



68460

(no subject)

Daniel Cunningham <cunninghamdaniel016@gmail.com>
To: wcbokeefe5@gmail.com

Mon, Dec 9, 2013 at 11:56 AM

I Daniel Cunningham gave cara okeefe permission to access my personal records in order to see the status of my DUI.

FILED

JUL 27 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT

BY  DEPUTY CLERK

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JUL 27 2015
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

15-22676

Employee Exhibit A

Angela Tweet

June 6, 2014 · Instagram · Edited ·

Tune in this weekend to hear Bruce Breslow, Director of the State of Nevada Department of Business and Industry for an informative discussion on all sorts of exciting things going on in the State of Nevada! How technological advances and employees of government agencies adopting a "Yes" attitude improve customer service at notoriously difficult places such as the DMV, exactly what Governor Sandoval is proactively doing to bring businesses to the state, plus the wealth of services available for budding and existing entrepreneurial success!

The Cheri Hill Show airs in Northern Nevada every Saturday 5pm & Sunday 8am PDT on 99.1 FM TALK RADIO! Live webcast available on www.991fmtalk.com

In Southern Nevada Saturday 5pm & Sunday 10pm PDT on 1230 AM "The Talk of Las Vegas!" Live webcast available on radio.securenetsystems.net/v5/KLAV

Bruce Breslow and Cheri had a blast in the studio! Sandoval's #turnaroundguy. I get to work with such interesting people! He'll be on this weekend. #successspreads #momentum @cityofreno cherihillshow.com



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Exhibit B

**A SUPERVISOR'S GUIDE
TO
PROHIBITIONS AND PENALTIES**

**STATE OF NEVADA
DEPARTMENT OF MOTOR VEHICLES**

**Personnel Commission Meeting
June 27, 2003**

Exhibit C

Pg 1 of 3

PROPER DISCIPLINE IS BEST FOR ALL

The vast majority of employees at the DMV are competent, conscientious and efficient. In an organization the size of the DMV, however, it is not surprising that there would be a few employees who willfully, thoughtlessly, or unwittingly violate the accepted standards of good behavior or who do not turn out a satisfactory day=s work. Unfortunately, the actions of these employees reflect unfavorably on the DMV.

If such instances are permitted to go without reprimand or correction, they will undermine the morale of other employees and lower confidence and respect of the public in all of our employees. Accordingly, it is in the best interest of all DMV employees to see that inefficient or problem employees improve their performance or are separated from service.

~~You, as a supervisor, are charged with the responsibility for promptly taking corrective disciplinary action when it is appropriate for employees under your direction. It is also your responsibility to promptly bring instances that require such action to the attention of your Personnel Bureau. The administration of prompt, fair, and effective corrective disciplinary action is just as essential to effective operations and good employee relations as is the commendation of employees for work well done.~~

If you, as a supervisor, take steps to correct behavior or take steps to terminate the service of uncooperative or incompetent employees, you will increase the respect you receive from your employees. You will also raise the prestige of all DMV employees by demonstrating that merit is essential for continued employment.

Exhibit C

Page 2 of 3

WHEN OTHER METHODS FAIL

Proper discipline cannot be maintained and appropriate corrective disciplinary actions cannot be taken if you neglect your responsibility as a supervisor. Employees expect and want uniform adherence to recognized standards of conduct, and they respect the supervisor who maintains these standards. When corrective disciplinary action seems necessary, you will want to keep in mind the following points:

1. **Get all the facts and act promptly.** It is important that corrective action be taken soon after an employee=s action. This does not mean you should act before you have all the facts and have weighed them. It means you should act as soon as you have all the facts, have weighed the evidence, and have decided what to do on the basis of those facts. The longer the corrective action is delayed, the more unjustified and unfair it will seem to the employee and co-workers. Be sure you get the employee=s perspective and objectively assess discrepancies before taking any action. Avoid the impression you have made up your mind prior to hearing the employee.

2. **In deciding what corrective disciplinary action to take, or recommend you must:**

§ Consider all the circumstances surrounding the situation.

§ Consider the seriousness of the employee=s conduct in relation to the employee=s particular job and employment with the DMV.

§ Consider what the department has done to help prevent this type of behavior.

§ Consider the type of corrective disciplinary action for the type of offense involved.
(Refer to Prohibitions and Penalties)

§ Consider the proposed disciplinary action in light of its training value, rather than strictly as a punishment or reprisal for the offense.

§ Consider what corrective disciplinary actions the department and your Personnel Bureau has taken in similar instances.

§ Consider the employee=s previous conduct.

§ Consider the probable cause of the employee=s behavior.

§ Consider what corrective action will most likely eliminate the cause and prevent a reoccurrence.

§ Consider the employee=s possible reaction to the corrective action.

3. Above all else, be fair and impartial in arriving at the corrective action you decide to take. Nothing will do more to undermine the morale of your employees and their confidence in you than the feeling that you are being arbitrary, unfair, or partial in your treatment of them. Be aware of the actions that really upset you personally as these feelings may affect your objectivity.

