IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

Case No. 83463

COMSTOCK RESIDENTS ASSOCIATION;
AND JOE MCCARTHY,

Appellants,

vs.

LYON COUNTY BOARD OF COMMISSIONERS;
AND COMSTOCK MINING INCORPORATED,

Respondents.

Appeal From Order Granting Defendants' Motion for Attorneys' Fees

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JOINT APPENDIX: VOLUME 7

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Docket 83463 Document 2022-04054

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Affidavit of Justin M. Townsend (8/1/2019) 1659

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Notice of Entry of Order (8/4/2021) 1687

Notice of Appeal (9/1/2021) 1691

MONETARY CONTRIBUTIONS

Vida D. Keller (Name (print)) | Lyon County Commissioner, District II (Office (if applicable)) | (District (if applicable))

MONETARY CONTRIBUTIONS IN EXCESS OF $100 OR, WHEN ADDED TOGETHER FROM ONE CONTRIBUTOR, THAT EXCEED $100

(Transfer Total Amount of All Monetary Contributions to Lines 1, 2, or 3, As Applicable, of Contributions Summary)

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE CONTRIBUTION	DATE OF CONTRIBUTION	AMOUNT OF CONTRIBUTION	CHECK HERE IF LOAN	NAME AND ADDRESS OF THE PARTY IF LOAN GUARANTEED BY 3rd PARTY	NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO FORWARDED THE GOAL IF DIFFERENT THAN CONTRIBUTOR

WRITTEN COMMITMENTS Report Period # 2

Vida D. Keller | Lyon County Commissioner, District 8

Name (print) | Office (if applicable) | District (if applicable)

WRITTEN COMMITMENTS FOR CONTRIBUTIONS IN EXCESS OF $100 OR, WHEN ADDED TOGETHER FROM ONE ENTITY, THAT EXCEED $100

(Transfer Total Amount of All Written Commitments to Line 4 of Contributions Summary)

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE THE COMMITMENT	DATE OF COMMITMENT	AMOUNT OF COMMITMENT

IN KIND CONTRIBUTIONS Report Period # 2

Vida D. Keller | Lyon County Commissioner, District 8

Name (print) Office (if applicable) District (if applicable)

IN KIND CONTRIBUTIONS IN EXCESS OF $100 OR, WHEN ADDED TOGETHER FROM ONE CONTRIBUTOR, THAT EXCEED $100

(Transfer Total Value of All In Kind Contributions to Line 5 of Contributions Summary)

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE IN KIND CONTRIBUTION	DATE OF IN KIND CONTRIBUTION	DESCRIPTION OF IN KIND CONTRIBUTION	VALUE OR COST OF IN KIND CONTRIBUTION	CHECK HERE IF LOAN	NAME AND ADDRESS OF 3rd PARTY IF LOAN GUARANTEED BY 3rd PARTY	NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO FORWARDED THE LOAN, IF DIFFERENT THAN CONTRIBUTOR

WRITTEN COMMITMENTS FOR IN KIND CONTRIBUTIONS

Report Period #2

Viola D. Keller Lyon County Commissioner, District II

Name (print) Office (if applicable) District (if applicable)

WRITTEN COMMITMENTS FOR IN KIND CONTRIBUTIONS IN EXCESS OF $100 OR, WHEN ADDED TOGETHER FROM ONE ENTITY, THAT EXCEED $100

(Transfer Total Value of All In Kind Written Commitments to Line 6 of Contributions Summary)

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE THE IN KIND WRITTEN COMMITMENT	DATE OF IN KIND WRITTEN COMMITMENT	VALUE OF IN KIND WRITTEN COMMITMENT

EXPENSE CATEGORIES Report Period # 2

Vida D. Keller Lyon County Commissioner, District II

Name (print) Office (if applicable) District (if applicable)

EXPENSE CATEGORIES (NRS 294A.365)

CATEGORIES	CODE
Office expenses	A
Expenses related to volunteers	B
Expenses related to travel	C
Expenses related to advertising	D
Expenses related to paid staff	E
Expenses related to consultants	F
Expenses related to polling	G
Expenses related to special events	H
Expenses related to legal defense fund	I
Goods and services provided in kind for which money would otherwise have been paid	J
Contributions made to: (i) another candidate; (ii) a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225; (iii) a PAC that is registered or required to be registered pursuant to NRS 294A.230; or (iv) a Recall Committee that is registered or required to be registered pursuant to NRS 294A.250	K
Fees for filing declarations of candidacy or acceptances of candidacy	L
Repayments or forgiveness of loans	M
Disposal of unspent contributions pursuant to NRS 294A.160	N
Other miscellaneous expenses	O

1 NRS 294A.362 requires "In Kind" contributions and expenses to be reported on a separate form, which is attached hereto.

MONETARY EXPENSES Report Period: # 2

Vida D. Keller (Name (print)) | Lyon County Commissioner, District 8 (Office (if applicable)) | (District (if applicable))

MONETARY EXPENSES IN EXCESS OF $100

(Transfer Total Amount of All Campaign Expenses to Line 9 of Expenses Summary)

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO RECEIVED THE PAYMENT FOR THE EXPENSE	CATEGORY (SEE BELOW)	DATE OF EXPENSE	AMOUNT OF EXPENSE

IN KIND EXPENSES Report Period # 2

Vida D. Keller — Name (print)
Lyon County Commissioner, District II — Office (if applicable) — District (if applicable)

IN KIND EXPENSES IN EXCESS OF $100

(Transfer Total Value of All In-Kind Expenses to Line 10 of Expenses Summary)

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO RECEIVED THE IN-KIND GOOD OR SERVICE	DESCRIPTION OF IN-KIND EXPENSE	DATE OF IN-KIND EXPENSE	VALUE OR COST OF IN-KIND EXPENSE

EL201
Revised: 8-13-13
NRS: 294A.120; 294A.125; 294A.160; 294A.200; 294A.362; 294A.373

CONTRIBUTIONS AND EXPENSES REPORT

State of Nevada

Vida D. Keller	Lyon County Commissioner, District II
Name	Office (if applicable)
PO BOX 201, Silver Springs, NV, 89429	District (if applicable)
Mailing Address	775.891.0173
vidakeller@gmail.com	Telephone No.
E-Mail Address	

Select Appropriate Box(es) ☑ CANDIDATE ☐ LEGAL DEFENSE FUND What is this? ☐ AMENDED

- ☐ Report #1 - Due May 20, 2014 Period: Jan 01, 2014 - May 16, 2014
- ☐ Report #2 - Due June 05, 2014 Period: May 17, 2014 - Jun 05, 2014
- ☑ Report #3 - Due October 14, 2014 Period: Jun 06, 2014 - Oct 10, 2014
- ☐ Report #4 - Due October 31, 2014 Period: Oct 11, 2014 - Oct 30, 2014
- ☐ Report #5 - Due January 15, 2015 Period: Oct 31, 2014 - Dec 31, 2014
- ☐ Annual Filing - Due January 15, 2015* Period: Jan 01, 2014 - Dec 31, 2014

FILED
Oct 14 2014
ROSS MILLER
SECRETARY OF STATE
FOR OFFICE USE ONLY

* Report #5 suffices for the 2015 Annual Filing only if Report #'s 1, 2, 3 and 4 are previously filed

CONTRIBUTIONS SUMMARY

	This Period	Cumulative From Beginning of Report Period #1 through End of This Reporting Period
1. Total Monetary Contributions Received in Excess of $100	$ 7,960.00	$ 8,460.00
2. Total Monetary Contributions in the Form of Loans Guaranteed by a 3rd-Party in Excess of $100	$ 0.00	$0.00
3. Total Monetary Contributions in the Form of Loans that were Forgiven in Excess of $100	$ 0.00	$0.00
4. Total Amount of Written Commitments for Contributions in Excess of $100	$ 0.00	$0.00
5. Total Value of In Kind Contributions in Excess of $100	$ 0.00	$0.00
6. Total Value of Written Commitments for In Kind Contributions in Excess of $100	$ 0.00	$0.00
7. Total Amount of all Contributions of $100 or less	$ 521.00	$721.00
8. Total Amount of All Contributions (Add Lines 1 through 7)	$ 8,581.00	$9,181.00

EXPENSES SUMMARY

9. Total Monetary Expenses Paid in Excess of $100	$ 7,435.54	$7,731.22
10. Total Value In Kind Expenses in Excess of $100	$ 0.00	$0.00
11. Total Amount of all Expenses of $100 or less	$ 159.95	$269.90
12. Total Amount of All Expenses (Add Lines 9 through 11)	$ 7,595.49	$8,001.12

AFFIRMATION

☑ I Declare Under Penalty of Perjury That the Foregoing is True and Correct.
AND
☑ I have agreed to the following terms and conditions:

I declare, under penalty of perjury or under an oath to God, that the information I submitted herein to the Secretary of State for the State of Nevada is true and correct, and is not submitted for any improper purpose, and that I am authorized to submit the information, and to the best of my knowledge complies with NRS Chapter 294A. I have reviewed the NRS 225.083 Notice. I understand it is unlawful to submit any illegal, unauthorized, fraudulent, forged, deceptive, defamatory, illicit, or improper information, as defined by state and federal law, to the Secretary of State, and agree to indemnify the Secretary of State, and any other parties entitled thereto, for any damages incurred for any unlawful, unauthorized, fraudulent, forged, deceptive, defamatory, illicit, or improper information, as defined by the federal and state law, submitted to the Secretary of State by my use of this electronic filing system. I further understand that I may be subject to criminal (NRS 239.330) and/or civil (NRS 225.084) penalties for submitting any unlawful unauthorized, fraudulent, forged, deceptive, defamatory, illicit, or improper information, as defined by federal and state law. I understand and agree that all information submitted is the property of the Secretary of State, and may be monitored for all lawful purposes. I further understand that during such monitoring, all information, including personal information placed on this system, may be examined, copied, and used for any authorized purpose. By submitting this report I intend to identify myself as the authorized person signing this document and with the present intent to authenticate my signature as such.

Vida D. Keller — Signature
10/14/2014 — Date

Report Period #3

MONETARY CONTRIBUTIONS

Vida D. Keller (Name (print)) | Lyon County Commissioner, District II (Office (if applicable)) | (District (if applicable))

MONETARY CONTRIBUTIONS IN EXCESS OF $100 OR, WHEN ADDED TOGETHER FROM ONE CONTRIBUTOR, THAT EXCEED $100

(Transfer Total Amount of All Monetary Contributions to Lines 1, 2, or 3, As Applicable, of Contributions Summary)

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE CONTRIBUTION	DATE OF CONTRIBUTION	AMOUNT OF CONTRIBUTION	CHECK HERE IF LOAN	NAME AND ADDRESS OF 3rd PARTY IF LOAN GUARANTEED BY 3rd PARTY	NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO HANDLED THE LOAN, IF DIFFERENT THAN CONTRIBUTOR
Wells Jones Company PO BOX 1488 Tacoma, WA 98401	08/11/2014	$2,000.00			
Lyon County Republican Central P.O. Box 919 Yerington, NV 89447	08/16/2014	$2,250.00			
Eugene Tanges 80 Toll Road Reno, NV 89521	08/18/2014	$300.00			
Pano Kyriacou 8125 Technology Drive C1 Reno, NV 89521	08/20/2014	$500.00			
NV Petroleum Marketers and Convience Store Assoc 3005 S. Arlington Ave., Ste. 3 Reno, NV 89509	07/22/2014	$2,000.00			
SNGR Inc 8345 Lemmon Drive Reno, NV 89506	08/05/2014	$200.00			
Doug Bennett 7145 Ruby Silver Springs, NV 89429	08/14/2014	$200.00			
BAWN - Carson Build PAC P.O. Box 1947 Carson City, NV 89702	08/14/2014	$250.00			
Nevada Power Company 6226 W. Sahara Ave. Las Vegas, NV 89146	09/05/2014	$350.00			

WRITTEN COMMITMENTS Report Period: #3

Vida D. Keller (Name (print)) | Lyon County Commissioner, District II (Office (if applicable)) | (District (if applicable))

WRITTEN COMMITMENTS FOR CONTRIBUTIONS IN EXCESS OF $100 OR, WHEN ADDED TOGETHER FROM ONE ENTITY, THAT EXCEED $100

(Transfer Total Amount of All Written Commitments to Line 4 of Contributions Summary)

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE THE COMMITMENT	DATE OF COMMITMENT	AMOUNT OF COMMITMENT

IN KIND CONTRIBUTIONS Report Period #3

Vida D. Keller | Lyon County Commissioner, District II

Name (print) | Office (if applicable) | District (if applicable)

IN KIND CONTRIBUTIONS IN EXCESS OF $100 OR, WHEN ADDED TOGETHER FROM ONE CONTRIBUTOR, THAT EXCEED $100

(Transfer Total Value of All In Kind Contributions to Line 5 of Contributions Summary)

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE IN KIND CONTRIBUTION	DATE OF IN KIND CONTRIBUTION	DESCRIPTION OF IN KIND CONTRIBUTION	VALUE OR COST OF IN KIND CONTRIBUTION	CHECK HERE IF LOAN	NAME AND ADDRESS OF 3rd PARTY IF LOAN GUARANTEED BY 3rd PARTY	NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO ORIGINATED THE LOAN, IF DIFFERENT THAN CONTRIBUTOR

WRITTEN COMMITMENTS FOR IN KIND CONTRIBUTIONS

Report Period: # 3

Vida D. Keller (Name (print)) | Lyon County Commissioner, District II (Office (if applicable)) | (District (if applicable))

WRITTEN COMMITMENTS FOR IN KIND CONTRIBUTIONS IN EXCESS OF $100 OR, WHEN ADDED TOGETHER FROM ONE ENTITY, THAT EXCEED $100

(Transfer Total Value of All In Kind Written Commitments to Line 6 of Contributions Summary)

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE THE IN KIND WRITTEN COMMITMENT	DATE OF IN KIND WRITTEN COMMITMENT	VALUE OF IN KIND WRITTEN COMMITMENT

EXPENSE CATEGORIES Report Period #3

Vida D. Keller — Name (print)
Lyon County Commissioner, District II — Office (if applicable) — District (if applicable)

EXPENSE CATEGORIES (NRS 294A.365)

CATEGORIES	CODE
Office expenses	A
Expenses related to volunteers	B
Expenses related to travel	C

Expenses related to advertising	D
Expenses related to paid staff	E
Expenses related to consultants	F
Expenses related to polling	G
Expenses related to special events	H
Expenses related to legal defense fund	I
Goods and services provided in kind for which money would otherwise have been paid	J
Contributions made to: (i) another candidate; (ii) a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225; (iii) a PAC that is registered or required to be registered pursuant to NRS 294A.230; or (iv) a Recall Committee that is registered or required to be registered pursuant to NRS 294A.250	K
Fees for filing declarations of candidacy or acceptances of candidacy	L
Repayments or forgiveness of loans	M
Disposal of unspent contributions pursuant to NRS 294A.160	N
Other miscellaneous expenses	O

1 NRS 294A.282 requires "In Kind" contributions and expenses to be reported on a separate form, which is attached hereto.

MONETARY EXPENSES Report Period #3

Vida D. Keller — Lyon County Commissioner, District 8

Name [print] — Office [if applicable] — District [if applicable]

MONETARY EXPENSES IN EXCESS OF $100

(Transfer Total Amount of All Campaign Expenses to Line 9 of Expenses Summary)

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO RECEIVED THE PAYMENT FOR THE EXPENSE	CATEGORY (NRS 294A.389)	DATE OF EXPENSE	AMOUNT OF EXPENSE
[redacted] 510258 STONEHOLLOW DR SUITE 220 AUSTIN, TX 78758	D	06/19/2014	$621.19
[redacted] 700 Old Clear Creek Road, Carson City, NV 89705	H	06/20/2014	$204.94
[redacted] 2000 Us Highway 50 E Dayton, NV 89403	C	06/30/2014	$54.58
	C	07/31/2014	$348.27
[redacted] P.O. Box 1776 Fernley, NV 89408	H	07/02/2014	$100.00
[redacted] Hyw 395 CARSON CITY, NV 89701	A	07/21/2014	$128.88
	A	08/08/2014	$166.53

Walmart 7350 Newlands Dr Fernley, NV 89408	H	07/01/2014	$119.27
Vistaprint Netherlands B.V. 95 Hayden Avenue Lexington, MA 2421	D	08/22/2014	$199.99
Build a Sign 11525 B Stonehollow Drive Austin, TX 78758	D	08/25/2014	$1,758.98
Quick Stop 390 US Highway 95 A S Fernley, NV 89408	C	08/29/2014	$38.80
	C	09/30/2014	$895.16
Jiffy 370 Stanley Dr Fernley, NV 89408	D	09/01/2014	$1,389.94
Home Depot 871 Jacks Valley Rd Carson City, NV 89705	D	09/01/2014	$182.84
Keeptalkinghim.com 211 2nd Ave St Petersburg, FL 33701	D	09/11/2014	$1,521.50

IN KIND EXPENSES Report Period # 3

Vida D. Keller — Name (print)
Lyon County Commissioner, District 8 — Office (if applicable) — District (if applicable)

IN KIND EXPENSES IN EXCESS OF $100

(Transfer Total Value of All In-Kind Expenses to Line 10 of Expenses Summary)

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO RECEIVED THE IN KIND GOOD OR SERVICE	DESCRIPTION OF IN KIND EXPENSE	DATE OF IN KIND EXPENSE	VALUE OR COST OF IN KIND EXPENSE

EL204
Revised: 6-13-13
NRS: 294A.120; 294A.128; 294A.150; 294A.200; 294A.362; 294A.373

CONTRIBUTIONS AND EXPENSES REPORT

State of Nevada

Vida D. Keller	Lyon County Commissioner, District 8	
Name	Office (if applicable)	District (if applicable)
PO Box 701, Silver Springs, NV, 89429		775.691.0173
Mailing Address		Telephone No.
vidakeller@gmail.com		
E-Mail Address		

Select Appropriate Box(es) ☑ CANDIDATE ☐ LEGAL DEFENSE FUND What is this? ☐ AMENDED

- ☐ Report #1 - Due May 29, 2014 — Period: Jan 01, 2014 - May 16, 2014
- ☐ Report #2 - Due June 06, 2014 — Period: May 17, 2014 - Jun 05, 2014
- ☐ Report #3 - Due October 14, 2014 — Period: Jun 06, 2014 - Oct 10, 2014
- ☑ Report #4 - Due October 31, 2014 — Period: Oct 11, 2014 - Oct 30, 2014
- ☐ Report #5 - Due January 15, 2015 — Period: Oct 31, 2014 - Dec 31, 2014
- ☐ Annual Filing - Due January 15, 2015* — Period: Jan 01, 2014 - Dec 31, 2014

FILED
Oct 30 2014
ROSS MILLER
SECRETARY OF STATE
FOR OFFICE USE ONLY

* Report #5 suffices for the 2015 Annual Filing only if Report #'s 1, 2, 3 and 4 are previously filed

CONTRIBUTIONS SUMMARY

	This Period	Cumulative From Beginning of Report Period #1 through End of This Reporting Period
1. Total Monetary Contributions Received in Excess of $100	$ 7,859.98	$ 16,319.98
2. Total Monetary Contributions in the Form of Loans Guaranteed by a 3rd Party in Excess of $100	$ 0.00	$0.00
3. Total Monetary Contributions in the Form of Loans that were Forgiven in Excess of $100	$ 0.00	$0.00
4. Total Amount of Written Commitments for Contributions in Excess of $100	$ 0.00	$0.00
5. Total Value of In Kind Contributions in Excess of $100	$ 0.00	$0.00
6. Total Value of Written Commitments for In Kind Contributions in Excess of $100	$ 0.00	$0.00
7. Total Amount of all Contributions of $100 or less	$ 0.00	$721.00
8. Total Amount of All Contributions (Add Lines 1 through 7)	$ 7,859.98	$17,040.98

EXPENSES SUMMARY

9. Total Monetary Expenses Paid in Excess of $100	$ 8,835.43	$15,566.65
10. Total Value In Kind Expenses in Excess of $100	$ 0.00	$0.00
11. Total Amount of all Expenses of $100 or less	$ 152.78	$422.68
12. Total Amount of All Expenses (Add Lines 9 through 11)	$ 8,988.21	$16,089.33

AFFIRMATION

☑ I Declare Under an Oath to God that the Forgoing is True and Correct*
* A declaration under an oath to God is subject to the same penalties as declaration under penalty of perjury

AND

☑ I have agreed to the following terms and conditions:

I declare, under penalty of perjury or under an oath to God, that the information I submitted herein to the Secretary of State for the State of Nevada is true and correct, and is not submitted for any improper purpose, and that I am authorized to submit the information, and to the best of my knowledge complies with NRS Chapter 294A. I have reviewed the NRS 225.083 Notice. I understand it is unlawful to submit any illegal, unauthorized, fraudulent, forged, deceptive, defamatory, illicit, or improper information, as defined by state and federal law, to the Secretary of State, and agree to indemnify the Secretary of State, and any other parties entitled thereto, for any damages incurred for any unlawful, unauthorized, fraudulent, forged, deceptive, defamatory, illicit, or improper information, as defined by the federal and state law, submitted to the Secretary of State by my use of this electronic filing system. I further understand that I may be subject to criminal (NRS 239.330) and/or civil (NRS 225.084) penalties for submitting any unlawful unauthorized, fraudulent, forged, deceptive, defamatory, illicit, or improper information, as defined by federal and state law. I understand and agree that all information submitted is the property of the Secretary of State, and may be monitored for all lawful purposes. I further understand that during such monitoring, all information, including personal information placed on this system, may be examined, copied, and used for any authorized purpose. By submitting this report I intend to identify myself as the authorized person signing this document and with the present intent to authenticate my signature as such.

Vida D Keller	10/30/2014
Signature	Date

MONETARY CONTRIBUTIONS Report Period: #4

Vida D. Keller (Name (print)) | Lyon County Commissioner, District 8 (Office (if applicable)) | (District (if applicable))

MONETARY CONTRIBUTIONS IN EXCESS OF $100 OR, WHEN ADDED TOGETHER FROM ONE CONTRIBUTOR, THAT EXCEED $100

(Transfer Total Amount of All Monetary Contributions to Lines 1, 2, or 3, As Applicable, of Contributions Summary)

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE CONTRIBUTION	DATE OF CONTRIBUTION	AMOUNT OF CONTRIBUTION	CHECK HERE IF LOAN	NAME AND ADDRESS OF PERSON GUARANTEEING LOAN	NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO GIVES THE LOAN, IF DIFFERENT THAN CONTRIBUTOR
Greg Dee 5411 Darnell Dr Carson City, NV 89706	10/16/2014	$500.00			
Scott Keller PO Box 324 Silver Springs, NV 89429	10/19/2014	$336.00	X		
Petroleum Marketing and Convenience Store Association 2305 S Arlington Ave Stall 3 Reno, NV 89509-	10/23/2014	$5,000.00			
Vida Keller PO Box 201 Silver Springs, NV 89429	10/28/2014	$529.98	X		
Leadership PAC 10120 W Tropicana Ave #150-412 Las Vegas, NV 89429	10/30/2014	$1,500.00			

WRITTEN COMMITMENTS Report Period: #4

Vida D. Keller (Name (print)) | Lyon County Commissioner, District 8 (Office (if applicable)) | (District (if applicable))

WRITTEN COMMITMENTS FOR CONTRIBUTIONS IN EXCESS OF $100 OR, WHEN ADDED TOGETHER FROM ONE ENTITY, THAT EXCEED $100

(Transfer Total Amount of All Written Commitments to Line 4 of Contributions Summary)

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE THE COMMITMENT	DATE OF COMMITMENT	AMOUNT OF COMMITMENT

IN KIND CONTRIBUTIONS Report Period #4

Vida D. Keller | Lyon County Commissioner, District II

Name (print) | Office (if applicable) | District (if applicable)

IN KIND CONTRIBUTIONS IN EXCESS OF $100 OR,
WHEN ADDED TOGETHER FROM ONE CONTRIBUTOR, THAT EXCEED $100
(Transfer Total Value of All In Kind Contributions to Line 5 of Contributions Summary)

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE IN KIND CONTRIBUTION	DATE OF IN KIND CONTRIBUTION	DESCRIPTION OF IN KIND CONTRIBUTION	VALUE OR COST OF IN KIND CONTRIBUTION	CHECK IF LOAN	NAME AND ADDRESS OF 3rd PARTY IF FROM GUARANTEED BY 3rd PARTY	NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO ORIGINATED THE LOAN, IF DIFFERENT THAN CONTRIBUTOR

WRITTEN COMMITMENTS FOR IN KIND CONTRIBUTIONS

Report Period: #4

Vida D. Keller — Name (print)

Lyon County Commissioner, District II — Office (if applicable) — District (if applicable)

WRITTEN COMMITMENTS FOR IN KIND CONTRIBUTIONS IN EXCESS OF $100 OR, WHEN ADDED TOGETHER FROM ONE ENTITY, THAT EXCEED $100

(Transfer Total Value of All In Kind Written Commitments to Line 6 of Contributions Summary)

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE THE IN KIND WRITTEN COMMITMENT	DATE OF IN KIND WRITTEN COMMITMENT	VALUE OF IN KIND WRITTEN COMMITMENT

EXPENSE CATEGORIES Report Period: #4

Vida D. Keller — Name (print)
Lyon County Commissioner, District II — Office (if applicable) — District (if applicable)

EXPENSE CATEGORIES (NRS 294A.365)

CATEGORIES	CODE
Office expenses	A
Expenses related to volunteers	B
Expenses related to travel	C
Expenses related to advertising	D
Expenses related to paid staff	E
Expenses related to consultants	F

Expenses related to polling	G
Expenses related to special events	H
Expenses related to legal defense fund	I
Goods and services provided in kind for which money would otherwise have been paid	J
Contributions made to: (i) another candidate; (ii) a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225; (iii) a PAC that is registered or required to be registered pursuant to NRS 294A.230; or (iv) a Recall Committee that is registered or required to be registered pursuant to NRS 294A.250	K
Fees for filing declarations of candidacy or acceptances of candidacy	L
Repayments or forgiveness of loans	M
Disposal of unspent contributions pursuant to NRS 294A.160	N
Other miscellaneous expenses	O

1 NRS 294A.362 requires "In Kind" contributions and expenses to be reported on a separate form, which is attached hereto.

MONETARY EXPENSES Report Period 8 d

Vida D. Keller (Name (print)) Lyon County Commissioner, District 8 (Office (if applicable)) (District (if applicable))

MONETARY EXPENSES IN EXCESS OF $100

(Transfer Total Amount of All Campaign Expenses to Line 9 of Expenses Summary)

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO RECEIVED THE PAYMENT FOR THE EXPENSE	CATEGORY (NRS 294A.360)	DATE OF EXPENSE	AMOUNT OF EXPENSE
Coale Outreach Group 3083 Club House Circle Coale Mesa, CA 92625	D	10/15/2014	$5,000.00
Amplify Relations 340 Washington St. Ste 150 Reno, NV 89503	D	10/30/2014	$1,296.16
Smiths 2200 Us Highway 50 E Dayton, NV 89403	C	10/20/2014	$106.57
Rural Nevada Media P.O. Box 92 Yerington, NV 89447	D	10/27/2014	$310.00
Walmart 1450 Newlands Dr Fernley, NV 89408	D, H	10/27/2014	$178.53
Vida Keller PO Box 201 Silver Springs, NV 89429	B, H	10/28/2014	$529.96
Reno Gazette Journal PO Box 22000 Reno, NV 89520	D	10/28/2014	$1,122.19
Les Schwab Tire Center 3020 South Carson St. CARSON CITY, NV 89701	D	10/30/2014	$330.00

IN KIND EXPENSES Report Period 4

Vida D. Keller — Name (print)
Lyon County Commissioner, District 8 — Office (if applicable) — District (if applicable)

IN KIND EXPENSES IN EXCESS OF $100

(Transfer Total Value of All In-Kind Expenses to Line 10 of Expenses Summary)

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO RECEIVED THE IN KIND GOOD OR SERVICE	DESCRIPTION OF IN KIND EXPENSE	DATE OF IN KIND EXPENSE	VALUE OR COST OF IN KIND EXPENSE

EL201
Revised: 8-13-13
NRS: 294A.120; 294A.125; 294A.160; 294A.200; 294A.360; 294A.373

CONTRIBUTIONS AND EXPENSES REPORT

State of Nevada

Vida D. Keller	Lyon County Commissioner, District 8	
Name	Office (if applicable)	District (if applicable)
PO Box 201, Silver Springs, NV, 89429		775.691.0173
Mailing Address		Telephone No.
vidakeller@gmail.com		
E-Mail Address		

Select Appropriate Box(es) ☑ CANDIDATE ☐ LEGAL DEFENSE FUND What is this? ☐ AMENDED

- ☐ Report #1 - Due May 20, 2014 Period: Jan 01, 2014 - May 16, 2014
- ☐ Report #2 - Due June 05, 2014 Period: May 17, 2014 - Jun 05, 2014
- ☐ Report #3 - Due October 14, 2014 Period: Jun 06, 2014 - Oct 10, 2014
- ☐ Report #4 - Due October 31, 2014 Period: Oct 11, 2014 - Oct 30, 2014
- ☐ Report #5 - Due January 15, 2015 Period: Oct 31, 2014 - Dec 31, 2014
- ☑ Annual Filing - Due January 15, 2015* Period: Jan 01, 2014 - Dec 31, 2014

FILED
Jan 15 2015
BARBARA K. CEGAVSKE
SECRETARY OF STATE
FOR OFFICE USE ONLY

* Report #5 suffices for the 2015 Annual Filing only if Report #'s 1, 2, 3 and 4 are previously filed

CONTRIBUTIONS SUMMARY	This Period	Cumulative From Beginning of Report Period 01 through End of This Reporting Period
1. Total Monetary Contributions Received in Excess of $100	$ 16,319.98	$ 16,319.98
2. Total Monetary Contributions in the Form of Loans Guaranteed by a 3rd-Party in Excess of $100	$ 0.00	$0.00
3. Total Monetary Contributions in the Form of Loans that were Forgiven in Excess of $100	$ 0.00	$0.00
4. Total Amount of Written Commitments for Contributions in Excess of $100	$ 0.00	$0.00
5. Total Value of In Kind Contributions in Excess of $100	$ 0.00	$0.00
6. Total Value of Written Commitments for In Kind Contributions in Excess of $100	$ 0.00	$0.00
7. Total Amount of all Contributions of $100 or less	$ 721.00	$721.00
8. Total Amount of All Contributions (Add Lines 1 through 7)	$ 17,040.98	$17,040.98
EXPENSES SUMMARY		
9. Total Monetary Expenses Paid in Excess of $100	$ 16,646.88	$16,646.88
10. Total Value In Kind Expenses in Excess of $100	$ 0.00	$0.00
11. Total Amount of all Expenses of $100 or less	$ 393.45	$393.45
12. Total Amount of All Expenses (Add Lines 9 through 11)	$ 17,040.33	$17,040.33

AFFIRMATION

☑ I Declare Under Penalty of Perjury That the Foregoing is True and Correct.
AND
☑ I have agreed to the following terms and conditions:

I declare, under penalty of perjury or under an oath to God, that the information I submitted herein to the Secretary of State for the State of Nevada is true and correct, and is not submitted for any improper purpose, and that I am authorized to submit the information, and to the best of my knowledge complies with NRS Chapter 294A. I have reviewed the NRS 225.083 Notice. I understand it is unlawful to submit any illegal, unauthorized, fraudulent, forged, deceptive, defamatory, illicit, or improper information, as defined by state and federal law, to the Secretary of State, and agree to indemnify the Secretary of State, and any other parties entitled thereto, for any damages incurred for any unlawful, unauthorized, fraudulent, forged, deceptive, defamatory, illicit, or improper information, as defined by the federal and state law, submitted to the Secretary of State by my use of this electronic filing system. I further understand that I may be subject to criminal (NRS 239.330) and/or civil (NRS 225.084) penalties for submitting any unlawful unauthorized, fraudulent, forged, deceptive, defamatory, illicit, or improper information, as defined by federal and state law. I understand and agree that all information submitted is the property of the Secretary of State, and may be monitored for all lawful purposes. I further understand that during such monitoring, all information, including personal information placed on this system, may be examined, copied, and used for any authorized purpose. By submitting this report I intend to identify myself as the authorized person signing this document and with the present intent to authenticate my signature as such.

Vida D. Keller — Signature
01/15/2015 — Date

Report Period

MONETARY CONTRIBUTIONS | # As

Vida D. Keller (Name (print)) | Lyon County Commissioner, District 5 (Office (if applicable)) | (District (if applicable))

MONETARY CONTRIBUTIONS IN EXCESS OF $100 OR, WHEN ADDED TOGETHER FROM ONE CONTRIBUTOR, THAT EXCEED $100

(Transfer Total Amount of All Monetary Contributions to Lines 1, 2, or 3, As Applicable, of Contributions Summary)

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE CONTRIBUTION	DATE OF CONTRIBUTION	AMOUNT OF CONTRIBUTION	CHECK HERE IF LOAN	NAME AND ADDRESS OF THE FINANCE ENTITY GUARANTEED BY 3rd PARTY	NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO ORIGINATED THE DATE & AMOUNT THIS CONTRIBUTION
Robert C McFadden 500 Mountain Street CARSON CITY, NV 89703	03/31/2014	$250.00			
Robert C McFadden 2001 Trust 500 Mountain Carson City, NV 89429	03/31/2014	$250.00			
Stella Jones Company PO BOX 1498 Tacoma, WA 98401	06/11/2014	$2,000.00			
Lyon County Republican Central P.O. Box 618 Yerington, NV 89447	06/16/2014	$2,280.00			
Eugene Tarnen 50 Toll Road Reno, NV 89521	06/16/2014	$300.00			
Ronk Engineering 6725 Technology Drive C1 Reno, NV 89521	06/20/2014	$500.00			
NV Petroleum Marketers and Convenience Store Assoc 2205 S. Arlington Ave., Ste. 3 Reno, NV 89509	07/22/2014	$2,000.00			
ERGIS Inc 9345 Lemmon Drive Reno, NV 89506	08/05/2014	$200.00			
Doug Bennett 3143 Ruby Silver Springs, NV 89429	08/14/2014	$200.00			
NAIW - Carson Rural PAC P.O. Box 1947 Carson City, NV 89702	08/14/2014	$250.00			
Nevada Power Company 6226 W. Sahara Ave. Las Vegas, NV 89146	09/05/2014	$250.00			
Greg Ott 5111 Conwair Dr Carson City, NV 89706	10/16/2014	$500.00			
Scott Keller PO Box 201 Silver Springs, NV 89429	10/19/2014	$330.00	X		
Petroleum Marketing and Convenience Store Association 2205 S Arlington Ave Ste# 3 Reno, NV 89509-	10/23/2014	$5,000.00			
Vida Keller PO Box 201 Silver Springs, NV 89429	10/28/2014	$529.98	X		
Leadership PAC 10120 W Tropicana Ave #150-412 Las Vegas, NV 89429	10/30/2014	$1,500.00			

WRITTEN COMMITMENTS Report Period # An.

Vida D. Keller (Name (print)) | Lyon County Commissioner, District 8 (Office (if applicable)) | (District (if applicable))

WRITTEN COMMITMENTS FOR CONTRIBUTIONS IN EXCESS OF $100 OR, WHEN ADDED TOGETHER FROM ONE ENTITY, THAT EXCEED $100

(Transfer Total Amount of All Written Commitments to Line 4 of Contributions Summary)

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE THE COMMITMENT	DATE OF COMMITMENT	AMOUNT OF COMMITMENT

IN KIND CONTRIBUTIONS Report Period # An.

Vida D. Keller | Lyon County Commissioner, District II
Name (print) | Office (if applicable) | District (if applicable)

IN KIND CONTRIBUTIONS IN EXCESS OF $100 OR, WHEN ADDED TOGETHER FROM ONE CONTRIBUTOR, THAT EXCEED $100

(Transfer Total Value of All In Kind Contributions to Line 5 of Contributions Summary)

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE IN KIND CONTRIBUTION	DATE OF IN KIND CONTRIBUTION	DESCRIPTION OF IN KIND CONTRIBUTION	VALUE OR COST OF IN KIND CONTRIBUTION	On BOR Bond? Loan	NAME AND ADDRESS OF 3rd PARTY IF LOAN GUARANTEED BY 3rd PARTY	NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO FORGAVE THIS LOAN, IF DIFFERENT THAN CONTRIBUTOR

WRITTEN COMMITMENTS FOR IN KIND CONTRIBUTIONS Report Period 8 An.

Vida D. Keller (Name (print)) | Lyon County Commissioner, District II (Office (if applicable)) | (District (if applicable))

WRITTEN COMMITMENTS FOR IN KIND CONTRIBUTIONS IN EXCESS OF $100 OR, WHEN ADDED TOGETHER FROM ONE ENTITY, THAT EXCEED $100

(Transfer Total Value of All In Kind Written Commitments to Line 6 of Contributions Summary)

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE THE IN KIND WRITTEN COMMITMENT	DATE OF IN KIND WRITTEN COMMITMENT	VALUE OF IN KIND WRITTEN COMMITMENT

EXPENSE CATEGORIES Report Period 8 An.

Vida D. Keller | Lyon County Commissioner, District 8

Name (print) | Office (if applicable) | District (if applicable)

EXPENSE CATEGORIES (NRS 294A.365)

CATEGORIES	CODE
Office expenses	A
Expenses related to volunteers	B
Expenses related to travel	C
Expenses related to advertising	D
Expenses related to paid staff	E
Expenses related to consultants	F
Expenses related to polling	G
Expenses related to special events	H
Expenses related to legal defense fund	I
Goods and services provided in kind for which money would otherwise have been paid	J
Contributions made to: (i) another candidate; (ii) a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225; (iii) a PAC that is registered or required to be registered pursuant to NRS 294A.230; or (iv) a Recall Committee that is registered or required to be registered pursuant to NRS 294A.250	K
Fees for filing declarations of candidacy or acceptances of candidacy	L
Repayments or forgiveness of loans	M
Disposal of unspent contributions pursuant to NRS 294A.160	N
Other miscellaneous expenses	O

1 NRS 294A.362 requires "In Kind" contributions and expenses to be reported on a separate form, which is attached hereto.

MONETARY EXPENSES | Report Period | # An.

Vida D. Keller | Lyon County Commissioner, District 8

Name (print) | Office (if applicable) | District (if applicable)

MONETARY EXPENSES IN EXCESS OF $100

(Transfer Total Amount of All Campaign Expenses to Line 9 of Expenses Summary)

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO RECEIVED THE PAYMENT FOR THE EXPENSE	CATEGORY (SEE ITEM 9B)	DATE OF EXPENSE	AMOUNT OF EXPENSE
Vista Print VistaPrint.com 0900, MA 00000	D	09/05/2014	$290.68
[redacted] 115208 STONEHOLLOW DR SUITE 220 AUSTIN, TX 78758	D	09/19/2014	$821.18
Costco 700 Old Clear Creek Road, Carson City, NV 89705	H	09/20/2014	$204.84
Smiths 2200 Us Highway 50 E Dayton, NV 89403	C	06/30/2014	$54.58
	C	07/31/2014	$348.27
	C	10/20/2014	$108.57
	C	11/06/2014	$51.00
Fernley 4th of July Parade P.O. Box 1776 Fernley, NV 89408	H	07/03/2014	$105.00
Office Depot Hyw 395 CARSON CITY, NV 89701	A	07/21/2014	$139.88
	A	09/08/2014	$168.53
Walmart 1550 Newlands Dr Fernley, NV 89408	H	07/31/2014	$119.27
	D, H	10/27/2014	$178.53
Vistaprint Netherlands B.V. 95 Hayden Avenue Lexington, MA 3421	D	09/22/2014	$199.99
Build a Sign 11525 B Stonehollow Drive Austin, TX 78758	D	09/26/2014	$1,758.98
Quick Stop 960 US Highway 95 A S Fernley, NV 89408	C	08/29/2014	$38.80
	C	09/30/2014	$693.16
	C	10/30/2014	$28.23
Lowes 275 Stanley Dr Fernley, NV 89408	D	09/01/2014	$1,389.94
Home Depot 921 Jacks Valley Rd. Carson City, NV 89705	D	09/01/2014	$182.84
Fastsignprinter.com 111 2nd Ave St Petersburg, FL 33701	D	09/11/2014	$1,021.50
Coelis Outreach Group 3063 Club House Circle Coelis Mesa, CA 92625	D	10/19/2014	$5,000.00
Amplify Relations 140 Washington St. Ste 160 Reno, NV 89503	D	10/20/2014	$1,206.16
Rural Nevada Media P.O. Box 92 Yerington, NV 89447	D	10/27/2014	$310.20
Vida Keller PO Box 291 Silver Springs, NV 89429	B, H	10/28/2014	$529.98
Reno Gazette Journal PO Box 22000 Reno, NV 89520	D	10/29/2014	$1,122.19
Les Schwab Tire Center 3626 South Carson St. CARSON CITY, NV 89701	D	10/30/2014	$330.00

IN KIND EXPENSES Report Period 8 An.

Vida D. Keller (Name (print)) Lyon County Commissioner, District II (Office (if applicable)) (District (if applicable))

IN KIND EXPENSES IN EXCESS OF $100

(Transfer Total Value of All In-Kind Expenses to Line 10 of Expenses Summary)

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO PROVIDED IN-KIND GOOD OR SERVICE	DESCRIPTION OF IN-KIND EXPENSE	DATE OF IN-KIND EXPENSE	VALUE OR COST OF IN-KIND EXPENSE

EL301
Revised 8-13-13
NRS 294A.120; 294A.125;
294A.160; 294A.200;
294A.362; 294A.373

Exhibit N

Case No. 14-CV-00128

Pursuant to NRS 239B.030, the undersigned affirms that the following document does not contain the social security number of any person.

JOHN L. MARSHALL
SBN 6733
570 Marsh Avenue
Reno, Nevada 89509
Telephone: (775) 303-4882
Attorney for Petitioners Comstock Residents Association, Joe McCarthy

IN THE THIRD JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA
IN AND FOR LYON COUNTY

COMSTOCK RESIDENTS ASSOCIATION, GAYLE SHERMAN, JOE McCARTHY

Plaintiffs/Petitioners,

v.

LYON COUNTY BOARD OF COMMISSIONERS; COMSTOCK MINING INCORPORATED

Defendants/Respondents,

PLAINTIFFS' RESPONSE TO DEFENDANTS' FIRST SET OF REQUESTS FOR ADMISSIONS

Plaintiffs Comstock Residents Association and Joe McCarthy have not completed its discovery and investigation involved in this case. Plaintiffs therefore give these responses without prejudice to its right to produce evidence of subsequent facts or interpretations and to add, modify or otherwise change or amend these responses. These responses are based upon records and information presently available to Plaintiffs, are true to the best of their knowledge

and subject to correction for inadvertent errors, mistake or omissions. Plaintiffs reserve the right to amend these responses should new information becomes available.

GENERAL OBJECTIONS

Plaintiffs object to each request on the grounds that: (1) each request seeks, in whole or in part, evidence that is irrelevant or immaterial to the subject of this action and is not reasonably calculated to lead to discovery of admissible evidence; (2) to the extent each request directly or indirectly attempts to seek privileged information protected by the First or Second Amendments to the United States Constitution and Nevada constitutional counterparts, attorney/client communications, work product or other applicable privileges, (3) each request calls for information already in Defendants' possession or control or is otherwise publically available, or (4) calls for information not within Plaintiffs' possession.

Plaintiffs incorporate the above General Objections as if set forth in full into each of its responses. Without waving any of these objections, Plaintiffs provides its responses as follows:

RESPONSES

REQUEST FOR ADMISSION No.1:

Admit that you and/or your members have asked planning staff in Storey County to slow down the planning process for mining.

RESPONSE TO REQUEST FOR ADMISSION NO. 1:

Plaintiffs object to Request for Admission No. 1 as it is not calculated to lead the admission of any evidence relevant to the remaining issues raised in this action. Should a response be deemed required, Plaintiffs deny the request.

REQUEST FOR ADMISSION No.2:

Admit that you and/or your members have asked planning staff in Lyon County to slow down the planning process for mining.

RESPONSE TO REQUEST FOR ADMISSION No. 2:

Plaintiffs object to Request for Admission No. 2 as it is not calculated to lead the admission of any evidence relevant to the remaining issues raised in this action. Should a response be deemed required, Plaintiffs deny the request.

REQUEST FOR ADMISSION No.3:

Admit that you desire to drive Comstock Mining Incorporated out of business.

RESPONSE TO REQUEST FOR ADMISSION No. 3:

Plaintiffs object to Request for Admission No. 3 as it is not calculated to lead the admission of any evidence relevant to the remaining issues raised in this action. Should a response be deemed required, Plaintiffs deny the request.

REQUEST FOR ADMISSION No.4:

Admit that you and/or your members have communicated a desire to slow down the planning process for mining in Storey and/or Lyon Counties to aid in driving Comstock Mining Incorporated out of business.

RESPONSE TO REQUEST FOR ADMISSION No. 4:

Plaintiffs object to Request for Admission No. 4 as it is not calculated to lead the admission of any evidence relevant to the remaining issues raised in this action. Should a response be deemed required, Plaintiffs deny the request.

REQUEST FOR ADMISSION No.5:

Admit that you and/or your members communicated with Lyon County employees regarding the 2013 CMI Zone Change and Master Plan Amendment.

RESPONSE TO REQUEST FOR ADMISSION No. 5:

Plaintiffs object to Request for Admission No. 5 as it is not calculated to lead the admission of any evidence relevant to the remaining issues raised in this action. Should a response be deemed required, Plaintiffs admit the request.

REQUEST FOR ADMISSION No.6:

Admit that you and/or your members communicated with Lyon County Planning Commission Members regarding the 2013 CMI Zone Change and Master Plan Amendment.

RESPONSE TO REQUEST FOR ADMISSION No. 6:

Plaintiffs object to Request for Admission No. 6 as it is not calculated to lead the admission of any evidence relevant to the remaining issues raised in this action. Should a response be deemed required, Plaintiffs admit the request.

REQUEST FOR ADMISSION No.7:

Admit that you and/or your members communicated with Lyon County Board of County Commission Members regarding the 2013 CMI Zone Change and Master Plan Amendment.

RESPONSE TO REQUEST FOR ADMISSION No. 7:

Plaintiffs object to Request for Admission No. 7 as it is not calculated to lead the admission of any evidence relevant to the remaining issues raised in this action. Should a response be deemed required, Plaintiffs admit the request.

