving his right to amend this Complaint to set forth additional facts or causes that are presently unknown to it, prays for relief as follows:

1.For a finding in favor of Complainant and against the Respondents on each and every claim in this Complaint.

2. For a finding that the Respondents discriminated against the Complainant due to violations of NRS 288.270.

3. For an order that the Respondents cease and desist from all prohibited and unfair labor practices found herein.

4. For costs and fees required to bring this action.

5. For such other and further relief as the Board deems appropriate under the circumstances.

DATED this 27th day of February, 2025.

By: 

JUSTIN DARLING
1610 Rocking Horse Dr
Henderson, NV 89002
Jwdwj713@hotmail.com
702-587-2094

Complainant

To: Employee Management Relations Board (EMRB)

From: Justin Darling

Date: February 27, 2025

I. INTRODUCTION

The Las Vegas Valley Water District (DISTRICT) engaged in targeting, retaliation, due process violations, discrimination, defamation, and misuse of public resources in the termination of DARLING. DARLING was employed by the DISTRICT for approximately 15 years, most recently as a Mechanical Supervisor. Over the years, DARLING received fourteen "exceeds" and "Distinguished" annual reviews in which he was praised as "an effective and high-performing supervisor," and as one who "can be relied upon to maintain the highest ethical behavior." Prior to the circumstances at issue in this matter, DARLING had never been subjected to any discipline written or verbal by the District.

The evidence will show that despite this record, DISTRICT terminated DARLING through a process involving misconduct, procedural violations, misrepresentation of evidence, and denial of due process, including withholding exculpatory evidence and presenting a biased investigation file. Additionally, following his termination, the COBRA election form provided to DARLING did not include his chronically ill wife, further demonstrating the pattern of administrative errors and neglect of employee rights.

II. FACTUAL BACKGROUND AND UNLAWFUL CONDUCT BY THE DISTRICT

In early 2024, Buck Osborne transitioned from his role as a manager at the Southern Nevada Water Authority (SNWA), where he was stationed at the lake, to Director of Operations at the Las Vegas Valley Water District (LVVWD). Almost immediately after assuming this position, Osborne began targeting Justin DARLING and his immediate subordinate, Tyler Gibson, with the intent to remove them and install his own loyal subordinates—specifically, individuals he had previously managed at SNWA.

One of Osborne's key motivations for removing DARLING and Gibson was their knowledge of his misuse of District resources, time, and materials for personal projects at his home. Witnesses will testify that Osborne directed District employees to fabricate items for his backyard, an abuse of public resources. Aware that DARLING and Gibson had firsthand knowledge of these actions, Osborne sought to eliminate them to prevent potential exposure.

To accomplish this, Osborne initiated an investigation under false pretenses, enlisting Human Resources Manager Laura Ornelas, who exhibited personal hostility toward DARLING and had a history of targeting employees she disfavored. Together, they manipulated the investigative process to justify a predetermined outcome.

On May 14, 2024, Ornelas sent DARLING an email summoning him to a meeting the next day to discuss "concerns, including certifications among others." When DARLING and his supervisor, Jim Doubek, attempted to clarify what other concerns would be discussed, Ornelas ignored them.

On May 15, 2024, Ornelas ambushed and interrogated DARLING, with DISTRICT security standing by. She accused him of misconduct without providing clear evidence, then had him escorted off the property and placed on paid leave. That same day, Gibson was subjected to identical treatment.

The DISTRICT proceeded with a 15-week investigation that was riddled with shifting allegations, misrepresented facts, and procedural violations. Each time DARLING disproved one accusation, a new one emerged, making it clear that the investigation was not a fact-finding process but a pretext to justify termination.

Unlike a "garden-variety" termination based on documented performance issues or misconduct, this was a retaliatory and politically motivated dismissal. The DISTRICT ignored exculpatory evidence, refused to follow progressive discipline, and ultimately terminated DARLING based on fabricated justifications.

This case is not about workplace violations—it is about two employees being deliberately removed because they knew too much. Witness testimony and documentary evidence will confirm that DARLING and Gibson were not dismissed for cause but to cover up corruption and allow Osborne to install his own people.