Exhibit C

Pa 3 of 3

State of Nevada
Employee Handbook



Department of Administration
Human Resource Management

State Library & Archives Building
100 N. Stewart St., Suite 200
Carson City, Nevada 89701-4204

Grant Sawyer Building
555 East Washington Avenue, Suite 1400
Las Vegas, Nevada 89101-1046

www.hr.nv.gov

Exhibit D pg 1 of 2

by a state officer or employee in the performance of his/her official duties, whether or not the action is within the scope of his/her employment, which is:

1. In violation of any state law or regulation;
2. An abuse of authority;
3. Of substantial and specific danger to the public health or safety; or
4. A gross waste of public money.

State officers or employees are prohibited by state law from using their authority or influence to prevent disclosure of improper governmental action by other state officers or employees. "Official authority or influence" includes taking, directing others to take, recommending, processing or approving any personnel action such as an appointment, promotion, transfer, assignment, reassignment, reinstatement, restoration, reemployment, evaluation or other disciplinary action.

NRS 281.641 spells out the appeal process in the event reprisal or retaliatory action is taken against a state officer or employee who discloses improper governmental action. Any claim of reprisal or retaliatory action must be filed with the Division Administrator of Human Resource Management within 10 working days after the alleged reprisal or retaliation occurred. The claim must be submitted on a form provided by Human Resource Management. You may contact Human Resource Management for more information. (NRS 281.611-281.671)

Discipline — If your performance as an employee for the State falls below standard you will be informed promptly and specifically of the deficiencies by your supervisor. If you are a permanent employee and your conduct comes under one of the causes for action listed in NAC 284.646, 284.650, or your agency prohibition and penalties, you will be subject to discipline. Disciplinary action will typically be of a progressive nature depending on the severity of the offense.

A discussion of the specific types of disciplinary actions, including oral warnings, written reprimands, suspensions, demotions and dismissals, can be found in the *Nevada Administrative Code*. (NRS 284.383, NAC 284.638-284.656)

Policy on Honorarium — State law prohibits public employees and public officers from accepting or receiving an honorarium, defined as the payment of money or anything of value, for an appearance or speech while acting in the capacity of a public officer or public employee. (NRS 281A.510)

Political Activity — Employees may vote as they choose and express their political opinions on any or all subjects without recourse, except that no employee may:

1. Directly or indirectly solicit or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription, monetary or non-monetary contribution for a political purpose from anyone who is in the same department and who is a subordinate of the solicitor;
2. Engage in political activity during the hours of state employment to improve the chances of a political party or a person seeking office, or at any time engage in political activity to secure a preference for a promotion, transfer or increase in pay. (NAC 284.770)

Exhibit D Pg 2 of 2

1 and Penalty G(1) "can result in termination."² [Exhibit A, p.
2 48]. Employee said that there is nothing in this document that
3 permits an employee to look up documents even if a friend gives
4 them permission. Employee also referenced the DMV Computer
5 Usage Policy Manual, dated September 15, 2011 [Exhibit A, pp.
6 19, 44], which provides that [i]nformation from the DMV System
7 should not be used for any purpose other than for completing
8 authorized transactions for customers." Employee stated that
9 she accessed the confidential DMV database for her friend
10 Daniel and to look up his wife's records, and she had a
11 discussion with both of them about accessing the records.
12 Employee acknowledged that Exhibit A, p. 17 is a log of when
13 she accessed their records, which indicates that she accessed
14 Daniel's records in July, August, September and November of
15 2012. She admitted that she first called the Carson City
16 Sheriff's Office and asked them about the process after a DUI,
17 and she provided them with Daniel's driver's license, which she
18 obtained from him and not the DMV Database. She said that she
19 accessed Daniel's records from the database because he asked
20 her information and she was helping him fill out paperwork. She
21 admitted that she "could and should" have referred him to Field
22
23
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26

27 ²Prohibition and Penalty G(1) provides that "[t]he use, or manipulation of,
28 production data or information outside the scope of one's job
responsibilities, or for non-business or personal reasons, is strictly
prohibited and may be subject to prosecution under NRS 205.481."

Exhibit E

1 could not hear the person on the other end of the phone. Ms.
2 Schober acknowledged that she did not report Employee's call to
3 her supervisor until December of 2012, but she did think that
4 it was serious, taking notes on both calls.

5 Employee's next witness was Ann Yukish-Lee, a DMV Central
6 Services Manager 2. Ms. Yukish-Lee said that she manages the
7 driver's license group at the DMV. She explained that her
8 employees do not have occasion to call the courts or the
9 sheriff's office for DUI revocations. Ms. Yukish-Lee further
10 stated that if a Motor Carrier employee gets a call about a DUI
11 revocation they refer the call to her office, and their office
12 is the only unit that deals with DUI revocations. On cross
13 examination Ms. Yukish-Lee examined Employee's Exhibit 3, the
14 Supervisor's Guide to Prohibitions and Penalties, and stated
15 that she does not know if this has been updated since 2003.

16 Employee next called Alys Dobel, the DMV Human Resources
17 Administrator, who testified that she has worked in human
18 resources for the state for over 20 years. Part of her current
19 job is to review disciplinary actions, looking at NAC 284.646
20 and the DMV Prohibitions, and comparing the actions with prior
21 cases. Ms. Dobel opined that the discipline in this case is
22 consistent with prior disciplinary cases. She noted that
23 although the cases are never exactly the same, this is their
24 fifth case involving the same violation[s], and the discipline

Exhibit F