Respectfully,

By: _____

John L. Marshall, SBN 6733
570 Marsh Avenue
Reno, NV 89509
775.303.4882

Attorney for Comstock Residents Association, Joe McCarthy

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Responses to Defendants' Request for Admissions was served on the parties identified below by mailing a copy thereof on the 5th day of March 2018, by United States mail, postage prepaid and electronic mail to:

Steven B. Rye
District Attorney
31 S. Main Street
Yerington, NV 89447

James R. Cavilla
Allison, MacKenzie, Pavlakis, Wright & Fagan
402 N. Division Street
Carson City, NV 89703



Exhibit O

Case No. 14-CV-00128

Pursuant to NRS 239B.030, the undersigned affirms that the following document does not contain the social security number of any person.

JOHN L. MARSHALL
SBN 6733
570 Marsh Avenue
Reno, Nevada 89509
Telephone: (775) 303-4882
Attorney for Petitioners Comstock Residents Association, Joe McCarthy

IN THE THIRD JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA
IN AND FOR LYON COUNTY

COMSTOCK RESIDENTS ASSOCIATION, GAYLE SHERMAN, JOE McCARTHY

Plaintiffs/Petitioners,

v.

LYON COUNTY BOARD OF COMMISSIONERS; COMSTOCK MINING INCORPORATED

Defendants/Respondents,

_____/

PLAINTIFFS' RESPONSE TO DEFENDANTS' FIRST SET OF INTERROGATRIES

Plaintiffs Comstock Residents Association and Joe McCarthy have not completed its discovery and investigation involved in this case. Plaintiffs therefore give these responses without prejudice to its right to produce evidence of subsequent facts or interpretations and to add, modify or otherwise change or amend these responses. These responses are based upon records and information presently available to Plaintiffs, are true to the best of their knowledge

and subject to correction for inadvertent errors, mistake or omissions. Plaintiffs reserve the right to amend these responses should new information becomes available.

GENERAL OBJECTIONS

Plaintiffs object to each request on the grounds that: (1) the request seeks, in whole or in part, evidence that is irrelevant or immaterial to the subject of this action and is not reasonably calculated to lead to discovery of admissible evidence; (2) to the extent each request directly or indirectly attempts to seek privileged information protected by the First or Second Amendments to the United States Constitution and Nevada constitutional counterparts, attorney/client communications, work product or other applicable privileges, (3) each request calls for information already in Defendants' possession or control or is otherwise publically available, (4) calls for information not within Plaintiffs' possession, and/or (5) is vague, overbroad, and burdensome.

Plaintiffs incorporate the above General Objections as if set forth in full into each of its responses. Without waving any of these objections, Plaintiffs provides its responses as follows:

RESPONSES

INTERROGATORY No. 1:

Please describe your communications with Lyon and Storey County Officials related to efforts to defeat Comstock Mining Incorporated's 2013 Application for Master Plan Amendment and Zone Change and related prior efforts.

RESPONSE TO INTERROGATORY No. 1:

Plaintiffs object to Interrogatory No. 1 as it is not calculated to lead to the admission of any evidence relevant to the remaining issues raised in this action and is vague, overbroad, and burdensome. Notwithstanding these objections, the communications with Lyon and Storey County Officials related to efforts to defeat Comstock Mining Incorporated's 2013 Application for Master Plan Amendment and Zone Change and "related prior efforts" (whatever that might mean) are all public record, available to Defendants, and speak for themselves.

INTERROGATORY No. 2:

Please identify the sources of your funding from 2010 to the present.

RESPONSE TO INTERROGATORY No. 2:

Plaintiffs object to Interrogatory No. 2 as it is not calculated to lead to the admission of any evidence relevant to the remaining issues raised in this action, seeks information privileged from disclosure under the 1st and 2nd Amendments to the United States Constitution, and is vague, overbroad, and burdensome. Notwithstanding these objections, Plaintiff CRA receives funding from individual contributions, fundraisers, art shows, rummage sales, concerts, and grants.

INTERROGATORY No. 3:

Please identify the recipients of all monies disbursed, distributed, expended, and paid by CRA from 2010 to the present.

RESPONSE TO INTERROGATORY No. 3:

Plaintiffs object to Interrogatory No. 3 as it is not calculated to lead to the admission of any evidence relevant to the remaining issues raised in this action, seeks information privileged from disclosure under the 1st and 2nd Amendments to the United States Constitution, and is vague, overbroad, and burdensome. Notwithstanding these objections, the recipients of Plaintiff CRA's funds include its attorneys, consultants, and fundraising expenses (e.g., venues, entertainment, food).

INTERROGATORY No. 4:

Please identify any requirements for membership in CRA and describe your efforts to recruit members to CRA.

RESPONSE TO INTERROGATORY No. 4:

Plaintiffs object to Interrogatory No. 4 as it is not calculated to lead to the admission of any evidence relevant to the remaining issues raised in this action, seeks information privileged from disclosure under the 1st and 2nd Amendments to the United States Constitution and is

vague, overbroad, and burdensome. Notwithstanding these objections, CRA has no membership requirements and has not sought to recruit members.

INTERROGATORY No. 5:

Please identify all of your members from 2010 to the present, including titles held with CRA by any such members.

RESPONSE TO INTERROGATORY No. 5:

Plaintiffs object to Interrogatory No. 5 as it is not calculated to lead to the admission of any evidence relevant to the remaining issues raised in this action, seeks information privileged from disclosure under the 1st and 2nd Amendments to the United States Constitution, and is vague, overbroad, and burdensome. Notwithstanding these objections, CRA officers since its formation in 2011 include, Robin Cobbey, President; Joe McCarthy, Director; Nancy Cleaves, Director; Barbara Peck, Director, and Gayle Sherman, former Secretary/Treasurer.

INTERROGATORY No.6:

Please describe your efforts to slow down the planning process in Lyon and Storey Counties related to mining development.

RESPONSE TO INTERROGATORY No. 6:

Plaintiffs object to Interrogatory No. 6 as it is not calculated to lead to the admission of any evidence relevant to the remaining issues raised in this action, too broad, vague, overly burdensome, and assumes facts rendering a response impossible. Plaintiffs have not sought to slow down the planning process in Lyon and Storey County related to mining development.

INTERROGATORY No. 7:

Please describe your effort to limit mining operations, expansions, or development in Lyon and Storey Counties, including without limitation efforts with agencies of the State of Nevada and of the United States government.

RESPONSE TO INTERROGATORY No. 7:

Plaintiffs object to Interrogatory No. 7 as it is not calculated to lead to the admission of any evidence relevant to the remaining issues raised in this action, seeks information privileged

from disclosure under the 1st and 2nd Amendments to the United States Constitution, and is vague, overbroad, and burdensome. Notwithstanding these objections, CRA has advocated before Lyon County, Storey County, the Nevada Division of Environmental Protection, *inter alia*, against new, and the expansion of existing, open pit mining in the Comstock Historic Mining District and the Carson River Superfund Site. These efforts included meetings, submission of comments, and telephone calls.

INTERROGATORY No. 8:

Please describe your efforts to drive Comstock Mining Incorporated and/or any other mining operation out of Lyon or Storey Counties or [sic] out of business.

RESPONSE TO INTERROGATORY No. 8:

Plaintiffs object to Interrogatory No. 8 as it is not calculated to lead to the admission of any evidence relevant to the remaining issues raised in this action, seeks information privileged from disclosure under the 1st and 2nd Amendments to the United States Constitution and is vague, overbroad, and burdensome. Notwithstanding these objections, Plaintiffs do not seek to drive CMI out of business.

INTERROGATORY No. 9:

For any response to a Request for Admission served herewith that is anything other than an unqualified admission, please state the number of the Request for Admission and identify all facts, including all documents on which you base your response.

RESPONSE TO INTERROGATORY No. 9:

Plaintiffs object to Interrogatory No. 9 as it is not calculated to lead to the admission of any evidence relevant to the remaining issues raised in this action, seeks information privileged from disclosure under the 1st and 2nd Amendments to the United States Constitution, and is vague, overbroad, and burdensome. Notwithstanding these objections, Plaintiffs do not seek to slow down the planning process regarding mining in Storey or Lyon Counties or seek to drive CMI out of business (Requests for Admissions 1-4).

Respectfully,

By: _____
John L. Marshall, SBN 6733
570 Marsh Avenue
Reno, NV 89509
775.303.4882

Attorney for Comstock Residents Association, Joe McCarthy

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Responses to Defendants' First Set of Interrogatories was served on the parties identified below by mailing a copy thereof on the 5th day of March 2018, by United States mail, postage prepaid and electronic mail to:

Steven B. Rye
District Attorney
31 S. Main Street
Yerington, NV 89447

James R. Cavilla
Allison, MacKenzie, Pavlakis, Wright & Fagan
402 N. Division Street
Carson City, NV 89703

_____

Case No. 14-CV-00128

Pursuant to NRS 239B.030, the undersigned affirms that the following document does not contain the social security number of any person.

FILED

2010 SEP -7 PM 3:09

TANYA STURGEON
COURT ADMINISTRATOR
THIRD JUDICIAL DISTRICT

Victoria Tovar

JOHN L. MARSHALL
SBN 6733
570 Marsh Avenue
Reno, Nevada 89509
Telephone: (775) 303-4882
Attorney for Petitioners Comstock Residents Association, Joe McCarthy

IN THE THIRD JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA
IN AND FOR LYON COUNTY

COMSTOCK RESIDENTS ASSOCIATION, GAYLE SHERMAN, JOE McCARTHY

Plaintiffs/Petitioners,

v.

LYON COUNTY BOARD OF COMMISSIONERS; COMSTOCK MINING INCORPORATED

Defendants/Respondents,

_____/

DECLARATION OF ERICH OBERMAYR

I, Erich Obermayr, affirm:

1. I am a resident of Silver City, Nevada and reside at 480 Buckeye St.

2. John L. Marshall, attorney for Comstock Residents Association ("CRA") provided me with the phone records of then Commissioner Vida Keller attached as Exhibit 44 to CRA's Opening Merits Brief as produced by Lyon County.

3. I, along with Joe McCarthy, compiled a list of the important figures in the case and obtained their phone numbers from a variety of sources, including our own personal records as we had often communicated with these same people.

4. We also used business cards, websites, and other places where numbers are listed.

5. These important figures included but not limited to Commissioner Robert Hastings, Chairman Mortenson, Lyon County Manager Jeff Page, and CMI CEO Corrado DeGasperis, CMI consultants Mark Rotter and Andrew Motter.

6. We subscribed to a reverse phone number website entitled "Reverse Lookup" to connect phone numbers to people, especially with numbers.

7. We then compared manually the list of telephone numbers with the phone records, which was time-consuming and inefficient.

8. Our review likely missed an unknown amount of calls, but despite that I believe we managed to identify the majority of records indicating communication between and among these important figures.

9. I then provided CRA attorney John L. Marshall with the information set forth in CRA's Opening Merits Brief detailing of contacts between these figures as demonstrated in the phone records of Commissioner Vida Keller. I have reviewed CRA's Opening Merits Brief and the information regarding Commissioner Keller's phone records accurately reflect my research and identification of contacts between these figures.

I affirm under penalty that the foregoing is true and correct to the best of my knowledge.

Dated: September 7, 2018, at Silver City, Nevada.

By _____
Erich Obermayr

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Declaration of Erich Obermayr was served on the parties by mailing or personally delivering a copy thereof on the 7th day of September 2018, by United States mail, postage prepaid to:

Steven B. Rye
District Attorney
31 S. Main Street
Yerington, NV 89447

James R. Cavilla
Allison, MacKenzie, Pavlakis, Wright & Fagan
402 N. Division Street
Carson City, NV 89703

Amy P McCarthy

Case No. 14-CV-00128

Pursuant to NRS 239B.030, the undersigned affirms that the following document does not contain the social security number of any person.

FILED

Victoria Tovar

JOHN L. MARSHALL
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570 Marsh Avenue
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Telephone: (775) 303-4882
Attorney for Petitioners Comstock Residents Association, Joe McCarthy

IN THE THIRD JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA
IN AND FOR LYON COUNTY

COMSTOCK RESIDENTS ASSOCIATION, GAYLE SHERMAN, JOE McCARTHY

Plaintiffs/Petitioners,

v.

LYON COUNTY BOARD OF COMMISSIONERS; COMSTOCK MINING INCORPORATED

Defendants/Respondents,

/

PLAINTIFF CRA'S OPENING MERITS BRIEF

I. INTRODUCTION

Comstock Residents Association and Joe McCarthy (collectively "CRA") hereby submit this opening brief in support of its due process claim against Defendant Lyon County Board of County Commissioners ("Lyon County") and Comstock Mining Incorporated ("CMI"). As demonstrated herein, members of the Lyon County Commission were so fiscally dependent upon CMI for financial and political survival that their pervasive and utterly biased involvement in CMI's land use application deprived CRA of their due process rights.

II. APPLICABLE LAW

A. Requirements for Constitutional Due Process

Due Process protects citizens "when 'the probability of actual bias on the part of the judge or decisionmaker is too high to be constitutionally tolerable.' " *Caperton v. Massey Coal Company*, 556 U.S. 868, 872 (2009) quoting *Withrow* v. *Larkin*, 421 U. S. 35, 47 (1975); see also *Gilman v. Nevada State Board of Veterinary Med. Examiners*, 120 Nev. 263, 269 (2004)(clarified on other grounds in *Nassiri v. Chiropractic Physicians' Bd.*, 130 Nev. Adv. Op. 27 (April 3, 2014)); *Ivey v. Eighth Judicial District*, __ Nev. __, 299 P.3d 354 (2013). CRA will prove that "the probability of actual bias" is constitutionally intolerable in this case because of the influence of CMI upon the Lyon County Commission.[1]

As established by the United States Supreme Court in *Caperton*, the Due Process Clause applies to a mining company's overwhelming funding of a judicial candidate notwithstanding the fact that the contributions did not violate state election law or ethics laws. Similarly, in *Ivey*,

[1] Nevada's due process protections are coextensive with those under the United States Constitution. *State v. Eighth Judicial District Court (Logan D.)*, 129 Nev. __, 306 P.3d 369, 377 (2013).

the Court examined whether campaign contributions in accordance with state limits, nevertheless amounted to a due process violation.

> Accordingly, 'where the basis for a challenge is an alleged pecuniary interest, the presumption of impartiality that would otherwise apply has no place." (*Today's Fresh Start, supra,* 57 Cal.4th at p. 216, 159 Cal.Rptr.3d 358, 303 P.3d 1140.) Rather, "due process is violated whenever a decision maker has a financial interest that 'would offer a possible temptation to the average person as judge not to hold the balance nice, clear and true.'" (*Ibid.*) "Conclusive proof of actual bias is not required; an objective, intolerably high risk of actual bias will suffice." (*Ibid.*)

Hall v. Superior Court, 3 Cal. App. 5th 792, 809 (Ct. App. 2016)

Cases applying this due process standard include:

Los Chaves Community Association v. Valencia County, 277 P.3d 475 (N.M. 2015) – Due process requirements for zone change mandated recusal of county commissioner when first cousin was an applicant.

Netluch v. Mayor and Council of Borough of West Paterson, 325 A.2d 517 (N.J. 1974) – Zoning amendment invalidated where Borough and Planning Board member voted to introduce zone change to advance self interest.

Rissler v. Jefferson Bd. of Zoning Appeals, 693 S.E.2d 321 (W.Va. 2010) – "Despite the absence of a current pecuniary interest, the fact that [a zoning board member] had a prior business relationship with [a land use applicant] is problematic and gives rise to an appearance of impropriety."

CRA therefore needs to prove CMI's influence on, or the Commissioners' conduct itself, created "the probability of actual bias on the part of the . . . decisionmaker [that] is too high to be constitutionally tolerable." *Caperton*, supra, 556 U.S. at 872. As described below, the evidence will show that probability is reached here because, *inter alia*, CMI's direct contracting with Commissioner Keller's business and funding of Commissioner Keller's election campaign and these commissioners deep involvement to gain approval of CMI's land use application.

B. Requirements under the Nevada Ethics in Government Act[2]

Nevada Ethics in Government Act, NRS Chapter 281A, set standards in Nevada for full disclosure of conflicts of interest and recusal. NRS 281A.020(1) provides:

> 1. It is hereby declared to be the public policy of this State that:
> (a) A public office is a public trust and shall be held for the sole benefit of the people.
> (b) A public officer . . . must commit himself or herself to avoid conflicts between the private interests of the public officer . . .and those of the general public whom the public officer . . . serves

NRS 281A.400(2) provides:

> A public officer . . . shall not use the public officer's . . . position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for the public officer . . . any business entity in which the public officer . . . has a significant pecuniary interest, or any person to who the public officer . . . has a commitment in a capacity to the interests of that person.

In particular,

> a public officer shall not vote upon or advocate the passage or failure of . . . a matter with respect to which the independence of a reasonable person in the public officer's situation would be materially affected by:
> (a) The public officer's acceptance of a gift or loan;

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[2] Respondents err by equating Due Process protections with the minimum recusal and disclosure requirements of NRS Chapters 281 and 281A. As made clear in both *Caperton* and *Ivey*, campaign contributions consistent with state law could form the basis of an independent due process claim under the standard set forth above. Indeed, in both cases, the Supreme Courts analyzed the impact of campaign contributions under the Due Process Clause standard notwithstanding all contributions at issue complied with state campaign contribution laws. *Caperton*, 556 U.S. at 874; *Ivey*, 299 P.3d at 357-58. Thus, whether or not Commissioner Keller's fiscal interest in the outcome of CMI's application or CMI's funding of Commissioner Hastings' election violated Nevada statutory law,[2] (what is this footnote?)these facts, when egregious as here, state an independent cause of action under the United States and Nevada Constitutions.

Recognizing this distinction, the Nevada Supreme Court held in this case that CRA stated a due process claim. The Supreme Court found "CRA's complaint contained an allegation that its due process rights, along with those of its members, were violated because the probability of perceived or actual bias was unconstitutionally high because of these commissioners' dealings with CMI[,] [¶] We conclude that CRA's pleadings meet Nevada's pleading standard . . . ." The legal analysis before this Court is whether violations exist under either standard rather than just the NRS.

(b) The public officer's significant pecuniary interest; or
(c) The public officer's commitment in a private capacity to the interests of another person.

NRS 281A.420(3)

Examples of the application of NRS Chapter 281A standards include:

Carrigan v. Nevada Commission on Ethics, 129 Nev. 894 (2013) – City Council member should have recused himself from planning matter where his campaign manager represented the applicant on a $10,000 month contract.

In the Matter of Michael Carrigan, Nevada Commission on Ethics Advisory Opinion 09-28A (2009) – City Council member must rescuse himself from planning matters even where former campaign manager no longer working on that matter for the applicant.

C. Requirements under the Nevada Open Meeting Law

The Nevada Open Meeting Law ("OML") protects and enhances public participation in government decisionmaking. A public body cannot avoid the OML's prohibition on discussing and deliberating towards a decision outside a public meeting by doing so serially. NRS 241.015(2)(a)(2); *Del Pappa v. Board of Regents*, 114 Nev. 388 (1998); *Dewey v. Redevelopment Agency of the City of Reno*, 119 Nev. 87, 99 (2003).

III. WHAT THE FACTS SHOW

A. The Status Quo Prior to CMI's Intervention

From 1971 to 2014, the applicable Lyon County master plan and zoning designations precluded mining on the CMI property within and/or adjacent to the Silver City townsite (hereinafter the "Property"). During 1971 to 2010, the Lyon County Board of County Commissioners ("BOCC") repeatedly exercised their discretion to affirm the master plan and zoning designation for the Property to preclude mining on it. For example, in 1986 Nevex Corporation sought the same master plan and zoning changes CMI sought in 2013. The BOCC

rejected Nevex's applications, finding the changes were expressly contrary to the master plan then in effect – a plan substantially weaker in its protections for Silver City against possible mining activities than the 2010 Comprehensive Master Plan. See generally CRA Exhibit 1.

More recently, CMI requested Lyon County change the master plan and zoning designations when adopting the 2010 Comprehensive Master Plan, for some or all of the Property to allow mining. The Lyon County Board of Commissioners adopted the 2010 Comprehensive Master Plan without the changes to the master plan and zoning designation requested by CMI to allow mining on the Property. *Id.*; CRA Exhibit 2.[3] Given the hostility of the BOCC to its objectives, CMI knew it needed a change.

B. CMI's Campaign of BOCC Influence

In January 2011, Vida Keller replaced Commissioner Larry McPherson on the BOCC. Sometime in 2011, CMI invited Vida and Scott Keller (Vida's husband), as well as other local elected officials, to tour CMI's mining operations. According to Scott Keller, the tour also included the Dayton mine buildings and he made a comment that the building looked unsafe and work should be done to stabilize it. Deposition of Scott Keller, CRA Exhibit 18, at 14:17-22. CMI, knowing of the connection between County Commissioner Vida Keller and her husband, thereafter contacted Scott Keller to hire him to work on the stabilization of the Dayton mine structures. Deposition of Vida Keller, CRA Exhibit 17 at 62; Scott Keller Depo, CRA Ex. 18, 11-13 at Vida and Scott Keller then meet with CMI to "find out what it was that they wanted . . . ." CRA Ex. 17 at 62. Scott then negotiated a contract between CMI and his brother Rick Keller's (i.e., Vida's brother-in-law) construction company, Priceless Construction. *Id.*, see also CRA Ex. 29 (contract between CMI and Priceless Construction dated June 17, 2011). Scott

[3] When the Lyon County Commission adopted the 2010 Master Plan and rejected CMI's reclassification request, the Commission consisted of Chairman Joe Mortenson, Vice-chair Chuck Roberts, and Commissioners Phyliss Hunewill, Ray Fierro and Larry McPherson. Vice-Chair Chuck Roberts represented District I, which includes Silver City.

Keller was then hired by his brother to perform work under this contract with CMI. Scott Keller Depo, CRA Ex. 18 at 11-12:19-25, 1-2. This contract was not let for competitive bidding. *Id.*

After the work under the CMI/Priceless Construction contract was completed, CMI contacted Scott to continue its relationship with the Kellers. Scott Keller Depo, CRA Ex. 18 at 16-17. At that time, Vida and Scott Keller were joint partners in several businesses. They owned Priceless Realty, a real estate agency for Vida Keller, a licensed real estate agent. The Kellers also owned Keller Construction/Consulting, a business repairing mobile homes. See Vida Keller Depo, CRA Ex. 17 at 68-69. In general, for construction activities, Scott Keller performed the physical labor and Vida Keller kept the books and did the invoicing, taxes, etc. Scott Keller Depo, CRA Ex. 18 at 17:16-25; 18:1-7. The Kellers used the same contact information and billing addresses for their personal and businesses. *Id.*

In order to keep the Kellers on its payroll, CMI next entered into a no-bid retainer contract with Kellers' company "Priceless Realty" on January 1, 2012, to provide "construction management and related services" regarding construction projects in the Comstock Historic District. CRA Ex. 29. Under this contract, CMI paid Priceless Realty $5,000 per month to be available for consultant services and a bonus of 5% of any construction contracts managed by Priceless Realty. No minimum hours of work were required or actually billed, nor were specific tasks identified to be accomplished. Scott Keller Depo, CRA Ex. 18, at 20:8-25; 21:1-4. CMI paid the Kellers $60,000 over the course of the 1-year Priceless Realty contract. CRA Ex. 36.

With Vida Keller's businesses under contract to it, CMI then turned to replacing Commissioner Chuck Roberts with a friendlier face. In 2012, Robert "Bob" Hastings ran against the incumbent Commissioner Chuck Roberts. Chuck Roberts had previously voted against CMI's request to allow mining in and adjacent to Silver City on CMI Property. During the race, CMI and related companies contributed $17,500 in cash to Robert Hastings to insure

his election. CMI's cash contributions were more than 60 percent of Mr. Hastings' cash contributions that year. The average Lyon County Commissioner candidate from 2008 to 2012 raised a little more than $7,000. For which the Secretary of State records are available, these CMI contributions alone exceed the totals for seven out of ten candidates from 2008-2014, and is essentially twice the totals raised by individual candidates in 2016, even when including in-kind contributions. Commissioner Hastings depended on CMI's contributions in order to match and exceed his opponent's fundraising in the 2012 race. In the November 2012 election, Mr. Hastings defeated Mr. Roberts in the election for District I Commissioner. CRA Ex. 5.

With its master plan and zone change application on the near horizon, CMI entered into another no-bid contract with Kellers, this time with Keller Consulting on May 1, 2013, to provide more construction management and related services. Exhibit 4 to CRA Ex. 17 (Vida Keller Depo). Under the contract, CMI paid Keller Consulting $7,083 per month to be available for consultant services. When asked why CMI agreed to a 40 percent increase in the rate, Scott Keller testified that he simply "wanted more money" and CMI complied. Scott Keller Depo, CRA Ex. 18 at 27:6-13. The contract again required no minimum hours of work identified. The work under the contract was performed by Scott Keller. Scott Keller submitted no time records and only a few reports – near the end of the contract term in 2015 – of work accomplished.

CMI paid the Kellers $212,000 over the course of the contract during the time period in which Vida Keller considered, deliberated and acted upon CMI's land use application. CRA Ex. 19. The Kellers received their checks from CMI (CRA Ex. 19) and CMI reported to the IRS that CMI (as opposed to any foundation) paid the Kellers (see Ex. 18 to CRA Ex. 18 (IRS Form 1099s from CMI to Keller Consulting for years 2013-2015).

In August 2013, CMI applied to Lyon County to change the master plan and zoning designations to allow mining use on the Property. See Ex. 6. In its application, CMI stated "the purpose [of the application was] of pursuing continued mineral exploration, development and the economic mining potential of the subject property." *Id.*

During the time of CMI land use application was pending before Lyon County, Vida Keller was dependent upon CMI's payments to meet her family's dire fiscal needs. At this time, Ms. Keller was caring for her sick mother and had taken over care and responsibility of her grandchildren. Vida Keller Depo, CRA Ex. 17 at 38:17-25; 39:1-7;49:1-4. Because of these duties, Ms. Keller testified she ceased all activity as a real estate agent. *Id.* at 48:10-23. As a result, Vida and Scott Keller received income from only two sources: (1) her Lyon County part time salary of approximately $26,000, and (2) CMI – via the Priceless Realty and Keller Consulting contracts, worth $60,000 to $80,000 annually. *Id.* at 48:10-23; 49:6-17

Even with the largess of CMI supporting her, the Kellers could not pay their bills. In a conscious decision, Ms. Keller determined she did not have enough money to pay their property tax bills and fell into arrears. *Id.* at 52:12-25; 53-54; 55:1-4. The Kellers' financial situation during 2013/2014 must have been dire indeed for Ms. Keller, an elected Lyon County official, to become delinquent in their own tax bills to her County.

In short, without substantial payments from CMI, Commissioner Hastings faced political ruin; the Kellers, financial ruin.

B. Commissioners Keller and Hastings' Work for CMI

Commissioner Keller and Hastings worked hard for their money. For example, since the time Commissioner Keller came on the County Commission – while receiving the substantial portion of the family income from CMI, she acted as a watchdog on the BOCC for CMI's interests on water and related issues. See e.g. Ex. 5 to CRA Exhibit 17 (CMI email to

Commissioner Keller: "Vida please keep a look out at these (water issues) move through the process. Please advise if you think someone from CMI needs to attend Vidler's item." Commissioner Keller's response: "No problem."); Exhibit 6 to CRA Exhibit 17 (Emails between Commissioner Keller and CMI re water wells and easement access issues.)

During Lyon County's consideration of CMI's land use application, Commissioners Hastings and Keller ratcheted up their participation on behalf of CMI. Commissioner Hastings contacted Rob Loveberg, head of the Lyon County Planning Department regarding CMI's application and the staff report and recommendation that Mr. Loveberg was drafting. Commissioner Hastings reported to Mr. Loveberg that CMI was "intense" and that CMI was concerned that the staff report might be negative. Commissioner Hastings then noted that a report based on the facts, however, would "not calm [CMI] nerves" and Commissioner Hastings asked whether the report would be negative or recommend a denial. Mr. Loveberg responded that he had not finished the report but intended to submit a balanced one. CRA Ex. 7. Commissioner Hastings then forwarded Mr. Loveberg's response to Commissioner Keller and asked for her thoughts. *Id.* Commissioner Hasting subsequently discussed Mr. Loveberg's approach with Commissioner Keller. *Id.*

Commissioner Hastings also forwarded the internal email from staff (Mr. Loveberg) to CMI Chief Executive Officer Mr. DeGasperis. CRA Ex. 8. Commissioner Hastings reported to CMI the pressure he was going to bring to bear on Mr. Loveberg: he "will be discussing this matter further with [Lyon County Manager and Mr. Loveberg's supervisor] Jeff Page." Commissioner Hastings told Mr. DeGasperis that he would take care of CMI's interests in this matter: "I want to make sure that Rob [Loveberg] understands that concerns **we** have and Jeff amy [sic] be the conduit **we** need." *Id.* (Emphasis added.) Commissioner Hastings' use of the

word "we" in this email established the extent of Commissioner Hastings' bias as he viewed his and CMI's interests as entirely coextensive.

Commissioner Hastings also coordinated with CMI on gathering information on CRA, strategizing for hearings before the Planning Commission and even recruiting witnesses to testify on the company's behalf. CRA Exhibit 9 (Commissioner Hastings email to CMI regarding potential witness to testify on CMI's behalf); Exhibit 16 (Commissioner Hasting email to CMI ("Do **we** know or is there a way to get a list of CRA members?")(emphasis added to royal "we"); CRA Exhibit 11 (CMI email to Commissioner Hastings setting up strategy call for Planning Commission meeting: "Let's talk tomorrow about the upcoming LC Planning meeting. I will fill you in.").

In stark contrast to his overt, systematic efforts to aid CMI's interests, Commissioner Hastings at the same time rebuffed the citizens of Silver City. In response to a request for a meeting with CRA representatives, Commissioner Hastings cautioned, "I should let you know that I can listen but because [CMI's Application] is an agendized item that is before the Planning Commission and will likely come to the BOCC in some form it would be inappropriate for me to make any comments at this time." CRA Ex. 10.[4]

After Lyon County professional planning staff exhaustively reviewed CMI's application, it issued in-depth reports, and recommended that CMI's application be denied because: (1) the industrial land uses requested by the application were in conflict with multiple 2010 Master Plan policies, (2) no change in conditions has occurred to justify so altering the longstanding land use designations within Silver City from the recently adopted Master Plan, (3) the proposed reduction in residential density would make needed town infrastructure improvements less likely, and (4) as envisioned by the 2010 Master Plan, a land use change of such a

[4] In September 2013, the Silver City Advisory Council considered CMI's 2013 Application and unanimously opposed it.

magnitude should be considered, if at all, during the development of the Silver City Community Plan. Upon hearing hours of public testimony, the Planning Commission by a 5 to 1 vote adopted the recommendation of its professional staff and recommended the County Commissioners deny CMI's application. CRA Ex. 6.

On December 20, 2013, CRA objected to Commissioners Keller and Hastings' participation in the consideration of and deliberation on CMI's Application because of their financial ties to CMI. CRA Ex. 13 (Letters from CRA counsel to Commissioners Keller and Hastings objecting to their participation in hearing CMI's application). Notwithstanding CRA's objection, Commissioners Keller and Hastings intensified their involvement with CMI's application.

The records produced by Lyon County and CMI disclose the extent of the extraordinary contact and coordinated actions of these two commissioners and CMI.[5] Under "normal" circumstances Ms. Keller was on the phone with Mr. Hastings three or four times a week, and with Mr. DeGasperis about once a week. In general, these "unassociated" calls increase during November and December 2013, as the application goes before the Planning Commission, and then the BOCC.

Against this "background noise" there are also obvious clusters of increased calls which are almost always associated with some kind of public action regarding the application, beginning with the Silver City Advisory Board on Sept 2, 2013, and extending through the November and December Lyon County Planning Commission meetings, and finally the Lyon County BOCC meeting of January 2, 2014. The days preceding these events are marked by an

[5] On July 2, 2018, Lyon County finally produced the telephone records for Vida Keller. Attached attached hereto as CRA Exhibit 44 is a true and correct copy of excepts of those records from September 2013 to January 2014. The evidence presented and discussed here is as a result of CRA processing the raw telephone numbers as set forth in the Declaration of Erich Obermayr, filed contemporaneously herewith.

increased number of calls between Keller, Hastings, Corrado DeGasperis (and other CMI figures), and occasionally County Manager Jeff Page. These consist of multiple calls, in series, among the three participants, which represent a sustained discussion.

The examples are as follows. At the time of the September 3, 2013 Silver City Advisory Board meeting, at which the Advisory Board recommended rejection of CMI's application:

September 3, 2013

5:02 pm. Keller call to Bob Hastings, 7 minutes (Keller phone 00275).

5:11 pm. Keller call to DeGasperis, 1 minute (Keller phone 00275).

5:18 pm. Keller call from DeGasperis, 7 minutes (Keller phone 00275).

September 4, 2013

8:31 am. Keller call to Jeff Page, 3 minutes (Keller phone 00275).

2:36 pm. Keller call to DeGasperis, 22 minutes (Keller phone 00275).

10:13 pm. Keller call from Jeff Page, 28 minutes (Keller phone 00276).

In the hours just prior to the meeting, which started at 7 pm, Commissioner Keller conferred, in rapid sequence, with Hastings and DeGasperis, and these appear to be substantial conversations. The day following the meeting, Keller has another substantial conversation with DeGasperis, and an equally substantial late-night discussion with Jeff Page.

Next, in the three days between October 22 through October 24, 2013, as the November 12 Planning Commission meeting approached (at which consideration of the application was delayed 30 days):

October 22, 2013

8:21 pm. Keller call from Hastings, 17 minutes (Keller phone 00187).

October 23, 2013

9:24 am. Keller call to DeGasperis, 2 minutes (Keller phone 00187).

8:11 pm. Keller call to Hastings, 11 minutes (Keller phone 00187).

October 24, 2013

6:54 am. Keller call to Hastings, 4 minutes (Keller phone 00187).

7:00 am. Keller call to DeGasperis, 2 minutes (Keller phone 00187).

The timing of these calls are typical examples of an ongoing exchange, not isolated contacts. A morning call to DeGasperis is followed that evening by a lengthy call with Hastings, and on the following day is the call to Hastings followed immediately by a call with DeGasperis.

The week leading up to the November 12, 2013 Planning Commission meeting, at which the Commission postponed for 30 days consideration of CMI's application:

November 4, 2013

9:07 am. Keller call to DeGasperis, 54 minutes (Keller phone 00192).

November 8, 2013 (about the time receipt of the unfavorable Staff Report recommending denial of CMI's application)

4:00 pm. Keller call from DeGasperis, 20 minutes (Keller phone 00194).

4:36 pm. Keller call from Hastings, 3 minutes (Keller phone 00194).

5:01 pm. Keller call to Hastings, 7 minutes (Keller phone 00194).

5:09 pm. Keller call to Page, 6 minutes (Keller phone 00194).

5:15 pm. Keller call to Hastings, 6 minutes (Keller phone 00194).

5:20 pm. Keller call from DeGasperis, 33 minutes (Keller phone 00194).

6:08 pm. Keller call to Hastings, 1 minute, (Keller phone 00194).

6:09 pm. Keller call to Paul Lanning (Planning Commission member), 10 minutes (Keller phone 00194).

6:36 pm. Keller call from Hastings, 9 minutes (Keller phone 00194).

November 9, 2013

11:33 am. Keller call from DeGasperis, 16 minutes (Keller phone 00194).

11:50 am. Keller call to Page, 16 minutes (Keller phone 00194).

1:19 pm. Keller call to DeGasperis, 1 minute (Keller phone 00194).

1:20 pm. Keller call to Hastings, 1 minute (Keller phone 00194).

1:24 pm. Keller call from Hastings, 9 minutes (Keller phone 00194).

1:35 pm. Keller call from DeGasperis, 16 minutes (Keller phone 00194).

November 11, 2013

1:14 pm. Keller call to DeGasperis, 29 minutes (Keller phone 00194).

November 12, 2013

8:28 am. Keller call to Paul Lanning, 15 minutes (Keller phone 00195).

1:24 pm. Keller call to DeGasperis, 1 minute (Keller phone 00195).

1:25 pm. Keller call to DeGasperis, 1 minute (Keller phone 00195).

1:26 pm. Keller call to Jim Wheeler (Nevada State Assemblyman, 39th District), 3 minutes (Keller phone 00195).

1:28 pm. Keller call from DeGasperis, 15 minutes (Keller phone 00195).

1:43 pm. Keller call to DeGasperis, 13 minutes (Keller phone 00195).

In the nine days leading up to and including the Planning Commission meeting, Keller had a high volume of calls with the usual small circle of individuals involved with CMI's application. She also called Paul Lanning, a member of the Planning Commission, on two occasions, and Jim Wheeler, a Nevada Assemblyman whose district includes the application property.

Keller's phone records list 23 calls to or from these individuals, which focused on communication between Corrado DeGasperis, Bob Hastings, Jeff Page, and herself. There were

11 calls with DeGasperis, totaling 1 hour and 59 minutes; 7 calls with Hastings totaling 36 minutes; and 2 calls with Page, totaling 16 minutes. These calls almost always occurred sequentially among the three key figures (Keller, DeGasperis, and Hastings), as well as Jeff Page over the course of one-half to two hours. There is every indication that these were extended conversations, with a beginning and an end, rather than random, disassociated calls. In addition, Keller placed two calls to Paul Lanning, a member of the Planning Commission. Presumably, these related to the CMI application. She also contacted Assemblyman Wheeler, perhaps to enlist his help, as she apparently did later with Congressman Amodei. (See Keller's contacts with Congressman Mark Amodei [Keller phone 00103, 00104] and the statement by Chairman Mortensen that in the course of considering the CMI application "a Congressman spoke to me one day" CRA Ex. 42, CMI #1, 17:18).

The time period from the November 12, 2013, Planning Commission postponed meeting and the December 10, 2013, Planning Commission recommendation to reject CMI application followed a similar a pattern, and included other Commissioners.

November 16, 2013

9:13 pm. Keller call to Joe Mortensen, 22 minutes (Keller Phone 00197)

9:35 pm. Keller call to Bob Hastings, 4 minutes (Keller Phone 00197)

November 19, 2013 (Keller Phone 00144)

11:36 am. Keller call to Bob Hastings, 24 minutes

4:15 pm. Keller call from Bob Hastings, 9 minutes

5:06 pm. Keller call to Jeff Page, 20 minutes

5.25 pm. Keller call to Bob Hastings, 1 minute

9:05 pm. Keller call from Bob Hastings, 18 minutes.

November 20, 2013 (Keller Phone 00144-5)

8:47 am. Keller call to CMI, 1 minute

3:27 pm. Keller call to CMI, 2 minutes

6:19 pm. Keller call from CMI, 7 minutes

November 21, 2013 (Keller Phone 00145-6)

7:42 am. Keller call to Bob Hastings 5 minutes

6:06 pm. Keller call to CMI, 2 minutes

November 22, 2013 (Keller Phone 00146)

8:36 am. Keller call to CMI, 2 minutes

8:38 am. Keller call to DeGasperis, 1 minute.

12:22 pm. Keller call to CMI 2 minutes

November 25, 2013 (Keller Phone 00147)

9:23 am. Keller call to Jeff Page, 6 minutes

4:41 pm, Keller call to Jeff Page, 1 minute

4:46 pm. Keller call from Jeff Page 3 minutes

5:52 pm. Keller call to Bob Hastings, 1 minute

6:24 pm. Keller call from Bob Hastings, 1 minute

6:27 pm. Keller call to Bob Hastings, 15 minute

December 4, 2013 (Keller Phone 00152)

2:10 pm. Keller call to CMI 5 minutes

5:31 pm. Keller call to Bob Hastings, 8 minutes

December 5, 2013 (Keller Phone 00152)

1:41 pm. Keller call to DeGasperis, 2 minutes

3:20 pm. Keller call from DeGasperis, 1 minute

3:21 pm. Keller call to DeGasperis, 18 minutes

December 7, 2013 (Keller Phone 00153)

9:26 am. Keller call to Bob Hastings, 3 minutes

December 10, 2013 (Keller Phone 00153) (Day of Planning Commission meeting)

8:22 am. Keller call to Bob Hastings, 2 minutes

8:25 am. Keller call from Bob Hastings, 7 minutes

8:52 am. Keller call from Elaine Barkdull-Spencer (CMI Community Relations), 1 minute

December 11, 2013

Meeting between Vida and Scott Keller and CMI re payment on Keller Consulting and Priceless Realty invoices. CRA Ex. 16.

December 12, 2013 (Keller Phone 00155)

12:03 pm. Keller call to CMI, 2 minutes

12:18 pm. Keller call from CMI, 2 minutes

7:47 pm. Keller call to Bob Hastings, 1 minute

8:29 pm. Keller call from Bob Hastings, 35 minutes

December 17, 2013, a one-day example of the wider trend of telephone contacts.

December 17, 2013

12:20 pm. Keller call to Hastings, 2 minutes (Keller phone 00156).

12:59 pm. Keller call to DeGasperis, 2 minutes (Keller phone 00157).

1:02 pm. Keller call from DeGasperis, 8 minutes (Keller phone 00157).

1:11 pm. Keller call from DeGasperis, 1 minute (Keller phone 00157).

1:12 pm. Keller call to DeGasperis, 31 minutes (Keller phone 00157).

3:58 pm. Keller call to Page, 1 minutes (Keller phone 00157).

5:21 pm. Keller call to Hastings, 22 minutes (Keller phone 00157).

This is a short version of the bursts of communication among Keller, Hastings, DeGasperis, and also Page. It is not known what occurred to prompt this. Over the course of 5 hours Keller had 4 calls with DeGasperis, totaling 42 minutes; a one minute call with Jeff Page; bookended by a 2 minute call with Hastings at the start and a 22 minute call with Hastings to finish. Again, it shows the complexity of communication between Keller, DeGasperis, and Hastings, with the lesser but consistent involvement of Jeff Page.

December 23

9:23 am. Keller 14 minute call from Mark Amodei (Keller phone 00103).

10:55 am. Email CMI (Mark Rotter) email to Vida Keller, suggesting meeting December 30 or 31. Exhibit 14 to CRA Ex. 17.

1:14 pm. Keller 26 minute call to Bob Hastings (Keller phone 00103).

Two days during December 2013, demonstrated similar period of frequent communication between Keller and CMI, marked also by calls with Congressman Mark Amodei's office.

December 26, 2013

10:19 am. Keller call from DeGasperis, 3 minutes (Keller phone 00104).

10:22 am. Keller call to DeGasperis, 56 minutes (Keller phone 00104).

3:23 pm. Keller call from Mark Amodei office, 3 minutes (Keller phone 00104).

December 27, 2013

10:31 am. Keller call from Amodei office, 3 minutes (Keller phone 00104).

1:42 pm. Keller call to DeGasperis, 2 minutes (Keller phone 00104).

2:06 pm. Keller call to DeGasperis, 3 minutes (Keller phone 00104).

2:09 pm. Keller call to DeGasperis, 41 minutes (Keller phone 00104).

3:22 pm. Keller call to CMI/Plum Mining, 1 minute (Keller phone 00104).

3:23 pm. Keller call to DeGasperis, 9 minutes (Keller phone 00104).

The above calls show the intensive communication and discussion between Keller and DeGasperis, over the course of two days and in particular the morning of December 26 and the afternoon of December 27. They spoke for just short of an hour on each occasion, interspersed with two calls with Congressman Amodei's office.

The most intense communication among Keller, Hastings, DeGasperis and other CMI personnel, including Mark Rotter and Andrew Motter (CMI's consultants), Commissioner Fierro, Chairman Mortenson, and Jeff Page occurred in the days leading up to the January 2, 2014 Commission meeting. This was, obviously, the most critical period for CMI's Master Plan amendment and zoning change Application and this is reflected in the level of effort in the form of telephone communications Keller and Hastings expended on behalf of CMI.

December 29

6:40 pm. Keller call to Hastings, 16 minutes (Keller phone 00105).

December 30

12:59 pm. Keller call to Robert Auer (Lyon County District Attorney), 11 minutes (Keller phone 00105).

1:23 pm. Keller call from Jeff Page, 11 minutes (Keller phone 00105).

1:41 pm. Keller call to Robert Auer, 5 minutes (Keller phone 00105).

4:13 pm. Keller call to Bob Hastings, 10 minutes (Keller phone 00105).

4:43 pm. Keller call from Hastings, 3 minutes (Keller phone 00106).

Time unknown. Meeting between CMI (Mark Rotter) and Commissioner Ray Fierro regarding CMI's application. CRA Ex. 42, Fierro verbal disclosure.

December 31

8:58 am. Keller call from Hastings, 13 minutes (Keller phone 00106).

10:54 am. Keller call to Hastings, 9 minutes (Keller Phone 00106).

11:44 am. Keller call to DeGasperis, 13 minutes (Keller Phone 00106).

12:01 pm. Keller call to Jeff Page, 6 min (Keller Phone 00106).

4:15 pm. Keller call to Jeff Page, 2 minutes (Keller phone 00106), originating in Gold Hill, NV, location of CMI headquarters.

4:27 pm. Keller call to Jeff Page, 3 minutes (Keller phone 00106), originating in Gold Hill, NV, location of CMI headquarters.

4:38 pm. Keller call to Jeff Page, 3 minutes (Keller Phone 00106), originating in Gold Hill, NV, location of CMI headquarters.

5:02 pm. Keller call from Mark Rotter, 9 min (Keller Phone 00106), received in Gold Hill, NV, location of CMI headquarters.

5:45 pm. Keller call to Jeff Page, 6 min. (Keller Phone 00106).

6:54 pm. Keller call to Hastings, 14 minutes (Keller Phone 00106).

8:42 pm. Keller call to DeGasperis, 1 min. (Keller Phone 00106).

Time unknown. CMI (Andrew Motter) email to Commissioner Fierro attaching maps re CMI application. CRA Exhibit 15.

2014 January

January 1 (the day before the BOCC meeting)

11:25 am. Keller call to DeGasperis, 1 minute (Keller phone 00106).

11:26 am. Keller call from CMI, 1 minute (Keller phone 00106).

11:26 am. Keller call from CMI, 1 minute (Keller phone 00106).

11:26 am. Keller call to CMI, 1 minute (Keller phone 00106).

11:30 am. Keller call to CMI, 21 minutes (Keller phone 00106).

