

IN THE SUPREME COURT OF THE STATE OF NEVADA

CARA O'KEEFE, AN INDIVIDUAL,
Appellant,
vs.
THE STATE OF NEVADA
DEPARTMENT OF MOTOR
VEHICLES,
Respondent.

Supreme Court No. 68460
District Court No. 14OC001031B
Due Date: August 31, 2015

FILED

JUL 27 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
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CIVIL PROPER PERSON APPEAL STATEMENT

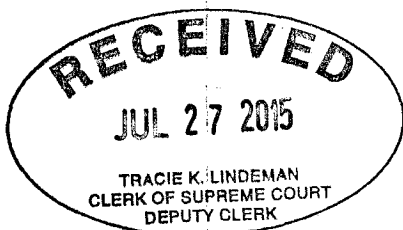
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The State of Nevada Department of
Motor Vehicles
Respondent

Appellant in Proper Person



CIVIL PROPER PERSON APPEAL STATEMENT

INSTRUCTIONS: You must complete and file this Appeal Statement with the Nevada Supreme Court on or before **August 31, 2015**.

HOW TO FILL OUT THE FORM: The form must be typed or clearly handwritten. Write only in the space allowed on the form. **Additional pages and attachments are not allowed.** The Nevada Supreme Court prefers short and direct statements. You do not need to refer to legal authority or the district court record.

WHERE TO FILE THE FORM: You may file your form in person or by mail.

To file your form in person: Bring the form to the Clerk's Office at the Supreme Court of Nevada, 201 SOUTH CARSON STREET, CARSON CITY, NEVADA 89701-4702. You can file your form Monday through Friday, 8:00 a.m. to 4:00 p.m.

To file your form by mail: Mail the form to the Clerk of the Supreme Court of Nevada, 201 SOUTH CARSON STREET, CARSON CITY, NEVADA 89701-4702. Your form must be postmarked by the due date.

You must file the original form and 1 copy with the Clerk of the Nevada Supreme Court. If you want the clerk to return a file-stamped copy of your form, you must submit the original form and 2 copies and include a self-addressed, stamped envelope. Forms cannot be faxed or e-mailed to the Nevada Supreme Court Clerk's Office.

Copies of the completed form must be mailed or delivered to the other parties to this appeal or to the parties' attorneys, if they have attorneys. You must also fill out the certificate of service that is attached to the form. The Nevada Supreme Court may return any document that does not meet these requirements.

Judgment or Order You Are Appealing. List the judgment or order that you are appealing from and the date that the judgment or order was filed in the district court.

Filed Date	Name of Judgment or Order
10/15/15	Order Granting Petition for Judicial Review & Setting Aside Hearing Officers Decision

Notice of Appeal. Give the date you filed your notice of appeal in the district court: 7/21/15

Related Cases. List all other court cases related to this case. Provide the case number, title of the case and name of the court where the case was filed.

Case No.	Case Title	Name of Court
CC-07-13-VG	Findings of Fact, Conclusion of Law & Decision	Nevada State Personnel Commission Hearing Officer

Issues on Appeal. Does your appeal concern any of the following issues? Check all that apply:

- divorce
- relocation
- paternity
- adoption
- other—briefly explain: reinstatement of employment
- child custody/visitation
- termination of parental rights
- marital settlement agreement
- prenuptial agreement
- child support
- attorney fees
- division of property
- spousal support

Statement of Facts. Explain the facts of your case. (Your answer must be provided in the space allowed.)