DISTRICT accused DARLING and Gibson of:

- Kickback schemes with a DISTRICT vendor (disproved during investigation)
- Conflict of interest (disproved during investigation)

- Unauthorized purchases (all authorized in the DISTRICT'S accounting system)
- P-card misuse (proved to have been properly used)
- Unauthorized overtime (proved to be authorized)
- Misuse of DISTRICT vehicle (proved to be consistent with company policy)

Despite identical allegations against both DARLING and Gibson, and after placing both DARLING and Gibson on a lengthy administrative leave, DISTRICT reinstated Gibson with no discipline while terminating DARLING.

DISTRICT Human Resources Manager Mary Madden and her subordinate, Laura Ornelas misrepresented facts to fit the narrative they were seeking in order to place DARLING in a bad light and accomplish the goal of DARLING's termination. Everything in the investigative file was magnified and distorted to appear as if DARLING had engaged in egregious, dishonest misconduct. All exculpatory evidence was left out of the file. Witnesses will confirm that Ornelas and Madden manipulated testimony from DARLING, Gibson, and Jim Dobek to fabricate a case against DARLING.

On May 15, 2024, DISTRICT called DARLING into a meeting under false pretenses, claiming it was about certifications. Evidence will show that the meeting was actually an interrogation regarding:

- Vendor kickbacks
- Overtime misuse
- Amazon purchases
- P-card use
- Improper use of district vehicle

DARLING was placed on paid administrative leave under the pretext that it was “not disciplinary.” This was a deliberate effort to block DARLING from filing a grievance, thus violating NRS 288.270(1)(f).

DISTRICT also failed to notify DARLING’S union representative for two weeks, violating the Collective Bargaining Agreement’s requirement for transparency. Witnesses will confirm that DISTRICT deliberately withheld evidence from DARLING and his union.

On May 29, 2024, Buck Osborne illegally recorded a phone call with DARLING without consent, violating NRS 200.650 (Nevada wiretapping laws). Witness testimony will confirm that HR knowingly accepted and used the illegal recording.

DISTRICT consistently refused to consider evidence of disparate treatment and other failures by DISTRICT to prove just cause for discipline, that were provided by DARLING.

Following DARLING’S termination, DISTRICT omitted DARLING’s chronically ill wife from the COBRA election form, causing her to miss a Mayo Clinic appointment and resulting in further physical and mental anguish to DARLING and his family.

On August 29, 2024, DISTRICT General Manager John Entsminger falsely told an outside advocate that DARLING was terminated for “theft and falsifying documents.” This statement constitutes actionable defamation. Witnesses will confirm that DISTRICT deliberately left exculpatory evidence out of DARLING’s investigation file.

On August 30, 2024, DARLING was terminated from his employment with the DISTRICT.

The evidence will show that the issues outlined above represent only a sampling of the procedural failures, retaliatory actions, and due process violations that occurred throughout DISTRICT'S 15-week investigation. During this time, DARLING was placed on paid administrative leave, which DISTRICT repeatedly used as justification for delaying the process and denying transparency. When DARLING requested information or expressed concerns about the prolonged investigation, Laura Ornelas and Mary Madden repeatedly responded with dismissive statements such as, "Well, you're getting paid."

The evidence will show that this was not an attempt to conduct a fair and thorough investigation but rather a deliberate effort to extend the process unnecessarily, obscure key facts, deny DARLING'S rights, and justify a predetermined termination. Furthermore, the evidence will show that after the major allegations against DARLING were unfounded, the investigation shifted from a fact-finding process to a personal vendetta by Human Resources, aimed at securing his termination regardless of the evidence disproving the claims against him.

DISTRICT engaged in systemic targeting, procedural misconduct, and suppression of exculpatory evidence to justify the unlawful termination of DARLING W, who was an exemplary 15-year employee with no prior disciplinary history, outstanding performance reviews, and a well-documented record of contributions that improved DISTRICT operations.

However, beyond DARLING's wrongful termination, this case highlights a much deeper issue —DISTRICT'S pattern of abusing its authority, circumventing due process, and weaponizing Human Resource procedures to punish employees who challenge unethical conduct.

III. REQUESTED RELIEF

Given the nature of DISTRICT'S actions, DARLING respectfully requests the following remedies:

1. Immediate reinstatement to his prior position as Mechanical Supervisor.
2. Back pay and compensation for lost wages, medical benefits, seniority, and pension benefits, as if he had not been terminated, from August 30, 2024 until the date of his full reinstatement.
3. An award for fees and costs incurred by the Complainant in the pursuit of this action.
4. Such other and further relief as the Board deems appropriate and necessary.

Respectfully submitted.