11:59 am. Keller call to Hastings, 5 min (Keller Phone 00106).

12:03 pm. Keller call to CMI, 3 minutes (Keller Phone 00106).

12:06 pm, Keller call to Page, 3 minutes (Keller phone 00106).

12:07 pm. Keller call to Jeff Page, 4 minutes (Keller phone 00106).

12:34 pm. Keller call from CMI, 7 minutes (Keller Phone 00107).

1:28 pm. Keller call to DeGasperis, 30 minutes (Keller phone 00107).

1:58 pm. Keller call to Mark Rotter, 9 min (Keller Phone 00107).

1:58 pm. Email CMI to (Andrew Motter) to Keller (cc: DeGasperis/Mark Rotter), attaching revised map exhibit to CMI Application as "requested." Ex. 15 to Vida Keller Depo, CRA Ex. 17.

Time unknown. Meeting in Silver Springs NV between Commissioner Keller, Chairman Mortensen, County Manager Jeff Page re "compromise" plan for CMI Application. CRA Exhibit 42, CMI#1 at 5:40) (Page describing the efforts at reaching compromise). Vida Keller Depo, CRA Ex. 17 at 94:22-25; 95:1-4.

Time unknown. Meeting between Commissioner Keller, County Manager Jeff Page and CMI to discuss "compromise." CRA Exhibit 42 CMI#1 at 5:40) (Page describing the efforts at reaching compromise)

3:04 pm. Keller call to CMI DeGasperis, 2 minutes (Keller Phone 00107).

3:09 pm. Keller call from CMI DeGasperis, 3 minutes (Keller Phone 00107).

3:32 pm. Keller call to CMI DeGasperis, 2 minutes (Keller Phone 00107).

4:44 pm. Keller call to Jeff Page, 1 min (Keller Phone 00107).

5:52 pm. Keller call to Bob Hastings, 4 min. (Keller Phone 00107).

6:28 pm. Keller call from BOCC Chair Mortensen (Mortensen family number) 8 min. (Keller Phone 00107).

7:06 pm. Email from CMI (Andrew Motter) to Vida Keller (and DeGasperis and Mark Rotter) attaching the "revised" map exhibit. Exhibit 15 to CRA Ex. 17.

7:14 pm. Email CMI (Andrew Motter) to Jeff Page attaching revised maps for CMI's Application. CRA Ex. 33.

7:15 pm. Email Jeff Page to all BOCC members forwarding revised maps to CMI Application.

7:35 pm. Keller call to Jeff Page, 5 min. (Keller Phone 00107)

7:55 pm. Keller call to CMI Mark Rotter, 1 minute (Keller phone 00107).

7:56 pm. Keller call to CMI Mark Rotter, 1 minute (Keller phone 00107).

8:00 pm. Keller call to CMI Mark Rotter, 1 minute (Keller phone 00107).

8:01 pm. Keller call from CMI Mark Rotter, 11 minutes (Keller phone 00107).

January 2, 2014 (Day of BOCC meeting on CMI Application)

5:43 pm. Keller call to CMI DeGasperis, 1 minute (Keller phone 00107).

6:11 pm. Keller call to Hastings, 8 minutes (Keller phone 00107).

In four days from December 29, 2013, through January 1, 2014, Keller telephone contacts included eight calls with Hastings, totaling 1 hour and 21 minutes; 14 calls with DeGasperis and other CMI numbers, totaling 1 hour 27 minutes; 10 calls with Page, totaling 44 minutes; and 6 calls with Mark Rotter totaling 32 minutes. This reiterates the level and complexity of the communication involved, and is absolutely consistent with a group of people working hard toward a common goal.

That common goal of the CMI and Commissioners was to ensure a majority of votes for CMI's Application. Lyon County Manager Jeff Page opened the January 2, 2014 meeting with a discussion of the events leading to the "compromise" between CMI and the Commissioners. As candidly admitted by CMI, the "compromise" hammered out in these calls and meetings "was the result of some Commissioners talking about is there an opportunity for some sort of [compromise on the scope of CMI's Application]." CRA Ex. 42, CMI #1 47:38. Indeed, after

public comment, the Commissioners voted, 4 to 1 to overturn the Silver City Advisory Council, its professional planning staff recommendation, and the recommendation of its Planning Commission, and grant the "compromise." Interestingly, the four "ayes" – Commissioners Keller, Hastings, Mortenson and Fierro, were the ones involved in the compromise's creation, deliberation and finalization in the days before the January 2 meeting.

C. Even after Granting CMI's Application, Commissioners Keller and Hastings Remain Entangled with CMI

In 2015, Vida Keller left the Lyon County Commission after she failed to win reelection. Soon thereafter in 2015, CMI did not renew its contract with Keller Consulting. However, CMI used Ms. Keller as a real estate agent for which she received over $200,000. Exhibits 10 and 11 to CRA Ex. 17. CMI similarly helped Commissioner Hastings by responding to his solicitations as a radio advertising salesperson, and booking ads. CRA Exhibits 31 and 32. Commissioner Hastings succinctly states his fear ("I am concerned **we** are going to fall behind and that CRA will be able to get ahead of **us**." CRA Exhibit 32 (emphasis added)) and his objective ("The purpose here is to positively brand Comstock Mining." CRA Exhibit 31.

IV. APPLICATION OF LAW TO THE FACTS

A. The Participation by Commissioners Keller and Hastings Denied Plaintiffs Due Process

1. Commissioner Keller and Hastings' Bias

As set forth above, Lyon County violated Plaintiffs' procedural due process right to a relatively impartial decisionmaker when Commissioners Keller and Hastings participated in the hearing process given the probability of actual bias on their part was too high to be constitutionally tolerable. As described above, Commissioner Keller had a longstanding pecuniary interest in CMI as it paid her over $272,000 over the time she was on Lyon County Commission and shortly thereafter, including a no-bid, $7,000 a month retainer to one of her companies that was her principal source of income just when she was considering and voting on

CMI's land use application. As for Commissioner Hastings, he owed his political career to CMI's overwhelming and unprecedented fiscal support during his election campaign. And he worked hard for that money; he repeatedly intervened with staff and others on CMI's behalf to advance the interests of his principal campaign contributor. It is clear from the record that Hastings had a totally closed mind when the vote finally came to him. Similarly, Vida Keller had intervened at the last minute to save CMI's application, working on New Year's Day, the day before the January 2, 2014 hearing to garner any wavering votes. Under these cumulative circumstances, the tribunal deciding CMI's application was unalterably tainted by the participation of Commissioners Keller and Hastings to the point that a constitutionally unacceptable degree of probability of, if not actual, bias occurred.

2. Commissioner Keller's Conflict of Interest and Failure to Fully Disclose and Abstain Under NRS Chapter 281A

Nevada's Ethics in Government Law commanded Commissioner Keller to disclose the full nature of her interests in the matter. She failed to meet this standard because, from the records she possessed at the time she was considering CMI's land use application, CMI was paying her company a no-bid, lucrative $7,083 a month retainer that was her principal source of income. She disclosed only that the Comstock Foundation was contracting with her husband, which was wholly inaccurate. See Exhibit 4 to CRA Ex. 17 (contract between CMI and the Kellers' companies); CRA Exhibit 19 (check stubs from CMI to Kellers' companies); Exhibit 18 to CRA Ex. 18 (IRS Form 1099s reporting income from CMI to Kellers' companies); Exhibit 2 to CRA Ex. 17 (Kellers' tax return reporting CMI income). As a result, Keller violated NRS 281A.420(1).

Similarly, NRS Chapter 281A required Commissioner Keller to recuse herself because of her pecuniary interest in the matter and/or commitment in a private capacity to CMI's interest. Commissioner Keller depended upon CMI's payments to her in order to make ends meet. Her

pecuniary interest aligned completely with pleasing CMI and approving its land use application. As a consequence, Keller had both an overwhelming pecuniary interest in ensuring CMI got what it wanted and a commitment to them in her private capacity. When Commissioner Keller refused Plaintiffs' request to recuse from voting on CMI's application, Keller violated NRS 281A.420(3).[6]

3. Violations of Open Meeting Law[7]

A quorum of the Lyon County Commissioners conducted private serial meetings to prepare an agreed-upon proposal for the upcoming public meeting. On December 30, 2013 (several day before the January 2, 2014 public meeting) CMI met with Commissioner Fierro to discuss CMI's application. CRA Ex. 42 (CMI#1.wav) at 15:18-16:00. Then, on December 31, 2013, CMI sent via email to Commissioner Fierro a map of the parcels in question with the new proposal highlighted in red. CRA Ex. 15. The next day, January 1, 2012, Commissioner Keller held several meetings with CMI, Commissioner Mortensen, and County Manager Jeff Page to discuss the same proposal. *Supra.* Later that same day, CMI emailed the County Manager the map of the "compromise" proposal worked out in these serial meetings.

As noted above, in four days from December 29, 2013, through January 1, 2014, Keller telephone contacts included eight calls with Hastings, totaling 1 hour and 21 minutes; 14 calls with DeGasperis and other CMI numbers, totaling 1 hour 27 minutes; 10 calls with Page, totaling 44 minutes; and 6 calls with Mark Rotter totaling 32 minutes. This reiterates the level

[6] The Nevada Ethics Commission's opinion on Commissioner Keller's conflict of interest was premised on Keller's inaccurate disclosure statement that her husband was paid by the Comstock Foundation and did not include the other material facts laid out above on Keller's dependence on CMI's largess.

[7] The Nevada Supreme Court affirmed this Court's dismissal with prejudice of CRA's claim for relief directly under the Nevada Open Meeting Law. CRA presents this argument not as that claim but as another basis to find that Lyon County denied CRA its due process rights by meeting and deliberating illegally.

and complexity of the communication involved, and is absolutely consistent with a group of people working hard toward a common goal.

Thus, a quorum of four of the five Lyon County Commissioners discussed and deliberated on an alternative proposal that was then presented to the public for the first time the next day. CRA Ex. 42 (CMI#1.wav) at 50:10 (Comments of CMI stating that the "compromise" proposal was worked out in response to a discussion about removing the northern end of the Dayton Consolidated sites). Such a process violates the OML and denied Plaintiffs of a reasonably opened minded Commission. *Del Pappa v. Board of Regents*, supra.

C. The Appropriate Remedy is to Vacate the Decision and Remand To the BOCC

In order to remedy the above-described violations, the Court should vacate the tainted 2014 approval of CMI's application and remand the matter back to consideration for reconsideration by the Lyon County Commission.

Defendants' may argue that such a remedy is moot given the Supreme Court affirmed this Court's finding that substantial evidence support the 2014 action approving CMI's application. However, simply because the Court found that approval was one possible action supported by the record does not mean it is the only action the County Commission could have taken. Moreover, the participation by Commissioners Keller and Hastings were so extensive that the 2014 process was irrevocably tainted. Indeed to hold otherwise would find due process violations without remedy as long as the underlying action was theoretically possible.

V. CONCLUSION

After consideration of the evidence presented, the Plaintiffs respectfully request that court find that the Plaintiffs' due process rights were violated by the participation of Commissioners Keller and Hastings during the 2014 consideration and approval of CMI's land use application, vacate the decision, and remand the matter back to the Lyon County Commission.

Dated: September 7, 2018.

Respectfully submitted,

By _____
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FILED

2015 SEP 24 PM 3:10

Case No. 14-CV-00128

Dept. No. II

The undersigned hereby affirms this document does not contain a social security number.

IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF LYON

COMSTOCK RESIDENTS ASSOCIATION, GAYLE SHERMAN, JOE McCARTHY,

Plaintiffs/Petitioners,

vs.

LYON COUNTY BOARD OF COMMISSIONERS;COMSTOCK MINING INCORPORATED,

Defendants/Respondents,

DEFENDANTS' OPPOSITION BRIEF

Defendants, LYON COUNTY BOARD OF COMMISSIONERS (referred to herein as the "COUNTY"), by and through STEPHEN B. RYE, Lyon County District Attorney, and COMSTOCK MINING INCORPORATED (referred to herein as "CMI") by and through ALLISON MacKENZIE, LTD., hereby jointly oppose the Opening Merits Brief filed by Plaintiffs, COMSTOCK RESIDENTS ASSOCIATION and JOE McCARTHY (referred to collectively herein as "CRA"). This Opposition is made and based upon the documents on file herein, the applicable law, and the points and authorities set forth herein.

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JA 1576

DATED this 24th day of September 2018.

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MEMORANDUM OF POINTS AND AUTHORITIES

I.

INTRODUCTION

All claims in this matter except one have been fully and finally adjudicated in favor of Defendants. The last pending claim in this matter is CRA's claim that its due process rights were violated. Following an allowed period of discovery on the due process claim, the parties hereto have stipulated to submit this matter, on briefs, to the Court for a final judgment on the merits.

CRA's Opening Brief in support of its due process claim is based entirely on inapplicable legal arguments and speculative, inaccurate, and reckless factual assertions, without any actual legal or evidentiary support. The COUNTY properly followed all laws and procedures regarding disclosures of financial and contractual relationships and its approval of CMI's application was based entirely on the substantial evidence before it, as already upheld by the Nevada Supreme Court. Commissioners Vida Keller and Bob Hastings acted appropriately in deliberating and voting on CMI's application. As such, this Court must enter judgment on the merits in favor of Defendants.

It has been nearly five years from CMI's submission of its Application for Zone Change and Master Plan Amendment. CRA's legal maneuvers have successfully slowed down the process such that CMI has been unable to use its own land as requested, as approved by the COUNTY and this Court, and as upheld by the Nevada Supreme Court. CRA can point to no actual evidence of COUNTY bias in favor of CMI that rises anywhere close to the level of a violation of due process as set forth in the legal authorities cited in its own briefing.

II.

FACTUAL BACKBROUND

A. CMI's Application for Zone Change and Master Plan Amendment.

In or about August 2013, CMI submitted to the COUNTY a Master Plan Amendment and Zone Change Application (the "Application"). See Record, 000549-000581. The

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Lyon County, State of Nevada

Application sought a change to the land use and zoning designations for six (6) parcels totaling approximately 87.2 acres adjacent to the town site of Silver City. Id. at 000551. The specific requests made in the Application were to amend the Lyon County Master Plan (the "Master Plan") by changing the land use designations from Suburban Residential to Rural Residential on approximately 42.57 acres and from Resource to Rural Residential on approximately 12.29 acres and to amend the zoning designation from NR1 to RR3 on 54.86 acres and from NR1 to RR5 on 32.34 acres. Id. at 00052.

The Application was made for the purpose of furthering mineral exploration efforts on the property. Id. at 000553. However, this is not the sole or only potential use, and the proposed land use and zoning designations do not permit actual mining activities without first obtaining a special use permit, which was not and has not heretofore been applied for. Id. The change from Suburban Residential to Rural Residential is more suited to the existing and surrounding landscape. The Suburban Residential land use designation was at least partially in conflict with existing Master Plan designations. The Application sought to correct these conflicts and expanded the ability to more productively and sensibly use the land.

B. Planning Commission and COUNTY hearings on CMI's Application.

On December 10, 2013, the Lyon County Planning Commission recommended that the COUNTY deny the Application. Id. at 001915-001921. The COUNTY then set the Application for hearing on January 2, 2014. Id. at 001166.

At the hearing, Commissioners Keller and Hastings read disclosures into the record. Commissioner Keller disclosed that her husband, Scott Keller, had been contracted by CMI to perform emergency repair and restoration work on historical structures adjacent to the Silver City townsite. Id. at 000516. She further disclosed that a construction company owned by her brother-in-law had performed additional restorative and preventive work on a historic building in Storey County with funding provided by a non-profit organization formed for the purpose of historical restoration and affiliated with CMI and that her husband had also been employed by said construction company in connection therewith. Id.

Commissioner Keller noted that her disclosure was made after consulting with the Lyon County District Attorney and the Nevada Commission on Ethics. Id. at 000517. She concluded that her husband's involvement in restoration projects partially funded by CMI had no impact on her ability to exercise independent judgment in voting on CMI's Application and that any decision rendered at the hearing would have no impact on her husband's contractual obligations. Id. at 000518.

Commissioner Hastings disclosed that his wife had been hired to help with set-up and clean-up of an event sponsored by CMI at the Dayton Community Center. Id. at 000515. He further disclosed that his daughter's boyfriend was employed by CMI and that he had not done anything to influence and did not receive any benefit from CMI's hiring of his daughter's boyfriend. Id. Finally, Commissioner Hastings disclosed that CMI had contributed to his campaign to be elected to the COUNTY in 2012. Id. Commissioner Hastings received a total of $29,559.37 in campaign contributions prior to his 2012 election.[1] His opponent, Chuck Roberts, received a total of $25,716.50.[2]

Like Commissioner Keller, Commissioner Hastings noted that he consulted with the Lyon County District Attorney and the Nevada Commission on Ethics prior to making these disclosures and concluded that he could still participate in hearing CMI's Application. Id.

Prior to the January 2, 2014 hearing, CMI and its advocates attempted to persuade the COUNTY that its application should be approved. Plaintiffs acknowledge and admit in their Opening Brief that they did the same. Opening Brief, p. 11, ll. 12-18. Further, in response to specific discovery requests from Defendants about CRA's attempts to influence the COUNTY against CMI's Application, CRA equivocated and failed to provide any such detail. They implied, however, that they had, in fact, communicated with Lyon County officials "to defeat Comstock Mining Incorporated's 2013 Application for Master Plan

[1] Nevada Secretary of State Website, Campaign Contributions and Expenses Report of Bob Hastings, available at http://nvsos.gov/SOSCandidateServices/AnonymousAccess/ViewCCEReport.aspx?rpt=EjDsJCPBbNTuJnXblcabg%253d%253d

[2] Nevada Secretary of State Website, Campaign Contributions and Expenses Report of Chuck Roberts, available at http://nvsos.gov/SOSCandidateServices/AnonymousAccess/ViewCCEReport.aspx?rpt=7mUeip3ELbHip5zPPPdMg%253d%253d

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Lyon County, State of Nevada
[illegible]

Amendment and Zone Change." Plaintiffs' Response to First Set of Interrogatories are attached hereto as **Exhibit "1"**. See Response to Interrogatory No. 1.

While CRA had sent a letter to the COUNTY in advance of the January 2, 2014 hearing, nobody objected during the COUNTY's January 2, 2014 hearing to Commissioners Keller and Hastings participating in the hearing and deliberating on CMI's Application, after they had made their lawful disclosures. Id. at 000528-000532. Following deliberations, the COUNTY voted 4-1 to approve the Master Plan Amendment and then 5-0 to approve the zone change. The COUNTY's decision to approve the Application was based on substantial evidence. See Supreme Court Order dated December 2, 2016, affirming this Court's June 5, 2015 Order.

C. Details from Commissioner Keller's Disclosure.

For periods of time between 2012 and 2015, Commissioner Keller's household income consisted only of her income from serving as Commissioner and her husband's income from construction, which was, at times, paid exclusively by Comstock Foundation for History and Culture ("CFHC"), for work he performed in restoring various historical sites throughout the Comstock Historic District. Deposition of Vida Keller at 35:13-25; 40:13-22; 46-49.[3] Deposition of Scott Keller at 35:15-36:1.[4] A copy of a Construction Project Management Agreement dated January 1, 2012 is attached hereto as **Exhibit "4"**. A copy of a Construction Consultant Agreement dated May 1, 2013 is attached hereto as **Exhibit "5"**.[5]

Scott Keller was hired to do work for CFHC after participating in a tour of a mining facility offered by CMI to Lyon County public officials, including Commissioner Keller, and

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[3] The transcribed Deposition of Vida Keller is attached hereto as **Exhibit "2"**.

[4] The transcribed Deposition of Scott Keller is attached hereto as **Exhibit "3"**.

[5] The contracts were nominally entered into with CMI prior to the formation of CFHC, which is, pursuant to a Storey County special use permit, funded in part from mining revenue earned in Storey County. CFHC is a qualified 501(c)(3) non-profit entity separate from CMI with independent leadership, including a majority of independent board trustees and an independent Executive Director. All funds paid to Scott Keller for work performed under the contracts was paid by CFHC, not CMI. Any money advanced by CMI to Scott Keller prior to the formation of CFHC was offset against funding from CMI to CFHC under the above-referenced special use permit, a copy of which is attached hereto as **Exhibit "6"**. CMI Chairman and CEO, Corrado DeGasperis, did not oversee the work performed by Scott Keller. That work was overseen by the CFHC executive directors.

members of the public and Mr. Keller pointed out structural issues with an historic mining facility in Lyon County. Deposition of Vida Keller at 59:6 to 60:10; Deposition of Scott Keller at 14:17 to 15:22. Contrary to CRA's characterization of the contract as not requiring minimum hours nor completion of specific tasks, throughout the term of the contracts under which he worked, Scott Keller completed several extensive restoration projects including without limitation projects involving the Yellow Jacket historic mine structures, St. Mary's Arts Center, the Fourth Ward School, the Gold Hill Depot, and several publicly owned buildings in Storey County. Deposition of Scott Keller at 37:16 to 39:6. Copies of photographs of some of the work completed by Scott Keller and paid for by CFHC are attached hereto as **Exhibit "7"**. Scott Keller was tasked with specific projects by CFHC and remained busy with that work until his contracts expired. Deposition of Scott Keller at 39:8-12.

D. Nevada Commission on Ethics proceedings.

A panel of the Nevada Commission on Ethics dismissed claims filed against Commissioner Keller and found that she did not violate any applicable ethical provisions by participating in the process of considering CMI's Application. A copy of Nevada Commission on Ethics, Panel Determination, Request for Opinion 14-32C is attached hereto as **Exhibit "8"**. The Ethics Commission deferred action on a request for opinion regarding Commissioner Hastings.

IV.

LEGAL ARGUMENT

A. Legal standards for due process in Nevada.

CRA's due process claim, as stated in its Complaint, provides that the "Due Process Clauses of the United States and Nevada Constitutions, as well as Nevada Ethics in Government Act, guarantee citizens that decisions made by government officials shall be free from undue influence." Complaint, ¶ 118. The due process clause of the United States Constitution actually states in relevant part that "[n]o person shall...be deprived of life, liberty, or property, without due process of law." United States Constitution, Fifth Amendment; See also, Fourteenth Amendment. Similarly, the due process clause found in Section 8 of the

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Nevada Constitution states that "[n]o person shall be deprived of life, liberty, or property, without due process of law."

CRA, without offering any real support for the application of these provisions to the COUNTY's consideration of CMI's Application, leaps to the conclusion that these provisions are tied to the junction of government decision-making and conflicts of interest and that within said provisions are "guarantees" about government decision-making being free from undue influence. CRA has never articulated how the COUNTY has violated these constitutional provisions. The COUNTY and CMI agree, of course, that CRA is entitled to a fair tribunal as part of due process. At the same time, a presumption of honesty and integrity cloaks those who serve as adjudicators. Gilman v. Nevada State Bd. of Veterinary Med. Examiners, 120 Nev. 263, 269 89 P.3d 1000, 1004 (2004) disapproved of by Nassiri v. Chiropractic Physicians' Bd., 130 Nev. Adv. Op. 27, 327 P.3d 487 (2014); Withrow v. Larkin, 421 U.S. 35, 46, 95 S.Ct. 1456, 43 L.Ed.2d 712 (1975).

The Nevada Ethics in Government Act is codified in NRS Chapter 281A. NRS 281A.420 provides the standard by which a public official must determine whether conflicts of interest give rise to an obligation to abstain from participating in the deliberations or vote on any matter. The Legislature enacted Nevada's Ethics in Government law "[t]o enhance the people's faith in the integrity and impartiality of public officers and employees [by establishing] appropriate separation between the roles of persons who are both public servants and private citizens." NRS 281A.020(2)(b). Carrigan v. Comm'n on Ethics, 126 Nev. 277, 297, 236 P.3d 616, 629 (2010), rev'd and remanded sub nom. Nevada Comm'n on Ethics v. Carrigan, 564 U.S. 117, 131 S. Ct. 2343, 180 L. Ed.2d 150 (2011).

NRS 281A.420(1) provides that a public official should abstain from voting on a matter: (a) regarding which the public official "has accepted a gift or loan," (b) in which the public official "has a significant pecuniary interest," or (c) which would be affected by the public official's "commitment in a private capacity to the interests of another person" unless the public official discloses information "sufficient to inform the public" of the effects of the proposed action on the loan, gift, pecuniary interest, or commitment to the interests of

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another person. Moreover, the disclosure(s) required in NRS 281A.420(1) must be made at the time the particular matter is being heard and in public.

A public official who properly discloses the items mentioned in NRS 281A.420(1) is permitted to deliberate and vote on the matter in question unless the "judgment of a reasonable person in the public officer's position would be materially affected by" the disclosed item(s). NRS 281A.420(3). A public official is presumed not to be materially affected by the gift, loan, significant pecuniary interest, or commitment to another's interests if the benefit to the public officer is not greater than that accruing to any other person affected by the matter in question. NRS 281A.420(4). This is the standard in Nevada when evaluating conflicts of interest. The due process clauses of the United States and Nevada constitutions require nothing more.

NRS 281A.420(4) also states:

> Because abstention by a public officer disrupts the normal course of representative government and deprives the public and the public officer's constituents of a voice in governmental affairs, the provisions of this section are intended to require abstention only in clear cases where the independence of judgment of a reasonable person in the public officer's situation would be materially affected by the public officer's acceptance of a gift or loan, significant pecuniary interest or commitment in a private capacity to the interests of another person.

To say the constitutional due process clauses require something more than the very detailed requirements of Nevada law is simply absurd and the legal authorities cited by CRA do not support any other interpretation.

CRA has chosen throughout these proceedings to ignore the clearly-defined Nevada standard and, instead, has urged the consideration and application of standards that differ greatly from the Nevada standards. In its Opening Brief, for instance, CRA asserts that the due process clauses of the United States and Nevada Constitutions require more than NRS Chapter 281A where a public official's "fiscal interest in the outcome" of an application or an applicant's funding of a public official's campaign reaches some undefined level of

"egregious." Opening Brief, p. 4, fn. 2.[4] The legal authorities cited to support this novel argument do no such thing. Worse, the factual "evidence" cited by CRA is purely speculative and unequivocally falls to rise to a preponderance of evidence in support of a violation of due process.

B. Legal authorities cited by CRA do not support a claim for violation of due process.

CRA continues to cite Caperton v. Massey Coal Company, 556 U.S. 868, 872 (2009) in support of an argument that Commissioner Hastings should have recused himself from deliberating and voting on CMI's Application because of CMI's campaign contributions to him. Caperton presents a very different set of facts than those before the Court here. As the United States Supreme Court stated, Caperton was an "exceptional case." Id. at 883. In Caperton, the judge being challenged (Benjamin) received $1 million more than the total amount spent by the campaign committees of both candidates combined from Massey Coal's chairman and principal officer (Blankenship). Id. at 873 ("To provide some perspective, Blankenship's $3 million in contributions were more than the total amount spent by all other Benjamin supporters and three times the amount spent by Benjamin's own committee."). Further, the contributions from Blankenship to Benjamin, a candidate for a West Virginia Supreme Court of Appeals seat, immediately followed entry of a $50 million judgment against a corporation for which Blankenship was President and CEO, at a time when it was certain that said corporation would be appealing said judgment to the West Virginia Supreme Court of Appeals. Id. at 884-85.

It is undisputed here that CMI contributed $10,000 to Commissioner Hastings' 2012 campaign and that his opponent, Chuck Roberts, received $25,716.50 in total contributions

[4] CRA goes on to assert in its footnote that the "Nevada Supreme Court held in this case that CRA stated a due process claim." To the extent CRA twists the Supreme Court's ruling to suggest that the Supreme Court has afforded any credibility to the due process claim rather than simply concluding that CRA had met the minimum notice standard for pleading in Nevada, this Court should reject that interpretation. The Supreme Court merely concluded that CRA had done enough to notify Defendants of its claim for violation of due process. There is nothing in the Supreme Court's ruling that gives any credence to the unsubstantiated allegations of the claim itself. This Court properly allowed CRA to conduct discovery on the due process claim in order to see if any evidence existed to support the claim.

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during the same campaign.[7] These figures simply have no comparison to the figures or ratios at issue in Caperton. Further, unlike the exceptional and excessive contributions in Caperton, which were tied to an appeal of a $50 million adverse judgment, the contributions in question here have no demonstrable nexus to the COUNTY's approval of CMI's Application.

Likewise, the other campaign figures cited by CRA are simply misleading and without any support. CRA says the "average Lyon County Commissioner candidate from 2008 to 2012 raised a little more than $7,000." Opening Brief, p. 8, ll. 2-3. CRA cites absolutely no support for this statement. Then, CRA says CMI's contributions to Commissioner Hastings in 2012 "alone exceeds the totals for seven out of ten candidates from 2008-2014, and is essentially twice the totals raised by individual candidates in 2016." Opening Brief, p. 8, ll. 3-7. Again, CRA cites no supporting evidence for these statements. However, even if this Court accepts the statements as true, they do nothing for CRA's allegations. 2016 election figures are entirely irrelevant to this matter. Campaign contributions to candidates in any election other than the one between Commissioner Hastings and Chuck Roberts in 2012 are also irrelevant. In the only election that matters, Chuck Roberts raised $25,716.50 and Commissioner Hastings raised $29,559.37. Even accepting CRA's unfounded assertions as true, both candidates significantly outraised the campaign figures cited by CRA by an almost equal amount. Further, this Court may note that Commissioner Hastings won reelection in 2016 with no support from CMI and, according to CRA's own statement, with significantly less overall financial support. Opening Brief, p. 8, ll. 4-7.

Prior to deliberating and voting on CMI's Application, Commissioner Hastings disclosed that he received campaign contributions from CMI, notwithstanding that Nevada law did not require such a disclosure. NRS 281A.420(2)(a) states unequivocally that a public officer is not required to disclose "[a]ny campaign contributions that the public officer

[7] The Secretary of State records linked in footnote 1, *supra*, show that CMI contributed $10,000. CRA has alleged that CMI, through affiliate entities, contributed more, but has never pointed to anything in the record to establish this.

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reported in a timely matter" pursuant to relevant election statutes. Nevertheless, Commissioner Hastings did disclose CMI's contributions to his election campaign.

Moreover, the Nevada Attorney General has taken the position that campaign contributions are not conflicts of interest that require abstention from voting on matters relating to or affecting campaign contributors. See Nevada Attorney General's Opinion ("AGO") 1998-29. The Nevada Attorney General recognized that the Nevada legislature (in predecessor statutes to NRS Chapter 281A) has kept campaign contributions separate from conflicts of interests. Id. It determined that the Legislature had not intended for campaign contributions to trigger a conflict of interest that might require abstention. Id. Revisions to the applicable conflict of interest statutes, including the addition of NRS Chapter 281A, since 1998 have not added anything to reverse or contradict this finding. Commissioner Hastings was not required to disclose his campaign contributions during the January 2, 2014 hearing and there is no authority cited by CRA that would have required his recusal from considering CMI's Application. That he did disclose his campaign contributions only reinforces the fact that Commissioner Hastings lawfully participated in the deliberations of the Application. Caperton has no application here.

CRA also cites Gilman v. Nevada State Board of Veterinary Med. Examiners, 120 Nev. 263, 269 (2004). As noted above, the Nevada Supreme Court affirmed, in that case, that a "presumption of honesty and integrity cloaks those who serve as adjudicators." The presumption is only overcome "by showing that the adjudicators have a conflict of interest, such as a financial stake in the outcome of the case," but that "no bias may be inferred if the pecuniary interest is too remote to create a possible temptation to convict." Id. Gilman cites a United States Supreme Court case in which the Supreme Court specifically found that the "fact that a hearing officer is or was [an] employee [of an interested party] does not create a risk of partiality" and that, absent evidence to the contrary, the Supreme Court had "no doubt that hearing officers [would] do their best" to adhere to their duties. Schweiker v. McClure,

456 U.S. 188, 197, fn. 11 (1982).[8] This is consistent with the presumption of honesty described in Gilman and in NRS 281A.420(4).

Next, CRA cited Ivey v. Eighth Judicial District, 299 P.3d 354 (2013) in support of a proposition that lawful campaign contributions can still rise to the level of a due process violation. This is, at best, a stretch of the discussion contained in Ivey. Indeed, the Nevada Supreme Court, in Ivey, specifically held that a judge was not required to recuse himself from a case where a party and his attorney had made substantial contributions to his election fund, and that such contributions did not rise to the "exceptional" level described in Caperton. 299 P.3d at 358. As noted above, the contributions at issue here also fall well short of the "exceptional" level of contributions described in Caperton.

Lastly, CRA cites three non-Nevada cases that simply have no application whatsoever here. Opening Brief, p. 3, ll. 10-21. CRA cites Los Chaves Community Association v. Valencia County, 277 P.3d 475 (N.M. 2015), a New Mexico case standing for a requirement that a county commissioner must recuse himself where his first cousin was an applicant before the commission. CRA fails to explain at all how this case applies. There is no familial connection between CMI and any of the County Commissioners.

Next, CRA cites Netluch v. Mayor and Council of Borough of West Paterson, 325 A.2d 517 (N.J. 1974), a New Jersey case in which a zone change was invalidated because a voting public official introduced a zone change in which he had a direct interest. The official in Netluch owned horses in a neighborhood where horses were prohibited and voted to introduce a zone change amendment for consideration to allow horses in that neighborhood. Id. at 106. Although he abstained from voting to actually approve the amendment, the amendment was invalidated because of the official's direct interest in a measure he voted to introduce. Id. CRA advances no argument nor presents any evidence that any County Commissioner had a direct interest in CMI's Application (i.e., a stake in CMI or its mining operations).

[8] In Schweiker, the United States Supreme Court also confirmed plainly that the burden of establishing that a public official is disqualified from considering an application rests on the party making the assertion.

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Finally, CRA cites Bissler v. Jefferson Bd. of Zoning Appeals, 693 S.E.2d 321 (W.Va. 2010), from which CRA quotes an incomplete thought. The West Virginia Supreme Court, applying a standard different from that of Nevada, noted that a prior business relationship between an applicant and a voting official and the voting official's speculative pecuniary interest gives rise to an appearance of impropriety. 693 S.E.2d at 329. In that case, though, the Court noted specifically that it lacked detail concerning the relationship between the voting official and the applicant and further that there may be circumstances in which such an official would not be required to recuse himself. Id. Presumably, CRA cites this case in support of its assertions about Commissioner Keller's alleged business relationship with CMI. Here, though, the Court has ample information about that relationship. Specifically, that the relationship was, during all relevant time periods, with her husband, Scott, who actually performed substantial work as described above consistent with his lifelong profession and was actually paid by CFHC, an independently-governed 501(c)(3), whose executive directors oversaw his work. Under Nevada standards, as discussed above, this relationship did not require recusal, as confirmed by the Nevada Commission on Ethics.

C. CRA's attempts to show that Commissioner Keller had a "financial stake" in the outcome of CMI's Application are wholly speculative and must be disregarded.

CRA obtained phone records from the COUNTY in response to a public records request. See Opening Brief, Exhibit 44. CRA spends a significant portion of its Opening Brief attempting to twist those phone records, which lack any detail, into an argument that the supposed participants in the listed phone calls must have been acting nefariously to ensure passage of CMI's Application. CRA's unfounded allegations about the phone calls are reckless and speculative and should be disregarded. The phone records show only incoming and outgoing calls and lengths of call. Again, there is no detail about any of the calls. CRA speculates that several calls, purportedly between Commissioner Keller, CMI CEO Corrado DeGasperis, Commissioner Hastings, Commissioner Mortensen, County Manager Jeff Page, and others, must have been about CMI's Application and must have

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included improper content designed to thwart the political land use and zoning process, which is just an absurd idea from the start.

First, CRA actually has no idea what any of the calls were about. CRA performed no additional discovery to determine what any of the calls might have been about. CRA's response to the foregoing fact is certainly to be that CRA did not receive the phone records until after this Court's discovery cutoff had expired. This would be disingenuous, at best, as CRA could have subpoenaed these phone records at any time during the last five years, but chose not to do so. Had CRA diligently pursued obtaining the phone records it always believed existed, it could have deposed any of the individuals identified above as being participants in the phone calls identified. It did not do so. It could have issued interrogatories regarding the same. Again, it did not do so. CRA's lack of diligence in pursuing information about the phone records should not give rise to allowing CRA to recklessly speculate about what any individual or group of phone calls might have been about. Again, CRA has the burden of proving impropriety here. It simply has no real evidence of any impropriety concerning any phone call between Commissioner Keller and any other person.

Furthermore, even if CRA's speculation is correct (which is not conceded), CRA cites zero legal authorities to even suggest that such phone calls were improper. None of the legal authorities cited by CRA say anything about the propriety of calls between an applicant and a public official who will be deliberating on the application before him. Indeed, Commissioner Keller noted during the January 2, 2014 hearing that she had spoken to many Lyon County constituents about CMI's Application. Record, 000529. Similarly, it was noted on the record Commissioner Keller's discussions with CMI and others and Commissioner Joe Mortensen's discussions with COUNTY Manager, Jeff Page, and others that occurred in the days leading up to the hearing. Id. at 000528. Contrary to CRA's interpretation, these facts show that the COUNTY went above and beyond to assure that all Lyon County residents' due process rights were protected.

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Cases cited by CRA about walking quorums and open meeting law violations have no place here, Opening Brief, pp. 26-27, where this Court already determined that the COUNTY did not violate the Open Meeting Law and that determination was subsequently affirmed by the Nevada Supreme Court. That is law of this case. See Geissel v. Galbraith, 105 Nev. 101, 103-04, 769 P.2d 1294, 1296 (1989) (noting that doctrine of law of the case is "where an appellate court states a principal or rule of law in deciding a case" and "that rule becomes the law of the case and is controlling" in the lower court, which may then only take "proceedings as conform to the appellate court's judgment"). Therefore, this case is bound by the Nevada Supreme Court's ruling concerning the Open Meeting Law and may not accept any further argument or evidence concerning the same.

D. Commissioners Keller and Hastings fully disclosed all potential conflicts and fully complied with all applicable laws.

The issues properly disclosed by Commissioners Keller and Hastings do not compare to the issues before the United States Supreme Court in Caperton and were not otherwise deficient under any other authority cited by CRA.

The reality is that the Nevada standards set forth in the Nevada Ethics in Government Act as outlined above exceed the standards for recusal required by the due process clauses of both the United States and Nevada Constitutions. Both the Nevada and United States Supreme Courts have upheld the constitutionality of the standards discussed herein. NRS 281A.420 serves to ensure that its public officers "avoid conflicts between [their] private interests and those of the general public whom [they] serve[ ]." Carrigan v. Comm'n on Ethics of State, 129 Nev. Adv. Op. 95, 313 P.3d 880, 888 (2013). These provisions go to the heart of conflicts of interest and recusal requirements.

In applying the Nevada standard set forth in NRS 281A.420, Commissioners Keller and Hastings were permitted to participate in the deliberations and vote on CMI's Application. Here, Commissioner Keller disclosed her husband's pecuniary interests in projects funded by CMI. Having disclosed her husband's pecuniary interests, Commissioner Keller was free to deliberate in and vote on CMI's Application unless a reasonable person in

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her position would be materially affected by her husband's pecuniary interests. CRA argues that Commissioner Keller should have recused herself because a significant portion of her household income was earned by her husband on construction projects funded by CMI. That, however, is not the standard here. Her husband's contractual connections to CMI were disclosed. She was only required to recuse herself if a reasonable person in her position would be materially affected by those interests. There is simply nothing in the record to support such a conclusion. CRA insinuates that Commissioner Keller's husband was being paid regardless of how much work he performed and that he might have lost the opportunity for that work had she voted against approval of CMI's Application. This is nothing short, however, of speculation as there are no documents and nothing from either of the Kellers' depositions to support the insinuation. Furthermore, the Nevada Commission on Ethics already found that Commissioner Keller was not required to recuse herself. Nevada Commission on Ethics, Panel Determination, Request for Opinion 14-32C.

Curiously, CRA relies on 2009 and 2013 Nevada Commission on Ethics Advisory Opinions in which that Commission found that public officials should have recused themselves because the Commission identified conflicts of interest. *See In the Matter of Michael Carrigan*, Advisory Opinion 09-28A (2009) and *In the Matter of First-Party Request for Advisory Opinion Concerning Conduct of Public Officer*, Request for Opinion No. 12-71A (2013). Yet, here the Nevada Commission on Ethics specifically reviewed the facts at issue and found no conflict of interest that would have required Commissioner Keller's recusal. CRA's reliance on Ethics Advisory Opinions must go both ways, particularly where the subject of their Complaint was the subject of such an Advisory Opinion.

Like Commissioner Keller, Commissioner Hastings disclosed perceived pecuniary interests in CMI held by his wife and his daughter's boyfriend. His wife's pecuniary interest amounted to a total of $225, which she was paid by CMI for assisting in the set-up and clean-up of a single event sponsored by CMI. Such an amount certainly fails to rise to the level of being a significant pecuniary interest in CMI.

Commissioner Hastings' daughter's boyfriend, Shawn Starks, was employed by CMI to work in one of its mines. Commissioner Hastings disclosed that Shawn Starks was hired on the basis of his prior experience with industrial excavation. Certainly, Commissioner Hastings was not required to disclose pecuniary interests of Shawn Starks, a person to whom he has no relation and for which Commissioner Hastings derives absolutely no benefit. Nevertheless, in order to avoid the appearance of impropriety, Commissioner Hastings did disclose his relationship with Mr. Starks.

In contrast to the plain language of NRS 281A.420(3) and (4), CRA asserts that Commissioners Keller and Hastings should have recused themselves if "a reasonable person would perceive a conflict of interest on the part of government official when he or she considers a matter." Complaint, ¶ 118. This is a gross misrepresentation of the statutory standards guiding the recusal of Nevada public officials. The mere perception of a conflict of interest is not the standard set forth in any provision of NRS Chapter 281A, nor is that standard supported by any legal authorities cited by CRA. Moreover, CRA has failed to make a cogent argument or even any allegation that Commissioners Keller and Hastings were materially affected by the pecuniary interests they disclosed and that they were not permitted to proceed.

E. There is no remedy here for violation of due process.

CRA petitions for vacation of the COUNTY's decision to approve CMI's Application and to remand to the COUNTY to reconsider the Application. Opening Brief, p. 27, ll. 11-14. CRA is incorrect and cites no legal authority at all in support of this position. In prior pleadings in this matter, CRA had cited Nova Horizons, Inc. v. City Council of the City of Reno, 105 Nev. 92, 769 P.2d 721 (1989), and American West Development, Inc. v. City of Henderson, 111 Nev. 804, 898 P.2d 110 (1995), both of which have been grossly misinterpreted by CRA.

CRA has argued that Nova Horizons and American West Development demonstrate a willingness by Nevada courts to overturn planning decisions that are based on political pressures. In reality, in Nova Horizons, the Nevada Supreme Court overturned a decision to

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deny a zone change application on the basis that the agency's decision was not based on substantial evidence. 105 Nev. at 96-98. There is no discussion about political pressures influencing the agency.

In American West Development, a municipality denied a developer's zoning application. The developer thought the denial was based on political pressure, but that issue was not analyzed by the Nevada Supreme Court, who remanded to the municipality on entirely separate grounds. 111 Nev. at 807-09. There is no legal or evidentiary basis upon which this Court should overturn the COUNTY's decision to approve CMI's Application for whimsically perceived political pressures. Indeed, in both Nova Horizons and American West Development, the primary inquiry by the courts was whether or not the zoning decisions in question were supported by substantial evidence. In this case, that question has already been answered in the affirmative.

Land use decisions are discretionary decisions. They are ultimately made by elected officials. Here, this Court and the Supreme Court have already found that the COUNTY's decision was supported by substantial evidence and, on that basis, both Courts have affirmed the COUNTY's decision to grant the Application.

In addition, this Court and the Supreme Court have also already determined that the COUNTY complied with the Open Meeting Law and the procedures for making land use decisions under NRS Chapter 278. Specifically, the Supreme Court noted that the COUNTY's decision was made pursuant to a duly agendized item in a public meeting and that there was no evidence of any deliberations by the Commissioners outside of said public meeting. Lastly, the Supreme Court specifically found that the COUNTY complied with the procedures contained in NRS 278.220(4), which generally requires the Lyon County Planning Commission's participation and input in the COUNTY's land use planning decisions.

Therefore, having adhered to all of the aforementioned processes, and having conducted a fair tribunal, all of which are required by law before a land use decision of this

type can be made, it does not compute that any person could sustain a claim that his due process rights have been violated.

VI.

CONCLUSION

Commissioners Keller and Hastings indirectly had pecuniary interests in CMI and/or related entities and Commissioner Hastings received campaign contributions from CMI. Commissioners Keller and Hastings disclosed those interests and thereafter participated in the deliberations of CMI's Application. There is no evidentiary support for a conclusion that the disclosed interests of Commissioners Keller and Hastings materially affected their judgment in deliberation and voting on CMI's Application. CRA's arguments about phone calls are speculative and have no bearing on this Court's inquiry into whether there was any bias in favor of CMI. Therefore, judgment on the merits in favor of the COUNTY and CMI must be entered. There are no violations of due process.

DATED this 24 day of September 2018.

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Index of Exhibits

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CERTIFICATE OF SERVICE

The undersigned, an employee of the Lyon County District Attorney, certifies that on the 24th day of September, 2018, a copy of the foregoing was mailed, postage prepaid, by placing the same in the mail receptacle at Lyon County Administrative Offices, addressed to:

John L. Marshall, Esq.
570 Marsh Ave.
Reno, NV 89509

Dated this 24th day of September, 2018.

Employee

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801 Overland Loop, Suite 308, Dayton, Nevada 89403 - 31 South Main Street, Yerington, Nevada 89447 - 995 East Main Street, Fernley, Nevada

EXHIBIT "1"

Case No. 14-CV-00128

Pursuant to NRS 239B.030, the undersigned affirms that the following document does not contain the social security number of any person.

JOHN L. MARSHALL
SBN 6733
570 Marsh Avenue
Reno, Nevada 89509
Telephone: (775) 303-4882
Attorney for Petitioners Comstock Residents Association, Joe McCarthy

IN THE THIRD JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA
IN AND FOR LYON COUNTY

COMSTOCK RESIDENTS ASSOCIATION, GAYLE SHERMAN, JOE McCARTHY

Plaintiffs/Petitioners,

v.