1) I assisted a "non" motor carrier customer 2) Data was never altered or manipulated, never committed fraud or performed a transaction 3) I recieved authorization from the customer to help answer questions 4) Customer provided information that allowed me to view his records. At no point in time did I provide personal information to anyone, including the customer. 5) the fact that I

knew the person is a mute point. I am very active in the community & know a lot of people. In small offices such as Pioche, employees know almost everyone that comes through the door. They wouldn't be able to provide service if you can't help a customer because you know them. 6) Supervisors are instructed to inform employees "promptly & specifically" of any violations. I was not informed of any violation until 13 months after it allegedly occurred. 7) When I was informed of the violation 13 months later, I was only given vague information. I was not informed of specifics until I received the SOC. In the first investigation interview, I even asked if this was Facebook related, as we were allowed to use that as a skip tracing tool. This recording shows I was not aware of what my alleged violation involved. Therefore, I was not able to properly answer questions. 8) All employees were instructed to develop a "yes, I can help you with that" attitude. It was never stated only certain employees could help certain customers. 9) In my tenure as a state employee, I was never disciplined. All reviews were at 'meet' or 'exceeds' standards. I served on multiple boards, elected by the same supervisor that brought forward these allegations. At no point was less severe discipline offered. 10) I received disparate treatment. An ex-employee looked up personal information on her ex & his current girlfriend. The employee proceeded to stalk them & call them

from her work phone hundreds of times per day. She was served a restraining order at work. Her discipline was 2 weeks unpaid suspension & she was able to select her days off so as not to lose her benefit eligibility. She personally told other employees about this, who I called as witnesses.

Statement of District Court Error. Explain why you believe the district court was wrong. Also state what action you want the Nevada Supreme Court to take. (Your answer must be provided in the space allowed).

1) Customer provided authorization (see exhibit A)

2) Same Director who sent out a memo stating some violations "may" be cause for termination is the same Director who instructed employees to assist anyone in anyway they could to improve customer service (see exhibit B).

3) No personal benefit to me was derived from helping the customer

4) The supervisors own guide states that they are "charged with the responsibility for taking prompt action" 13 months is not prompt. (see exhibits C pg 1 of 3, 2 of 3 & 3 of 3)

5) The employee handbook provided to all employees also states that, if there are performance issues, you will be informed promptly. Again, 13 months is not prompt (see exhibit D pg 1 of 2 & pg 2 of 2)

6) District Court failed to address the fact that, since it took the DMV 13 months to notify me of this allegation, the opportunity to get a recording of my conversation with the Sheriff's office to prove the

accusations leveled against me were false were taken from me. Therefore revoking my right to a fair trial.

7) Employer violated NAC 284.638(1) by not informing me promptly.

8) There are no existing Nevada Laws or Codes that prevent an agency from going after an employee that was promoted to another agency. If the violation was so severe to require termination, the other agency is put at risk by not having the violation addressed.

9) NAC 284.646(2) as the customer authorized the assistance. (see exhibit A)

10) District Court received incorrect & incomplete information because the original transcription had errors & omissions. Example: Pg 7, lines 11-12 (see exhibit E) says that I had discussions "with both of them". I did not state that, I never spoke with the wife & never claimed to have spoken with her. In addition, the respondents own witness, Ann Yukish-Lee, stated that she recognized & used The Supervisors Guide to Prohibitions & Penalties (see exhibit C pg 1 of 3, 2 of 3 & 3 of 3) immediately after witness Karen Stoll said she had never seen it & did not know of it. This is not stated in the transcription (see exhibit F).

11) I received disparate treatment, My actions were not as severe as other employees, yet the disciplinary actions were much more severe.

12) Overall, my right to properly defend myself against these allegations were stripped from me when the

State took more than a year to inform me of the allegations. By that time, any recordings I could have used to prove my innocence was gone.

In closing, I request that the Nevada Supreme Court, order a new administrative hearing, allow the case to be presented to the Supreme Court or order full reinstatement to my former position as Revenue Officer II with no break in my service & all back pay & benefits.

CERTIFICATE OF SERVICE

I certify that on the date indicated below, I served a copy of this completed appeal statement upon all parties to the appeal as follows:

- By personally serving it upon him/her; or
- By mailing it by first class mail with sufficient postage prepaid to the following address(es) (list names and address(es) of parties served by mail):

Dominika Batten
Deputy Attorney General
Personnel Division
5420 Kietzke Lane, Suite 202
Reno, NV 89511

DATED this 27 day of July, 2015.

Cara O'Keefe
Signature of Appellant

CARA O'KEEFE
Print Name of Appellant

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Address

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City/State/Zip

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Telephone