JUSTIN DARLING

LVVWD (Respondent)
Answer to Complaint

FILED
March 26, 2025
State of Nevada
E.M.R.B.
4:46 p.m.

FISHER & PHILLIPS LLP
MARK J. RICCIARDI, ESQ.
Nevada Bar No. 3141
ALLISON L. KHEEL, ESQ.
Nevada Bar No. 12986
300 South Fourth Street, Suite 1500
Las Vegas, NV 89101
Telephone: (702) 252-3131
Facsimile: (702) 252-7411
E-Mail Address: mr Ricciardi@fisherphillips.com
Attorneys for Respondent

STATE OF NEVADA

EMPLOYEE-MANAGEMENT RELATIONS BOARD

JUSTIN DARLING, a Local Government Employee,)	Case No.: 2025-005
)	
Complainant,)	LAS VEGAS VALLEY
)	WATER DISTRICT'S
vs.)	ANSWER TO COMPLAINT
)	
LAS VEGAS VALLEY WATER DISTRICT, a Political Subdivision of the State of Nevada,)	
)	
Respondent.)	
)	
)	

Respondent, the Las Vegas Valley Water District (the "LVVWD" or the "Respondent"), by and through its counsel of record, Mark J. Ricciardi, Esq., and Allison L. Kheel, Esq., of the law offices of Fisher & Phillips LLP, hereby responds to Justin Darling's ("Darling" and/or "Complainant") February 28, 2025, Complaint ("Complaint") on file herein as follows:

STATEMENT OF JURISDICTION AND PARTIES

1. Answering the first Sentence of Paragraph 1 of the Complaint, the LVVWD denies that Justin Darling *is* a local government employee employed by the Respondent," but admits that Justin Darling was a local government employee through August 30, 2024, the date his employment with the LVVWD was terminated, and

1 denies the remaining allegations contained therein. Answering the Second Sentence of
2 Paragraph 1 of the Complaint, the LVVWD admits the allegations contained therein.

3 2. Answering Paragraph 2 of the Complaint, the LVVWD admits the
4 allegations contained therein.

5 3. Answering Paragraph 3 of the Complaint, the LVVWD admits that
6 Chapter 288 of the Nevada Revised Statutes may be cited as the Government
7 Employee-Management Relations Act, the content of which speaks for itself and the
8 LVVWD denies the allegations to the extent they are inconsistent therewith. The
9 LVVWD denies every other allegation contained in Paragraph 3 of the Complaint.

10 4. Answering Paragraph 4 of the Complaint (including all subparagraphs),
11 appears to quote NRS 288.270, which is a statute the content of which speaks for itself
12 and the LVVWD denies the allegations to the extent they are inconsistent therewith.
13 The LVVWD denies every other allegation contained in Paragraph 4 of the Complaint.

14 5. Answering Paragraph 5 of the Complaint, the allegations call for legal
15 conclusions to which no response is necessary. To the extent the allegations in
16 Paragraph 5 do not call for a legal conclusion, the LVVWD denies the allegations.

17 6. Answering Paragraph 6 of the Complaint, the allegations call for legal
18 conclusions to which no response is necessary. To the extent the allegations in
19 Paragraph 6 do not call for a legal conclusion, the LVVWD denies the allegations.

20 7. Answering Paragraph 7 of the Complaint, the allegations call for legal
21 conclusions to which no response is necessary. To the extent the allegations in
22 Paragraph 7 do not call for a legal conclusion, the LVVWD denies the allegations.

23 **GENERAL ALLEGATIONS**

24 8. Answering Paragraph 8 of the Complaint, the LVVWD denies that any
25 statute, regulation, designation or circumstance affords Claimant the opportunity to
26 violate NAC 288.200(3), prohibiting a complainant from attaching a document or
27 exhibit. The LVVWD denies each and every remaining allegation contained in
28

Paragraph 8 of the Complaint (including, but not limited to, any allegation allegedly incorporated by reference therein).

9. In answering the unnumbered Paragraph on page 3 of the Complaint beginning “Accordingly, . . .” (including all subparagraphs), the LVVWD denies each and every allegation contained therein.

10. In Answering Paragraphs 1 – 5 starting on the bottom of page 3 following the header General Allegations of the Complaint and purporting to contain the Prayer for Relief, the LVVWD denies any wrongdoing and denies that any remedy or relief is appropriate.