LYON COUNTY BOARD OF COMMISSIONERS; COMSTOCK MINING INCORPORATED

Defendants/Respondents,

PLAINTIFFS' RESPONSE TO DEFENDANTS' FIRST SET OF INTERROGATRIES

Plaintiffs Comstock Residents Association and Joe McCarthy have not completed its discovery and investigation involved in this case. Plaintiffs therefore give these responses without prejudice to its right to produce evidence of subsequent facts or interpretations and to add, modify or otherwise change or amend these responses. These responses are based upon records and information presently available to Plaintiffs, are true to the best of their knowledge

and subject to correction for inadvertent errors, mistake or omissions. Plaintiffs reserve the right to amend these responses should new information becomes available.

GENERAL OBJECTIONS

Plaintiffs object to each request on the grounds that: (1) the request seeks, in whole or in part, evidence that is irrelevant or immaterial to the subject of this action and is not reasonably calculated to lead to discovery of admissible evidence; (2) to the extent each request directly or indirectly attempts to seek privileged information protected by the First or Second Amendments to the United States Constitution and Nevada constitutional counterparts, attorney/client communications, work product or other applicable privileges, (3) each request calls for information already in Defendants' possession or control or is otherwise publically available, (4) calls for information not within Plaintiffs' possession, and/or (5) is vague, overbroad, and burdensome.

Plaintiffs incorporate the above General Objections as if set forth in full into each of its responses. Without waving any of these objections, Plaintiffs provides its responses as follows:

RESPONSES

INTERROGATORY No. 1:

Please describe your communications with Lyon and Storey County Officials related to efforts to defeat Comstock Mining Incorporated's 2013 Application for Master Plan Amendment and Zone Change and related prior efforts.

RESPONSE TO INTERROGATORY No. 1:

Plaintiffs object to Interrogatory No. 1 as it is not calculated to lead to the admission of any evidence relevant to the remaining issues raised in this action and is vague, overbroad, and burdensome. Notwithstanding these objections, the communications with Lyon and Storey County Officials related to efforts to defeat Comstock Mining Incorporated's 2013 Application for Master Plan Amendment and Zone Change and "related prior efforts" (whatever that might mean) are all public record, available to Defendants, and speak for themselves.

INTERROGATORY No. 2:

Please identify the sources of your funding from 2010 to the present.

RESPONSE TO INTERROGATORY No. 2:

Plaintiffs object to Interrogatory No. 2 as it is not calculated to lead to the admission of any evidence relevant to the remaining issues raised in this action, seeks information privileged from disclosure under the 1st and 2nd Amendments to the United States Constitution, and is vague, overbroad, and burdensome. Notwithstanding these objections, Plaintiff CRA receives funding from individual contributions, fundraisers, art shows, rummage sales, concerts, and grants.

INTERROGATORY No. 3:

Please identify the recipients of all monies disbursed, distributed, expended, and paid by CRA from 2010 to the present.

RESPONSE TO INTERROGATORY No. 3:

Plaintiffs object to Interrogatory No. 3 as it is not calculated to lead to the admission of any evidence relevant to the remaining issues raised in this action, seeks information privileged from disclosure under the 1st and 2nd Amendments to the United States Constitution, and is vague, overbroad, and burdensome. Notwithstanding these objections, the recipients of Plaintiff CRA's funds include its attorneys, consultants, and fundraising expenses (e.g., venues, entertainment, food).

INTERROGATORY No. 4:

Please identify any requirements for membership in CRA and describe your efforts to recruit members to CRA.

RESPONSE TO INTERROGATORY No. 4:

Plaintiffs object to Interrogatory No. 4 as it is not calculated to lead to the admission of any evidence relevant to the remaining issues raised in this action, seeks information privileged from disclosure under the 1st and 2nd Amendments to the United States Constitution and is

vague, overbroad, and burdensome. Notwithstanding these objections, CRA has no membership requirements and has not sought to recruit members.

INTERROGATORY No. 5:

Please identify all of your members from 2010 to the present, including titles held with CRA by any such members.

RESPONSE TO INTERROGATORY No. 5:

Plaintiffs object to Interrogatory No. 5 as it is not calculated to lead to the admission of any evidence relevant to the remaining issues raised in this action, seeks information privileged from disclosure under the 1st and 2nd Amendments to the United States Constitution, and is vague, overbroad, and burdensome. Notwithstanding these objections, CRA officers since its formation in 2011 include, Robin Cobbey, President; Joe McCarthy, Director; Nancy Cleaves, Director; Barbara Peck, Director, and Gayle Sherman, former Secretary/Treasurer.

INTERROGATORY No.6:

Please describe your efforts to slow down the planning process in Lyon and Storey Counties related to mining development.

RESPONSE TO INTERROGATORY No. 6:

Plaintiffs object to Interrogatory No. 6 as it is not calculated to lead to the admission of any evidence relevant to the remaining issues raised in this action, too broad, vague, overly burdensome, and assumes facts rendering a response impossible. Plaintiffs have not sought to slow down the planning process in Lyon and Storey County related to mining development.

INTERROGATORY No. 7:

Please describe your effort to limit mining operations, expansions, or development in Lyon and Storey Counties, including without limitation efforts with agencies of the State of Nevada and of the United States government.

RESPONSE TO INTERROGATORY No. 7:

Plaintiffs object to Interrogatory No. 7 as it is not calculated to lead to the admission of any evidence relevant to the remaining issues raised in this action, seeks information privileged

from disclosure under the 1st and 2nd Amendments to the United States Constitution, and is vague, overbroad, and burdensome. Notwithstanding these objections, CRA has advocated before Lyon County, Storey County, the Nevada Division of Environmental Protection, *inter alia*, against new, and the expansion of existing, open pit mining in the Comstock Historic Mining District and the Carson River Superfund Site. These efforts included meetings, submission of comments, and telephone calls.

INTERROGATORY No. 8:

Please describe your efforts to drive Comstock Mining Incorporated and or any other mining operation out of Lyon or Storey Counties or [sic] out of business.

RESPONSE TO INTERROGATORY No. 8:

Plaintiffs object to Interrogatory No. 8 as it is not calculated to lead to the admission of any evidence relevant to the remaining issues raised in this action, seeks information privileged from disclosure under the 1st and 2nd Amendments to the United States Constitution and is vague, overbroad, and burdensome. Notwithstanding these objections, Plaintiffs do not seek to drive CMI out of business.

INTERROGATORY No. 9:

For any response to a Request for Admission served herewith that is anything other than an unqualified admission, please state the number of the Request for Admission and identify all facts, including all documents on which you base your response.

RESPONSE TO INTERROGATORY No. 9:

Plaintiffs object to Interrogatory No. 9 as it is not calculated to lead to the admission of any evidence relevant to the remaining issues raised in this action, seeks information privileged from disclosure under the 1st and 2nd Amendments to the United States Constitution, and is vague, overbroad, and burdensome. Notwithstanding these objections, Plaintiffs do not seek to slow down the planning process regarding mining in Storey or Lyon Counties or seek to drive CMI out of business (Requests for Admissions 1-4).

Respectfully,

By _____
John L. Marshall, SBN 6733
570 Marsh Avenue
Reno, NV 89509
775.303.4882

Attorney for Comstock Residents Association, Joe McCarthy

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Responses to Defendants' First Set of Interrogatories was served on the parties identified below by mailing a copy thereof on the 5th day of March 2018, by United States mail, postage prepaid and electronic mail to:

Steven B. Rye
District Attorney
31 S. Main Street
Yerington, NV 89447

James R. Cavilla
Allison, MacKenzie, Pavlakis, Wright & Fagan
402 N. Division Street
Carson City, NV 89703

SEE JA 0974-1124

EXHIBIT "2"

SEE JA 1126-1173

EXHIBIT "3"

EXHIBIT "4"

Construction Project Management Agreement

Project Designation Comstock Mining Inc. Property Holdings
Address: 1200 American Flats Road, Virginia City, NV 89440

This agreement is made this 1st day of January 2012 between Comstock Mining Inc., (the "Company) and Scott Keller of Priceless Realty Inc (Keller Consulting) construction project manager ("the Construction Project Manager") at PO Box 201, Silver Springs, Nevada 89429

The parties above do hereby agree that the Construction Project Manager uses his best efforts in a professional and workmanlike manner to manage and deliver a comprehensive document portraying all non-mining construction needs and potential future restoration projects

The Construction Project Manager's Roles and Responsibilities

PLANNING PHASE

1. Identify current property holdings and improvement opportunities
2. Identify prerequisite tasks and logically sequence the priorities
3. Identify repairs and remodeling opportunities
4. Provide ideas for new construction of needed office and conference space
5. Provide a comprehensive list of future restoration projects (the wants list)
6. Develop, in conjunction with company management, a project schedule using critical chain project management methods

PRE-CONSTRUCTION PHASE

1. Identify a course of action per priority list (approve the project schedules)
2. Sub-contract, with the Company's approval, engineered plans for the initial project (and each subsequent approved project)
3. Obtain necessary permits and manage interfaces with the proper building authorities, with costs paid by the Company as necessary
4. Manage the bidding process, providing the best quality contractor at the most competitive pricing
5. Act as the clearing house for information between contractors and subcontractors
6. Recommend to the owner the most qualified and reasonably priced contractor/subcontractor
7. Confirm and finalize the contract documents with each contractor/subcontractor

CONSTRUCTION PHASE

1. Act as the Company's representative in the field

EXHIBIT
17
3.2.18 V. Keller

2 Meet with the Company and or representative on a regular basis to review progress
3 Coordinate utility connections
4. Coordinate with geologists and/or soil engineers, as necessary
5 Supervise construction projects, ensuring that the project is completed, as defined by the Company and per the project plan, schedule and specifications
6 Monitor and track all change orders
7 Obtain lien releases prior to payment of contractors/subcontractors
8 Communicate liens in advance, to the Company's Chief Accountant
9 Provide onsite problem solving
10 Coordinate with building departments for inspections
11 Ensure that all workers maintain the highest safety standards coordinated with the Company's Director of Safety
12 Manage incidental day labor, for in house repairs
13 Provide recommendations to come in at or below approved budget, aggressively look for cost savings for the Company

THE COMPANY'S ROLE AND RESPONSIBILITY

1 Approve (sign contracts) with each contractor/subcontractor upon recommendation of Construction Project Manager
2 All construction expenses are to be borne by the Company The Construction Project Manager is not to be held liable for any unpaid bills
3 Clear any work order changes on the project with Construction Project Manager
4 Accept liability for any theft or destruction of any building materials not covered by contractor/subcontractor
5 Provide all appropriate insurance policies (public liability, course of construction fire, theft etc)
6 Provide office space when needed for meetings with contractors/subcontractors building officials, etc

FEE SCHEDULE

1 In consideration for the above services rendered by the Construction Project Manager, the Company agrees to pay a Base fee of $60,000 00 per year negotiable on the anniversary of each beginning new year of the original contract date, with an initial retainer of $5000 00 due upon acceptance of said agreement and paid monthly at a rate of $5000 00 on the subsequent date of each month following acceptance of said agreement
2 The Company agrees to pay in addition to yearly base fee upon construction 5% of the cost of construction for above outlined construction phase duties of the Construction Project Manager

We hereby execute this Agreement at [illegible] (location)
On this ____ day of January, 2012

Comstock Mining, Inc.

Corrado De Gasperis
President & CEO.

Construction Project Manager

Scott Keller

EXHIBIT “5”

Construction Consultant Agreement

Project Designation Comstock Mining Inc. Property Holdings
Address 1200 American Flats Road, Virginia City, NV 89440

This agreement is made this 1st day of May 2013 between Comstock Mining Inc, (the "Company") and Scott Keller of Keller Consulting in the capacity of Construction Consultant Superintendent at PO Box 201, Silver Springs, Nevada 89429

The parties above do hereby agree that the Construction Consultant Superintendent uses his best efforts in a professional and competent manner to manage and supervise all mining and non-mining construction needs as outlined by the Director of Mining and Processing for current and future construction needs as needed.

The Construction Consultant's Role and Responsibilities:

1. Identify workforce requirements for individual projects
2. Supervise said construction workforce
3. Identify material needs
4. Supervise sub-contractors
5. Work with Project Manager on scheduling and/or concerns
6. Work with Project Manager and Engineer to identify problem areas of concern while in planning/engineering stage.
7. Coordinate with sub contractors
   Supervise construction projects, ensuring that the project is completed, as defined by the Company and per the project plan, schedule and specifications
9. Monitor and track all change orders
10. Provide onsite problem solving
11. Coordinate with building departments for inspections
12. Ensure that all workers maintain the highest safety standards, coordinated with the Company's Director of Safety
13. Manage incidental day labor, for in house repairs
14. Provide recommendations to come in at or below approved budget, aggressively look for cost savings for the Company
15. Construction Consultant shall carry proof of OSHA 30 and MSHA certificates

The Company's Role and Responsibility

1. Approve (sign contracts) with each contractor subcontractor
2. All employee's to be hired through the Company
3. All construction expenses are to be borne by the Company. The Construction Consultant is not to be held liable for any unpaid bills
4. Accept liability for any theft or destruction of any building materials not covered by contractor subcontractor
5. Provide office space when needed for meetings with contractors/subcontractors, building officials, etc

EXHIBIT 4
3-20-18 V. Keller

Fee Schedule
In consideration for the above services rendered by the Construction Consultant, Comstock Mining Inc agrees to pay a monthly fee of $7,083.00 starting April __, 2013 through April 30th 2015 paid monthly.

We hereby execute this Agreement at 1200 American Flats Road, Virginia City, Nevada, on this 14th day of May, 2013:

Comstock Mining Inc

Dave Thomas
Director, Mining and Processing

Construction Consultant

Scott Keller
Keller Consulting

JA 1380-1408

EXHIBIT “6”

SEE JA 1344-1375

EXHIBIT "7"

EXHIBIT “8”

STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Third-Party Request for Opinion Concerning the Conduct of **Vida Keller**, Member, Board of Commissioners, Lyon County, State of Nevada,

Request for Opinion No. **14-32C**

Public Officer. /

PANEL DETERMINATION
NRS 281A.440(5); NAC 281A.440

The Nevada Commission on Ethics received a Third-Party Request for Opinion ("RFO"), No. 14-32C, regarding the alleged conduct of Vida Keller ("Keller") in violation of the Ethics in Government Law set forth in NRS Chapter 281A.

At the time of the alleged conduct, Keller was an elected member of the Lyon County Board of Commissioners ("Board"), a public officer as defined in NRS 281A.160. The Commission has jurisdiction over the conduct of public officers pursuant to NRS 281A.280. Therefore, the Commission has jurisdiction in this matter.

On March 18, 2015, pursuant to NRS 281A.440(5), an Investigatory Panel consisting of Commissioners John C. Carpenter and Keith A. Weaver, Esq. reviewed the following: 1) Third-Party Request for Opinion; 2) Subject's written response; 3) Commission's Confidential Investigative Report; and 4) Executive Director's Confidential Recommendation to Investigatory Panel. Pursuant to NRS 281A.440(9), the investigative file of the Commission is confidential.

Under NAC 281A.435, the Panel unanimously concludes that the evidence does not support just and sufficient cause for the Commission to hold a hearing or render an opinion regarding allegations that Keller violated NRS 281A. Contrary to the allegations, credible evidence supports that Keller appropriately disclosed her spouse's employment interests related to Comstock Mining, an entity with a matter before the Board. Additionally, the evidence does not support a determination that Keller should have abstained from voting because her spouse's employment interests could not have been affected by the matter before the Board.

Specifically, Keller disclosed that her husband's employer received its funding from mining proceeds of a mine owned and operated by Comstock Mining in Storey County. However, Keller also disclosed that Comstock's mining activity in Storey County would not be affected by any decision the Board may have made regarding the planning and zoning matters sought by Comstock in Lyon County, and therefore her husband's employment interests related to Comstock would likewise not be affected by the matter under consideration by the Board.

Having considered and evaluated these facts and circumstances, the Investigatory Panel will not refer these allegations to the Commission to hold a hearing or render an opinion, and hereby dismisses the Request for Opinion in its entirety.

Dated: March 30, 2015

By: /s/ Tracy L. Chase
Tracy L. Chase, Esq.
Commission Counsel

CERTIFICATE OF MAILING

I certify that I am an employee of the Nevada Commission on Ethics and that on this day in Carson City, Nevada, I transmitted a true and correct copy of the **PANEL DETERMINATION** in Request for Opinion **No. 14-32C**, Email, Certified Mail, Return Receipt requested, and/or regular First Class mail, through the State of Nevada Mailroom, addressed as follows:

Yvonne M. Nevarez-Goodson, Esq.
Executive Director
Nevada Commission on Ethics
704 W. Nye Lane, Suite 204
Carson City, NV 89703

Email: ynevarez@ethics.nv.gov

Steven B. Rye, Esq.
Assistant District Attorney
Lyon County DA's Office
31 S. Main Street
Yerington, NV 89447

Certified Mail: 9171 9690 0935 0037 6373 37

Vida Keller
P.O. Box 201
3125 Spring Circle
Silver Springs, NV 89429

First Class Mail

Theo McCormick
P.O. Box 123
Silver City, NV 89428

First Class Mail

DATED: March 30, 2015

Employee of the Nevada Commission on Ethics

Case No. 14-CV-00128

Pursuant to NRS 239B.030, the undersigned affirms that the following document does not contain the social security number of any person.

FILED
2013 OCT 16 PM 12:08
ANDREA ANDERSEN

JOHN L. MARSHALL
SBN 6733
570 Marsh Avenue
Reno, Nevada 89509
Telephone: (775) 303-4882
Attorney for Petitioners Comstock Residents Association, Joe McCarthy

IN THE THIRD JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA
IN AND FOR LYON COUNTY

COMSTOCK RESIDENTS ASSOCIATION, GAYLE SHERMAN, JOE McCARTHY

Plaintiffs/Petitioners,

v.

LYON COUNTY BOARD OF COMMISSIONERS; COMSTOCK MINING INCORPORATED

Defendants/Respondents.

PLAINTIFF CRA'S REPLY MERITS BRIEF

I. INTRODUCTION

As demonstrated in Comstock Residents Association and Joe McCarthy's (collectively "CRA") Opening Merits Brief, Vida Keller violated ethical and due process norms when she actively negotiated and voted for Comstock Mining Incorporated's ("CMI") land use application when at the same time her company was under contract with CMI and she was dependent on the income she received from CMI. Bob Hastings violated ethical and due process norms when CMI contributed a significant majority of his election campaign resources and he demonstrated his intolerable bias for CMI's land use application.

In their Opposition Brief, Defendants Lyon County Board of County Commissioners ("Lyon County") and CMI divert, obfuscate, and ignore the relevant facts and applicable law. In this Reply Brief, CRA sets straight the direct and disqualifying relationships between CMI and Ms. Keller and Mr. Hastings.

II. ARGUMENT

A. Vida Keller's Direct Pecuniary Interest

1. CMI's Direct Relationship with Vida Keller's Companies

From 2012 through MS. Keller's vote on CMI's application, CMI contracted with and paid over $270,000 to companies owned by Ms. Keller and her husband Scott Keller. See Opening Brief at 6-9. In their Opposition Brief, Lyon County and CMI contend that CMI's pecuniary relationship was solely with Scott Keller. The undisputed facts contradict the Defendants' argument.

For example, Defendants claim, without factual citation, that "the relationship was, during all relevant time periods, with [Ms. Keller's] husband, Scott, . . . who was actually paid by CFHC [the Comstock Foundation for History and Culture], an independently-governed 501(c)(3) . . . ." Opposition Brief at 14. To the contrary, the actual **fiscal** relationship was

exclusively between CMI and the Kellers' jointly owned companies (Priceless Realty and Keller Construction/Consulting) as demonstrated by the following facts:

- The Kellers themselves claimed on their taxes the income from CMI through their companies, not as income from Scott Keller. CRA Ex. 17, at 48:10-23, 49:6-17.
- CMI, supplied the Kellers with IRS 1099 forms, not the CFHC. Exhibit 18 to CRA Ex. 18.
- CMI's IRS 1099 forms were made out to either Priceless Realty or Keller Construction/Consulting, not Scott Keller. *Id.*
- CMI made the payment checks out to Priceless Realty or Keller Construction/Consulting, not Scott Keller. CRA Ex. 19
- The contracts were not with Scott Keller but rather "Scott Keller **of Priceless Realty (Keller Consulting)**" or Scott Keller **of Keller Consulting.**" Defendants Exs. D, E (emphasis added).[1]
- Defendants present no actual evidence of any payment or contract between the CFHC and Scott Keller or the CFHC with the Kellers' companies.
- Vida Keller owned Priceless Realty and Keller Consulting jointly with Scott Keller. CRA Ex. 17 at 68-69.
- The Kellers split their labor under the contracts with CMI; Vida performed all the office and financial work (e.g., billing) for their companies while Scott performed the construction work. CRA Ex. 18 at 17:16-25, 18:1-7.

[1] Defendants originally submitted their exhibits label with a letter to differentiate them from Plaintiff CRA's numerically labeled exhibits. Defendants attach to their Opposition Brief a CD with their exhibits that unfortunately relabels the exhibits numerically. CRA will continue to refer to Defendants' exhibits as originally presented to this Court and as referred to CRA's Opening Brief.

- Vida Keller was dependent upon the income provided by CMI through her companies to provide the basic life necessities for herself, her husband and her grandchildren. CRA Ex. 17 at 38:17-23, 39:1-7, 49:1-9.

Thus, the factual record establishes that the direct fiscal relationship was between CMI and Vida Keller's companies. Moreover, even if the fiscal relationship was between CMI and "solely" Scott Keller, Vida possessed a property interest in her husband's income under Nevada's joint property laws. And finally, Vida has "a commitment in a private capacity" to her husband Scott as well as CMI under NRS 281A.400(1). The undisputable evidence is that Vida Keller, as an owner of Priceless Realty and Keller Construction/Consulting, had a direct, substantial, and critical financial relationship with CMI at the relevant time.

2. The CFHC Fiction

Throughout their Opposition Brief, Defendants interject the CFHC, CMI's "501(c)(3)," as somehow cleansing the relationship between CMI and the Kellers. For instance, in footnote 5 (Opposition Brief at 6:25-28), Lyon County and CMI claim as fact the following statements. As CRA demonstrates here, these allegations are either demonstrably false or lack support of probative evidence.

- "The [Keller] contracts were nominally entered into with CMI prior to the formation of CFHC, which is, pursuant to a Storey County special use permit, funded in part from mining revenue earned in Storey County."

While it is true that contracts between CMI and Ms. Keller's companies were executed prior to the formation of the CFHC, there is no evidence cited that renders that execution "nominal." Indeed, the evidence is to the contrary. CMI continued to pay the Kellers directly, not the CFHC, even after the latter was formed. See *supra*. Moreover, although it could have, CMI apparently never assigned its interest in the contracts to CFHC.

Furthermore, the Storey County special use permit (SUP) relied upon by Defendants (their Exhibit 6) is dated October 13, 2014, more than 10 months after the January 2, 2014 hearing on CMI's application. *Id.* Condition 8.5 of the SUP (*id.*, at 19) not only fails to mention the CFHC but it states only that CMI "agrees to contribute at least one percent of annual Net-Smelter-Return . . . towards historic preservation and and/or restoration projects within Virginia City, Gold Hill, American Flat, and/or Silver City." CMI's commitment is not tied to any particular mine or mines, much less to one in Storey County. And finally, the October 2014 commitment to contribute the one percent Net-Smelter-Returns was contingent upon the execution of a Memorandum of Understanding (MOU) (*id.*), a document not produced by CMI or Lyon County because it has yet to be appeoved. See CRA Exhibit 45, attached hereto.

- "CFHC is a qualified 501(c)(3) non-profit separate from CMI with independent leadership, including a majority independent board trustees and an independent Executive Director."

Defendants cite no evidence for any of the allegations in this statement.[2] As to the alleged "independence" of the CFHC, the facts in the record indicate the contrary. For example, the President and CEO of CMI, Corrado DeGaspris, is the chairman of the board of the CFHC. CRA Ex. 22 at 112. DeGaspris ran the CFHC as he did CMI, with intense involvement in various details of the nonprofit's operation. CRA Exs. 23, 25, 28. Further, the leadership of CMI chose the leadership of the CFHC (CRA Ex. 22 at 111) and the majority of the CFHC board were CMI shareholders (CRA Ex. 37 (the CFHC Executive Director stating that only two of CFHC board of directors we not CMI shareholders)). And the Executive Director of the CFHC at the time was a former CMI employee (CRA Ex. 27) who, even when he was at the CFHC, testified repeatedly on behalf of CMI in order to promote the company mining

[2] For the purpose of this brief, CRA will assume that the CFHC is a registered 501(c)(3) non-profit organization.

objectives. CRA Exs. 39, 43 (at 85-87). Far from being "independent," the CFHC was in fact a closely aligned and CMI-controlled entity.

- "All funds paid to Scott Keller for work performed under the contracts was paid by CFHC, not CMI."

Defendants' assertion that CFHC, rather than CMI, paid the Kellers is patently false. As described above, CMI contracted with the Kellers' companies, CMI cut checks from it to the Kellers' company, and CMI's 1099s issued to the Kellers all stated the payments came from CMI. Even the testimony of Vida and Scott Keller demonstrate that CMI, not CFHC, paid monthly stipend due under the contract. See *supra* at 3.

- "Any money advanced by CMI to Scott Keller prior to formation of the CFHC was offset against funding from CMI to CFHC under the above referenced special use permit, a copy of which is attached hereto as **Exhibit '6'**."

Defendants argue, based solely on the October 2014 Storey County SUP, that CMI "offset" its payments to the Kellers against CMI's alleged future contributions to the CFHC. However, no evidence before the Court, much less cited by Defendants, establish that CMI in fact made **any** contributions to the CFHC. Moreover, whether CMI reduced its future contributions to CFHC by amounts paid to the Kellers under the contracts fails to undermine this key fact: during the consideration of CMI's land use application, Vida Keller received the majority of her income directly from CMI.

- "CMI Chairman and CEO, Corrado DeGasperis, did not oversee the work performed by Scott Keller. That work was overseen by the CFHC executive directors."

It is irrelevant whether Corrado DeGasperis, as either the Chairman and CEO of CMI or as Chairman of the Board of the CFHC, or the Executive Director of the CFHC directly

"oversaw" the work of Scott Keller. The relevant facts for the Court are that CMI engaged Vida Keller's companies, paid her companies significant amounts of money, upon which remuneration Vida Keller's family was dependent, at the time CMI's land use application was considered by Ms. Keller. In other words, the direct money trail from CMI to Vida Keller is the relevant consideration rather than who supervised Scott Keller's work under the contract.[3]

3. Vida Keller's participation and vote on CMI's land use application had a direct effect on the company

The Defendants argue no violation of NRS Chapter 281A or due process could occur because they allege that, as Ms. Keller recited in her disclosure, "any decision rendered at the [January 2, 2014] hearing would have no impact of her husband's contractual obligations." Opposition at 5:3-6. The critical elements of Ms. Keller's disclosure (Defendants' Exhibit A), however, are not based on fact.

First, Ms. Keller asserts that "[i]n April of 2013, the Comstock Foundation for History and Culture established a new contract with Scott Keller to restore projects in Storey County." *Id.* This is false, the May 1, 2013 contract was between "Scott Keller of Keller Consulting" and CMI, not the CFHC. (The CFHC was not formed until July 10, 2013 (see https://www.nvsos.gov/sosentitysearch/CorpDetails.aspx?lx8nvq=smO9NtWIQ%252bvvD8AYNReEuw%253d%253d&nt7=0). Moreover, nothing in the contract limits Keller Consulting's duties to either restoration activities or geographically to Storey County. In fact, the contract

[3] The Defendants also argue that Scott Keller did in fact do work under the CMI contract with the Keller companies. See e.g. Opposition at 7:5-8. That point, however, is not relevant. CRA does not contest that Scott Keller performed work under the CMI contracts with the Keller companies. The relevant point are (1) that CMI contracted with companies of Vida Keller and her husband for hundreds of thousands of dollars at the same time CMI's land use application was before Lyon County and the BOCC, (2) the contracts were awarded to the Kellers without competitive bidding and with awareness of Vida Kellers position as a member of the Lyon County BOCC, (3) that the terms of the contract required no set hours or time reports, and (4) the Kellers and CMI increased the value of the second contract as a result of the Kellers unilateral demand for more money. See generally CRA's Opening Brief at 6-9.

states that "Construction Consultant Superintendent [will] use[] his best efforts in a professional and competent manner to manage and supervise all **mining and non-mining construction needs** as outlined by the Director of Mining and Processing [of CMI] for current and future construction needs as needed." Exhibit 4 to CRA Ex. 17 at 1 (emphasis added). Thus, the CMI—Keller Consulting contract specifically included both mining and non-mining activities. And the matter before the Commissioner Keller at the time was whether to significantly expand the areas CMI could potentially mine.[4]

Next, Ms. Keller states that CMI, "as part of their [sic] mining efforts in Storey County, committed a percentage of proceeds to establish a non-profit foundation that restores and maintains historical properties and culture." Defendants' Ex. A, *id* ("The [CFHC] is a nonprofit organization that receives proceeds from mining in Storey County and other various fundraising efforts.") No record actually documents this alleged commitment by CMI from its Storey County mining activities to the CFHC. In fact, CRA requested all documents between CMI and CFHC and no such documentation was produced. See October 16, 2018 Declaration of John L. Marshall, at ¶ 7, filed concurrently herewith. And as described above, the October 2014 Storey County SUP (Defendants' Exhibit F) contains no such geographic limitation. Thus, the alleged geographic limitation of funds devoted to the CMI—Keller Consulting contract is fiction.

Ms. Keller then concludes: "Scott Keller's current contract has and does not rely on any future land use, exploration or mining in Lyon County." And "[a]ny decision today for or against the proposed agenda item [on CMI's land use application], has no present or future decrease or added benefit to Scott Keller." Defendants' Ex. A at 1, 2. On this basis, Ms. Keller determines she has neither a significant pecuniary interest, a commitment to an individual in a

[4] The Kellers and CMI expanded the services provided by Keller Consulting in the 2013 contract to include mining activities. See Exhibit 17 to CRA Ex. 17 (January 1, 2012 contract between CMI and Priceless Realty) limiting services to "non-mining" construction needs.

private capacity who does, or that she should recuse herself – all the while being dependent upon that income from CMI to meet her family's basic needs. *Id.*

However, Ms. Keller's careful (but factually incorrect) compartmentalization of CMI's interests in its land use application and her financial dependence on the company misses the critical point. Nevada's Ethic in Government Act precludes an elected official from participating in a matter that affects the official's own pecuniary interest or a commitment in a private capacity to the interests of another person. NRS 278A.420(3). A "commitment in a private capacity" includes someone "[w]ho employs the public officer or employee, the spouse or domestic partner of the public officer or employee or a member of the household of the public officer or employee" or "[w]ith whom the public officer or employee has a substantial and continuing business relationship." NRS 281A.065(4), (5).

The Kellers had (and still have) an ongoing business relationship with CMI. As described in CRA's Opening Brief (at 6-9), the Kellers and CMI first had business deals when Scott Keller directed work to his brother's (Vida's brother-in-law) company Priceless Construction, who in turn employed Scott Keller to perform work under its contract with CMI. CMI then contracted with the Kellers' companies Priceless Realty, and then Keller Construction, deals worth over $270,000. *Id.* The business relationship with the Kellers continued when Vida Keller profited from CMI purchase and sale of real property and water rights – transactions worth over $100,000 to the Kellers. Thus, whether one considers the Kellers employees of CMI or as in a substantial and continuing relationship with the company, CMI meets the test as someone to whom Vida Keller has a commitment to in a private capacity.

Finally, it is undisputable that the matter before Vida Keller would affect CMI's interests. The ability to mine areas previously off limits to mining activity certainly increases the value of CMI's interest in these Lyon County mining claims. As a consequence of the deep financial

involvement of the Kellers with CMI, Vida Keller was obligated to truthfully disclose the nature of her interests and connections and abstain from participating in and voting on CMI's land use application under NRS Chapter 281A mandates.

Defendants rely upon the Nevada Commission on Ethics March 30, 2015 Panel Determination. See Opposition Brief at 7:12-18. However, the Commission on Ethics' Panel Determination was based on a set of facts that turned out not to be true. For example, the Panel assumed that the Kellers contractual relationship was between Scott Keller and the CFHC. Defendants' Exhibit J at 1. Instead the actual contractual relationship ran from CMI to the Kellers' companies, of which Vida was a joint owner. See *supra*. Perhaps more importantly, the Panel assumed that the CFHC was funded via proceeds from CMI Storey County mining operations, Defendants' Exhibit J, which, as shown above, no evidence supports. Thus, the 2015 Panel Determination on Vida Keller's NRS Chapter 281A obligations is of limited, if any value. As demonstrated above, Vida Keller's relationships and pecuniary interests with CMI should have been truthfully disclosed and she must have then abstained.

4. Vida Keller denied CRA due process based on her financial dependence on CMI and her actions in support of CMI's land use application

Whether or not the Court concludes Vida Keller violated NRS Chapter 281A by not accurately disclosing her ties to CMI or not abstaining, the facts described above demonstrate that the independent constitutional requirements of due process precluded Ms. Keller's participation in the consideration of CMI's land use application. See generally CRA's Opening Brief at 24-26.

Defendants attempt to counter CRA's due process claim by arguing that NRS 278A describes completely all procedural requirements surrounding conflicts of interests and bias. Opposition Brief at 9 ("To say that constitutional due process clauses require something more than the very detailed requirements of Nevada law is simply absurd . . . ."). However, both the

United States and Nevada Supreme Court have concluded exactly that "absurd" result as set forth in footnote 4 at page 2 of CRA's Opening Brief. The very premise of these cases is that compliance with state ethical or campaign disclosure laws do not circumscribe basic procedural due process protections. *Id.*

Therefore, the question for this Court is whether "the probability of actual bias on the part of [Vida Keller] is too high to be constitutionally tolerable." *Caperton v. Massey Coal Company*, 556 U.S. 868, 872 (2009). The "probability actual bias" in this case is patent. Vida Keller was dependent upon CMI's continued good will given the CMI contract was critical to her family's financial survival. See *supra*; CRA's Opening Brief at 9. Public officials should not be placed in situations that pit the public's business against the officials' personal financial survival. Ms. Keller also demonstrated her commitment to CMI's cause via her yeoman's effort during the last months of 2013 and January 1, 2014 as illustrated by her phone records and described in detail in CRA's Opening Brief at 11-24.

In their Opposition Brief, Lyon County and CMI ignore the Kellers' dire financial straits and their dependence on funding from CMI. Instead, Defendants take aim at CRA's presentation of Vida Keller's phone records and related emails. Opposition Brief at 14-15. The Defendants do not dispute the basic and inescapable facts that the records disclosed numerously, often lengthy, contacts between Vida Keller, Bob Hastings, and CMI specifically around the times of the Lyon County hearings on, and important dates for, CMI's land use application. See CRA Opening Brief at 12-24. Instead, the Defendants argue the noncontroversial position that the records in and of themselves contain no indication of the content of the conversations. Opposition Brief at 15. Defendants, however, provide no rebuttal to the reasonable inferences from the timing, location, recipient, length, and frequency, that Vida Keller, Bob Hastings and CMI were closely coordinating regarding CMI's land use application, including the apparent

discussion and circulation to 4 of the 5 BOCC members the Keller "compromise." Therefore, Vida Keller's actions, as illustrated by her phone records and other emails, provide further evidence that of her bias towards CMI.

B. Bob Hastings' Debt To, And His Actions And Statements In Favor Of, CMI Precluded His Participation

The United States and Nevada Supreme Courts recognize that campaign contributions can be the basis for a deprivation of due process. Here, the unprecedented scope of CMI's campaign contributions to Bob Hastings together with his subsequent actions and statements on CMI's behalf during consideration of CMI's land use application demonstrate he was not a reasonably unbiased decisionmaker. See CRA's Opening Brief, 24-25. In their Opposition Brief, Lyon County and CMI incorrectly focus solely on Mr. Hastings total contributions in comparison to his election opponent and ignore totally his actions and statements demonstrating his unity of interest with CMI.

1. CMI's unprecedented contributions to Bob Hastings created an unacceptable threat of influence

The danger of undue influence from political campaign contributions arises when one party provides overwhelming support for an elected official and then appears before seeking a favorable decision. As the U.S. Supreme Court illustrated in *Caperton v. Massey Coal Company*, 556 U.S. 868 (2009), it is the relative contribution from the party of concern, not necessarily the relative parity of the total contributions. Here, CMI provided over 60 percent of Bob Hastings contributions, without which he would have been sorely outspent by his election opponent. See CRA's Opening Brief at 7-8.[5] It is this oversize importance of contribution from

[5] The Defendants argue wrongly that CRA presented no evidence as to the source of Mr. Hastings campaign contributions and the history of the cost and size of prior contributions in Lyon County commission elections. See e.g. Opp. Brief at 11:12 and footnote 7. In its Opening Brief, CRA cited to its Exhibit 5 as evidence supporting its factual assertion. Exhibit 5 is the Declaration of Joe McCarthy. In that declaration, Mr. McCarthy sets forth his review

CMI that places Mr. Hastings in the untenable position of shortly thereafter sitting in judgment on CMI's land use application.[6]

2. Bob Hastings' action and statements on behalf of CMI demonstrate his unity of interest with it

As feared, the outsized contributions from CMI to Bob Hastings bore immediate fruit. As demonstrated in CRA's Opening Brief, Bob Hastings as County Commissioner interjected himself on behalf of CMI during Lyon County's review of CMI's land use application. Mr. Hastings provided a direct conduit for CMI into Lyon County's review of CMI's land use application; his use of the collective "we" when referring to CMI and his identification with CMI's interests, and his contempoeaneous refusal to discuss the topic with CRA representatives contending it would be "inappropriate", all prove Mr. Hastings' unacceptable bias towards CMI. See CRA Opening Brief at 9-12.

Rather than try to provide an explanation or justification for Mr. Hastings conduct and statements, Lyon County and CMI simply ignore them in their Opposition Brief – an admission of the conduct's indefensible nature. Instead, Defendants focus only on Mr. Hastings' disclosure during the January 2, 2014 hearing. See e.g., Opposition Brief at 4-5, 17-18. Since the Defendants do not rebut, much less even address, the straightforward conclusions arising from Mr. Hastings conduct and own statements, they admit them.

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of the Nevada Secretary of State records for Lyon County Commission seats, the source of Mr. Hastings' contributions, and the connection of those sources to CMI. Defendants stipulated to the admission of the McCarthy declaration at the Court's hearing on admissibility and do not dispute its contents in their Opposition Brief.

[6] Defendants make much of the significantly larger amounts of money at issue in *Caperton*. See Opposition Brief at 10. The total dollar figures are no doubt larger for state supreme court elections than for a rural Nevada county commission election. The issue for this Court to resolve, however, is not whether the total dollars were similar but rather whether the relative size of the CMI contributions to Mr. Hastings could similar affect the him.

Lastly, Defendants argue that because NRS 281A.420(2)(a) does not require disclosure or recusal over campaign contributions, Mr. Hastings' participation in and vote on CMI's land use application cannot form the basis for CRA's due process claim. Opposition Brief at 11-12. Notwithstanding the Nevada Legislature's determination that campaign contributions categorically do not pose ethical conflicts for elected politicians, the Legislature cannot limit the reach of federal and state constitutional due process protections. See Opening Brief at 4, n.2. Indeed, the Defendants recognize that "exceptional" circumstances may in fact sustain due process claims. Opposition Brief at 13:3-10.

Here, CMI's contributions to Bob Hastings were indeed, unprecedented and exceptional for a rural Nevada county commission race. During the race, CMI and related companies contributed $17,500 in cash to Robert Hastings to insure his election. CRA Exhibit 5. The average Lyon County Commissioner candidate from 2008 to 2012 raised a little more than $7,000 per race. *Id.* For which the Secretary of State records are available, these CMI contributions alone exceeded the totals for seven out of ten candidates from 2008-2014, and were essentially twice the totals raised by individual candidates in 2016, even when including in-kind contributions. *Id.*

In short, CMI's contributions to Mr. Hastings create the same concern of the impact of outsize political contributions when those contributors soon thereafter come before the elected official. In this case, Bob Hastings' subsequent actions and statements on behalf of CMI confirm his unacceptable level of bias. CRA was therefore denied due process under the standards set forth in *Caperton* and as illustrated in the various state law cases cited in CRA's Opening Brief.

C. <u>This Court May Remedy Violation Of CRA's Due Process Rights</u>

Lyon and County and CMI take the startling position that "[t]here is no remedy here for violation of due process." Opposition Brief at 18:18. The Defendants argue that because the Supreme Court found substantial evidence existed to support the decision made and Lyon County did not violate other procedural requirements, that the Court cannot overturn the January 2, 2014 decision by the BOCC under a successful due process claim. *Id.*, at 19.

However, the fact that the Lyon County could have legally granted CMI's land use application does not mean that should the Court find a violation of NRS Chapter 281A or constitutional guarantees of due process, it cannot invalidate the BOCC's January 2, 2014 decision and remand the matter back for a process respectful of both the elected officials' obligations under state and federal statutory and constitutional principles. Indeed, to find otherwise would simply allow governments to act contrary to ethical and due process constraints without consequences. Courts, of course, do not follow the Defendants' suggestion that violations of procedural guarantees of fundamental fairness in governmental decisionmaking are without remedy. See e.g., *Burgess v. Storey County Board of Commissioners*, 116 Nev. 121, 992 P.2d 856 (2000) (Court reversed County Commissioners' permitting decision where due process violated).

III. CONCLUSION

In sum, Vida Keller's participation in the consideration of and action on CMI's land use application when she had an active conflict of interest violated due process guarantees and NRS Chapter 281A ethical standards. Bob Hastings' participation in the consideration of and action on CMI's land use application violated due process guarantees of relative impartiality where CMI's unprecedented and exceptional campaign contributions and Mr. Hastings subsequent interventions and statements on CMI's behalf demonstrated his unacceptable level of bias. Given these violations, the Court should find in favor of CRA on its due process and NRS Chapter 281A claims and reverse the Lyon County BOCC's January 2, 2014 grant of CMI's land use application.

Dated: October 16, 2018.

Respectfully submitted,

By: _____

John L. Marshall, SBN 6733
570 Marsh Avenue
Reno, NV 89509
775.303.4882

Attorney for Petitioners CRA and Joe McCarthy

CERTIFICATE OF SERVICE

I hereby certify that the foregoing CRA's Reply Merits Brief was served on the parties by mailing or personally delivering a copy thereof on the 14th day of October 2018, by United States mail, postage prepaid to:

Steven B. Rye
District Attorney
31 S. Main Street
Yerington, NV 89447

James R. Cavilla
Allison, MacKenzie, Pavlakis, Wright & Fagan
402 N. Division Street
Carson City, NV 89703



EXHIBIT 45

EXHIBIT 45

Subject: FW: MOA update
Date: Monday, October 15, 2018 at 8:43:33 AM Pacific Daylight Time
From: John Marshall
To: John Marshall

From: Austin Osborne [mailto:aosborne@storeycounty.org]
Sent: Monday, October 01, 2018 4:01 PM
To: Erich Obermayr <historicinsight@gbis.com>
Cc: Hugh Gallagher <hgallagher@storeycounty.org>
Subject: RE: MOA update

Erich,

The MOU is being reviewed in the DA's office. We are not doing the MOU until we finish the audit. The Comptroller's office has requested the needed documents from Comstock Mining and from the Historic Foundation, and the documents are being audited. While this may seem like a slow process, it is being reviewed thoroughly and completely, and that does take time. Both are moving forward though.

Austin

From: Erich Obermayr [mailto:historicinsight@gbis.com]
Sent: Friday, September 28, 2018 8:35 AM
To: Austin Osborne
Subject: MOA update

Good morning Austin,

Anything new on the CMI 1 % MOU with Storey County, or the related accounting? I understand a draft was discussed by the Planning Commission, has it been developed further? I don't know if I've asked you this before, but will the accounting results be available to the public?

Thanks for your time and consideration.

Erich

Case No. 14-CV-00128

Pursuant to NRS 239B.030, the undersigned affirms that the following document does not contain the social security number of any person.

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2019 OCT 16 PM 12:08

TANYA SCHULTZ
COURT ADMINISTRATOR
THIRD JUDICIAL DISTRICT

Andrea Andersen

JOHN L. MARSHALL
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570 Marsh Avenue
Reno, Nevada 89509
Telephone: (775) 303-4882
Attorney for Petitioners Comstock Residents Association, Joe McCarthy

IN THE THIRD JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA
IN AND FOR LYON COUNTY

COMSTOCK RESIDENTS ASSOCIATION, GAYLE SHERMAN, JOE McCARTHY

Plaintiffs/Petitioners,

v.

LYON COUNTY BOARD OF COMMISSIONERS; COMSTOCK MINING INCORPORATED

Defendants/Respondents,

/

DECLARATION OF JOHN L. MARSHALL

I, John L. Marshall, affirm:

1. I am the attorney of record for the Plaintiffs/Petitioners Comstock Residents Association and Joe McCarthy ("CRA") in this action. I have personally knowledge of the facts stated herein.

2. I propounded document requests on behalf of CRA to Defendant Comstock Mining Inc. ("CMI") and the Comstock Foundation for History and Culture ("CFHC").

3. In each of these document requests, CRA requested documents specifically regarding the other entity.

4. In addition, CRA requested from CFHC documents related to contributions greater than $500.00.

5. Together, CMI and CFHC produced hundreds of pages of documents.

6. I reviewed every page of each discovery response from CMI and CFHC.

7. No document produced by CMI or the CFHC memorializes a commitment by CMI to fund or donate money to the CFHC from mining activity in Storey County.

I affirm under penalty of that the foregoing is true and correct to the best of my knowledge.

Dated: October 16, 2018, at Reno, Nevada.

By: _____
John L. Marshall

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Declaration of John L. Marshall was served on the parties by mailing or personally delivering a copy thereof on the 16th day of October 2018, by United States mail, postage prepaid to:

Steven B. Rye
District Attorney
31 S. Main Street
Yerington, NV 89447

James R. Cavilla
Allison, MacKenzie, Pavlakis, Wright & Fagan
402 N. Division Street
Carson City, NV 89703



Case No. 14-CV-00128

Dept. No. II

FILED

2019 JUL 11 PM 1:07

TANYA SCEIRINE

IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF LYON

COMSTOCK RESIDENTS ASSOCIATION, GAYLE SHERMAN, JOE McCARTHY,

Plaintiffs/Petitioners,

vs.

LYON COUNTY BOARD OF COMMISSIONERS;COMSTOCK MINING INCORPORATED,

Defendants/Respondents.

JUDGMENT FOR DEFENDANTS

This matter comes before the Court on a Complaint filed by COMSTOCK RESIDENT ASSOCIATION, GAYLE SHERMAN, and JOE McCARTHY (collectively "CRA") for alleged violations of due process arising from LYON COUNTY BOARD OF COMMISSIONERS's ("COUNTY") approval of an application for zone change and master plan amendment (the "Application") filed by COMSTOCK MINING INCORPORATED ("CMI"). Following an allowed period of discovery on Plaintiff's due process claim, the parties stipulated to submit this matter, on briefs, for a final judgment on the merits.

The Court, having fully reviewed the briefs of the parties, all cases cited by the parties therein, all other pleadings on file herein, and the evidence presented by the parties in their briefs and throughout these proceedings (including all exhibits submitted by the parties), hereby finds, orders, and decrees as follows:

The Court is cognizant of the Supreme Court Order of Remand entered in this case on December 2, 2016. The Court is also familiar with an Order entered by the Supreme

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Lyon County, State of Nevada

Court on March 29, 2018, regarding Third Judicial District Court Case No. 14-CV-01304, which ordered that public officials' communications with others, regarding county business, are discoverable and are, as a matter of law, public records.

In this case, this Court initially found, and the Supreme Court upheld, that the COUNTY did not violate the Open Meeting Law, that the agenda for the January 2, 2014 meeting properly referenced CMI's Application, and that the COUNTY's decision to approve CMI's Application for Master Plan Amendment and Zone Change was based on substantial evidence.

The only remaining issue before this Court is whether there was a possible violation of CRA's due process rights under State or Federal constitutions. The Supreme Court ruled that CRA had raised sufficient facts in its Complaint to put the issue of alleged due process violations before this Court and remanded to allow CRA to conduct discovery on its due process claim.

CRA claims that it was deprived of due process under due process clauses of both the United States and Nevada Constitutions, which provide that no person should be deprived of life, liberty, or property, without sufficient due process. CRA, in order to pursue its due process claim, indicated to this Court that it needed records of communication between COUNTY Commissioners and representatives of CMI. The gravamen of the due process claim in CRA's Complaint is that there was an unacceptable bias favoring CMI by at least two of the COUNTY's Commissioners – Commissioner Hastings and Commissioner Keller – and that evidence of communications between CMI and those Commissioners was not fully disclosed.

CRA places a great deal of weight, in support of its due process claim, on Caperton v. Massey, 556 U.S. 868, 872 (2009). It argues Caperton stands for the proposition that if one entity involved in an issue that is before a public governing body, gives too much to the election campaign of a member of that body, that creates a presumption of unreasonable bias in favor of that entity. The Nevada Supreme Court has concluded that, unless campaign contributions rise to the "exceptional" level described in Caperton, a public official is not required to abstain from voting or participating in an action involving a campaign

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contributor. See Ivey v. Eighth Judicial District, 129 Nev. 154, 160, 299 P.3d 354, 358 (2013).

This Court finds that CMI's contributions do not rise to the exceptional level described in Caperton. Further, the Court finds that all campaign contributions and potentially relevant pecuniary interests of Commissioners Hastings and Keller were properly disclosed. The Court also finds that there is no evidence that any potentially relevant pecuniary interests of the Commissioners were hidden from the public.

The Nevada Commission on Ethics did not find any violation by either Commissioner Hastings or Keller and that their participation in the deliberation and approval of CMI's Application was proper. The Court finds that all facts regarding the interaction between CMI and the COUNTY were known at the January 2, 2014 COUNTY hearing. CRA has not raised any new fact or evidence to support an allegation that communications were not disclosed nor that any communication gives rise to support a claim for violation of CRA's due process rights. This Court agrees with the Nevada Commission on Ethics. There was no undue influence by CMI upon the COUNTY.

Regarding the Nevada Ethics in Government Law, set forth in NRS Chapter 281A, and its application to CRA's due process claim, there are times when a public official is required to abstain from participation. NRS 281A.420(1) provides that a public official should abstain from voting on a matter: (a) regarding which the public official "has accepted a gift or loan," (b) in which the public official "has a significant pecuniary interest," or (c) which would be affected by the public official's "commitment in a private capacity to the interests of another person" unless the public official discloses information "sufficient to inform the public" of the effects of the proposed action on the loan, gift, pecuniary interest, or commitment to the interests of another person. The disclosure(s) required in NRS 281A.420(1) must be made at the time the particular matter is being heard and in public.

A public official who properly discloses the items mentioned in NRS 281A.420(1) is permitted to deliberate and vote on the matter in question unless the "judgment of a reasonable person in the public officer's position would be materially affected by" the disclosed item(s). NRS 281A.420(3). A public official is presumed not to be materially

JA 1643

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affected by the gift, loan, significant pecuniary interest, or commitment to another's interests if the benefit to the public officer is not greater than that accruing to any other person affected by the matter in question. NRS 281A.420(4).

Having considered all of the evidence presented by Plaintiffs, the Court finds that there was no significant pecuniary interest of any COUNTY Commissioner that would require recusal under the foregoing standards, which are a corollary to the standards set forth in Caperton. All potentially affected COUNTY Commissioners properly disclosed their pecuniary and other interests with CMI, none of which give rise to a finding that abstention was required.

CRA, again, has also alleged a denial of due process because of telephone communications between some COUNTY Commissioners and CMI. CRA has the burden to show undue influence by a preponderance of the evidence because of these communications. However, there is no rule of law that precludes communications between a public official and any other entity. CRA has claimed through innuendo and speculation that there was some nefarious purpose in the communications between CMI and the COUNTY. Having considered all of the evidence presented by Plaintiffs, CRA has not shown by a preponderance of the evidence that Plaintiffs were denied due process in this matter.

Therefore, it is hereby ORDERED that CRA's due process claim is denied and JUDGMENT thereon is entered in favor of Defendants.

DATED this 11th day of July, 2019

DISTRICT JUDGE

Office of the District Attorney
Lyon County, State of Nevada
851 Overland Lane, Suite 203, Dayton, Nevada 89403 - In South Main Street, Yerington, Nevada 89447 - 385 East Main Street, Fernley, Nevada

Case No. 14-CV-00128

Dept. No. II

The undersigned hereby affirms this document does not contain a social security number.

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2019 AUG -1 PM 2:39

TANYA SCOTT
COURT ADMINISTRATOR
THIRD JUDICIAL DISTRICT

Victoria Tovar

IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF LYON

COMSTOCK RESIDENTS ASSOCIATION, GAYLE SHERMAN, JOE McCARTHY,

Plaintiffs/Petitioners,

vs.

LYON COUNTY BOARD OF COMMISSIONERS;COMSTOCK MINING INCORPORATED,

Defendants/Respondents.

DEFENDANTS' MOTION FOR ATTORNEYS' FEES

Defendants, LYON COUNTY BOARD OF COMMISSIONERS (referred to herein as the "COUNTY"), by and through STEPHEN B. RYE, Lyon County District Attorney, and COMSTOCK MINING INCORPORATED (referred to herein as "CMI") by and through ALLISON MacKENZIE, LTD., hereby file this Motion for Attorneys' Fees. This Motion is made and based upon the documents on file herein, the applicable law, and the points and authorities set forth herein.

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Office of the District Attorney
Lyon County, State of Nevada
801 Overland Loop, Suite 906, Dayton, Nevada 89403 - 31 South Main Street, Yerington, Nevada 89447 - 565 East Main Street, Fernley, Nevada

DATED this 1st day of August 2019.

STEPHEN B. RYE
DISTRICT ATTORNEY

By: _____
DISTRICT ATTORNEY
31 South Main Street
Yerington, NV 89447
775-463-6511

Attorney for Defendant
Lyon County Board of Commissioners

ALLISON MacKENZIE, LTD.

By: _____
JAMES R. CAVILIA, ESQ.
Nevada State Bar No. 3921
JUSTIN TOWNSEND, ESQ.
Nevada State Bar No. 12293
PO Box 646
Carson City, NV 89702
775-687-0202

Attorneys for Defendant
Comstock Mining Incorporated

Office of the District Attorney
Lyon County, State of Nevada

MEMORANDUM OF POINTS AND AUTHORITIES

I.

LEGAL STANDARD

As a general rule, "attorney fees cannot be recovered as a cost of litigation unless authorized by agreement, statute or rule." Sandy Valley Associates v. Sky Ranch Estates Owners Ass'n, 117 Nev. 948, 956, 35 P.3d 964, 969 (2001). Lyon County and CMI contend that attorneys' fees should be awarded in this case pursuant to NRS 278.0233 and NRS 18.010.

The Comstock Residents Association and Joe McCarthy (hereinafter collectively "Petitioners" and "CRA") filed an action against Lyon County arising out of the Board of County Commissioners land use decision involving CMI's application for a master plan amendment and zone change. CRA contended that the decision of the County was arbitrary and capricious, and brought the action pursuant to NRS 278.0233. See Paragraphs 123-131 of the Complaint filed January 31, 2014. The court may award reasonable attorney's fees, court costs and interest to the prevailing party in an action brought under NRS 278.0233. NRS 278.0237(2).

NRS 18.010(2) provides that "the court may make an allowance of attorney's fees to a prevailing party" under one of two circumstances; first, where "the prevailing party has not recovered more than $20,000;" and second, where the "court finds that the claim...of the opposing party was brought or maintained without reasonable ground or to harass the prevailing party." NRS 18.010(2)(a) & (b).

The Court is required to construe the provisions of NRS 18.010(2)(b) liberally and award fees in all appropriate situations in an effort to deter "frivolous or vexatious claims" because such claims "overburden limited judicial resources, hinder the timely resolution of meritorious claims and increase the costs of engaging in business and providing professional services to the public." NRS 18.010(2)(b).

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II.

LEGAL ARGUMENT

A. CRA's Complaint was brought without reasonable ground and for purpose of delay and, as prevailing parties on all of CRA's claims, the COUNTY and CMI are entitled to an award of all reasonable fees incurred in this matter.

Attorneys' fees should be awarded to CMI and to the COUNTY under NRS 18.010(2) because they prevailed on all four of CRA's claims and CRA's claims were vexatious and caused significant and undue delay in the ability to realize the effect of the COUNTY's decision to approve CMI's August 2013 Application for a Master Plan Amendment and Zone Change (the "Application").

CRA filed this action in an effort to invalidate the COUNTY's approval of CMI's Application. The COUNTY's action on CMI's Application was taken in a public meeting in January 2014, more than five years ago. The vehicle for such a challenge is a petition for judicial review under the provisions of NRS Chapter 278. See Redrock Valley Ranch, LLC, 127 Nev. 451, 254 P.3d 641 (2011). Judicial review of land use planning decisions is meant to provide a speedy remedy. Kay v. Nunez, 122 Nev. 1100, 1104, 146 P.3d 801, 805 (2006).

In this case, CRA asserted four claims for relief rather than just a simple petition for judicial review. In addition to judicial review, CRA asserted claims that the COUNTY had violated the open meeting law, had violated CRA's constitutional due process rights, and had violated the requirements of NRS 278.220(4).

Based at least in part on the law set forth in Redrock Valley and Kay, the COUNTY and CMI moved this Court to dismiss all of CRA's claims except for its petition for judicial review. This Court granted the motion to dismiss and CRA subsequently appealed. Both this Court and the Nevada Supreme Court noted that CRA had failed to allege sufficient facts to support a claim for violation of the open meeting law and that the record confirmed that the COUNTY had not violated NRS 278.220.

On judicial review of the COUNTY's approval of the Application, this Court found that the COUNTY's decision was based on substantial evidence. The Supreme Court agreed,

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specifically noting that while the COUNTY was only required to make any one of five permissible findings, it had actually found all five.

The Supreme Court did, however, remand CRA's due process claim for further proceedings, in order to allow CRA to attempt to prove the factual allegations it had made in support of the due process claim. On remand, this Court entered an order, on February 13, 2018, allowing CRA to conduct discovery on the issue of whether CMI had improperly influenced Commissioners Hastings and Keller such that CRA's due process rights were violated. To that point, four years after filing its Complaint, CRA had conducted no discovery.

Following a period of discovery in which CRA conducted written discovery and depositions, the parties submitted final briefs to the Court for a decision on the merits of CRA's due process claim. CRA submitted a brief in which it could point to no evidence it had discovered or any legal authority to support its due process claim. This Court entered final judgment on CRA's due process claim and found that CMI and the COUNTY had followed all applicable laws in relation to the approval of CMI's Application. The Court found that CRA had "not shown by a preponderance of the evidence that [CRA] were denied due process." June 11, 2019 Order, p. 4, ll. 16-17. In other words, CRA had discovered nothing in more than five years of litigation to support its allegations of due process violations.

All of the foregoing conclusively shows that CRA's claims were brought without reasonable ground. Further, CRA's litigation tactics and improper and unfounded claims delayed CMI's ability to use its property as approved by the COUNTY on January 2, 2014.[1] For these reasons, the Court must award attorneys' fees to the COUNTY and to CMI pursuant to NRS 18.010(2).

B. Fees are authorized under NRS 278.0237

NRS 278.0237 also supports an award of attorney fees in this case. The Legislature has seen fit to allow the court to award reasonable attorney's fees, court costs and interest to

[1] While there is clearly no factual or legal basis for CRA's due process claim, the COUNTY and CMI expect that CRA will seek to further delay this matter by appealing the Court's July 11, 2019 Order.

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the prevailing party in an action brought under NRS 278.0233. This primary crux of this action was the land use decision. The Third Cause of Action in the Complaint and Petition arises out of NRS 278.0233 and the action of the Board of County Commissioners. The Supreme Court upheld the planning decision, concluding that the decision was supported by substantial evidence. CMI and the COUNTY are the prevailing parties on all causes of action in this case, including the land use decision. The Supreme Court affirmed the lower court decision December 2, 2016. The litigation continued for two additional years after the Supreme Court decision. As mentioned above, CRA's litigation tactics and improper and unfounded claims delayed CMI's ability to use its property. This is a case where the Court should exercise its authority under the statute and award attorney's fees to the prevailing parties pursuant to NRS 233.0237.

C. COUNTY's fees.

The COUNTY submits herewith the Affidavit of Stephen B. Rye, Lyon County District Attorney, requesting attorney fees for the COUNTY in the amount of $50,000, a reasonable claim for attorney fees over the course of more than five years of litigation.

D. CMI's fees.

CMI submits herewith the Affidavits of James R. Cavilia, Esq. and Justin M. Townsend, Esq., which show that, over the course of the more than five years of litigating this matter, CMI incurred a total of $201,580. CMI's attorneys spent a total of 737.20 hours in successfully defending against all of CRA's claims.

CMI previously submitted a Memorandum of Costs, pursuant to NRS 18.110, by which it seeks to recover its costs, in the total sum of $1,571.47. CMI requests, therefore, an award of fees and costs in the total sum of $203,151.47.

III.

CONCLUSION

For the reasons set forth herein, the COUNTY and CMI respectfully request an award of fees and costs in the amounts set forth herein and as shown in the affidavits submitted herewith.

Office of the District Attorney
Lyon County, State of Nevada
851 Overland Loop, Suite 208, Dayton, Nevada 89403 • 31 South Main Street, Yerington, Nevada 89447 • 5681 East Main Street, Fernley, Nevada

DATED this 1st day of July, 2019.

STEPHEN B. RYE
DISTRICT ATTORNEY

By: _____
DISTRICT ATTORNEY
31 South Main Street
Yerington, NV 89447
775-463-6511

Attorney for Respondent
Lyon County Board of Commissioners

ALLISON MacKENZIE, LTD.

By: _____
JAMES R. CAVILIA, ESQ.
Nevada State Bar No. 3921
JUSTIN TOWNSEND, ESQ.
Nevada State Bar No. 12293
PO Box 646
Carson City, NV 89702
775-687-0202

Attorneys for Respondent
Comstock Mining Incorporated

4834-8240-8218, v. 3

Office of the District Attorney
Lyon County, State of Nevada
851 Overland Loop, Suite 306, Dayton, Nevada 89403 • 31 South Main Street, Yerington, Nevada 89447 • 905 East Main Street, Fernley, Nevada

CERTIFICATE OF SERVICE

Pursuant to NRCP Rule 5(b), I hereby certify that I am an employee of the Lyon County District Attorney's Office, and that on this date, I caused the foregoing document to be served on all parties to this action by, mailing a copy hereof, postage prepaid, addressed as follows:

JOHN L. MARSHALL, ESQ.
570 Marsh Avenue
Reno, NV 89509

JIM CAVILIA, ESQ.
Justin Townsend, Esq.
Allison MacKenzie, Ltd.
P.O. Box 646
Carson City, NV 89702

DATED this 13 day of August, 2019.

Employee

Office of the District Attorney
Lyon County, Nevada
801 Overland Lane, Suite 201, Dayton, Nevada 89403 - In South Main Street, Yerington, Nevada 89447 - 501 East Main Street, Fernley, Nevada 89408

Case No. 14-CV-00128

Dept. No. Senior Judge

Pursuant to NRS 239B.030, the undersigned affirms that the following document does not contain the social security number of any person.

FILED

2019 AUG -1 PM 2:39

Tanya Stevens

IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF LYON

COMSTOCK RESIDENTS ASSOCIATION, JOE McCARTHY,

Plaintiffs/Petitioners,

vs.

LYON COUNTY BOARD OF COMMISSIONERS; COMSTOCK MINING INCORPORATED,

Defendants/Respondents.

/

AFFIDAVIT OF STEPHEN B. RYE, ESQ.

STATE OF NEVADA)
: ss.
COUNTY OF LYON)

STEPHEN B. RYE, ESQ., being first duly sworn, deposes and says:

1. That I am the Lyon County District Attorney and one of the attorneys assigned to represent Lyon County in this case.

2. That I am an attorney duly licensed and admitted to practice before all courts in the State of Nevada, and I am a member in good standing with the State Bar of Nevada.

3. That I obtained my juris doctorate degree from the McGeorge School of Law, Sacramento, California, in 1995, and have twenty-four years' experience in the practice of law, all in the State of Nevada.

4. That the Lyon County District Attorney's Office is responsible for the preparation and presentation of the defense in this case on behalf of the Lyon County Board of Commissioners and have personal knowledge of all matters set forth herein.

Office of the District Attorney
Lyon County, Nevada
801 Overland Loop, Suite 201, Dayton, Nevada 89403 - 31 South Main Street, Yerington, Nevada 89447 - 305 East Main Street, Fernley, Nevada 89408

5. That the District Attorney's Office does not track billable hours in any of its cases. In this particular case, considerable time was spent by the District Attorney drafting pleadings, attending hearings, preparing exhibits for presentation to the Court, conducting discovery, attending depositions, and all related and required litigation efforts, all of which helped lead the County to prevailing on all claims in this matter.

6. A reasonable hourly rate for attorneys in Lyon County is between $250 and $350 per hour. In this case, over the course of over four years, a reasonable estimate of hours spent on this case would exceed several hundred hours. 200 hours at $250 per hour would result in attorneys fees of $50,000 for the District Attorney's office.

DATED this 1st day of August, 2019.

Stephen B. Rye

STATE OF NEVADA)
: ss.
COUNTY OF LYON)

On August 1, 2019, personally appeared before me, a Notary Public, Stephen B. Rye, personally known (or proved) to me to be the person whose name is subscribed to the foregoing document, and who acknowledged to me that he executed the above document.

NOTARY PUBLIC

KRYSTA BRETHAUER
NOTARY PUBLIC
STATE OF NEVADA
My Commission Expires: 06-12-20
Certificate No: 19-2551-12

Office of the District Attorney
Lyon County, Nevada
801 Overland Lane, Suite 201, Dayton, Nevada 89403 31 South Main Street, Yerington, Nevada 89447 845 East Main Street, Fernley, Nevada 89408

CERTIFICATE OF SERVICE

Pursuant to NRCP Rule 5(b), I hereby certify that I am an employee of the Lyon County District Attorney's Office, and that on this date, I caused the foregoing document to be served on all parties to this action by, mailing a copy hereof, postage prepaid, addressed as follows:

JOHN L. MARSHALL, ESQ.
570 Marsh Avenue
Reno, NV 89509

JIM CAVILIA, ESQ.
Justin Townsend, Esq.
Allison MacKenzie, Ltd.
P.O. Box 646
Carson City, NV 89702

DATED this 5th day of August, 2019.

Employee

Office of the District Attorney
Lyon County, Nevada

FILED

2019 AUG -1 PM 2:40

TANYA ADAMS
COURT ADMINISTRATOR
THIRD JUDICIAL DISTRICT
Tanya Devine

Case No. 14-CV-00128

Dept. No. II

Pursuant to NRS 239B.030, the undersigned affirms that the following document does not contain the social security number of any person.

IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF LYON

COMSTOCK RESIDENTS ASSOCIATION, JOE McCARTHY,

Plaintiffs/Petitioners,

vs.

LYON COUNTY BOARD OF COMMISSIONERS; COMSTOCK MINING INCORPORATED,

Defendants/Respondents.
_____/

AFFIDAVIT OF JAMES R. CAVILIA, ESQ.

STATE OF NEVADA)
: ss.
CARSON CITY)

JAMES R. CAVILIA, ESQ., being first duly sworn, deposes and says:

1. That I am a shareholder at the law firm of ALLISON MacKENZIE, LTD. and am one of the attorneys of record for Defendant, COMSTOCK MINING INCORPORATED (referred to herein as "CMI"), in the above entitled action.

2. That I am an attorney duly licensed and admitted to practice before all courts in the State of Nevada, and I am a member in good standing with the State Bar of Nevada.

3. That I obtained my juris doctorate degree from Santa Clara University Law School in 1990 and have more than twenty-nine years' experience in the practice of law, all in the State of Nevada.

ALLISON MacKENZIE, LTD.
402 North Division Street, P.O. Box 646, Carson City, NV 89702
Telephone: (775) 687-0202 Fax: (775) 882-7918
E-Mail Address: law@allisonmackenzie.com

4. That I, along with my partner, JUSTIN M. TOWNSEND, ESQ., am responsible for the preparation and presentation of the defense in this case on behalf of CMI and have personal knowledge of all matters set forth herein.

5. That my time was billed in this matter at $300 per hour. That the foregoing hourly rate is consistent with my experience, expertise, and knowledge, as well as the legal market in Northern Nevada.

6. That I spent a total of 339.7 hours in this matter, and that said time was spent drafting pleadings, attending hearings, preparing exhibits for presentation to the Court, conducting discovery, and all related and required litigation efforts, all of which helped lead CMI to prevailing on all claims in this matter. The value of those hours is $101,910.

7. That other attorneys and law clerks under my supervision performed work in this matter, a total of 16.8 hours, which is valued at $4,075.

DATED this 30th day of July 2019.

JAMES R. CAVILIA, ESQ.

STATE OF NEVADA)
: ss.
CARSON CITY)

On July 30th, 2019, personally appeared before me, a Notary Public, JAMES R. CAVILIA, personally known (or proved) to me to be the person whose name is subscribed to the foregoing document, and who acknowledged to me that he executed the above document.

NOTARY PUBLIC

CASEY K. POPOVICH
NOTARY PUBLIC
STATE OF NEVADA
APPT. No. 16-1871-3
MY APPT. EXPIRES MARCH 13, 2020

ALLISON MacKENZIE, LTD.
402 North Division Street, P.O. Box 646, Carson City, NV 89702
Telephone: (775) 687-0202 Fax: (775) 882-7918
E-Mail Address: law@allisonmackenzie.com

CERTIFICATE OF SERVICE

Pursuant to NRCP Rule 5(b), I hereby certify that I am an employee of ALLISON, MacKENZIE, LTD., Attorneys at Law, and that on this date, I caused the foregoing document to be served on all parties to this action by:

__X__ Placing a true copy thereof in a sealed postage prepaid envelope in the United States Mail in Carson City, Nevada [NRCP 5(b)(2)(B)]

_____ Hand-delivery - via Reno/Carson Messenger Service [NRCP 5(b)(2)(A)]

_____ Electronic Transmission

_____ Federal Express, UPS, or other overnight delivery

_____ E-filing pursuant to Section IV of District of Nevada Electronic Filing Procedures [NRCP 5(b)(2)(D)]

fully addressed as follows:

JOHN L. MARSHALL, ESQ.
570 Marsh Avenue
Reno, NV 89509

STEVEN B. RYE, ESQ.
District Attorney
31 South Main Street
Yerington, NV 89447

DATED this 30th day of July, 2019.

Casey K. Popovich
CASEY K. POPOVICH

4816-4038-7485, v. 2

ALLISON MacKENZIE, LTD.
402 North Division Street, P.O. Box 646, Carson City, NV 89702
Telephone: (775) 687-0202 Fax: (775) 882-7918
E-Mail Address: law@allisonmackenzie.com

FILED

2013 AUG -1 PM 2:40

Case No. 14-CV-00128

Dept. No. II

Pursuant to NRS 239B.030, the undersigned affirms that the following document does not contain the social security number of any person.

IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF LYON

COMSTOCK RESIDENTS ASSOCIATION, JOE McCARTHY,

Plaintiffs/Petitioners,

vs.

LYON COUNTY BOARD OF COMMISSIONERS; COMSTOCK MINING INCORPORATED,

Defendants/Respondents.

AFFIDAVIT OF JUSTIN M. TOWNSEND, ESQ.

STATE OF NEVADA)
: ss.
CARSON CITY)

JUSTIN M. TOWNSEND, ESQ., being first duly sworn, deposes and says:

1. That I am a shareholder at the law firm of ALLISON MacKENZIE, LTD. and am one of the attorneys of record for Defendant, COMSTOCK MINING INCORPORATED (referred to herein as "CMI"), in the above entitled action.

2. That I am an attorney duly licensed and admitted to practice before all courts in the State of Nevada, and I am a member in good standing with the State Bar of Nevada.

3. That I obtained my juris doctorate degree from the J. Reuben Clark Law School at Brigham Young University in 2010 and have more than nine years' experience in the practice of law, all in the State of Nevada.

ALLISON MacKENZIE, LTD.
402 North Division Street, P.O. Box 646, Carson City, NV 89702
Telephone: (775) 687-0202 Fax: (775) 882-7918
E-Mail Address: law@allisonmackenzie.com

4. That I, along with my partner, JAMES R. CAVILIA, ESQ., am responsible for the preparation and presentation of the defense in this case on behalf of CMI and have personal knowledge of all matters set forth herein.

5. That, through December 31, 2018, my time was billed as an associate attorney at the rate of $250 per hour and that, effective January 1, 2019, my time was billed as a partner attorney at the rate of $300 per hour. That the foregoing hourly rates are consistent with my experience, expertise, and knowledge, as well as the legal market in Northern Nevada.

6. That I spent a total of 372.3 hours between January 2014 and December 2018 and 8.4 hours between January 2019 and June 2019, and that said time was spent drafting pleadings, attending hearings, preparing exhibits for presentation to the Court, conducting discovery, attending depositions, and all related and required litigation efforts, all of which helped lead CMI to prevailing on all claims in this matter. The value of those hours is $95,595.

DATED this 30th day of July 2019.

JUSTIN M. TOWNSEND, ESQ.

STATE OF NEVADA)
: ss.
CARSON CITY)

On July 30th, 2019, personally appeared before me, a Notary Public, JUSTIN M. TOWNSEND, personally known (or proved) to me to be the person whose name is subscribed to the foregoing document, and who acknowledged to me that he executed the above document.

Casey K. Poponich
NOTARY PUBLIC

CASEY K. POPOVICH
NOTARY PUBLIC
STATE OF NEVADA
APPT. No. 15-1871-3
MY APPT. EXPIRES MARCH 18, 2023

ALLISON MacKENZIE, LTD.
402 North Division Street, P.O. Box 646, Carson City, NV 89702
Telephone: (775) 687-0202 Fax: (775) 882-7918
E-Mail Address: law@allisonmackenzie.com

CERTIFICATE OF SERVICE

Pursuant to NRCP Rule 5(b), I hereby certify that I am an employee of ALLISON, MacKENZIE, LTD., Attorneys at Law, and that on this date, I caused the foregoing document to be served on all parties to this action by:

X Placing a true copy thereof in a sealed postage prepaid envelope in the United States Mail in Carson City, Nevada [NRCP 5(b)(2)(B)]

____ Hand-delivery - via Reno/Carson Messenger Service [NRCP 5(b)(2)(A)]

____ Electronic Transmission

____ Federal Express, UPS, or other overnight delivery

____ E-filing pursuant to Section IV of District of Nevada Electronic Filing Procedures [NRCP 5(b)(2)(D)]

fully addressed as follows:

JOHN L. MARSHALL, ESQ.
570 Marsh Avenue
Reno, NV 89509

STEVEN B. RYE, ESQ.
District Attorney
31 South Main Street
Yerington, NV 89447

DATED this 30th day of July, 2019.

Casey K. Popovich

CASEY K. POPOVICH

4847-1612-2781, v. 2

ALLISON MacKENZIE, LTD.
402 North Division Street, P.O. Box 646, Carson City, NV 89702
Telephone: (775) 687-0202 Fax: (775) 882-7918
E-Mail Address: law@allisonmackenzie.com

FILED

2015 AUG 23 PM 12:57

TANYA [illegible]
COURT ADMINISTRATOR
THIRD JUDICIAL DISTRICT

KATHY THOMAS

Case No. 14-CV-00128

Pursuant to NRS 239B.030, the undersigned affirms that the following document does not contain the social security number of any person.

JOHN L. MARSHALL
SBN 6733
570 Marsh Avenue
Reno, Nevada 89509
Telephone: (775) 303-4882
Attorney for Petitioners Comstock Residents Association, Joe McCarthy

IN THE THIRD JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA
IN AND FOR LYON COUNTY

COMSTOCK RESIDENTS ASSOCIATION, JOE McCARTHY,

Plaintiffs/Petitioners,

v.

LYON COUNTY BOARD OF COMMISSIONERS; COMSTOCK MINING INCORPORATED

Defendants/Respondents.

OPPOSITION TO MOTION FOR ATTORNEYS FEES

Plaintiffs Comstock Residents Association and Joe McCarthy (collectively "CRA")hereby oppose Defendants Lyon County Board of County Commissioners ("Lyon County") and Comstock Mining Incorporated's ("CMI") Motion for Attorneys' Fees ("Motion"). Defendants' establish neither entitlement to fees nor meet the applicable standards for a reasonable amount of fees.

A. Defendants Establish No Entitlement to Fees

In their Motion for Attorneys' Fees, Defendants posit two statutory basis for fees, NRS 18.010(2)(b) and NRS 278.0237. As show here, neither applies.

1. Defendants' fail to establish CRA's action lacked credible evidentiary support

Under NRS 18.010(2)(b), a prevailing party in order to establish a right to fees must show that the claim against them lacked any credible evidentiary support. *Frederic and Barbara Rosenburg Living Trust v. MacDonald Highland Realty*, 134 Nev. Adv. Op. 69, 427 P.3d 104 (2018). Defendants fail to meet their burden. First, Defendants argue that the Supreme Court upheld this Court's dismissal of CRA's Open Meeting Law claim. The fact that a claim was dismissed in and of itself does not establish that the claim was frivolous. *Id.* In any event, one justice of the Supreme Court dissented, stating that CRA had alleged sufficient facts to state an OML claim. See Order Affirming In Part, Reversing In Part, And Remanding, Supreme Court Case No. 68433 (December 2, 2016). Defendants present no argument that under such circumstances, CRA's OML claim lack credible evidentiary support. [1]

[1] Defendants also lump into their first argument CRA's claim under NRS 278.220, a claim that this court refused to dismiss as it was adequately pled, but then on the merits determined that Defendants' arguments prevailed. See Order on Dismissal. Defendants make no specific argument that the NRS 278.220 claim lacked credible evidentiary support and therefore fail to carry their burden.

Next, Defendants' recite that fact that the Supreme Court affirmed this Court's finding that the underlying land use decision was based on substantial evidence. Motion at 4-5. Defendants err by equating prevailing on a claim with meeting their burden to establish the claim lack any credible evidentiary support. As CRA pointed out in extensive briefing before this Court and on appeal, the record contained excessive credible evidence that granting CRA's land use applications ran contrary to the established master plan in multiple ways and that no changed conditions had occurred to justify the reversal of the longstanding land use designations for Silver City. Indeed, the position of CRA was first supported by Lyon County's professional staff and then Lyon County Planning Commission, who voted 4-1 to deny CMI's application. See generally CRA's Opening Brief on Petition for Judicial Review at 3-36. Defendants' do not address how these arguments lacked evidentiary support or how the claims could be deemed frivolous when Lyon County's own professional planning staff and Planning Commission agreed with them.

Defendants also argue that because this Court found CRA had "not shown by a preponderance of the evidence" on the merits of its due process claim, it should be entitled to fees. Motion at 5:10-18. Again, Defendants' burden is not only to establish they are prevailing parties but in addition, and most critically here, that the claims against them lack any credible supporting evidence. *Frederic and Barbara Rosenburg Living Trust, supra.*

Here are the facts, developed through discovery and public records requests, that CRA believes establish that Lyon County elected officials violated NRS Chapter 281A and due process as set forth in its trial brief:

> In January 2011, Vida Keller replaced Commissioner Larry McPherson on the BOCC. Sometime in 2011, CMI invited Vida and Scott Keller (Vida's husband), as well as other local elected officials, to tour CMI's mining operations. According to Scott Keller, the tour also included the Dayton mine buildings and he made a comment that the building looked unsafe and work should be done to stabilize it. Deposition of Scott Keller, CRA Exhibit 18, at 14:17-22. CMI,

knowing of the connection between County Commissioner Vida Keller and her husband, thereafter contacted Scott Keller to hire him to work on the stabilization of the Dayton mine structures. Deposition of Vida Keller, CRA Exhibit 17 at 62; Scott Keller Depo, CRA Ex. 18, 11-13 at Vida and Scott Keller then meet with CMI to "find out what it was that they wanted . . . ." CRA Ex. 17 at 62. Scott then negotiated a contract between CMI and his brother Rick Keller's (i.e., Vida's brother-in-law) construction company, Priceless Construction. *Id.*, see also CRA Ex. 29 (contract between CMI and Priceless Construction dated June 17, 2011). Scott Keller was then hired by his brother to perform work under this contract with CMI. Scott Keller Depo, CRA Ex. 18 at 11-12:19-25, 1-2. This contract was not let for competitive bidding. *Id.*

After the work under the CMI/Priceless Construction contract was completed, CMI contacted Scott to continue its relationship with the Kellers. Scott Keller Depo, CRA Ex. 18 at 16-17. At that time, Vida and Scott Keller were joint partners in several businesses. They owned Priceless Realty, a real estate agency for Vida Keller, a licensed real estate agent. The Kellers also owned Keller Construction/Consulting, a business repairing mobile homes. See Vida Keller Depo, CRA Ex. 17 at 68-69. In general, for construction activities, Scott Keller performed the physical labor and Vida Keller kept the books and did the invoicing, taxes, etc. Scott Keller Depo, CRA Ex. 18 at 17:16-25; 18:1-7. The Kellers used the same contact information and billing addresses for their personal and businesses. *Id.*

In order to keep the Kellers on its payroll, CMI next entered into a no-bid retainer contract with Kellers' company "Priceless Realty" on January 1, 2012, to provide "construction management and related services" regarding construction projects in the Comstock Historic District. CRA Ex. 29. Under this contract, CMI paid Priceless Realty $5,000 per month to be available for consultant services and a bonus of 5% of any construction contracts managed by Priceless Realty. No minimum hours of work were required or actually billed, nor were specific tasks identified to be accomplished. Scott Keller Depo, CRA Ex. 18, at 20:8-25; 21:1-4. CMI paid the Kellers $60,000 over the course of the 1-year Priceless Realty contract. CRA Ex. 36.

With Vida Keller's businesses under contract to it, CMI then turned to replacing Commissioner Chuck Roberts with a friendlier face. In 2012, Robert "Bob" Hastings ran against the incumbent Commissioner Chuck Roberts. Chuck Roberts had previously voted against CMI's request to allow mining in and adjacent to Silver City on CMI Property. During the race, CMI and related companies contributed $17,500 in cash to Robert Hastings to insure his election. CMI's cash contributions were more than 60 percent of Mr. Hastings' cash contributions that year. The average Lyon County Commissioner candidate from 2008 to 2012 raised a little more than $7,000. For which the Secretary of State records are available, these CMI contributions alone exceed the totals for seven out of ten candidates from 2008-2014, and is essentially twice the totals raised by individual candidates in 2016, even when including in-kind contributions. Commissioner Hastings depended on CMI's contributions in order to match and exceed his opponent's fundraising in the 2012 race. In the November 2012 election, Mr. Hastings defeated Mr. Roberts in the election for District I Commissioner. CRA Ex. 5.

With its master plan and zone change application on the near horizon, CMI entered into another no-bid contract with Kellers, this time with Keller Consulting on May 1, 2013, to provide more construction management and related services. Exhibit 4 to CRA Ex. 17 (Vida Keller Depo). Under the contract, CMI paid Keller Consulting $7,083 per month to be available for consultant services. When asked why CMI agreed to a 40 percent increase in the rate, Scott Keller testified that he simply "wanted more money" and CMI complied. Scott Keller Depo, CRA Ex. 18 at 27:6-13. The contract again required no minimum hours of work identified. The work under the contract was performed by Scott Keller. Scott Keller submitted no time records and only a few reports – near the end of the contract term in 2015 – of work accomplished.

CMI paid the Kellers $212,000 over the course of the contract during the time period in which Vida Keller considered, deliberated and acted upon CMI's land use application. CRA Ex. 19. The Kellers received their checks from CMI (CRA Ex. 19) and CMI reported to the IRS that CMI (as opposed to any foundation) paid the Kellers (see Ex. 18 to CRA Ex. 18 (IRS Form 1099s from CMI to Keller Consulting for years 2013-2015).

In August 2013, CMI applied to Lyon County to change the master plan and zoning designations to allow mining use on the Property. See Ex. 6. In its application, CMI stated "the purpose [of the application was] of pursuing continued mineral exploration, development and the economic mining potential of the subject property." *Id.*

During the time of CMI land use application was pending before Lyon County, Vida Keller was dependent upon CMI's payments to meet her family's dire fiscal needs. At this time, Ms. Keller was caring for her sick mother and had taken over care and responsibility of her grandchildren. Vida Keller Depo, CRA Ex. 17 at 38:17-25; 39:1-7;49:1-4. Because of these duties, Ms. Keller testified she ceased all activity as a real estate agent. *Id.* at 48:10-23. As a result, Vida and Scott Keller received income from only two sources: (1) her Lyon County part time salary of approximately $26,000, and (2) CMI – via the Priceless Realty and Keller Consulting contracts, worth $60,000 to $80,000 annually. *Id.* at 48:10-23; 49:6-17

Even with the largess of CMI supporting her, the Kellers could not pay their bills. In a conscious decision, Ms. Keller determined she did not have enough money to pay their property tax bills and fell into arrears. *Id.* at 52:12-25; 53-54; 55:1-4. The Kellers' financial situation during 2013/2014 must have been dire indeed for Ms. Keller, an elected Lyon County official, to become delinquent in their own tax bills to her County.

In short, without substantial payments from CMI, Commissioner Hastings faced political ruin; the Kellers, financial ruin.

Commissioner Keller and Hastings worked hard for their money. For example, since the time Commissioner Keller came on the County Commission – while receiving the substantial portion of the family income from CMI, she acted as a watchdog on the BOCC for CMI's interests on water and related issues. See e.g. Ex. 5 to CRA Exhibit 17 (CMI email to Commissioner Keller: "Vida please keep a look out at these (water issues) moves through the process. Please advise if you think someone from CMI needs to attend Vidler's item." Commissioner

Keller's response: "No problem."); Exhibit 6 to CRA Exhibit 17 (Emails between Commissioner Keller and CMI re water wells and easement access issues.)

During Lyon County's consideration of CMI's land use application, Commissioners Hastings and Keller ratcheted up their participation on behalf of CMI. Commissioner Hastings contacted Rob Loveberg, head of the Lyon County Planning Department regarding CMI's application and the staff report and recommendation that Mr. Loveberg was drafting. Commissioner Hastings reported to Mr. Loveberg that CMI was "intense" and that CMI was concerned that the staff report might be negative. Commissioner Hastings then noted that a report based on the facts, however, would "not calm [CMI] nerves" and Commissioner Hastings asked whether the report would be negative or recommend a denial. Mr. Loveberg responded that he had not finished the report but intended to submit a balanced one. CRA Ex. 7. Commissioner Hastings then forwarded Mr. Loveberg's response to Commissioner Keller and asked for her thoughts. *Id.* Commissioner Hasting subsequently discussed Mr. Loveberg's approach with Commissioner Keller. *Id.*

Commissioner Hastings also forwarded the internal email from staff (Mr. Loveberg) to CMI Chief Executive Officer Mr. DeGasperis. CRA Ex. 8. Commissioner Hastings reported to CMI the pressure he was going to bring to bear on Mr. Loveberg: he "will be discussing this matter further with [Lyon County Manager and Mr. Loveberg's supervisor] Jeff Page." Commissioner Hastings told Mr. DeGasperis that he would take care of CMI's interests in this matter: "I want to make sure that Rob [Loveberg] understands that concerns **we** have and Jeff amy [sic] be the conduit **we** need." *Id.* (Emphasis added.) Commissioner Hastings' use of the word "we" in this email established the extent of Commissioner Hastings' bias as he viewed his and CMI's interests as entirely coextensive.

Commissioner Hastings also coordinated with CMI on gathering information on CRA, strategizing for hearings before the Planning Commission and even recruiting witnesses to testify on the company's behalf. CRA Exhibit 9 (Commissioner Hastings email to CMI regarding potential witness to testify on CMI's behalf); Exhibit 16 (Commissioner Hasting email to CMI ("Do **we** know or is there a way to get a list of CRA members?")(emphasis added to royal "we"); CRA Exhibit 11 (CMI email to Commissioner Hastings setting up strategy call for Planning Commission meeting: "Let's talk tomorrow about the upcoming LC Planning meeting. I will fill you in.").

In stark contrast to his overt, systematic efforts to aid CMI's interests, Commissioner Hastings at the same time rebuffed the citizens of Silver City. In response to a request for a meeting with CRA representatives, Commissioner Hastings cautioned, "I should let you know that I can listen but because [CMI's Application] is an agendized item that is before the Planning Commission and will likely come to the BOCC in some form it would be inappropriate for me to make any comments at this time." CRA Ex. 10.

After Lyon County professional planning staff exhaustively reviewed CMI's application, it issued in-depth reports, and recommended that CMI's application be denied because: (1) the industrial land uses requested by the application were in conflict with multiple 2010 Master Plan policies, (2) no change in conditions has occurred to justify so altering the longstanding land use designations within Silver City from the recently adopted Master Plan, (3) the

> proposed reduction in residential density would make needed town infrastructure improvements less likely, and (4) as envisioned by the 2010 Master Plan, a land use change of such a magnitude should be considered, if at all, during the development of the Silver City Community Plan. Upon hearing hours of public testimony, the Planning Commission by a 5 to 1 vote adopted the recommendation of its professional staff and recommended the County Commissioners deny CMI's application. CRA Ex. 6.
>
> [***]
>
> That common goal of the CMI and Commissioners was to ensure a majority of votes for CMI's Application. Lyon County Manager Jeff Page opened the January 2, 2014 meeting with a discussion of the events leading to the "compromise" between CMI and the Commissioners. As candidly admitted by CMI, the "compromise" hammered out in these calls and meetings "was the result of some Commissioners talking about is there an opportunity for some sort of [compromise on the scope of CMI's Application]." CRA Ex. 42, CMI #1 47:38. Indeed, after public comment, the Commissioners voted, 4 to 1 to overturn the Silver City Advisory Council, its professional planning staff recommendation, and the recommendation of its Planning Commission, and grant the "compromise." Interestingly, the four "ayes" – Commissioners Keller, Hastings, Mortenson and Fierro, were the ones involved in the compromise's creation, deliberation and finalization in the days before the January 2 meeting.
>
> In 2015, Vida Keller left the Lyon County Commission after she failed to win reelection. Soon thereafter in 2015, CMI did not renew its contract with Keller Consulting. However, CMI used Ms. Keller as a real estate agent for which she received over $200,000. Exhibits 10 and 11 to CRA Ex. 17. CMI similarly helped Commissioner Hastings by responding to his solicitations as a radio advertising salesperson, and booking ads. CRA Exhibits 31 and 32. Commissioner Hastings succinctly states his fear ("I am concerned **we** are going to fall behind and that CRA will be able to get ahead of **us**." CRA Exhibit 32 (emphasis added)) and his objective ("The purpose here is to positively brand Comstock Mining." CRA Exhibit 31.

Thus, in order to show any possibility of entitlement to fees, Defendants must show these compiled facts wholly and completely fail to provide any evidentiary support to a claim that these commissioners acted in a manner to either violated NRS Chapter 281A or due process. Since Defendants only argue that they prevailed on CRA's due process claim, not that no supporting evidence exists, their motion fails.

Finally, Defendants complain of unspecified "litigation tactics" that allegedly delayed CMI's use of its property. Motion at 5:19-23. However, at no time was CMI ever prevented from proceeding with its development plans. CMI was never enjoined; instead it decided on its

own to not seek a special use application to allow it to mine. Moreover, CMI ceased mining its other properties in the Comstock not covered by this litigation, proving the inability to proceed was self-inflicted business practices. And, the remedy for any allegedly inappropriate discovery tactics is provided in the discovery motion practice, which Defendants notably did not bring at any time.

In short, Defendants fail to carry their burden to prove that CRA's claim lack any credible evidentiary support. NRS 18.010(b) therefore provides no bases for an award of fees.

2. NRS 278.0237 is inapplicable to this case

In a scant paragraph, Defendants argue that they are entitled to fees under NRS 278.037, which rewards prevailing parties in claims brought under NRS 278.0233. Defendants do not quote any of the provisions of NRS 278.0233 because on its face it does not apply.

NRS 278.0237 provides in full:

> 1. Any person who has any right, title or interest in real property, and who has filed with the appropriate state or local agency an application for a permit which is required by statute or an ordinance, resolution or regulation adopted pursuant to NRS 278.010 to 278.630, inclusive, before that person may improve, convey or otherwise put that property to use, may bring an action against the agency to recover actual damages caused by:
>
> (a) Any final action, decision or order of the agency which imposes requirements, limitations or conditions upon the use of the property in excess of those authorized by ordinances, resolutions or regulations adopted pursuant to NRS 278.010 to 278.630, inclusive, in effect on the date the application was filed, and which:
>
> (1) Is arbitrary or capricious; or
>
> (2) Is unlawful or exceeds lawful authority.
>
> (b) Any final action, decision or order of the agency imposing a tax, fee or other monetary charge that is not expressly authorized by statute or that is in excess of the amount expressly authorized by statute.
>
> (c) The failure of the agency to act on that application within the time for that action as limited by statute, ordinance or regulation.