11. In Answering the allegations contained in the letter purportedly included as an “Exhibit” to the Complaint, the LVVWD admits Darling was employed by the LVVWD for approximately 15 years, most recently as a Mechanical Supervisor. The LVVWD further admits in early 2024, Buck Osborn assumed the role of Director of Operations at the LVVWD. The LVVWD further admits that Human Resources Director, Mary Madden and Human Resources Manager, Laura Ornelas, conducted an appropriate and thorough investigation of Justin Darling. The LVVWD further admits that Darling was placed on paid administrative leave on May 15, 2024, and the LVVWD admits that Darling was terminated for cause effective August 30, 2024. The LVVWD denies every other allegation contained in the letter purportedly included as an “Exhibit” to the Complaint.

To the extent not expressly admitted in the paragraphs above, the LVVWD denies each and every remaining allegation in the Complaint.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

The factual and legal issues in this case are also at issue in the September 5, 2024, Grievance, which is currently proceeding through the dispute resolution procedures in the CBA between the Water Supervisors Association of Nevada and the LVVWD, and this matter should be stayed and a hearing on this matter deferred until

1 such time as the Grievance has been resolved. A Motion for Partial Stay and/or
2 Deferral to the grievance and arbitration procedure has been filed by the LVVWD
3 concurrently herewith.

4 **SECOND DEFENSE**

5 The Complaint appears to allege claims arising out of Darling being placed on
6 paid administrative leave on May 15, 2024 and subsequent parts of the investigation,
7 therefore to the extent the claims, allegations and/or events occurred more than six
8 months prior to the filing of the Complaint, they are barred by the statute of limitations
9 set forth in NRS § 288.110 (4).

10 **THIRD DEFENSE**

11 The Complaint violates the formatting and filing requirements under NAC
12 288.200(3), requiring that “Except as otherwise specifically provided by this chapter or
13 chapter 288 of NRS, a complainant shall not attach any document, including, without
14 limitation, an exhibit, to a complaint;” under NAC 288.231(1)(g) requiring the
15 complaint “Set forth a clear and concise statement of the matters relied upon as a basis
16 for the action or relief requested and an appropriate prayer;” and under NAC 288.231(2)
17 requiring that “. . . The lines on each page of the pleading or written motion must be
18 numbered consecutively on the left margin. Each page of the pleading or written motion
19 must. . . (b) Be numbered consecutively at the bottom of the page.” Accordingly, the
20 Complaint must be dismissed and/or the factual allegations contained in the purported
21 “Exhibit” (contained in pages 5-11 of the Complaint (numbered 1-7 of the Exhibit)).

22 **FOURTH DEFENSE**

23 The claim(s) in the Complaint must be dismissed to the extent the claim fails to
24 allege a claim upon which relief can be granted, and/or to the extent that the claim
25 alleged is outside of the jurisdiction of the EMRB.

26 ///

27 ///

28 ///

FIFTH DEFENSE

The body of the Complaint contains only purported statements of the law and no specific factual allegations, and the purported exhibit does not clearly identify factual allegations as forming the basis of a specific claimed violation of NRS § 288.270, therefore the Complaint must be dismissed to the extent the Complaint fails to allege any facts sufficient to state the basis for a claimed violation of NRS § 288.270(1).

WHEREFORE, having answered all the allegations contained in the Complaint, the LVVWD prays for relief as follows:

1. That Complainant take nothing by way of the Complaint on file herein, and the Complaint be dismissed with prejudice.
2. That judgment be rendered in favor of the LVVWD;
3. That the LVVWD be awarded its costs and reasonable attorneys' fees in defending this action.
4. For any other relief that the Board deems just and appropriate.

DATED this 26th day of March, 2025.

FISHER & PHILLIPS, LLP

/s/ Allison L. Kheel
MARK J. RICCIARDI, ESQ.
ALLISON L. KHEEL, ESQ.
300 South Fourth Street, Suite 1500
Las Vegas, Nevada 89101
Attorneys for Respondent

CERTIFICATE OF ELECTRONIC SERVICE

This is to certify that on the 26th day of March, 2025, the undersigned, an employee of Fisher & Phillips LLP, electronically served the foregoing **LAS VEGAS VALLEY WATER DISTRICT'S ANSWER** to EMRB (emrb@business.nv.gov) and the following:

JUSTIN DARLING
1610 Rocking Horse Drive
Henderson, NV 89002
Jwdwj713@hotmail.com

By: /s/ Sarah Griffin
An employee of Fisher & Phillips LLP