2. An action must not be brought under subsection 1:

(a) Where the agency did not know, or reasonably could not have known, that its action, decision or order was unlawful or in excess of its authority.

(b) Based on the invalidation of an ordinance, resolution or regulation in effect on the date the application for the permit was filed.

(c) Where a lawful action, decision or order of the agency is taken or made to prevent a condition which would constitute a threat to the health, safety, morals or general welfare of the community.

(d) Where the applicant agrees in writing to extensions of time concerning his or her application.

(e) Where the applicant agrees in writing or orally on the record during a hearing to the requirements, limitations or conditions imposed by the action, decision or order, unless the applicant expressly states in writing or orally on the record during the hearing that a requirement, limitation or condition is agreed to under protest and specifies which paragraph of subsection 1 provides cause for the protest.

(f) For unintentional procedural or ministerial errors of the agency.

(g) Unless all administrative remedies have been exhausted.

(h) Against any individual member of the agency.

By its plain language, NRS 278.0233 only authorizes an **applicant** for a land use entitlement to bring suit against a government agency when "before that person may improve, convey or otherwise put that property to use" it must obtain a permit and where that permit has been wrongfully denied or conditioned. In this case, CMI is the land owner and applicant, not CRA. Since CRA was not the applicant, it could not have brought this action pursuant to NRS 278.0233. Rather, CRA, as the opponent of a land use decision, had to bring its claim under NRS 278.3195(4) as established by *Kay v. Nunez*, 122 Nev. 1100, 1104-1105. (2006) (petitions for judicial review of "local zoning and planning decisions" occur under NRS 278.3195(4)).

Moreover, the Supreme Court has specifically rejected an attempt by a prevailing party in an action where an opponent to the grant of a local land use application sues to reverse that

decision. In *Enterprise Citizens Action Committee v. Clark County Board of Commissioners*, 112 Nev. 649 (1996), the Supreme Court held, fees are "available only to the party which submitted the application requesting an improvement or change of use on its property and only after the responsible agency acts arbitrarily in imposing some type of restriction on the use of the property in excess of the agency's statutorily derived powers." *Id.* at 661. Here, CMI did not bring this action against Lyon County for arbitrary imposing restrictions on the use of property as Lyon County granted CMI's application. Since this action did not arise under NRS 278.0233, fees are unavailable to Defendants under NRS 278.0237.

B. Defendants Fail to Meet Minimum Disclosure Of Reasonableness of Requested Award

Assuming the Court finds entitlement to fees, Defendants fail to meet the longstanding factors for a specific amount set forth in *Brunzell v. Golden Gate National Bank*, 85 Nev. 345 (1969). In particular, Defendants counsel provide no billing records or any breakdown of the more than 900 attorney hours claimed to be spent on this case. Therefore it is impossible for CRA to determine whether the hours claimed are in fact reasonable. It is also impossible to determine which hours where spent of which particular claims, critical here because if the Court finds entitlement under NRS 278.0233, that only entitles CMI, not Lyon County, to fees, and only to the claims arising out of NRS Chapter 278, (not the OML or due process). Similarly, if the Court finds one claim to be frivolous under NRS 218.010(2), only defense costs related to that claim can be recovered. See e.g., *Bergmann v. Boyce*, 109 Nev. 670, 676 (1993). Thus, by providing only the total number of hours, and only a guess on counsel for Lyon County's part, the Court should either deny fees entirely, require actual billing records for particular claims, or demand disclosure of actual time spent so that CRA may provide a response.

CONCLUSION

As this case was neither frivolous nor brought under NRS 278.0233, Defendants fail to establish any entitlement to an award of attorneys' fees and their Motion should be denied. Moreover, because Defendants fail to provide sufficient billing detail to oppose the amount of fees requested, the Court should either deny an award outright or demand additional detail.

Dated: August 23, 2019.

Respectfully submitted,



By:

John L. Marshall, SBN 6733
570 Marsh Avenue
Reno, NV 89509
775.303.4882
johnladuemarshall@gmail.com

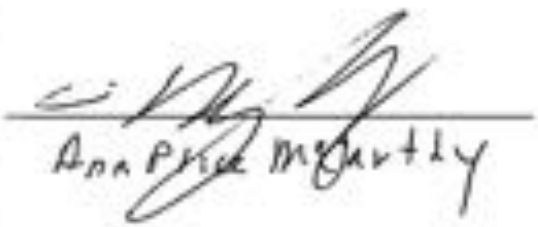
Attorney for Petitioners CRA and Joe McCarthy

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Opposition to Motion for Attorneys' Fees was served on the parties by mailing or personally delivering a copy thereof on the 23 day of August 2019, by United States mail, postage prepaid to:

Steven B. Rye
District Attorney
31 S. Main Street
Yerington, NV 89447

James R. Cavilla
Allison, MacKenzie, Pavlakis, Wright & Fagan
402 N. Division Street
Carson City, NV 89703



Case No. 14-CV-00128

Dept. No. II

The undersigned hereby affirms this document does not contain a social security number.

FILED

2019 SEP 12 AM 11:04

Victoria Tovar

IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF LYON

COMSTOCK RESIDENTS ASSOCIATION, GAYLE SHERMAN, JOE McCARTHY,

Plaintiffs/Petitioners,

vs.

LYON COUNTY BOARD OF COMMISSIONERS; COMSTOCK MINING INCORPORATED,

Defendants/Respondents.

REPLY TO OPPOSITION TO MOTION FOR ATTORNEYS' FEES

Defendants, LYON COUNTY BOARD OF COMMISSIONERS (referred to herein as the "COUNTY"), by and through STEPHEN B. RYE, Lyon County District Attorney, and COMSTOCK MINING INCORPORATED (referred to herein as "CMI") by and through ALLISON MacKENZIE, LTD., hereby file this Reply to Opposition to Motion for Attorneys' Fees. This Reply is made and based upon the documents on file herein, the applicable law, and the points and authorities set forth herein.

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Office of the District Attorney
Lyon County, State of Nevada

DATED this 12 day of September 2019.

STEPHEN B. RYE
DISTRICT ATTORNEY

By: _____
DISTRICT ATTORNEY
31 South Main Street
Yerington, NV 89447
775-463-6511

Attorney for Defendant
Lyon County Board of Commissioners

ALLISON MacKENZIE, LTD.

By: _____
JAMES R. CAVILIA, ESQ.
Nevada State Bar No. 3921
JUSTIN TOWNSEND, ESQ.
Nevada State Bar No. 12293
PO Box 646
Carson City, NV 89702
775-687-0202

Attorneys for Defendant
Comstock Mining Incorporated

Office of the District Attorney
Lyon County, State of Nevada
[illegible]

MEMORANDUM OF POINTS AND AUTHORITIES

I.

INTRODUCTION

As a preliminary matter, CRA has filed a Notice of Appeal of this Court's July 11, 2019 Order. In general, a timely notice of appeal "divests the district court of jurisdiction to act." Mack-Manley v. Manley, 122 Nev. 849, 855 (2006). However, "the district court retains jurisdiction to enter orders on matters that are collateral to and independent form the appealed order, i.e., matters that in no way affect the appeal's merits." Id. Here, the pending matter is Plaintiffs' Motion for Attorneys' Fees. This Motion in no way affects the merits of CRA's appeal of the order denying CRA's due process claim. Therefore, this Court retains jurisdiction to address the issue of awarding attorneys' fees.

II.

LEGAL ARGUMENT

The primary basis for CRA's Opposition of the Motion for Attorneys' Fees is an assertion that CRA presented credible evidence in support of the claims asserted in its Complaint. As shown below, CRA did not present credible evidence or any credible legal arguments in support of any of its claims in this matter.

A. CRA had no evidentiary support for its petition for judicial review.

Regarding its petition for review of the COUNTY's approval of CMI's application for master plan amendment and zone change, CRA falsely equates the evidence presented to the COUNTY in opposition to CMI's application with evidence in support of its petition for judicial review. The question here is not whether CRA presented any credible evidence in opposition to CMI's application in public hearings before the COUNTY. The question is, instead, whether CRA had any evidentiary basis to support a claim in this case that the COUNTY's decision to approve the application was not based on substantial evidence.

As the Supreme Court noted in this matter, neither this Court nor the Supreme Court were "permitted to reweigh the evidence to reach a different result." See Order Affirming in Part, Reversing in Part, and Remanding, Supreme Court Case No. 68433 (Dec. 2, 2016).

Office of the District Attorney
Lyon County, State of Nevada

That the COUNTY's decision to approve CMI's application was based on substantial evidence was clear from the start and CRA had no legal or evidentiary means of persuading this Court or the Supreme Court to conclude that the COUNTY's action lacked substantial evidentiary support.

B. CRA failed to present any facts or even credible allegations to support its open meeting law claims.

Regarding its open meeting law claims, CRA's only argument is that a single Supreme Court justice dissented from the majority opinion that upheld dismissal of the claim. CRA's open meeting law claims were based on an argument that members of the COUNTY deliberated on CMI's application outside of a public meeting, but CRA failed to produce any evidence of such deliberations or of any serial gatherings equating to a quorum of the COUNTY. The Supreme Court specifically noted that CRA had failed to even allege the necessary factual elements of an open meeting law claim.

CRA's open meeting law claim was also based on allegations of a deficient agenda, where the ultimate decision was to approve CMI's application as to a reduced amount of acreage from what was noted on the agenda. The Supreme Court noted, again, that CRA could prove no set of facts to support the idea that a reduction in the described acreage would constitute a valid claim that the agenda was deficient. There was neither factual nor legal basis, therefore, for any portion of CRA's open meeting law claim.

C. CRA presented no credible legal argument in support of its claim that NRS 278.220(4) was violated.

Regarding CRA's claim that the COUNTY violated NRS 278.220(4), the Supreme Court concluded that the record clearly showed that the procedures required thereby had been met by the COUNTY. CRA's arguments on this claim lacked any merit whatsoever and neither this Court nor the Supreme Court gave them any credence.

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Office of the District Attorney
Lyon County, State of Nevada

D. Even after exhaustive discovery and more than five years, CRA has failed to produce any evidence in support of its due process claim.

In arguing that it presented credible evidence in support of its due process claim, CRA attempts merely to relitigate the claim. Opposition, pp. 3-7. Indeed, CRA's Opposition contains about four full pages of single-spaced block quotes directly from its brief of the due process claim. This Court, in denying the due process claim, noted that the Nevada Commission on Ethics did not find any ethics violation, and concluded that "CRA has not raised any new fact or evidence to support an allegation that communications were not disclosed nor that any communication gives rise to support a claim for violation of CRA's due process rights." July 11, 2019 Order, p. 3, ll. 11-14. The Court also expressly concluded that CRA had failed to meet its evidentiary burden to prove a due process violation.

Again, CRA had discovered nothing in more than five years of litigation to support its allegations of due process violations.

E. Fees are authorized in this case under NRS 278.0237

CRA asserts that NRS 278.0237 is not applicable here because this matter was not brought pursuant to NRS 278.0233. The Nevada Supreme Court, however, recognized that NRS 278.0233 does indeed provide a basis for judicial review of a decision on claims that the decision was arbitrary and capricious. See Redrock Valley Ranch, LLC v. Washoe County, 127 Nev. 451, 455-56, 254 P.3d 641, 644 (2011). Therefore, fees are appropriate pursuant to NRS 278.0237.

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Office of the District Attorney
Lyon County, State of Nevada

III.

CONCLUSION

For the reasons set forth herein, the COUNTY and CMI respectfully request an award of fees and costs in the amounts set forth in their Motion for Attorneys' Fees

DATED this 12 day of September, 2019.

STEPHEN B. RYE
DISTRICT ATTORNEY

By: _____
DISTRICT ATTORNEY
31 South Main Street
Yerington, NV 89447
775-463-6511

Attorney for Respondent
Lyon County Board of Commissioners

ALLISON MacKENZIE, LTD.

By: _____
JAMES R. CAVILIA, ESQ.
Nevada State Bar No. 3921
JUSTIN TOWNSEND, ESQ.
Nevada State Bar No. 12293
PO Box 646
Carson City, NV 89702
775-687-0202

Attorneys for Respondent
Comstock Mining Incorporated

4816-7696-6357, v. 2

Office of the District Attorney
Lyon County, State of Nevada
[illegible]

FILED

2019 SEP 26 PM 2:45

TANYA STEGALL
COURT ADMINISTRATOR
THIRD JUDICIAL DISTRICT

Andrea Andersen

Case No. 14-CV-00128

Dept. No. II

The undersigned hereby affirms this document does not contain a social security number.

IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF LYON

COMSTOCK RESIDENTS ASSOCIATION, GAYLE SHERMAN, JOE McCARTHY,

Plaintiffs/Petitioners,

vs.

LYON COUNTY BOARD OF COMMISSIONERS; COMSTOCK MINING INCORPORATED,

Defendants/Respondents,

REQUEST FOR SUBMISSION OF DEFENDANTS' MOTION FOR ATTORNEYS' FEES

It is hereby requested that Defendants' 1) Motion for Attorneys' Fees; 2) Affidavit of Stephen B. Rye, Esq.; 3) Affidavit of James R. Cavilia, Esq.; 4) Affidavit of Justin M. Townsend, Esq., filed on August 1, 2019; 5) Opposition to Motion for Attorneys Fees filed on August 23, 2019; 6) Defendants' Reply to Opposition to Motion for Attorneys' Fees; and 7) the [Proposed] Order Granting Defendants' Motion for Attorneys' Fees, filed concurrently herewith be submitted to the Court for consideration.

AFFIRMATION

The undersigned hereby affirm that this document DOES NOT contain the social security number of any person.

///

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Office of the District Attorney
Lyon County, State of Nevada
851 Overland Lane, Suite 306 · Dayton, Nevada 89403 · 31 South Main Street, Yerington Nevada 89447 · 905 East Main Street, Fernley Nevada

DATED this 12th day of September 2019.

STEPHEN B. RYE
DISTRICT ATTORNEY

By: _____
DISTRICT ATTORNEY
31 South Main Street
Yerington, NV 89447
775-463-6511

Attorney for Defendant
Lyon County Board of Commissioners

ALLISON MacKENZIE, LTD.

By: _____
JAMES R. CAVILIA, ESQ.
Nevada State Bar No. 3921
JUSTIN TOWNSEND, ESQ.
Nevada State Bar No. 12293
PO Box 646
Carson City, NV 89702
775-687-0202

Attorneys for Defendant
Comstock Mining Incorporated

4814-5662-8773, v. 1

Office of the District Attorney
Lyon County, State of Nevada
991 Overland Loop, Suite 306, Dayton, Nevada 89403 - 31 South Main Street, Yerington, Nevada 89447 - 365 East Main Street, Fernley, Nevada

Certificate of Service

The undersigned, an employee of the Lyon County District Attorney, certifies that on the 26th day of September, 2019, a copy of the foregoing Request to Submit and Order was mailed, postage prepaid, by placing the same in the mail receptacle at Lyon County Administrative Offices, addressed to:

John L. Marshall, Esq.
570 Marsh Ave.
Reno, NV 89509

Dated this 26th day of September, 2019.

Employee

Office of the District Attorney
Lyon County, State of Nevada
851 Overland Loop, Suite 308, Dayton, Nevada 89403 - 31 South Main Street, Yerington, Nevada 89447 - 555 East Main Street, Fernley, Nevada

Case No. 14-CV-00128

Dept. No. II

IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF LYON

COMSTOCK RESIDENTS ASSOCIATION, GAYLE SHERMAN, JOE McCARTHY,

Plaintiffs/Petitioners,

vs.

LYON COUNTY BOARD OF COMMISSIONERS; COMSTOCK MINING INCORPORATED,

Defendants/Respondents.

ORDER GRANTING DEFENDANTS' MOTION FOR ATTORNEYS' FEES

This matter comes before the Court on Defendants' Motion for Attorneys' Fees filed on August 1, 2019. The Court having read the papers and the law applicable to the issues raised; and considering the merits of this matter; the Court finds as follows:

The Affidavits on file demonstrate that the fees requested are reasonable under the standards set forth in *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969).

The Court, therefore, finds that all fees requested must be awarded under NS 18.010 and NRS 278.0237.

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Office of the District Attorney
Lyon County, State of Nevada

GOOD CAUSE APPEARING THEREFOR:

IT IS HEREBY ORDERED that Defendant, Lyon County Board of Commissioners, is awarded attorney fees to be paid by Plaintiffs in the amount of $50,000.00;

IT IS FURTHER ORDERED that Defendant, Comstock Mining Incorporated, is awarded attorney fees and costs to be paid by Plaintiffs in the total amount of $203,151.47.

IT IS SO ORDERED.

Dated this _____ day of _____, 2019.

_____
DISTRICT JUDGE

4815-2344-4133, v. 1

Office of the District Attorney
Lyon County, State of Nevada

Case No. 14-CV-00128

Dept. No. II

FILED

2021 JUL 30 PM 2:01

IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF LYON

COMSTOCK RESIDENTS ASSOCIATION, GAYLE SHERMAN, JOE McCARTHY,

Plaintiffs/Petitioners,

vs.

LYON COUNTY BOARD OF COMMISSIONERS; COMSTOCK MINING INCORPORATED,

Defendants/Respondents.

ORDER GRANTING DEFENDANTS' MOTION FOR ATTORNEYS' FEES

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The Court, therefore, finds that all fees requested must be awarded under NS 18.010 and NRS 278.0237.

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GOOD CAUSE APPEARING THEREFOR:

IT IS HEREBY ORDERED that Defendant, Lyon County Board of Commissioners, is awarded attorney fees to be paid by Plaintiffs in the amount of $50,000.00;

IT IS FURTHER ORDERED that Defendant, Comstock Mining Incorporated, is awarded attorney fees and costs to be paid by Plaintiffs in the total amount of $203,151.47.

IT IS SO ORDERED.

Dated this 30th day of July, 2014.

DISTRICT JUDGE

4816-2344-4133, v. 1

FILED

2021 AUG -4 AM 10: 26

Kathy Thomas

Case No. 14-CV-00128

Dept. No. II

Pursuant to NRS 239B.030, the undersigned affirms that the following document does not contain the social security number of any person.

IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF LYON

COMSTOCK RESIDENTS ASSOCIATION, JOE McCARTHY,

Plaintiffs/Petitioners,

vs.

LYON COUNTY BOARD OF COMMISSIONERS; COMSTOCK MINING INCORPORATED,

Defendants/Respondents.

NOTICE OF ENTRY OF ORDER

NOTICE IS HEREBY GIVEN that on the 30th day of July 2021, the Court duly entered an Order Granting Defendants' Motion For Attorneys' Fees in the above-entitled matter. A copy of said Order is attached hereto.

DATED this 2nd day of August, 2021.

ALLISON MacKENZIE, LTD.
402 North Division Street
Carson City, NV 89703

By:

JAMES R. CAVILIA, ESQ.
Nevada State Bar No. 3921
JUSTIN TOWNSEND, ESQ.
Nevada State Bar No. 12293
PO Box 646
Carson City, NV 89702
Attorneys for Defendant
Comstock Mining Incorporated

ALLISON MacKENZIE, LTD.
402 North Division Street, P.O. Box 646, Carson City, NV 89702
Telephone: (775) 687-0202 Fax: (775) 882-7918
E-Mail Address: law@allisonmackenzie.com

CERTIFICATE OF SERVICE

Pursuant to NRCP Rule 5(b), I hereby certify that I am an employee of ALLISON MacKENZIE, LTD., Attorneys at Law, and that on this date; I caused the foregoing document to be served to all parties to this action by:

__X__ Placing a true copy thereof in a sealed postage prepaid envelope in the United States Mail in Carson City, Nevada [NRCP 5(b)(2)(B)]

_____ Hand-delivery - via Reno/Carson Messenger Service [NRCP 5(b)(2)(A)]

_____ Facsimile

_____ Federal Express, UPS, or other overnight delivery

E-filing pursuant to Section IV of District of Nevada Electronic Filing Procedures [NRCP 5(b)(2)(D)]

fully addressed as follows:

JOHN L. MARSHALL, ESQ.
570 Marsh Avenue
Reno, NV 89509

STEVEN B. RYE, ESQ.
District Attorney
31 South Main Street
Yerington, NV 89447

DATED this 3rd day of August, 2021.

Susan Price

SUSAN PRICE

ALLISON MacKENZIE, LTD.
402 North Division Street, P.O. Box 646, Carson City, NV 89702
Telephone: (775) 687-0202 Fax: (775) 882-7918
E-Mail Address: law@allisonmackenzie.com

4829-2879-6148, v. 1

FILED

2021 JUL 30 PM 2:01

Andrea Anderson

Case No. 14-CV-00128

Dept. No. II

IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF LYON

COMSTOCK RESIDENTS ASSOCIATION, GAYLE SHERMAN, JOE McCARTHY,

Plaintiffs/Petitioners,

vs.

LYON COUNTY BOARD OF COMMISSIONERS; COMSTOCK MINING INCORPORATED,

Defendants/Respondents.

ORDER GRANTING DEFENDANTS' MOTION FOR ATTORNEYS' FEES

This matter comes before the Court on Defendants' Motion for Attorneys' Fees filed on August 1, 2019. The Court having read the papers and the law applicable to the issues raised; and considering the merits of this matter; the Court finds as follows:

The Affidavits on file demonstrate that the fees requested are reasonable under the standards set forth in *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969).

The Court, therefore, finds that all fees requested must be awarded under NS 18.010 and NRS 278.0237.

///

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///

///

JA 1689

GOOD CAUSE APPEARING THEREFOR:

IT IS HEREBY ORDERED that Defendant, Lyon County Board of Commissioners, is awarded attorney fees to be paid by Plaintiffs in the amount of $50,000.00;

IT IS FURTHER ORDERED that Defendant, Comstock Mining Incorporated, is awarded attorney fees and costs to be paid by Plaintiffs in the total amount of $203,151.47.

IT IS SO ORDERED.

Dated this 30th day of July, 2019.

DISTRICT JUDGE

4815-2344-6133, v. 1

Office of the District Attorney
Lyon County, State of Nevada

Case No. 14-CV-00128

Pursuant to NRS 239B.030, the undersigned affirms that the following document does not contain the social security number of any person.

FILED
2021 SEP -1 PM 12:59
Bayley Baptist

JOHN L. MARSHALL
SBN 6733
570 Marsh Avenue
Reno, Nevada 89509
Telephone: (775) 303-4882
Attorney for Petitioners Comstock Residents Association, Joe McCarthy

IN THE THIRD JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA
IN AND FOR LYON COUNTY

COMSTOCK RESIDENTS ASSOCIATION, JOE McCARTHY,

Plaintiffs/Petitioners,

v.

LYON COUNTY BOARD OF COMMISSIONERS; COMSTOCK MINING INCORPORATED

Defendants/Respondents.

NOTICE OF APPEAL

Notice is hereby given that Plaintiffs Comstock Residents Association and Joe McCarthy hereby appeals to the Supreme Court of Nevada from the District Court's Order Granting Defendants' Motion for Attorneys' Fees entered in this action on the 3rd day of August, 2021 and attached hereto as Exhibit A.

Dated: August 27, 2021.

Respectfully submitted,

By _____

John L. Marshall, SBN 6733
570 Marsh Avenue
Reno, NV 89509
775.303.4882
johnladuemarshall@gmail.com

Attorney for Petitioners CRA and Joe McCarthy

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Notice of Appeal was served on the parties by mailing or personally delivering a copy thereof on the 2 day of ~~August~~ September 2021, by United States mail, postage prepaid to:

Stephen B. Rye
District Attorney
31 S. Main Street
Yerington, NV 89447

James R. Cavilia
Justin Townsend
Allison, MacKenzie, Pavlakis, Wright & Fagan
402 N. Division Street
Carson City, NV 89703



EXHIBIT A

EXHIBIT A

Case No. 14-CV-00128

Dept. No. II

Pursuant to NRS 239B.030, the undersigned affirms that the following document does not contain the social security number of any person.

IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF LYON

COMSTOCK RESIDENTS ASSOCIATION, JOE McCARTHY,

Plaintiffs/Petitioners,

vs.

LYON COUNTY BOARD OF COMMISSIONERS; COMSTOCK MINING INCORPORATED,

Defendants/Respondents.

NOTICE OF ENTRY OF ORDER

NOTICE IS HEREBY GIVEN that on the 30th day of July 2021, the Court duly entered an Order Granting Defendants' Motion For Attorneys' Fees in the above-entitled matter. A copy of said Order is attached hereto.

DATED this 2nd day of August, 2021.

ALLISON MacKENZIE, LTD.
402 North Division Street
Carson City, NV 89703

By: _____
JAMES R. CAVILIA, ESQ.
Nevada State Bar No. 3921
JUSTIN TOWNSEND, ESQ.
Nevada State Bar No. 12293
PO Box 646
Carson City, NV 89702
Attorneys for Defendant
Comstock Mining Incorporated

ALLISON MacKENZIE, LTD.
402 North Division Street, P.O. Box 646, Carson City, NV 89702
Telephone: (775) 687-0202 Fax: (775) 882-7918
E-Mail Address: law@allisonmackenzie.com

CERTIFICATE OF SERVICE

Pursuant to NRCP Rule 5(b), I hereby certify that I am an employee of ALLISON MacKENZIE, LTD., Attorneys at Law, and that on this date; I caused the foregoing document to be served to all parties to this action by:

_X_ Placing a true copy thereof in a sealed postage prepaid envelope in the United States Mail in Carson City, Nevada [NRCP 5(b)(2)(B)]

____ Hand-delivery - via Reno/Carson Messenger Service [NRCP 5(b)(2)(A)]

____ Facsimile

____ Federal Express, UPS, or other overnight delivery

E-filing pursuant to Section IV of District of Nevada Electronic Filing Procedures [NRCP 5(b)(2)(D)]

fully addressed as follows:

JOHN L. MARSHALL, ESQ.
570 Marsh Avenue
Reno, NV 89509

STEVEN B. RYE, ESQ.
District Attorney
31 South Main Street
Yerington, NV 89447

DATED this 3rd day of August, 2021.

Susan Price

SUSAN PRICE

ALLISON MacKENZIE, LTD.
402 North Division Street, P.O. Box 646, Carson City, NV 89702
Telephone: (775) 687-0202 Fax: (775) 882-7918
E-Mail Address: law@allisonmackenzie.com

4828-2879-8148, v. 1

Case No. 14-CV-00128

Dept. No. II

FILED

2021 JUL 30 PM 2:01

Jodie Anderson

IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF LYON

COMSTOCK RESIDENTS ASSOCIATION, GAYLE SHERMAN, JOE McCARTHY,

Plaintiffs/Petitioners,

vs.

LYON COUNTY BOARD OF COMMISSIONERS; COMSTOCK MINING INCORPORATED,

Defendants/Respondents.

ORDER GRANTING DEFENDANTS' MOTION FOR ATTORNEYS' FEES

This matter comes before the Court on Defendants' Motion for Attorneys' Fees filed on August 1, 2019. The Court having read the papers and the law applicable to the issues raised; and considering the merits of this matter; the Court finds as follows:

The Affidavits on file demonstrate that the fees requested are reasonable under the standards set forth in *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969).

The Court, therefore, finds that all fees requested must be awarded under NS 18.010 and NRS 278.0237.

///

///

///

///

Office of the District Attorney
Lyon County, State of Nevada

GOOD CAUSE APPEARING THEREFOR:

IT IS HEREBY ORDERED that Defendant, Lyon County Board of Commissioners, is awarded attorney fees to be paid by Plaintiffs in the amount of $50,000.00;

IT IS FURTHER ORDERED that Defendant, Comstock Mining Incorporated, is awarded attorney fees and costs to be paid by Plaintiffs in the total amount of $203,151.47.

IT IS SO ORDERED.

Dated this 30th day of July, 2014.

DISTRICT JUDGE

Office of the District Attorney
Lyon County, State of Nevada

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

Case No. 83463

COMSTOCK RESIDENTS ASSOCIATION;
AND JOE MCCARTHY,

Appellants,

vs.

LYON COUNTY BOARD OF COMMISSIONERS;
AND COMSTOCK MINING INCORPORATED,

Respondents.

Appeal From Order Granting Defendants' Motion for Attorneys' Fees

---

JOINT APPENDIX: VOLUME 6

JOHN L. MARSHALL (#6733)
570 Marsh Avenue
Reno, NV 89509
775-303-4882
johnladuemarshall@gmail.com

LEONARD LAW, PC
Debbie Leonard (#8260)
955 S. Virginia St., Suite #220, Reno, NV 89502
775-964-4656
debbie@leonardlawpc.com

Attorneys for Appellants

Docket 83463 Document 2022-04054

ALPHABETICAL INDEX

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Affidavit of Justin M. Townsend (8/1/2019) 1659

Affidavit of Stephan B. Rye (8/1/2019) 1653

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Petition for Judicial Review (12/15/14) 0113

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Judicial Review (12/16/2014) 0140

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Comstock Residents Association's Opposition Brief in Support
Of Petition for Judicial Review (1/9/2015) 0568

Memorandum of Points and Authorities in Opposition
To Opening Brief (1/12/2015) 0585

Memorandum of Points and Authorities in Reply to Comstock
Residents Association's Opposition Brief in Support of
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Affidavit of James R. Cavilia (8/1/2019) 1656

Affidavit of Justin M. Townsend (8/1/2019) 1659

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Request for Submission/Order Granting Defendants' Motion for Attorneys' Fees [Proposed] (10/1/2019) 1680

Order Granting Defendants' Motion for Attorneys' Fees (7/30/2021) 1685

Notice of Entry of Order (8/4/2021) 1687

Notice of Appeal (9/1/2021) 1691

Project 4: Brace truss system to prevent building from collapse.
Remove dirt at base of wall to prevent any more pressure against wall. Re-attach metal siding.
Refer to pictures twenty three thru twenty nine.

Project 5: Attach metal roofing at north end to prevent any more loss.
Refer to picture thirty.

Appoximate time: twenty two man days

Billing is to be progressive
This is a cost plus job
Proposal does not include equipment rental if needed

Labor & Material Total is appoximate: $14,778.94

Proposal valid for thirty days

Authorizing signature
Comstock Mining Inc.

Priceless Construction
President

EXHIBIT 30

EXHIBIT 30

Tim Smith 10

From: Corrado DeGasperis
Sent: Thursday, February 15, 2018 9:54 AM
To: Tim Smith
Subject: FW: Increased Reach Potential w/ Commercials
Attachments: Comstock BUZZ.pptx

From: Robert Hastings <bob@renomediagroup.com>
Date: Tuesday, November 28, 2017 at 1:02 PM
To: Corrado DeGasperis <DeGasperis@comstockmining.com>
Cc: Zach Spencer <spencer@comstockmining.com>
Subject: Increased Reach Potential w/ Commercials

Good afternoon Corrado –

I'm getting excited about having you and Zach in studio to record your commercials. If all goes well I expect that we can have you up and running on Monday. How cool is that?

I was going over your stuff with Doug Groover, one of our Sales Managers. Based on the "feel good" ads that these are we have a suggestion. At this point we are hitting the conservative (Ten Country and The Rodeo) crowds and the moderate/family crowds (MORE FM). We aren't hitting any of the progressive crowd. We are suggesting adding The Buzz (our progressive talk station) to the mix. First it does hit more to the left. Second, it is on both AM and FM. Last the cost is really reasonable. I can get you 21 commercials a week for $140. I have attached a contract in case you are interested. If you would like to add this to your package please sign it off and return it to me via email and we will get it rolling!

See you Thursday.

Bob Hastings
Account Executive
Reno Media Group
775-771-9848
bob@renomediagroup.com

EXHIBIT 31

EXHIBIT 31

10

Tim Smith

om: Corrado DeGasperis
Sent: Thursday, February 15, 2018 9:53 AM
To: Tim Smith
Subject: FW: Comstock Commercial Copy

From: Zach Spencer <spencer@comstockmining.com>
Date: Monday, November 20, 2017 at 10:04 AM
To: Robert Hastings <bob@renomediagroup.com>
Cc: Corrado DeGasperis <DeGasperis@comstockmining.com>
Subject: Re: Comstock Commercial Copy

Thanks Bob, we'll fine tune these. Rule of thumb is about 2.5 words per second. Thanks for the assistance with this! Looking forward to cutting these and hearing them on the radio! Best, Zach

On Nov 20, 2017, at 09:46, Robert Hastings <bob@renomediagroup.com> wrote:

> Corrado/Zack –
>
> I have seen the changes you requested. I am going to ask that you look at ways to remove some words. With the additions most of the commercials are at over 200 words. The absolute most that we can have is 180 in a 60 second commercial. Even that will be difficult since this is supposed to be with a relaxed, conversational tone and not rushed like a normal commercial. Remember that with multiple commercials some information can be shared from commercial to commercial. The purpose here is to positively brand Comstock Mining. Please also remember to not use words that you would not use in normal conversation. That also will help with the tone. I will also help with the edits but I'm concerned that I would remove something that you feel is necessary.
>
> Bob
>
> ---
>
> **From:** Zach Spencer [mailto:spencer@comstockmining.com]
> **Sent:** Friday, November 17, 2017 11:11 AM
> **To:** Robert Hastings; Corrado DeGasperis
> **Subject:** RE: Comstock Commercial Copy
>
> Yes, these are the same, with just a few edits.
>
> We'll need some input from Corrado on his schedule for the 29th and I know he's booked solid on the 27th and 28th, but we should wait to hear from Corrado.
>
> I know Corrado is keen to get these spots cut and on the air! Thanks, Bob! Zach
>
> ---
>
> **From:** Robert Hastings [mailto:bob@renomediagroup.com]
> **Sent:** Friday, November 17, 2017 9:58 AM
> **To:** Zach Spencer; Corrado DeGasperis
> **Subject:** RE: Comstock Commercial Copy

EXHIBIT 32

EXHIBIT 32

Tim Smith

10

om: Corrado DeGasperis
Sent: Thursday, February 15, 2018 9:51 AM
To: Tim Smith
Subject: FW: Lunch

From: Robert Hastings <bob@renomediagroup.com>
Date: Sunday, October 8, 2017 at 9:50 AM
To: Corrado DeGasperis <DeGasperis@comstockmining.com>
Cc: Zach Spencer <spencer@comstockmining.com>
Subject: RE: Lunch

Corrado –

I will see if Tricia is available. I am concerned that we are going to fall behind and that the CRA will be able to get ahead of us. We have yet to even start discussing details (content) of the commercial. At the same time a huge announcement was made this week in regards to a large influx of money. That will, in my opinion, serve to fire up the CRA. We know they are already working against you behind the scenes.

I will let you know as soon as I hear from Tricia.

Bob

From: Corrado DeGasperis [mailto:DeGasperis@comstockmining.com]
Sent: Sunday, October 08, 2017 6:16 AM
To: Robert Hastings
Cc: Zach Spencer
Subject: Re: Lunch

Hi Bob, I have our JV partner coming in Wednesday and this Tedx talk rehearsal is Thursday, so this week seems shot, how about 10/17 or 10/18? Lunch on either of those would work well. Please let me know.

Kind thanks, Corrado

From: Robert Hastings <bob@renomediagroup.com>
Sent: Wednesday, October 4, 2017 9:10 AM
To: Corrado DeGasperis
Cc: Zach Spencer
Subject: Lunch

EXHIBIT 33

EXHIBIT 33

Gmail

Vida Keller <vidakeller@gmail.com>

Fwd: Revised Parcel Exhibit for Comstock Mining

1 message

Jeff Page <jpage@lyon-county.org> Wed, Jan 1, 2014 at 7:15 PM
To: bocc@lyon-county.org, Rob Loveberg <rloveberg@lyon-county.org>

Jeffery A. Page
Lyon County Manager
27 South Main Street
Yerington, NV 89447
(775) 463-6531 Office
(775) 302-7088 Cell

-------- Forwarded message --------
From: "Andrew Motter" <amotter@manhard.com>
Date: Jan 1, 2014 7:14 PM
Subject: Revised Parcel Exhibit for Comstock Mining
To: <jpage@lyon-county.org>
Cc: <DeGasperis@comstockmining.com>, "Mark Rotter" <MRotter@manhard.com>

Jeff,

Attached is a revised exhibit for the Comstock Mining Masterplan Amendment and Zone Change application. This exhibit shows the proposed revised parcel configuration superimposed on the County's Assessor Map.

If you have any questions, please feel free to email or call.

Andrew Motter, P.E.

Manhard Consulting, Ltd.
9850 Double R Blvd., Suite 101
Reno, NV 89521
office 775.746.3500 ext. 4711
cell 775.745.3626
fax 775.746.3520

Manhard
CONSULTING
9850 Double R Boulevard
Suite 101
Reno, NV 89521
p. 775.746.3500 f. 775.746.3520

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Assessor Map with Revised and Original.pdf
405K

degasperis@comstockmining.com

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Revised Parcel Exhibit for Comstock Mining

Inbox x

Inbox (3,866)
Starred
Important
Sent Mail
Drafts (143)
Categories
[Imap]/Sent (5)
Comstock
Vida +

Andrew Motter <amotter@manhard.com>
to jpage, DeGasperis, Mark

Jeff,

Attached is a revised exhibit for the Comstock Mining Masterplan Amendment and Zo the County's Assessor Map.

If you have any questions, please feel free to email or call.

Andrew Motter, P.E.

Manhard Consulting, Ltd.
9850 Double R Blvd., Suite 101
Reno, NV 89521
office 775.746.3500 ext. 4711
cell 775.745.3828
fax 775.746.3520

No Hangouts contacts
Find someone

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CONSULTING
9850 Double R Boulevard
Suite 101
Reno, NV 89521
p. 775.746.3500 f. 775.746.3520

Gmail

Vida Keller <vidakeller@gmail.com>

Revised Exhibit

1 message

Andrew Motter <amotter@manhard.com> Wed, Jan 1, 2014 at 7:06 PM
To: DeGasperis@comstockmining.com, vidakeller@gmail.com, Mark Rotter <MRotter@manhard.com>

Vida,

I have revised the exhibit as you requested, adding in the parcel areas and dimensions that were on the previous map. I will forward this map to Jeff in a separate email.

Andrew Motter, P.E.

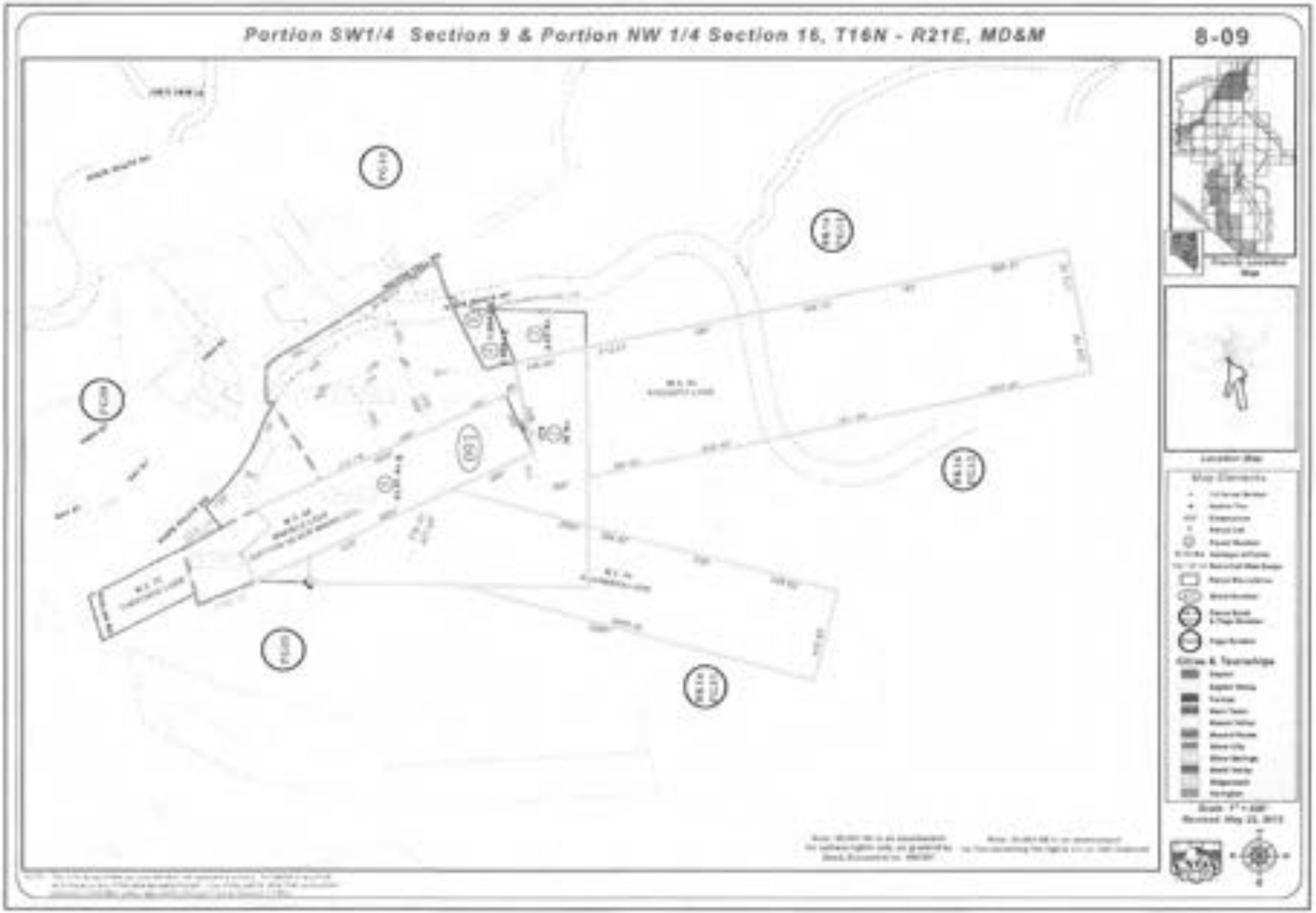
Manhard Consulting, Ltd.
9850 Double R Blvd., Suite 101
Reno, NV 89521
office: 775.746.3530 ext. 4731
cell: 775.745.3825
fax: 775.746.3520

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9850 Double R Boulevard
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Lyon County 00247

Gmail

Vida Keller <vidakeller@gmail.com>

Revised CMI Parcel Exhibit

1 message

Andrew Motter <amotter@manhard.com> Wed, Jan 1, 2014 at 2:52 PM
To: vidakeller@gmail.com
Cc: DeGasperis@comstockmining.com, Mark Rotter <MRotter@manhard.com>

Vida,

Attached is the revised exhibit that you requested. Please feel free to call Mark, Corrado, or myself if you have any questions.

Andrew Motter, P.E.

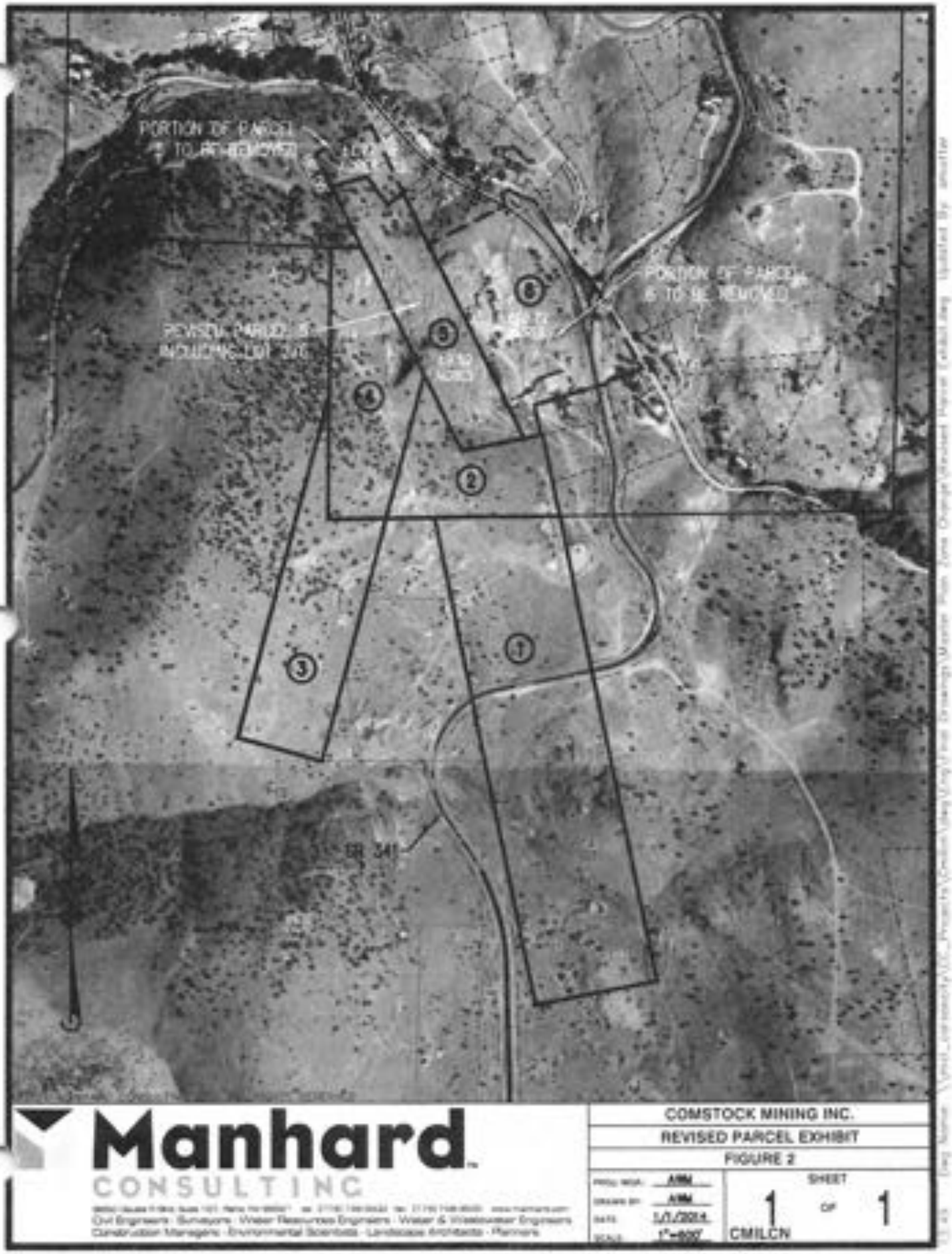
Manhard Consulting, Ltd.
9850 Double R Blvd., Suite 101
Reno, NV 89521
office 775.746.3500 ext. 4711
cell 775.745.3426
fax 775.746.3520

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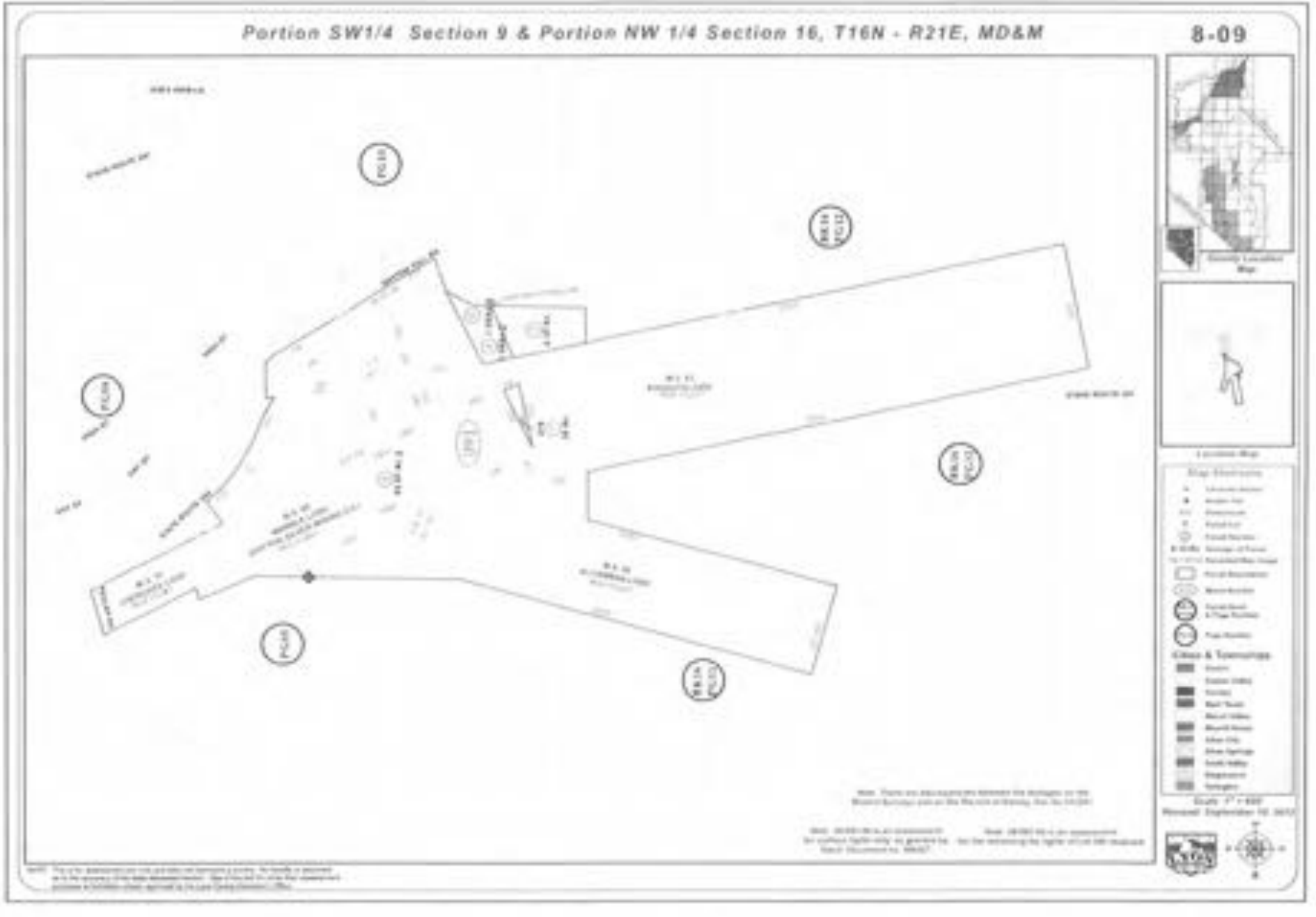
Revised Parcel Exhibit.pdf
742K



Manhard CONSULTING

Civil Engineers · Surveyors · Water Resources Engineers · Water & Wastewater Engineers
Construction Managers · Environmental Scientists · Landscape Architects · Planners

	COMSTOCK MINING INC.
	REVISED PARCEL EXHIBIT
	FIGURE 2
PROJ. MGR.	ARM
DRAWN BY	ARM
DATE	1/7/2014
SCALE	1"=600'
SHEET	1 OF 1
	CMILCN



Lyon County 00250

EXHIBIT 34

EXHIBIT 34

Gmail

Fwd: FW: a few more important thoughts

Vida Keller <vdakeller@gmail.com> Tue, Feb 25, 2014 at 4:14 PM
To: srye@lyon-county.org

---------- Forwarded message ----------
From: **Corrado DeGasperis** <DeGasperis@comstockmining.com>
Date: Mon, Nov 4, 2013 at 9:46 AM
Subject: FW: a few more important thoughts
To: "vdakeller@gmail.com" <vdakeller@gmail.com>

Just FYI

From: Corrado DeGasperis <DeGasperis@comstockmining.com>
Date: Friday, November 1, 2013 5:46 AM
To: "jpage@lyon-county.org" <jpage@lyon-county.org>
Subject: FW: a few more important thoughts

Jeff, I enjoyed the visit yesterday. I really appreciate the time you invested, I know everyone is busy, and I truly believe we can establish a special collaboration with Lyon County based on a very pragmatic, transparent and methodical approach. I feel the progression of the County government, with highly capable, engaged interested professionals like you and highly competent staff like Rob L. and Mike Workman, can truly turn the County around, and its already obvious to me that that is happening. We need to get more economic development so the County can have more resources to do it job. We can have a highly economical, socially responsive and significantly important contribution in that regard. I'd hope you feel the same and I appreciate all the diligence in understanding our various, potential projects, and the sincere intent to be thorough in assessing all of that. We feel it is an unusual but historic opportunity that you and your staff can help enable in working collaboratively with our Company. Again, thank you for the time and attention yesterday.

I am speaking with Rob this AM and forwarded him some thoughts in advance of the update. They are below and attached, just FYI for you.

Kindest regards, Corrado

From: Corrado DeGasperis <DeGasperis@comstockmining.com>
Date: Friday, November 1, 2013 6:07 AM
To: "rloveberg@lyon-county.org" <rloveberg@lyon-county.org>
Subject: a few more important thoughts

Rob, I was just reflecting on all the dialogue that has gone on since the application was filed and wanted to follow up with a brief discussion, thank you for scheduling the time and I look forward to discussing it today at 8:30 am PST. I appreciate all of the County and staffs support and I wanted to highlight some of the more salient points that would support staff recommending the accepting the changes proposed in our application.

1. Property currently conforms with zoning and MCP changes applied for and reflects an appropriate, zone and MPC consistent with historic mineral and rural residential character currently in place. Critical, is that this MP designation and zoning change would be the right zoning even if no minerals were ever approved for extraction. The topography and current SC character are rural and rural is most protective of any slow growth, sustaining rural community profile.

2. Proposed changes are consistent with historic land use and character. Cultural studies have recently been completed by Kaux, on our properties on the Comstock, for the BLM, confirming mineral uses are consistent with the Historic District uses, both in type and scale. This is key.

3. Enables immediate investments without any disturbances, hugely benefiting the County. These investments include exploration, engineering and development studies for all practical and possible land uses and post uses. No impact on land or community would occur until these assessments were completed.

4. Provides County with deep intelligence regarding all possible uses of our land and the economic benefits.

5. Enables studies that the SC community has long been demanding. This could provide that intelligence and the opportunity for unprecedented, practical and positive opportunity, in collaboration with the community, which the SUP process fully provides for, so real progress, regardless of the conclusion, can occur.

5. Avoids possible denser residential developments, by down zoning, that would most certainly burden the County and seems inconsistent with the COmmunities desired pace of residential development. Without it, the community will likely stagnate and deteriorate, like much of the historic district rather than sustain, with positive rural development.

I have attached some additional thoughts, consistent with our application but extracted and summarized. I look forward to speaking with you this morning.

Kind regards, Corrado

Vida D. Keller,
(775) 691-0173cel

SupportingThoughts.docx
23K

Gmail

Fwd: Zoning Issue Quastion

Vida Keller <vidakeller@gmail.com> Tue, Feb 25, 2014 at 3:23 PM
To: srye@lyon-county.org

---------- Forwarded message ----------
From: **County Commission** <ninergold3@gmail.com>
Date: Fri, Nov 8, 2013 at 7:06 PM
Subject: Fwd: Zoning Issue Quastion
To: Vida Keller <vidakeller@gmail.com>

Here was the email I received from Rob last week.

Bob Hastings
775-771-9848
Sent from my iPhone

Begin forwarded message:

> **From:** Rob Loveberg <rloveberg@lyon-county.org>
> **Date:** October 25, 2013 at 12:37:49 PM PDT
>
> **To:** Bob Hastings <ninergold3@gmail.com>
> **Cc:** Jeff Page <jpage@lyon-county.org>, Kerry Page <kpage@lyon-county.org>
> **Subject: Re: Zoning Issue Quastion**
>
> Bob,
>
> I have not completed the report so I can't tell you yet what the staff recommendation will be. However I will tell you the same thing I told their consultant when asked a similar question, I intend to write a balanced report with the facts and information available which permits the Planning Commission and Board of Commissioners to make their own determination.
>
> I have a bias regarding Master Plans. I do not believe that a Master Plan should be changed frequently, nor should it be changed without compelling long term justification which reflects the long term community goals and interests.
>
> I would be happy to talk with you regarding the CMI application. Please do not hesitate to call me at 775-302-6051.
>
> On Thu, Oct 24, 2013 at 10:37 AM, Bob Hastings <ninergold3@gmail.com> wrote:
> Good Morning Rob -
>
> I tried calling a few times but manage to keep missing you. Ill try an email now. LOL

First, please understand I am only coming to you with this because I was asked to. Also, please don't think I am in any way trying to influence anything. I am simply trying to get info.

I know you are working on the staff report for the Comstock Mining. Comstock contacted me and they are quite "intense". Of course their concern is that the staff report will either recommend denial or be cast in a negative light. I have tried to convince them that you are a guy who writes the reports based on fact - but that does not calm nerves. If you can tell me - do you expect the final report to be negative towards Comstock and/or recommend a denial? I'm not asking for promises and I realize anything can change, based on facts, in the next few weeks.

Thanks for your help.

--
Bob Hastings
Lyon County Commissioner - District 1
www.bobhastingsnv.com
email: ninergold3@gmail.com
775-771-9848

PO Box 686
Dayton, NV 89403

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--
Rob Loveberg
Planning Director/Emergency Management Coordinator
Lyon County
27 South Main Street
Yerington, Nevada 89447
775.463.6592 office
775.302.6051 cell
775.463.5305 fax
rloveberg@lyon-county.org

This e-mail transmission and any attachments that accompany it may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law and is intended solely for the use of the individual(s) to whom it was intended to be addressed. If you have received this e-mail by mistake, or you are not the intended recipient, any disclosure, dissemination, distribution, copying or other use or retention of this communication or its substance is prohibited. If you have received this communication in error, please immediately reply to the author via e-mail that you received this message by mistake and also permanently delete the original and all copies of this e-mail and any attachments from your computer. Thank you.

Vida D. Keller,
(775) 691-0173cel

Gmail

Fwd: Comstock Mining

Vida Keller <vkeller@lyon-county.org> Tue, Feb 25, 2014 at 2:41 PM
To: Steve Rye <srye@lyon-county.org>

——— Forwarded message ———
From: **Mark Rotter** <mrotter@manhard.com>
Date: Mon, Dec 23, 2013 at 10:55 AM
Subject: Comstock Mining
To: vkeller@lyon-county.org

Vida- I was wondering if you would want to get together on December 30th or 31st to discuss the project. Let me know if there is a time and place that might work for you. Have a Merry Christmas. Mark

This electronic message and any files or attachments are confidential and may be privileged information. The information is solely for the use of the individual(s) or entity to which it was addressed. If you are not the intended recipient(s), you are hereby notified that distributing, copying, or in any way disclosing any of the information in this e-mail is strictly prohibited. Receipt by anyone other than the named recipient(s) is not a waiver of any work product, or other applicable privilege. If you have received this e-mail in error, please notify sender immediately, and destroy the material in its entirety, whether in electronic or hard copy format. Since data stored on electronic media can deteriorate, be translated or modified, Manhard Consulting Ltd. will not be liable for the completeness, correctness or readability of the electronic data. The electronic data should be verified against the hard copy.

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EXHIBIT 35

EXHIBIT 35

Comstock Foundation for History and Culture

Proposed budget for July 1, 2013- June 30, 2013

Restoration projects:	
*Yellow Jacket Hoist Works	$100,000
St. Paul's Episcopal Church (VC); structural analysis	5,000
Silver City Cemetery fencing	5,000
2014 archaeological field season	20,000
Fundraising events:	
*St. Mary's Arts Center, October 6, 2013	5,000
Veterans concert/restoration school	5,000
Special events and programs:	
Mining Festival, spring 2014	10,000
U of Nevada Mining History Series	3,000
Operational expenses:	
Staff:	
*Executive Director	80,000
*Attorney	15,000
*Web design and technical support	10,000
*Curation of historic documents (4th Ward Archives)	2,000
*Insurance	5,000
*Filing expenses	1,200
Total:	$266,200

* Indicates approved and implemented or about to be implemented.

Most figures are based on estimates and may not reflect actual costs.

EXHIBIT 36

EXHIBIT 36

Bill Payments for Priceless Realty Inc

All Transactions

	Date	Amount	Other
			3
Construction Project Management Agreement			
Bill Pmt -Check	12/13/2013	$1,485.61	Project Management Agreement
Bill Pmt -Check	12/01/2012	$5,000.00	Project Management Agreement
Bill Pmt -Check	11/01/2012	$5,000.00	Project Management Agreement
Bill Pmt -Check	10/18/2012	$690.15	Project Management Agreement
Bill Pmt -Check	09/27/2012	$5,889.56	Project Management Agreement
Bill Pmt -Check	09/07/2012	$5,000.00	Project Management Agreement
Bill Pmt -Check	08/13/2012	$5,000.00	Project Management Agreement
Bill Pmt -Check	07/06/2012	$5,000.00	Project Management Agreement
Bill Pmt -Check	06/28/2012	$750.00	Project Management Agreement
Bill Pmt -Check	06/06/2012	$5,000.00	Project Management Agreement
Bill Pmt -Check	05/14/2012	$586.00	Project Management Agreement
Bill Pmt -Check	05/04/2012	$5,000.00	Project Management Agreement
Bill Pmt -Check	04/04/2012	$5,000.00	Project Management Agreement
Bill Pmt -Check	03/01/2012	$5,000.00	Project Management Agreement
Bill Pmt -Check	02/03/2012	$5,000.00	Project Management Agreement
Bill Pmt -Check	01/19/2012	$5,000.00	Project Management Agreement
Subtotal		**$64,381.32**	

EXHIBIT 37

EXHIBIT 37

Tim Smith

From:	Corrado DeGasperis
Sent:	Tuesday, January 30, 2018 10:59 AM
To:	Tim Smith
Subject:	FW: PR Saylor painting for the 150th anniversary / Final press release tweak

From: Ron James <ron@comstockfoundation.org>
Organization: Comstock Foundation for History and Culture
Date: Friday, July 18, 2014 at 3:00 PM
To: Matt McClelland <McClelland@comstockmining.com>
Cc: Corrado DeGasperis <DeGasperis@comstockmining.com>, Steven Saylor <egstudio@aol.com>, "<Kimberly Shipley>", Scott Jolcover <SJolcover@aol.com>, Scott Jolcover <SJolcover@comstockmining.com>, Elaine Barkdull-Spencer <Barkdull@comstockmining.com>, "mitchec01@sbcglobal.net" <mitchec01@sbcglobal.net>
Subject: RE: PR Saylor painting for the 150th anniversary / Final press release tweak

Hi Matt,

Some of your items (great list) have been addressed:

The stakeholders are CMI shareholders and anyone else on its "friends" list, together with the board members of the Comstock Foundation (only two are not shareholders)

The bank account belongs to the Comstock Foundation, but if Johnye takes in the money, she would be giving the Foundation a single check at close, I peesume.

The prints will be available for pick up at the October 31 reception at the Gold Hill Hotel, or they can be shipped, pending full payment, after that date.

Other issues, as you indicate, need to be finalized. I'm available whenever everyone else can meet.

Thanks for your thoughts on this,

Ron

On 2014-07-18 13:35, Matt McClelland wrote:

> Corrado,
>
> I agree that we need to have a solid infrastructure set up prior to sending out the release.

There are also other items:

Do we contact key stakeholder prior to the release?
Bank Account for the money
Phone Number to Call
Estimated Shipment Dates
Links on Comstock and Gold Hill Website for online ordering (this can include a requested print #)
Script for Upselling
Final Design of Medallion
Finalize production of the Medallion

Can we have a meeting Monday at 3 PM Pacific to discuss? When we finalize the details we can then send out the press release. I don't think this is a complex problem but realigning the sequence in the correct order will ensure the success of the project.

Regards,

Matt McClelland

Director Purchasing & Administration
Comstock Mining Inc.

724-602-3832 (c)

1200 American Flat Road
PO Box 1118
Virginia City, NV 89440

NYSE MKT: LODE

From: Corrado DeGasperis
Sent: Friday, July 18, 2014 1:28 PM
To: Ron James - CF; egstudio@aol.com
Cc: Kimberly Shipley; Scott Jolcover; Scott Jolcover; Elaine Barkdull; Matt McClelland; mitchec01@sbcglobal.net
Subject: Re: PR Saylor painting for the 150th anniversary / Final press release tweak

Team, I am just seeing this feedback but I believe its consistent with my last email. There is a benefit of getting this out before our Tuesday quarterly announcement but that is not paramount. I'd rather do it right. I love that Johnye would do this!!!

Still looking for other feedbacks.

Corrado De Gasperis
President & CEO
Comstock Mining Inc.

[logo2013]<http://www.comstockmining.com/>

NYSE MKT: LODE

775-847-4755 (o)
775-848-5310 (c)
1200 American Flat Road

PO Box 1118
Virginia City, NV 89440

facebook]<http://www.facebook.com/ComstockMiningInc>[twitter]<http://twitter.com/
estockmining>[youtube]<http://www.youtube.com/user/comstockmininginc/>

From: Ron James <ron@comstockfoundation.org<mailto:ron@comstockfoundation.org>>
Organization: Comstock Foundation for History and Culture
Date: Friday, July 18, 2014 12:50 PM
To: "egstudio@aol.com<mailto:egstudio@aol.com>"
<egstudio@aol.com<mailto:egstudio@aol.com>>
Cc: Kimberly Shipley
<Shipley@comstockmining.com<mailto:Shipley@comstockmining.com>>, Scott Jolcover
<sjolcover@aol.com<mailto:sjolcover@aol.com>>, Corrado DeGasperis
<DeGasperis@comstockmining.com<mailto:DeGasperis@comstockmining.com>>, Scott
Jolcover <sjolcover@comstockmining.com<mailto:sjolcover@comstockmining.com>>,
Elaine Barkdull <Barkdull@comstockmining.com<mailto:Barkdull@comstockmining.com>>,
Matt McClelland
<McClelland@comstockmining.com<mailto:McClelland@comstockmining.com>>,
"mitchec01@sbcglobal.net<mailto:mitchec01@sbcglobal.net>"
<mitchec01@sbcglobal.net<mailto:mitchec01@sbcglobal.net>>
Subject: Re: PR Saylor painting for the 150th anniversary / Final press release
tweak

Hi everyone,

I spoke with Elaine who had spoken with Johnye about the possibility of her taking care of sales; that way individual numbers could be offered and it would take the burden away from the Hotel staff. With this and the additional language for the marqued arts proofs, I think we have too many moving parts for the PR to be released on Monday. Let's shoot for Wednesday - OK.

Thoughts about having Johnye manage the sales? I think it is extraordinarily generous (thanks Johnye), and it might work out really well. Clay - and thoughts on this?

Thanks to all,

Ron

On 2014-07-18 12:11, egstudio@aol.com<mailto:egstudio@aol.com> wrote:

Ron, In the fifth paragraph you should mention the remarqued artist proofs as part of the edition along with the 150 s/n prints. Full disclosure and added cash flow.

Cheers: Steven
"Always do right. You will gratify some and astonish the rest."

-----Original Message-----
om: Ron James <ron@comstockfoundation.org<mailto:ron@comstockfoundation.org>>
o: Kimberly Shipley
<Shipley@comstockmining.com<mailto:Shipley@comstockmining.com>>; egstudio
<egstudio@aol.com<mailto:egstudio@aol.com>>

Cc: Scott Jolcover <SJolcover@aol.com<mailto:SJolcover@aol.com>>; Corrado DeGasperis <DeGasperis@comstockmining.com<mailto:DeGasperis@comstockmining.com>>; Scott Jolcover <SJolcover@comstockmining.com<mailto:SJolcover@comstockmining.com>>; Elaine Barkdull <Barkdull@comstockmining.com<mailto:Barkdull@comstockmining.com>>; Matt McClelland <McClelland@comstockmining.com<mailto:McClelland@comstockmining.com>>; mitchec01 <mitchec01@sbcglobal.net<mailto:mitchec01@sbcglobal.net>>
Sent: Fri, Jul 18, 2014 9:08 am
Subject: PR Saylor painting for the 150th anniversary

Hi everyone,
Attached is a final draft of the press release for the 150th Saylor painting/fundraiser. Please let me know if you see anything that needs to be changed or added.
Steven: there will be a CMI press release on Tuesday, so we're looking to bump this up to Monday.
Thanks to all,
Ron

EXHIBIT 38

EXHIBIT 38

PRICELESS REALTY INC
P.O. Box 201, Silver Springs, NV 89429
(775) 577-3200 office (775) 691-0173 cell (775) 218-1910 fax

April 5, 2016

Broker Seller Commission Agreement

This Commission Agreement dated April 5th 2016 between Priceless Realty, Inc. (Broker) and Comstock Mining, Inc. (Seller) is in reference to the future ownership of 3405 Citrus Ave, Silver Springs, Nevada consisting of 98 acres and approximately 247 acre feet of water rights. APN# 15-171-25.

Seller agrees to pay Priceless Realty, Inc. 3% commission on the total sales price of any future sale of said property in its entirety or multiple agreements.

Comstock Mining, Inc.
A Nevada Corporation

By: _____
Name: Corrado DeGasperis
Title: President and CEO

Priceless Realty, Inc.
A Nevada Corporation

By: _____
Name: Vida D. Keller
Title: President and Broker
Lic# 42776

Whereas the Company, Comstock Mining Inc, has paid Priceless Realty directly ($25000) and indirectly through Title Escrow Services ($50,000), for a total of $75,000;

Whereas both parties wish to finalize and accelerate the marketing and sales of term apn# 15-171-25 and approximately 247 acre-feet of senior water rights, and

Whereas both Comstock Mining and Priceless Realty wish to apply these payments toward commissioned services for the marketing and sale of the aforementioned land and water rights;

Therefore, the undersigned agree to reduce the 3% by a credit of the full $75,000. applied to the first $75000 earned.

Corrado DeGasperis _____ 3/28/17 Vida Keller _____ 3/28/17

CM103066

COMSTOCK MINING

775-847-5272
PO BOX 1118
VIRGINIA CITY, NV 89440

Wells Fargo Bank, N.A.

007628

3/24/2017

PAY TO THE ORDER OF Priceless Realty Inc

$ **12,500.00

Twelve Thousand Five Hundred and 00/100********** DOLLARS

Priceless Realty Inc
PO Box 201
Silver Springs, NV 89429

MEMO Commission Agreement for Calico Property/Downto

⑈007828⑈ ⑆121000248⑆ 4124806209⑈

COMSTOCK MINING, INC.

007828

Priceless Realty Inc

3/24/2017

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
3/23/2017	Bill	SilverSprings	12,500.00	12,500.00		12,500.00
					Check Amount	12,500.00

Wells Fargo 6209 Commission Agreement for Calico Property/Dow 12,500.00

COMSTOCK MINING, INC.

007828

Priceless Realty Inc

3/24/2017

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
3/23/2017	Bill	SilverSprings	12,500.00	12,500.00		12,500.00
					Check Amount	12,500.00

Wells Fargo 6209 Commission Agreement for Calico Property/Dow 12,500.00

COMSTOCK

CHECK REQUEST

This form is to be used when an invoice is not provided by the vendor or to request a payment outside the normal weekly check run process.

Requestor Name: Nicole Ericksen **Today's Date:** March 23, 2017

Type of Request:

- ☐ Prepayment Required *(Attach a copy of the vendor credit application if applicable)*
- ☐ Permit Payment
- ☐ Contribution/Sponsorship/Fundraiser
- ☐ Invoice attached – Need immediate payment
- ☒ Other *(please explain)*: See attached

Check Needed by:

- ☒ Next week's check run
- ☐ ASAP: _____ *(Obtain authorized signature inside the box on bottom of this page)*
  (Date needed by)

Check Amount: $ 12,500.00

Vendor Name: Priceless Realty, Inc

Street Address: PO Box 201

City, State, Zip: Silver Springs, NV 89429

Description of Payment:

Commission Agreement for Calico Property/Downtown Silver Springs

Select One:

- ☒ Please mail the check to the mailing address on file.
- ☐ Do not mail the check. Please hand deliver the check to: _____
- ☐ Wire Transfer/EFT payments. Please attach transfer instructions.

Check Request Approved By: _____
(Or attach approved PO/Email) (Authorized Signature) (Date)

CODING
INV#: SilverSprings DATE: 3.23.17
CODE: 830000 $12,500.00
ENTERED: _____

Immediate release of check payment must be approved by CEO or CFO.
Signature or email approvals are acceptable.

_____ _____
(Authorized Signature) (Date)

Nicole Ericksen

From: Liz Self
Sent: Wednesday, March 22, 2017 5:43 AM
To: Nicole Ericksen
Subject: Fwd: this weeks AP

FYI

Sent from my iPhone

Begin forwarded message:

> **From:** Corrado DeGasperis <DeGasperis@comstockmining.com>
> **Date:** March 22, 2017 at 5:41:37 AM PDT
> **To:** Liz Self <self@comstockmining.com>
> **Cc:** Judd Merrill <Merrill@comstockmining.com>
> **Subject: this weeks AP**
>
> Liz, can you add a check for $12,500, for Priceless Realty. This will be an advance commission on the Calico Property agreement. I will get a sign off from Vida Keller, acknowledging the $50k already paid, plus this additional amount, will be credited to our commission agreement on that property.
>
> Please hold the check for me in this weeks run.
>
> Kind thanks, Corrado

Date	Type	Reference	Original Amt.	Balance Due		Payment
3/28/2017	Bill	SilverSprings2	12,500.00	12,500.00	3/28/2017 Discount	12,500.00
					Check Amount	12,500.00

007830

Wells Fargo 6209 Final commission payment for Calico/Downtown

[redacted] 12,500.00

CM00070

COMSTOCK

CHECK REQUEST

This form is to be used when an invoice is not provided by the vendor or to request a payment outside the normal weekly check run process.

Requestor Name: Nicole Ericksen **Today's Date:** 3/28/2017

Type of Request:

- ☐ Prepayment Required *(Attach a copy of the vendor credit application if applicable)*
- ☐ Permit Payment
- ☐ Contribution/Sponsorship/Fundraiser
- ☐ Invoice attached – Need immediate payment
- ☒ Other *(please explain)*: Pre-paid commission

Check Needed by:

- ☐ Next week's check run
- ☒ ASAP: 3/27/17 *(Obtain authorized signature inside the box on bottom of this page)*
  (Date needed by)

Check Amount: $ 12,500.00

Vendor Name: Priceless Realty, Inc

Street Address: PO Box 201

City, State, Zip: Silver Springs, NV 89429

Description of Payment:

Final commission payment for sale of Calico property/Downtown Silver Springs

Select One:

- ☐ Please mail the check to the mailing address on file.
- ☒ Do not mail the check. Please hand deliver the check to: Judd Merrill
- ☐ Wire Transfer/EFT payments. Please attach transfer instructions.

Check Request Approved By: *(Or attach approved PO/Email)*

(Authorized Signature) 3/28/17 (Date)

CODING
INV#:SilverSprings2 DATE: 3/27/17
CODE: 810000 $ 12,500.00
ENTERED: _____

Immediate release of check payment must be approved by CEO or CFO.
Signature or email approvals are acceptable.

(Authorized Signature) (Date)

COMSTOCK

CHECK REQUEST

This form is to be used when an invoice is not provided by the vendor or to request a payment outside the normal weekly check run process.

Requestor Name: Marin Peterson **Today's Date:** 04/05/2016

Type of Request:

- [ ] Prepayment Required *(Attach a copy of the vendor credit application if applicable)*
- [ ] Permit Payment
- [ ] Contribution/Sponsorship/Fundraiser
- [ ] Invoice attached – Need immediate payment
- [ ] Other *(please explain)*: _____

Check Needed by:

- [ ] Next week's check run
- [X] ASAP: 04/05/2016 *(Obtain authorized signature inside the box on bottom of this page)*
  (Date needed by)

Check Amount: $ 50,000.00

Vendor Name: Title Service & Escrow

Street Address: PO BOX 833 / 215 W. Bridge St. STE 1

City, State, Zip: Yerington, Nv. 89447

Description of Payment:

APN # 15211-01 TSL - 37988 - SL

Select One:

- [ ] Please mail the check to the mailing address on file.
- [X] Do not mail the check. Please hand deliver the check to: _____
- [ ] Wire Transfer/EFT payments. Please attach transfer instructions.

Check Request Approved By: _____ 4-5-16
(Or attach approved PO/Email) (Authorized Signature) (Date)

Inv # CA 05/16	Inv Date 4/18/16
	$
13,000	$ 450,000
	$
	$
Approved Rpst Updated 4/20/2016	By DMO

Immediate release of check payment must be approved by CEO or CFO.
Signature or email approvals are acceptable.

_____
(Authorized Signature) (Date)

Title Service and Escrow

007201

4/5/2016

50,000.00

Wells Fargo 6209

50,000.00

CM103073

Bill Payments for Priceless Realty Inc

All Transactions

	Date	Amount	Other
Prepaid Commissions			
Priceless Realty	03/28/2017	$12,500.00	Prepaid Commissions Calico Property
Priceless Realty	03/24/2017	$12,500.00	Prepaid Title Fees Calico Property
Title Service and Escrow	04/05/2016	$50,000.00	Prepaid fees Calico Property
Subtotal		**$75,000.00**	

EXHIBIT 39

EXHIBIT 39

#1-2.

RECEIVED
DEC - 9 2013
LYON COUNTY PLANNING

December 9, 2013

Lyon County Planning Commission
c/o Kerry Page

Dear Commissioners:

When evaluating development in historic districts a number of questions are often asked, and many of these grow out of assumptions about what historic designation means or implies. Historic designation can cloud the planning process with an emotionally-charged atmosphere, too often based on what historic designation seems to be about rather than what it actually involves.

As Dr. Pat Barker pointed out in his November 4, 2013 letter to John L. Marshall, the Lyon County "Master Plan argues that a community's unique character 'is defined by its design, its viewsheds, its gathering places, and its historic and cultural resources, as well as by environmental characteristics such as natural quiet and dark night skies.' The plan further notes that 'maintaining this character is important – not only for promoting economic development and diversification, but also for protecting our living spaces, quality of life and open lands.'" It is important to note, as Dr. Barker and the Master Plan do, that issues associated with historic resources stands apart from other aspects of the community's character. "Viewsheds" and "design" do, in fact, tie back to the management of historic resources, but the other issues are better regarded as general quality of life issues that can be part of the planning process for any community, new or old. Subjects not evoked necessarily by history designation include consideration of "its gathering places, ..., as well as by environmental characteristics such as natural quiet and dark night skies." These issues, while valid for a planning activity to consider, are largely separate from the concerns that affect the management of the historic district.

Issues that are directly associated with the management of the historic district include the effect of an undertaking on structures and archaeology and the long-term effect of an undertaking on the landscape. The Comstock Foundation for History and Culture can support undertakings that 1. Avoid or preserve historic structures (or have long-range plans to address the preservation of historic structures); 2. Fully-document or mitigate archaeological or surface resources that may be affected by an undertaking; and 3. Have long-range plans for the reclamation of the landscape. This could be taken to condemn residential development, because the construction of new housing typically destroys archaeological resources, causes an effect on the historic landscape that will never be reversed, and reduces the percentage of historic structures in relation to new construction. Nevertheless, certain development, particularly involving private real estate, is to be expected when dealing with a healthy economy and with a living, functioning historic district.

pg 1 of 2

With this in mind, the Comstock Foundation for History and Culture looks to the local planning process to support development projects – including mining – that feature positive answers to the following questions:

1. Are historic structures being avoided or sensitively moved and preserved in the face of development?
2. Are archaeological and surface resources being recorded and collected before surface disturbance?
3. Are changes to the landscape being mitigated through a reclamation program?

This last point is problematic from the point of view of managing the historic district that coincides with the Comstock Mining District: the landscape of the district (whether considered as a mining district or a historic district) shows the effects of extensive land modification throughout its history. This includes open-pit mining, which has been a common practice on the Comstock since 1859. A comprehensive reclamation program following any proposed mining venture may obliterate an important, recent phase of mining-related landscape modification. For this reason, the Comstock Foundation requests consideration for the preservation of some aspects of the land alteration associated with current mining as part of the documentation of the industry's effect during each decade.

If there is a fourth consideration here, it would be for the development of a healthy economy. While parts of the Comstock Historic District function as bedroom communities with residents employed outside the district, the district is at its healthiest when it supports its own businesses and means for employment. Development that can support high-paying jobs within the district directly and indirectly enhance the preservation of historic resources. Coincidentally, while working with the tourism industry of the Comstock Historic District for three decades, I have found that visitors to the district are overwhelmingly excited and intrigued by the idea of current mining projects. The lure of bullion, which attracted tourists in the 1860s and 1870s, has the same effect in the twenty-first century, and its positive effect on the economy is not to be discounted. A healthy economy – based on tourism or something else – is the best means to maintain the historic resources of the Comstock.

Please let me know if you have any questions,

Ronald M. James
Executive Director
Comstock Foundation for History and Culture
ron@comstockfoundation.org

14 CV 00128 - 001837
LYON COUNTY

EXHIBIT 40

EXHIBIT 40

Exhibit I: Existing SUP Conditions (SUP No. 200-222-A-3) to be amended ("existing SUP")

Storey County
Planning Commission
Bret Tyler, Chairman
Larry Prater, Vice-Chairman

Virgil Bacchieneri ~ John Herrington ~ Laura Kokale ~ Pamela Smith ~ Doug Walling

June 9, 2011

Comstock Mining, LLC
P.O. Box 1118
Virginia City, NV 89440

Re: Special Use Permit Amendment 2000-222-A-3

Dear Applicants:

On June 28, 2011, the Storey County Planning Commission heard your application request for a Special Use Permit Amendment on APN 2000-222-A-3 located at 1200 American Flat Road, American Flat, NV to expand land area and modify uses allowed at existing ore processing facility in American Flat. The amendment is limited to processing and its ancillary uses; it will not cause material changes to mineral exploration or mining allowed under the existing SUP. The Planning Commission recommended approval with the following conditions:

A. General Conditions: The conditions of approval in this Section apply to all uses under this special use permit.

1. Special uses. Special Use Permit ("SUP") No. 2000-222-A-3 is for the purpose of mineral exploration, mining, and processing. This SUP shall be used pursuant to the approval of the Board of Storey County Commissioners with recommendation by the planning commission on property located within the boundaries of this SUP shown in Incorporated Attachment A and Attachment B. Processing is limited to land within the boundaries shown in Attachment B, being all that certain parcel situated within all of the SE ¼ of the SW ¼ and portions of Government Lot 7, Government Lot 8 and Government Lot 12 of Section 6, Township 16 North, Range 21 East, M.D.B. & M., Storey County, Nevada, being Parcel 3 as shown and so designated on Merger and Re-subdivision Parcel Map, File No. 136515 in the Official Records of Storey County, Nevada. All operations under this SUP must comply with the requirements herein and federal, state, and county regulations. Issuance of this SUP does not convey property rights of any sort or any exclusive privileges, nor does it authorize any injury to persons or property, any invasion of other private property rights, or any infringement of state or local laws or regulations.
2. Transfer of rights. This SUP will inure to the record owner(s) of the Subject Property and to the Permit Holder (Comstock Mining, Inc.) and will run with the land. Any and all transfers of this SUP to other persons, agencies, corporations, or entities must be advised in writing by Certified Mail to the Community Development Department at least 90 days prior to assignee taking over the project. The new owners/managers must sign and accept all conditions and requirements of this SUP.
3. Indemnification and insurance. The Permit Holder warrants that the future use of land will conform to federal, state, and county requirements; further, the Permit Holder warrants that continued and future use of the land shall so conform. The Permit Holder and property owner(s) agree to hold Storey County, its officers, and representatives harmless from the costs and responsibilities associated with any damage or liability, and any/all other claims now existing or which may occur as a result of this SUP. The Permit Holder must maintain liability insurance in the minimum amount of $5,000,000 (five million dollars) for all aspects of the operations under this SUP. The insurance policy must include sudden/fix liability coverage for environmental events/disasters in the minimum amount of $1,000,000 (seven million dollars). Written proof of continued coverage must be provided to Storey County Community Development prior securing rights to this SUP.
4. Site supervision. Site and staff supervision must comply with Mine Safety and Health Administration (MSHA) requirements. Supervisors must have knowledge of and immediate access to fire suppression devices, First-Aid kits, and locked gates. While on the premises, the on-site supervisor(s) must possess a cellular telephone with adequate signal to send and receive signals to and from Storey County Emergency Services direct-connect 775-847-0950. All staff using cellular

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phones must be directed by the Permit Holder or his/her designee to dial Storey County Emergency Services Direct-Connect (775) 847-0950 (in lieu of 9-1-1) in case of emergency. Emergency 9-1-1 still is appropriate from land-line telephones.

5. Environmental controls. The Permit Holder must obtain applicable Nevada Division of Environmental Protection ("NDEP") Air, Dust Control, and Stormwater Permits and furnish the Community Development Department copies of the permits within 30 days of receipt for documentation purposes. All non-vegetated surfaces must be appropriately and consistently treated to mitigate fugitive dust and sand. Best Management Practices (BMPs) must be implemented as appropriate throughout the entire premises and egress points. No work may commence until there is compliance with NDEP and other federal, state, and county regulations. Trees, shrubs, and other vegetation and ground surfaces must be preserved to the extent feasible. Trees with trunks of 6" or more must be replaced with new trees of similar species (replacement during reclamation phases is appropriate). The site must comply with NRS 555.150 for preventing non-native plant species designated as noxious as provided therein. Noxious weed species include but are not limited to Tall Whitetop (perennial pepperweed), Hoary Cress, Russian Thistle, Dalmatian Toadflax, Scotch Thistle, etc.
6. Carson River Mercury Superfund Site ("CRMSS"). By accepting SUP No. 2000-222-A-3 the Permit Holder acknowledges that portions of the Subject Property may be within or applicable to the CRMSS. Property managing disturbances of existing and former mine and mill sites, mill tailings, mine waste, mine material, and other areas that are found to contain Contaminant of Concern (CoC's) as applicable to the CRMSS will be the sole responsibility of the Permit Holder as communicated thereto by the NDEP Bureau of Corrective Actions. Handling, redistributing or reprocessing CoC impacted materials by the Permit Holder shall be completed in accordance with the NDEP Bureau of Corrective Actions.
7. Sales tax reporting. All material and equipment purchased for the project must as possible be received in Storey County and the value reported as "County-of-Delivery" on the Nevada Department of Taxation Form TPI-02.01 "Combined Sales and Use Tax Return". The Permit Holder must also report the value for all materials and equipment (personal and rental) "used" on this project as "Use Tax" on TPI-02.01 or TPI-02.02.
8. Operations plan. The Permit Holder must submit a Plan of Operations to the Storey County Fire Protection District ("Fire District") and the Community Development and Emergency Management Departments for review and approval. At a minimum, the elements of the plan must include disaster management, Emergency Medical Services (EMS) and First-Aid response, transportation, survey bonding and reclamation, and environmental protection. Specific items to be included in the plan are as follows. The following list is not exhaustive; the Fire District and County may impose additional requirements that are necessary to meet the purpose and intent of these regulations and other federal, state, and county regulations. Requirements of State and federal agencies which fulfill the following may suffice when documentation thereof is submitted to Fire District and Community Development Department for final review and approval.
   - Basic company, owner, site, and emergency contact information
   - Plot plan (detailed sketch drawings) of the premises, including phasing
   - Site evacuation and emergency procedure
   - Emergency contact procedures, including for the NDEP, Dispatch 9-1-1, and Storey County Emergency Services Direct Connect (775.847.0950)
   - Hazardous material management plan
   - Wildland fire prevention and suppression
   - "Hot work" permitting
   - On-site water for wildland fire prevention and suppression
   - Access, circulation, and staging, including for emergency and non-emergency vehicles (plan must include maps, aerial imagery, and other necessary visuals)
   - Documenting and reporting of emergency situations
   - Post-disaster management, cleanup, and material disposal
   - Post-disaster damage reporting for treatment of historic structures and properties
   - Site reclamation plan with surety bond and estimated timeline, including phasing
   - Documenting and reporting of NDEP and other environmental permits and reports
   - Noxious weed abatement
   - Stormwater management, air and water quality, noxious weed abatement, and BMPs
9. Fire suppression. The Permit Holder must maintain fire extinguishers throughout the premises to the satisfaction of the Fire District. Each device must be identified by large and brightly colored (i.e., red and white) identification which includes the words "FIRE EXTINGUISHER". Additionally, the Permit Holder will be held responsible for assuring that all vehicles and heavy equipment (e.g., tractors and other mobile equipment) are equipped with a 5 pound minimum ABC rated fire extinguisher. "Hot Work" may only take place as permitted by the Fire District.
10. Roadway approaches and drainage. Egress points abutting State Route 342 must comply with the requirements of the Nevada Department of Transportation (NDOT). Approaches to paved county right-of-way must be sufficient to prevent mud and debris tracking from the site onto the public roadway. Any mud or debris tracked onto the county roadway must be

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removed by the Permit Holder immediately as allowable by the NDEP and the National Environmental Policy Act (NEPA) regulations. Mud, sand, and debris must not be allowed to adversely impact existing drainage systems.

11. **Lighting** (non-exempt) and noise. SCC Chapter 8.02 ("Dark Skies") limits outdoor lighting that may impact adjacent land uses. Exemptions for "temporary lighting" in the Code (which normally apply to such activities as road construction, and may appear to apply to mining and processing operations) will not apply to operations under this SUP. All operations, buildings, and equipment will be required to comply with the strictest regulations under the Code (shield lighting) to ensure minimal impacts to neighbors. Noise emissions shall comply with SCC Chapter 8.06 and other applicable regulations.

12. **Reclamation** and surety bonding. A surety bond for reclamation is required under this SUP. The amount of surety shall be determined as follows:

    a. *Mining and exploration.* A surety bond required by a federal or state agency (e.g., BLM and NDEP) overseeing exploration and mining operations will fulfill this requirement when proof the NDEP/BLM approved reclamation plan and required surety is submitted to the Community Development Department within 30 day of approval.

    b. *Processing.* This SUP requires a surety bond sufficient in amount for complete reclamation of land where crushing, processing, beneficiation, and agglomeration (e.g., heap leach pads), and ancillary uses (e.g., ponds, storage tanks, Merrill Crowe and other structures, conveyance systems, staging areas, and surface disturbances related thereto) occur or which have occurred at Ametrine Flat (APN 004-331-36 shown in Attachment B hereto), as allowable by the NDEP and other applicable federal and state regulatory agencies and laws. The amount of reclamation surety bond shall be that determined appropriate by a federal or state agency (e.g., BLM or NDEP). OR, an amount determined appropriate by a qualified licensed engineer/environmental manager, whichever is the greater amount. The licensed engineer/environmental manager chosen shall be a person or firm which is mutually agreed upon between the Permit Holder and Storey County. The full cost of the licensed engineer/environmental engineer shall be borne by the Permit Holder.

13. **Cultural resources discovery.** Should any prehistoric or historic remains/artifacts be discovered during development or excavation, work shall temporarily be halted at the specific site and Storey County Community Development must be notified in order to evaluate the site and, if deemed necessary, to record and photograph the site in question. The period of temporary delay shall be limited to a minimum of two working days from the date of notification, unless it is a significant find and it is deemed necessary to provide more time to evaluate and procure historical remains or artifacts.

14. **Compliance and show cause.** Storey County may refer this SUP to the Board of County Commissioners for show-cause hearing or revocation based on any of the following reasons. The procedures for show-cause are pursuant to SCC Chapter 17.03 (Administrative Provisions).

    - Failure or refusal of the Permit Holder to comply with any terms or conditions of this SUP.
    - Any misrepresentation made in the application for this SUP and amendments hereto.
    - Any act or failure to act by the Permit Holder or its agents or employees directly related to the SUP which would be a violation of federal, state, or county laws.
    - Any act or failure to act by the Permit Holder or its agents or employees directly relating to the SUP that creates a public nuisance or is detrimental to the public health, safety, and welfare.
    - Failure to return a signed copy of the notice of decision, 21 days from receipt of said notice.
    - Further use of a revoked SUP is a violation of Title 17 (Zoning) and will be punishable as provided in that Title and other County Codes.

B. **Exploration and Mining.** The conditions of approval in this Section apply primarily to exploration and mining under this SUP. The listed requirements in this Section are not exhaustive; conditions stated elsewhere in this SUP may apply to this Section, and conditions stated in this Section may apply to other Sections in this SUP.

15. **Mining Operations** will be allowed for open pit mining year round, 7 days a week, 24 hours a day.

16. **Exploratory Drilling.** For any exploratory drilling, areas will be reclaimed at the conclusion of the drill programs. Total surface disturbance will be limited to less than one acre.

17. **Use of explosives.** Blasting and use of explosives shall comply with SCC Section 17.52.110 (Use of Explosive Materials).

18. **Transportation.** Ore, overburden, and other excavated materials may be transported throughout the land applicable to this special use permit and delivered from the permitted mining area to the processing site by any type of on- and off-highway vehicles, haul trucks, tractors and heavy equipment, railroad, conveyor systems, and other on-site conveyance systems in compliance with the Nevada Department of Transportation (NDOT) and the Mine Safety and Health Administration (MSHA), as applicable. The permit holder is responsible to repair damages to any county owned road, utility, or other infrastructure caused by activities associated with the uses under this special use permit. The repairs must be completed to the satisfaction of the county. The county reserves the right to restrict or prohibit the use of trucks and heavy equipment on any county-owned right-of-way.

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19. Signage. Legible signage shall be placed at entry points of the premises near State Route 342 and at the processing site at 1200 American Flat Road during project phases. The sign(s) must state the name of company/organization, its street address (or descriptive location), contact phone number(s), and other information required by the Fire District. The signs must be at least 2 feet by 3 feet in size. Appropriate signage must be installed on and around the premises stating rules for entry and circulation (e.g., no trespassing, travel permitted only on designated pathways, etc.). Directional signs must be placed at intersections of public ways and mine haul roads, and other places along public ways to appropriately direct the public, residents, and other users in the area.

C. **Crushing, Processing, and Beneficiation.** The conditions of approval in this Section apply primarily to crushing, processing, beneficiation, agglomeration, and related activities under this SUP. The listed requirements in this Section are not exhaustive; conditions stated elsewhere in this SUP may apply to this Section, and, conditions stated in this Section may apply to other sections in this SUP.

20. **Processing.** This SUP shall allow permitted crushing, processing, beneficiation, and agglomeration (including but not limited to the development and operation of cyanide processing heap leach pads), and ancillary uses (e.g., storage ponds, storage tanks, Merrill Crowe, conveyance systems, etc.) to occur at Assessor Plat at APN 004-331-26 (as shown in Attachment B hereto) as allowable by the NDEP and other applicable federal and state regulatory agencies and laws. Associated activities may take place 24-hours per day, seven days per week.

21. **Distance to residences.** At the time of this SUP approval, there exists two single-family residences located approximately 600' from the Subject Property boundary. Crushing, processing, and uses involving hazardous materials (e.g., cyanide) shall remain more than 1,000' from existing residences. Uses such as roads, equipment storage, principal and necessary structures, security and buffer areas, ancillary uses, and stockpiling noncyanide topsoil may take place anywhere within the Subject Property, including areas which are less than 1,000' from residences, so long as buildings conform to setback requirements in SCC 17.32.040.

22. **Safety and security.** Appropriate security measures shall be maintained on the premises to prevent unauthorized access to hazardous chemicals and materials, heap leach pads, ponds, equipment, buildings, related apparatus, etc. Federal and state regulations, at a minimum, must be in compliance. All permits required by the NDEP and State Fire Marshal's Office for hazardous materials storage shall be supplied by the Permit Holder to Community Development within 30 days of receipt. All storage, maintenance of hazardous materials, protective devices (e.g., fencing, gates, etc.), and site monitoring (e.g., on-site security, alarm systems, etc.) shall comply with Fire District, Sheriff's Office, and applicable state and federal agency requirements. Open hydrological features containing cyanide and other hazardous substances must be treated appropriately to prevent wildlife access.

23. **Groundwater monitoring.** Monitoring wells must be installed as directed by the NDEP to monitor the heap leach process and overall processing facility for possible groundwater contamination. A well permit shall be obtained from Community Development Department prior to drilling. Monitoring reports and other findings must be submitted to the Community Development Department on a quarterly basis when operations are active during the first year of operations, including for heap leach pad expansions. If no signs of leakage or other groundwater contamination occur, monitoring reports must be submitted to the Community Development Department bi-annually until full closure of processing facility.

24. **Air monitoring.** Air emissions, including dust and other airborne materials, shall conform to NDEP air permit limitations. Copies of annual reports of environmental quality, necessary to comply with the requirements of the permit(s) issued by the NDEP Bureau of Air Pollution Control, shall be submitted to the Community Development Department within 30 days of receipt. In the event that there is an air discharge in excess of the standards approved by the NDEP under construction phase or operation phase permit(s), the Permit Holder shall provide the Community Development Department a copy of any notice within 24 hours of Permit Holder's receipt. If the Permit Holder is required by the NDEP to prepare a report on the event, the Permit Holder shall submit a copy of the report to the County Community Development at the same time it is submitted to the NDEP. There shall be no obnoxious odors released into the air that are a nuisance to abutting properties.

25. **Water rights reporting.** The Permit Holder shall provide proof of water rights to the Community Development Department prior to any appropriations of water.

26. **Spill reporting.** Any hydrocarbon or chemical spill of or exceeding 25 gallons or 3 cubic-yards shall be reported immediately to Emergency Dispatch 9-1-1 and Storey County Emergency Services (775.847.0950). Additionally, the incident must be immediately reported to the NDEP and the local jurisdiction, including the Fire District and the Emergency Management and Community Development Departments. The Permit Holder must comply with NDEP clean-up requirements and provide the Fire District and the Emergency Management and Community Development a copy of NDEP completion of remediation immediately. All hazardous materials incident clean-up and response costs will be borne by the

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Permit Holder as part of the issuance of this SUP. Incidents exceeding a standard Fire-Alarm fire will be billed to the Permit Holder. If mutual aid is warranted to suppress an incident, those costs will also be funded by the Permit Holder.

B. Ancillary Operations – Support Buildings and Utilities. The conditions of approval in this Section apply primarily to uses ancillary to the principal uses under this SUP. The listed requirements in this Section are not exhaustive; conditions stated elsewhere in this SUP may apply to this Section, and, conditions stated in this section may apply to other sections in this SUP.

27. Temporary structures. Temporary shelters and structures including, but not limited to, temporary facilities required by the Mine Safety and Health Administration (MSHA), may be erected on the premises. These structure(s) will be temporary and must be removed immediately following closure of the operations under this SUP. Removal of these structures from the site must be included in the Permit Holder's reclamation plan (see Plan of Operations). A Certificate of Historical and Architectural Appropriateness from the Comstock Historic District must be submitted to Community Development prior to issuance of a Building Permit for temporary and permanent structures.

28 Septic systems. The Permit Holder may acquire a permit from the Community Development Director (or Building Official) to install a septic system and leach-field capable of serving administrative offices not accessible to a municipal sewerage system. The septic systems shall be removed and reclaimed by the Permit Holder as required by NRS at closure or removal of associated buildings.

29 Watchman's quarters. The Permit Holder is authorized to have an R.V. type trailer or manufactured building to serve as living quarters for onsite security (i.e. watchmen's quarters).

a. A temporary (six months) permit from the Community Development Department must be obtained for this watchman's quarters and the permit must be renewed every six months thereafter. These provisions may be precluded by the requirements of the Comstock Historic District. Solid structures and/or R.V. must be removed from the premises within 30 days of closure of the operation or when operations under this SUP cease to operate for a period of 24 months or longer.

On July 2, 2013, the Storey County Board of Commissioners gave final approval for the Special Use Permit Amendment 2000-222-A-3. If you have any questions, please contact the Community Development Department, Planning Division at 775-847-0966.

Sincerely,

Senior Planner

STATE of Nevada)
) SS:
COUNTY of Storey)

On this 11 day of July in the year 2013 personally appeared before me and proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledge they executed it.

Witness by my hand and official seal.

Notary's Signature

DONNA M. OSBORNE
NOTARY PUBLIC
STATE OF NEVADA
Appt. No. 95-1325-18
My Appt. Expires Aug 23, 2019

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ACCEPTANCE

The terms and conditions of this Confirmation of Special Use Permit Amendment #2000-222-A-3 are accepted by Comstock Mining, LLC the property owner for which this permit is issued.

Corrado DeGasperis
President, CEO

Date

STATE of)
) ss:
COUNTY of)

On this ___ day of ___ in the year 20__ personally appeared before me and proved to me on the basis of satisfactory evidence to be the person(s) whose names are subscribed to this instrument, and acknowledge they executed it.

Witness by my hand and official seal.

DOANA M. GISCHNEY
NOTARY PUBLIC
STATE OF NEVADA
Appt. No. 93-1365-18
My Appt. Expires Aug. 23, 2018

Notary's Signature

EXHIBIT 41

EXHIBIT 41

COMSTOCK
MINING



May 13, 2014

Austin Osborne
Storey County Planning Department
26 South B Street
Virginia City, NV. 89440

Re: Request for Amendments to Special Use Permits 2000-222-A-3 and 2011-016

Dear Mr. Osborne,

Comstock Mining, LLC requests modifications to Mining and Processing Special Use Permit (SUP) 2000-222-A-3 and Exploration SUP 2011-016. These modifications are described below.

Purpose

The proposed SUP amendment moves the geographic boundaries of the SUP, allowing for methodical expansion of the operation, primarily east, where significant mineral discoveries were identified during exploration drilling over the past few years. Mining within the current boundaries is maturing and those mined areas are scheduled for eventual reclamation

Additionally, after meaningful diligence and conversations with you, we agree that it would be beneficial to combine the Exploration SUP (2011-016) into the Mining and Processing SUP (2000-222-A-3) so that there is only one combined SUP.

There are also some wording clarifications that we request to be made to the existing SUP.

Description and Justification for Amendment of Mining and Exploration Boundaries

As noted above, the primary substantive SUP amendment is modification of the geographic boundaries of the SUP mineral exploration and mining areas. Since the SUP was last amended, Comstock has secured additional private lands and mining rights in southern Storey County and completed additional engineering, assessments and feasibility studies within existing and new lands. Comstock would like to use its existing infrastructure and methodically expand onto some of its new land and mineral rights to continue its stable mining operations within the district. Accordingly, we request that the boundaries of the current SUP be changed to conform to the attached maps.

The current SUP mining boundary encompasses approximately 165 acres. Within the new boundary, Comstock proposes a methodical mine expansion sequence, that is, we would not be mining the whole area at once. Instead, we commit to actively mining a similar scope, no more than 95 acres at one time. Mining and reclamation will occur contemporaneously as shown on

the Reclamation Schedule, provided in Attachment 4. Once this amount of disturbance is reached, Comstock will commence contemporaneously reclaiming and restoring any completed mine areas, within a county approved reclamation plans, designed for post mining productive uses and enjoyment, typically in better condition than it was in. Restorations should strive to be consistent with landscape features and the overall historic mining character. This reflects the unique blend of modern, responsible mining that Comstock is committed to and a genuine passion for the historic mining district. This commitment to area disturbance limits and reclamation is not described in SUP 2000-222-A-3, Paragraph A.1, but would best be part of Paragraph A.12 which is described in a section below.

The proposed SUP amendment also moves the geographic boundaries for mineral exploration, where geological structures have been identified east of known resources, allowing for further exploration investment and resource expansion. The boundary amendment positions Comstock Mining for underground mining in the future.

The SUP boundary has been modified around the processing facilities to accommodate continued operation at existing, permitted rates of production. Mining and processing methods will remain the same. To make these changes, there is no wording that needs to be amended; the SUP only needs have the existing Attachment A (referred to in SUP paragraph A.1) and B (referred to in SUP paragraph A.12.b and C.20) replaced with new maps showing the new mining, exploration, and processing boundaries. Parenthetical statements referencing Attachment B in A.12.b and C.20 will need to be revised to include the following APNs: 004-331-08, 004-331-14, 800-001-22, 800-002-45, 004-331-28, 004-331-27, and 004-331-22.

Description of and Justification for SUP Clarifications on Reclamation

SUP 2000-222-A-3, Paragraph A.1 – Add the following sentence after the first sentence in this paragraph: *This SUP also allows for reclamation of the exploration and mining lands, as the Permit Holder voluntarily reclaims these lands.* The purpose of adding this sentence is because the Special Uses listed in the first sentence does not include reclamation. Comstock Mining, LLC is voluntarily reclaiming land soon after the mining is completed, and restoring previously disturbed and mined lands to more natural conditions and contours. This is another example of how Comstock Mining, LLC is demonstrating and establishing new standards for responsible mining. The voluntary requirement is enforced by the various bonds required in Section A.12 of the SUP.

A.12 –After the sentence "A surety bond required ...." add as second sentence, *Reclamation is defined as activities consisting of backfilling, sloping, recoating, visual mitigation, and removal of temporary mining structures.* The purpose of this addition is to clarify expectations of reclamation.

A.12.a – Add the following sentence to the end of 12.a: *In addition to meeting the state and federal requirements, the Permit Holder will develop reclamation requirements and funding for reclamation of surface mining disturbance.* This sentence is added to further demonstrate

Comstock Mining, LLC's commitment to the territory, beyond state and federal requirements. After that sentence, add, *In lieu of the reserved 1% royalty for reclamation that the company has funded in the past, the expenditures associated with satisfying additional reclamation requirements will be financed by a private bond. The bond will be funded for long-term obligation, which is defined as activities occurring after the current calendar year. Reclamation in the same calendar year is performed "contemporaneously to mining" and therefore funded with current resources.* Comstock Mining, LLC's reclamation concepts for closure and reclamation of existing surface mining areas meet Storey County objectives for the promotion of tourism. The Reclamation Cost Estimate (RCE), which is provided in Attachment 5, was completed to show the reclamation liability for the Lucerne Project. The principal assumption for the RCE is that the final reclamation and closure will be initiated for currently planned disturbance areas and operating conditions for the Lucerne Project's operational life. The RCE has been compiled and calculated using State of Nevada's most recent Standardized Reclamation Cost Estimate (SRCE) Model, which is derived from Version 1.4.1, Build 017 from Nevada Division of Environmental Protection, Bureau of Mining Regulations and Reclamation (NDEP-BMRR) and Bureau of Land Management (BLM). The SRCE utilizes standardized reclamation calculation methods, data and procedures to estimate the cost of reclaiming a mine site as if a third-party contractor is performing the reclamation. This is the most conservative method of cost estimate possible.

The cost estimate and summary was completed using Comstock Mining, LLC's available engineering designs and plans together with the 2013 Standard Cost Data File Version 1.12, which contains appropriate geographical area specific costs for labor, equipment, operation, material and miscellaneous unit rates or schedules.

Add the following: *The current proposed operation is for 93 rolling acres of active mining and 45 acres of reclamation within the mining area. The Permit Holder will be contemporaneously reclaiming completed mine areas so that the total disturbed area will not exceed 140 acres. The bond may be adjusted annually or on a more frequent basis when proof of surety is submitted to the Community Development Department within 30 days from any change made to the amount.* The proposed bond amount of $1.2 million will satisfy long-term reclamation activities for this area, while approximately $300,000 of the company's current resources will be applied towards reclamation activities in this calendar year.

Comstock Mining, LLC notes that we currently have bonds with the NDEP for all the mining areas on private lands. The areas that are currently under bond are shown in Mining Operations Disturbance Areas within Attachment 3.

A.12.b – Put a period after "The amount of reclamation surety bond shall be that determined appropriate by a federal or state agency (e.g., BLM or NDEP)" and remove everything after this starting with "OR..." The purpose of removing the remainder of this condition is to eliminate a redundant SUP requirement. The entire facilities described earlier in A.12.B are required by federal and state law to be bonded. The NDEP is required to review the bond estimate to

determine if it is reasonably sufficient to conduct all required reclamation (NAC 519A.370) and then the bond is periodically reviewed to consider inflation (NAC 519A.380). The bond estimate is based on third-party reclamation of the facilities, including a 30% multiplier for indirect costs assumed if the Permit Holder did not satisfactorily complete reclamation activities prior to closing the site.

Descriptions of and Justification for SUP Wording Clarifications

The specific requests for wording clarifications to SUP 2000-222-A-3 are listed and described below.

B: Change title from "Exploration and Mining" to *Definition Drilling and Mining* as we understand that a new section will be added to the permit called "Drilling Mineral Exploration Operations" to incorporate SUP #2011-016.

B.16: Replace the title, "Exploratory Drilling" with *Definition Drilling* as this applies to definition drilling. Definition drilling is performed within current or likely near-future mine areas and has a very small footprint. It is important to differentiate between definition drilling and exploration drilling in this revised permit because the conditions from SUP #2011-016 are being incorporated into this permit. Exploration drilling can be considered any drilling more than 500 feet from an existing mine. Replace both sentences with: *Each series of definition drill pads shall be collectively no more than 1 acre in surface disturbance (excluding roads), and shall be reclaimed at the conclusion of definition programs unless it is to become part of an active mine area. This allows for one acre rolling per definition. Reclamation is defined as backfilling and recontouring to the approximate original condition.* The purpose of this requested change is to clarify that each definition program is no more than one acre, but that there are multiple definition programs. Each drill pad is approximately one-tenth of an acre, but there are about 10 drill sites in each program. Additionally, some of the drilling takes place in areas that are followed up by mining or even within actively mined areas; therefore, reclamation of these drilling areas is not applicable.

B.18: Change the last sentence from: "The county reserves the right to restrict or prohibit the use of trucks and equipment on any county-owned right of way" to *The county reserves the right to restrict or prohibit the use of trucks and heavy equipment on any county-owned right-of-way if the County Commissioners determine that the Permit Holder has caused unavoidable and irreversible long-term damage to the roads.* The reason for this requested clarification is because the first part of this paragraph allows use of the roads, but then with the current wording, the County can revoke this at any time and for whatever or no reason. The suggested wording clarifies that the County can exercise this right only if there is justification for it.

C.20: Change last sentence from "Associated activities may take place 24-hours per day, seven days per week" to *These processing and associated activities may take place 24-hours per day, seven days per week.* The reason for this change is to clarify that it means that ALL processing activities, direct and indirect, not just the associated activities.

C.20: Remove the reference to the American Flat parcel because there are now several parcels (including APN 004-331-36, 004-331-08, 004-331-14, 800-001-22, 800-002-45, 004-331-28, 004-331-27, 004-331-22) within the processing area. We recommend that it just refer to Attachment B.

C.21: Delete the first sentence, "At the time of this SUP approval, there exists two single-family residences located approximately *600'* from the Subject Property boundary." The reason for this is that one of the residences has been acquired by Comstock Mining, LLC and is now company-owned property. The sentence is also not needed, as the requirement that the activities be more than 1,000 feet from existing residences is made.

C.21: Change the second sentence from "Crushing, processing, and uses involving hazardous materials (e.g., cyanide) shall remain more than 1,000' from existing residences" to *Crushing, processing, and activities and uses involving cyanide shall remain more than 1,000' from residences existing at the time of this SUP approval.* The reason for this is because the current wording of "hazardous materials" can mean even diesel fuel which would then restrict the use of diesel fuel (trucks); however, we are aware the intent of the County was the cyanide activities, so we believe that the wording should be revised to clarify this.

Proposed Section D, Drilling Mineral Exploration Operations: Include conditions of SUP 2011-06.

<u>Comstock Mining, LLC's Commitment to Compliance and Highly Responsible Mining</u>

Comstock Mining, LLC has continued to operate in compliance with the terms and conditions of the current SUP while at the same time mining responsibly, enhancing the community, and contributing to the local and regional economy. As we are mining and processing on the Comstock, in a historic district that we care about, we strive to minimize impact, footprint, and disturbance, while always innovating to enhance and improve the territory. Any mining or processing plan will visibly protect, preserve, restore, and celebrate the value of the historic Comstock district.

Approval of this SUP is also in accordance with the County Master Plan. The County has a stated goal in the Master Plan:

> "Support the development of the county's significant mineral resources while ensuring that negative impacts to the tourism based economy of the Comstock Lode area are minimized."
> *Storey County Master Plan, Executive Summary, Chapter 3 Land Uses, County wide, Goal 5 at 9-10*

Comstock Mining, LLC is responsibly developing the County's mineral resources, making significant economic contributions to the county, while at the same time mitigating impacts to tourism, the residential community, and the environment.

Objective 5.2 of the above stated goal is: "Refrain from duplicating permit application requirements and fees which have been established by state and federal agencies." Thus, most of the SUP conditions require that Comstock Mining, LLC follow state and federal law and have the appropriate permits and oversight from state and federal agencies. However, Comstock Mining, LLC has gone beyond this goal in the past by retaining a one percent royalty to fund improvement projects in the County, rehabilitate important historic relics from the Comstock Era, and has been undergoing concurrent reclamation to help restore contemporary mined areas to conditions as good as or better than before. Comstock Mining, LLC further solidifies this commitment by committing to a surety bond with Storey County as described in this letter.

Comstock Mining, LLC appreciates Storey County's attention to this application for SUP amendments. Please let us know if you have any questions.

Sincerely,
Comstock Mining LLC

Rachel Yelderman
Director, Environmental & Permitting

Attachments:
1 – Development Application
2 – Tax Receipts
3 – Figures
4 – Reclamation Schedule
5 – Reclamation Cost Estimate

Under separate cover – Affidavits from Additional Property Owners

EXHIBIT 42

EXHIBIT 42

Audio CDs of January 2, 2014 Lyon County Commission Meeting

Submitted under separate cover

EXHIBIT 43

EXHIBIT 43

Tim Smith

From:	Corrado DeGasperis
Sent:	Tuesday, January 30, 2018 4:08 PM
To:	Tim Smith
Subject:	FW: Lyon County Planning Commission Meeting July 14.docx
Attachments:	Lyon County Planning Commission Meeting July 14.docx

From: Ron James <ron@comstockfoundation.org>
Organization: Comstock Foundation for History and Culture
Date: Thursday, July 23, 2015 at 5:41 PM
To: Elaine Barkdull-Spencer <Barkdull@comstockmining.com>
Cc: Rachel Yelderman <Yelderman@comstockmining.com>, Scott Jolcover <SJolcover@comstockmining.com>, Brian Hutchins <bhconsultingllc@sbcglobal.net>, Kiersten Briggs <Briggs@comstockmining.com>, Larry Martin <lgmgeo@cs.com>, Robert Tracy <Tracy@comstockmining.com>, Corrado DeGasperis <DeGasperis@comstockmining.com>
Subject: Re: Lyon County Planning Commission Meeting July 14.docx

Hi Elaine,

I have marked a few changes in red in my section. Nothing much, but this clarify.

Thanks,

Ron

On 2015-07-23 16:43, Elaine Barkdull wrote:

> Please review the attached comments and let me know if you would like to modify your statements or make comments before I send them to Rob Loveberg in Lyon County. – Cheers, Elaine

Lyon County Planning Commission Meeting July 14, 2015
Comstock Mining Inc. Comments regarding:

Discussion and possible action regarding the review of the draft Lyon County Land Use and Development Code, with special concentration on Chapter 15.336 (for possible action)

Comstock Mining Comments:

Elaine Barkdull Spencer, Comstock Mining, Director of External Relations
I've come before you a few times regarding this ordinance and the last time let you know that I would bring our team when we got closer to a final draft. As promised, I've brought my team today. We are an active mining company on the Comstock, as you all well know. I would like to introduce to you Scott Jolcover who is our Director of Business Development, Brian Hutchins who is our legal advisor and Rachel Yelderman who will be giving you the majority of comments today. She is our Director of Environmental and Permitting. A lot of the questions you have can be answered by Rachel and our team. Ron James is the former State Historian and was the Executive Director of the Comstock Foundation for History and Culture. Larry Martin is our V.P. of Exploration. Robert Tracy is a mining engineer with the company, and Kiersten Briggs is a geologist who is currently serving as the lead over the exploration program that is currently going on at the Dayton Consolidated area in Lyon County. We too appreciate all the work that has gone into this new draft. Thank you for taking our comments and adding several of them to this current draft. We found a few areas in the document that we would like to clarify and discuss with the planning commission today so that when it gets passed on to the county commissioners we know that you all have an understanding our concerns as an active ongoing mining company within the Comstock area.

Rachel Yelderman, Comstock Mining, Director of Environmental
38:02 Good morning and thank you for the opportunity to discuss the language of this ordinance while it's still in development. That's very helpful for us. We do have a few comments and some clarifications in response to the comments that were listed on this draft.

38.20 Page 6 in response to comment 1 and the intent that is described here. Just a clarification - it appears that the language, "as established by the Comstock Historic District Commission pursuant to NRS chapter 384 also includes the exploration" and so on, implies that NRS chapter 384 actually requires these stipulations for exploration and mining activities, which is not accurate. I would propose that this section be dropped. I think the meaning there is "as established by Comstock Historic District," and the language about NRS 384 just makes that confusing from a permitting perspective.

39:28 Second comment - same paragraph and is about what comment 1 addressed regarding the disturbance limits. I appreciate the addition of the word "cumulative" which is helpful, but I would still suggest that it would be useful to have a time increment for the 500 cubic yards or 1,000 square feet of cumulative surface disturbances. If that were over a year (or whatever the intent is) then that would make it easier to identify whether or not a company is required to apply for a CUP under this ordinance.

40:15 Page 8, regarding the transportation plan. I'm showing it on line 5 *(later corrected to line 3)*. It requires that the applicant shall prepare a transportation plan for the project site(s) and activities. It's unclear what the intent is for the transportation plan and if this would be a plan for hauling within the site, or how employees would arrive at the site. I think a more clear substitute would be to require the

applicant to provide a map of the transportation routes that would be used, and then exactly what the intent is. This would make it more clear for the applicant.

42:05 Section 4 starting on line 15. I have several comments regarding this paragraph, the first of which is that I just want to clarify the comment which I made because the section wasn't clear. I appreciate the changes that were made in an attempt to address it, but the standards of 43 CFR 3809, from what I understand, address cultural and historical treatment of public land only. One of the challenges that I have encountered with the county codes referencing federal regulations is that if the applicant is only operating on private land, there isn't a mechanism to get the federal permits that are required. So, I have a couple of suggestions that may address the intent of this section without losing it. One suggestion is to reference NRS 381 or NRS 383 in place of this. That is often used for requirements on private land. One of the things we wanted to mention is that CFR 3809 has 900 sections dealing with BLM oversight and consultation with Native American tribes and may not apply to the historical, cultural, and archaeological preservation that is the goal here. In summary, I would suggest that this section be revised. If it's the requirements specifically from 420(b)(8) that are desired, then lift those out as stand-alone and don't reference the federal regulation. Specify that it is only on public land where this is a requirement or give an alternative for private land. It is very challenging and we've had an instance before where there's been a need from a county perspective to get a federal permit through BLM and they won't even risk the application. I'm glad to work with you further on that.

45:07 Page 9, lines 16-17. I understand that we have some language that was changed here. My comment was (from what I've seen in public comment, or from confusion when making an application) that if there are state permits or federal permits that are required for this same operation, as would be required under the CUP, often times it's a challenge with the timing of when to apply for the county permits, not knowing how long that application process may take. It's most expedient for a company to be able to apply simultaneously to the state or federal agency and to the county, understanding that the operation couldn't continue until all applications were received. I think that the comment that I made was understood, but in order to make it absolutely clear, I would possibly add the words, "as received" after "permits" on line 17 to indicate that a copy of the state and federal applications would be provided to the county along with the CUP application; and then as the permit was received it would also be supplied to the county.

47:20 Page 9, lines 26-28: Comstock has active exploration activities in the Comstock Historic District. In order for us to comply with this condition once this (document) becomes active, without needing to go back and follow the process for getting this CUP, I would add that there would be either a time given to come into compliance with this section of maybe 6 months, which would be approximately the time it would take an applicant to go through the CUP process, in order for us to remain in compliance with the chapter 10 that we're following now and to come into compliance with this one without having to stop activities abruptly.

48:25 Page 10, lines 2-4 regarding the obligation for SHPO to review and participate in the inventory and preservation plan. With SHPO resources it is often the case where they may be obligated to othe required reviews. A review that is required by a county agency or even a private company could have various time constraints. It could be 30 days to 6 months where we could be put on the back burner. I suggest, in meeting the spirit of this requirement, that if SHPO can't meet a 30 day review timeline, a third-party review be allowed through a permitted archaeologist or archaeological company, however that might be stated.

50:12 Page 10, line 6. I made a comment regarding the extent of the requirements in the Comstock Historic District for all disturbances being restored to eliminate all visible scarring. The response in 13 doesn't necessarily address my comment. I understand (and we feel the same) that the Comstock Historic District and the Virginia City National Landmark are very valuable resources for the county and the state. We have no intent to reduce that value. We also feel like mining is an operation that fits with that region's history and with the culture, and that it is an incredible thing for us to be able to continue that with living history today both preserving the historical aspect of the area and operating within it. I feel that the requirement for *all* disturbances and for *all* visible scarring to be removed is not physically attainable. There are reclamation methods that we use that do reduce the amount of disturbance and the visual impact of mining. My suggestion would be that a reclamation plan be developed with staff and presented with the CUP application. For example, in Storey County we have requirements for reclamation in addition to the BMRR federal requirements. We have had great success there with providing a design for reclamation and also providing a visual rendition of what it would look like That has been helpful for the community in understanding what we are proposing and what it would look like. We have also been able to meet their requirements for 70% complete reclamation of highwalls, which may be another more attainable reclamation requirement that is also measurable.

Commission clarified that "all visible scarring" refers to permitted operations, not historical operations.

What is typical in our state permits would be that if we are working in and around historical disturbances, they are typically not included in your reclamation requirements. For instance if there is a historic building that will not be removed upon the completion of mining, or a historic cut that may not necessarily be removed even though you are working in and around it, it is typical for them to be exempt in BMRR permits.

Commission asked if it is the word "all" on line 6 that is being questioned.

Yes. To me, "all" is not an attainable requirement. A way to measure would be much easier to comply with and to describe in an application.

Commission liked the idea of a reclamation plan being submitted.

There might be different goals depending on operation, the size of the operation, and the impact of the location that could be addressed individually in a reclamation plan specific to the operation.

55:27 Page 11, Section G starting on line 7. In the last sentence starting on line 11 – I would still recommend that the additional language that was used in the comment be added after the words "bonding requirements." I would add "where mining activity is conducted on private land of less than 5 acres." Though this is a clear statement, the reason I would add this specific language is because otherwise you leave it open to interpretation of numerous and various activities that may not require BMRR oversight. In order to make it clear what the requirement is, I would add that you are talking about mining activity on private land of less than 5 acres.

Those were the specific comments that I had from the permitting perspective.

Scott Jolcover, Comstock Mining, Director of Business Development
57:06 Rachel did an excellent job and focused on the points that I think are really important to add to this document so that it makes it clearer for the applicant, the county, and for any possible litigation

that everybody always wants to avoid on both sides of any aisle. I hope you give serious consideration to these comments because we are very proud of our team. We hire experts. Our experts hire experts. We are happy to be involved in the process and happy to hear the great work that you've done and the great questions that are being asked. The better the document and the easier it is going to be for all parties. There are going to be plenty of companies long after we are gone, so the better the job we do on this the better for future generations.

Ron James, Executive Director Comstock Foundation for History and Culture
58:57 I was the administrator of the State Historic Preservation Office for almost thirty years. I served for 17 years on the Comstock Historic District Commission, and I served 10 years on the National Historic Landmark Committee for the National Parks System during which, for four years I was the Chair of the Committee.

In general, I would like to just to talk philosophically about what the federal and state law requires, implies, and does not imply because it's easy to misunderstand what those requirements are. We are dealing with a national historic landmark, which automatically raises everyone's blood pressure and can have a lot of misconceptions as to what that means and what it does not mean. The federal laws create an array *(don't know that word – array?)* of requirements that are pretty strenuous when dealing with cultural resources for federal agencies and for anyone dealing with federal agencies through money, permit, or land. When you're dealing with federal land you deal with the requirements that are really strenuous. There's an implication often made, which is inappropriate, that those requirements extend to private property, county land, or state land, and that is not the case. The federal law, when it was established, was not intended to be a hammer on you because you happen to live in and own a national historic landmark. The Newland's mansion, for example, in Reno is privately owned. They cherish that resource, but there is never a federal agency that comes and says, "You live in a landmark. You can't paint it that color." The only requirement for whether it's painted one color or not or whether they can add a porch or not is strictly local. It's not even there by state authority. The federal laws that create the ability to have a national historic landmark do not imply governance.

So any attempt to extend federal law or the spirit of federal law to private land or to state ~~or federal~~ *(did he mean to say this?)* land is a prerogative of local government but not a requirement imposed on local government. You are emancipated to do what you think is right. We all hope that the management of a national historic landmark including private land and all public land, whether it's federal or not, will attain a high level of respect for the historic resource; but you're not required to do it. You're not required to comply with federal law and regulations as implemented on federal land. That's a misunderstanding that is frequently repeated and easy to come by, because it seems to imply that. "Oh, this is a landmark, we can't do certain things." You can do anything you want. You can ignore the landmark status in your planning effort. I hope you don't, but it is your prerogative. There will never be a federal hammer that will come down you. You will not receive a visit from the FBI or the CIA at night because you voted one way or another in the Planning Commission of Lyon County. Respect it I hope, but do it because it's the *right* thing to do, not because you're *required* to do it.

That same implication is often misunderstood in the language of NRS 384 which does two things. It gives local governments the ability to establish historic districts. There is a historic district in Carson City that's established by authority of NRS 384. There's one in Reno. There's one in Las Vegas. There's a very aggressive one in Las Vegas. It's hard to imagine. We always think that Las Vegas has a poor preservation program, but it's very good. That's established because the preamble of NRS 384 says that local governments can establish historic districts and they can regulate a full menu of possibilities

including landscape, architecture, you name it. There are a lot of things you can regulate in the preamble. That's what NRS does for local governments.

Coincidentally, the second part of NRS 384 says, "Also, by this act, the State establishes the Comstock Historic District Commission." As far as I know there are only two state agencies like it, Nantucket and the Comstock. That is it in the entire nation. The state does not normally create a historic district. It did not say in that second part of NRS 384, "Everything we said in the preamble applies here." In fact, it's very specific about what the Comstock Historic District Commission can regulate. It doesn't address half of the things in the preamble. This became a bone of contention when certain advocates said that the Comstock Historic District Commission should regulate landscape, and therefore mining. It doesn't say that in the second half of NRS 384 that establishes the Comstock Historic District Commission. It went to the Attorney General, and the Attorney General said, "You're right. You're not supposed to regulate landscape, and if you start doing that it will not be upheld in court." It's in the preamble. If the legislature wanted to adjust that, by all means do it. If you want to adjust it, by all means do it on the local level; but it is not there by state law.

So certain things are implied, and inappropriately thought to be implied by federal and state law. I think that is just something you need to understand. You are emancipated to do what you feel is right. Managing the landmark appropriately is right. Please do that; but do it because it's the right thing to do, not because a federal or state hammer is hovering above your heads.

1:05:21 *Specifically, What part of Lyon County is part of the Virginia City National Historic District and the Comstock Historic District? Is Silver City, for example?*

Those boundaries are a nightmare, but yes (Silver City) absolutely; the overlay is perfect there. There are some sections that are not Landmark, but are Comstock Historic District Commission. As you get to the southern end of that boundary it may be one but not the other. Because of that confusion, I would hope that you would treat the larger boundary, wherever it is, as the appropriate boundary because it doesn't matter if it is a landmark or not. National Park Service could say, "We don't think this should be a landmark anymore" and delist it; and my committee did delist several landmarks during my tenure there. If it happened to Virginia City, I would hope you would still look at it the same way by virtue of the Comstock Historic District established by the state. The boundaries don't coincide exactly, but to get to the heart of your question, Silver City is completely within the Landmark *and* the Comstock Historic District as established by the state.

End of part one recording.

Part two
:58 Eric Obermeyer, Chair of Silver City Advisory Board
20:40 Larry _____

25:50 Ron James
Page 6, lines 15-16. A real specific change that I think would strengthen this and remove ambiguity – I recommend that you delete the words, "as established by the Comstock Historic District Commission pursuant to NRS chapter 384" so that it will read that for the purposes of this subchapter within the district, within the landmark, "also includes." The implication (or one could read this as an implication) is that what follows in these clauses are required by NRS 384, when in fact they are not. Eliminate that language and you eliminate the ambiguity. Adopt those clauses because you believe they are correct to

adopt. Don't adopt them because you are required to by NRS 384. That gets to the heart of what my earlier point was. If you leave that in I think you could easily contest this whole paragraph by saying, "but that isn't required by NRS 384" and you adopted it because you believed it was. So just eliminate "as established by the Comstock Historic District Commission pursuant to NRS chapter 384" because it's not true, and that will eliminate the ambiguity. Adopt it because you want to.

27:21 Rachel Yelderman
Just to address some of the comments that followed mine, Eric mentioned some language to be added addressing the same comment I made earlier. I wanted to say that I support that language regarding review of the cultural resources inventory, but still maintain my opinion that obligating it to SHPA review may be a wild card as far as the timing requires.

On the transportation plan or review that is described, Eric had mentioned adding the appropriate citizen advisory boards. I also believe that is a good idea, but I would add that the language adding the appropriate citizen advisory boards should include the words – the plan will be developed with *participation* of the appropriate citizen advisory boards, and *review and approval* by the following departments that were already listed giving the participation to the advisory board. I don't believe the advisory board currently has approval authority.

29:05 The next comment that he (Eric) made was regarding the use of public roadways and state and county roadways. I would pose that the county may be opening a can of worms there if we start regulating interstate traffic or other hauling activities on public roads. I would question whether or not mining activities that are subject to the CUP would be the only activity in the county that would be regulated on the use of public roads or if that is the intent there. I think that the current proposed language addresses it on page 10, lines 14-16 saying that "Mining operations shall be located and conducted in a manner that does not interfere with the function of any public infrastructure, including roads, power, gas, water, sewer and irrigation conveyances. Mitigation may be used to eliminate interference." I feel like that is more appropriate, not knowing what might be requested in a permit in the future.

30:22 I also propose that with the question of setbacks that this would be an item that could be adequately addressed within the conditions of the CUP. We've seen in current operations that the use of waivers in setback obligations that are regulated both by state and county, has been accepted if a landowner is willing to waive whatever the setback is. Those waivers may be obtained and presented along with the permit application and that seems to be a good way to deal with setbacks. Also I would mention, because it was brought up, that in Storey County the setback requirements are threshold classifications for the requirement of a special use permit. That might be a way to handle the setback requirements by addressing them as a threshold requirement. If a certain activity is within 500 feet of a residence it requires a CUP, or if a more extensive activity is within 1000 feet of a residence then it would require a CUP.

31:51 I would like to cover one of Larry's comments regarding creeks specifically in Silver City, the Gold Canyon Creek and the American Ravine. Those creeks are regulated as "Waters of the State" and "Waters of the U.S." by the Army Corps of Engineers and NDEP, Bureau of Water Pollution Control. There are numerous permits that are required for working within those waterways. That might be addressed similarly to what we described earlier with some of our other state and federal permit requirements. Those would be a good thing to add as addendums or supporting documentation to a CUP application.

32:50 Kiersten Briggs, Comstock Mining, Inc., Geologist.
I'm currently involved in our exploration project in Lyon County that is ongoing down on our Dayton property. I want to make a quick comment on the setbacks as well, in reference to what Eric was talking about a little bit earlier. We are concerned that any setbacks would impact our project specifically. We do have ore bodies that extend within 1000 feet of residences in Silver City and we would not want our project halted because of an arbitrary line. We are willing to work with the community as Rachel just spoke about. We just want our own private property and our ability to do our project and to be productive as well.

34:55 Scott Jolcover
I sit back there and I watch and I see some confusion. So, good news; it's a draft. My question to staff is -- Has this met legal review? -- because there are words in here that can cause a lot of down-the-road problems. Some of the language, and I think Larry's pointed it out and Eric's pointed it out, such as "adversely affect," "shall not unduly," "maximum extent feasible," is throughout the document. I think upon legal review that it can be cleaned up so that there aren't down-the-road problems. Has it been reviewed yet by counsel, and will it be reviewed prior to a vote, or post a vote for everybody's good protection?

I agree whole-heartedly with Kiersten and Rachel when it comes to property rights. They cut both ways. Arbitrarily saying, "I'm going to make it 1000 feet and take away from that person's right so that person has more right" probably doesn't meet a good standard. I'm sure there's a lot of room for mitigation and that's the whole purpose of the CUP process.

36:40 Rob Loveberg *The draft is going through the same process of review that all the rest of Title 15 draft is. So the planning commission is reviewing and they will be making a recommendation to board of county commissioners. The board of county commissioners will be reviewing it. All of this material is made available to the district attorney's office, and all of this will continue going through the review until the board of county commissioners does or does not take action on any potential ordinance to enact it that they may choose to do or not choose to do.*

42:30 Scott Jolcover
I don't see major conflict here between all the parties in the room. I think it's just a little nit-picking, fine-tuning, cleaning it up, and maybe setting a date right now X number of days out for final comments; and then you guys can put it together and what you like you like, and what you don't like you don't like, and throw it up the chain. I'm not seeing huge conflict and I think you have a good document. I just think there are some words in it that can cause different interpretations by different parties.

Case No. 14-CV-00128

Dept. No. II

The undersigned hereby affirms this document does not contain a social security number.

IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF LYON

COMSTOCK RESIDENTS ASSOCIATION, GAYLE SHERMAN, JOE McCARTHY,

Plaintiffs/Petitioners,

vs.

LYON COUNTY BOARD OF COMMISSIONERS;COMSTOCK MINING INCORPORATED,

Defendants/Respondents,

RESPONDENTS/DEFENDANTS EXHIBTS

A. Vida Keller Disclosure Statement

B. Bob Hastings Disclosure Statement

C. Vida Keller Deposition and Exhibits

D. Scott Keller Deposition and Exhibits

E. Construction Project Management Agreement dated January 1, 2012

F. Construction Consultant Agreement dated May 1, 2013

G. Photographs of work

H. Affidavit of Bum Hess

I. Storey County Comstock Mining, LLC Special Use Permit Amendment dated October 13, 2014

Office of the District Attorney
Lyon County, Nv

J. Nevada Commission on Ethics Panel Determination RFO 14-32C

K. Campaign Contribution and Expense Reports for Commissioner Hastings

L. Campaign Contribution and Expense Reports for Commissioner Chuck Roberts

M. Campaign Contribution and Expense Reports for Commissioner Vida Keller

N. Plaintiffs' Response to Defendants' First Set of Requests for Admissions

O. Plaintiffs' Response to Defendants' First Set of Interrogatories

Office of the District Attorney
Lyon County, Nevada
851 Overland Loop, Suite 201, Dayton, Nevada 89403 · 31 South Main Street, Yerington, Nevada 89447 · 385 East Main Street, Fernley, Nevada 89408

Exhibit A

January 2, 2014

Board of County Commissioners Meeting

Vida Keller, Lyon County Commissioner

Full disclosure on agenda item;

Public hearing 9:30 AM

Comstock mining incorporated

Master Plan Amendment and Zone change request

I was appointed by the governor of the state of Nevada, Brian Sandoval, to sit on the mining sector Council for the Gov.'s office For Economic Development. To fulfill my obligations to the state of Nevada, I have been on numerous tours and investors meetings regarding mining operations and their needs for further development. This is to include both Nevada Copper in Lyon County and Comstock Mining in Storey County.

I have also attended Silver City Advisory Board Meetings to listen to the concerns about mining operations.

My husband Scott Keller was under contract with Comstock Mining Incorporated for one year from November 2011 to November 2012, as a project manager to restore historical structures in nature. Just prior to that contract, he worked for Priceless Construction on a one-time repair (that Comstock Mining Incorporated didn't own, but precurred the funding for) the Dayton Mill in Lyon County. Priceless Construction is owned and operated by my brother-in-law Rick Keller. The citizens of Silver City were very upset that part of the building had already collapsed, so with the funding from Comstock Mining Incorporated, Priceless Construction did some emergency repairs to prevent the historic buildings from further structural failure. Scott Keller was then contracted to identify future restorations needed in Storey County. Comstock Mining Incorporated, as a part of their mining efforts in Storey County, committed a percentage of proceeds to establish a nonprofit foundation that restores and maintains historical properties and culture. In April of 2013, the Comstock Foundation for History and Culture established a new contract with Scott Keller to restore projects in Storey County. This includes the restoration of the Yellow Jacket Head frame and identifying other projects for future consideration for restoration. Current projects include restoration at the Gold Hill Depot, St. Mary's Art Center, 4th Ward school and others.

Scott Keller's current contract has and does not rely on any future land use, exploration or mining in Lyon County by Comstock Mining.

The Comstock Foundation for History and Culture is a nonprofit organization that receives proceeds from mining in Storey County and other various fundraising efforts.

All of these projects are in direct correlation with Scott Keller's work history and continued career as a carpenter, contractor and consultant. His contract is based on his experience and expertise in this career field.

Any decision today for or against the proposed agenda item has no present or future decrease or added benefit to Scott Keller.

In preparing this disclosure today, I have personally sought out the advice of legal counsel from the Lyon County Dist. Atty. Bob Auer and the advice from Caren Cafferata Jenkins, Executive Director of the Nevada Commission on Ethics.

I also refer to NRS281A.420 requirements regarding disclosure of conflicts of interest and abstention from voting because of certain types of conflicts; effect of abstention on quorum and voting requirements.

My decision to not abstain on the matter before us comes directly out of NRS 281A.420 4;

4. In interpreting and applying the provisions of subsection 3:

(a) It must be presumed that the independence of judgment of a reasonable person in the public officer's situation would not be materially affected by the public officer's acceptance of a gift or loan, significant pecuniary interest or commitment in a private capacity to the interests of another person where the resulting benefit or detriment accruing to the other person, is not greater than the accruing to any other member of any general business, profession, occupation or group that is affected by the matter. The presumption set forth in this paragraph does not affect the applicability of the requirements set forth in subsection 1 relating to the disclosure of the acceptance of a gift or loan, significant pecuniary interest or commitment in a private capacity to the interests of another person.

(b) The Commission must give appropriate weight and proper difference to the public policy of this State which favors the right of a public officer to perform the duties for which the public officer was elected or appointed and to vote or otherwise act upon a matter, provide the public officer is properly disclose the public officer's acceptance of a gift or loan, significant pecuniary interest or commitment in a private capacity to the interest of another person in the manner required by subsection 1. Because abstention by a public officer disrupts the normal course of representative government and deprives the public and the public officer's constituents of a voice and governmental affairs, the provisions of this section are intended to require abstention only in clear cases where the independence of judgment of a reasonable person in the public officer's situation would be materially affected by the public officer's acceptance any gift or loan, significant pecuniary interest or commitment in a private capacity to the interests of another person.

In conclusion;

1. Scott Keller is working in his normal course of business.
2. There is no additional benefit to Scott Keller's contract by any decision made here today.
3. There is an expected performance required by an elected official to vote or otherwise act upon a matter once full disclosure has been made.

Therefore I, Vida Keller, declare I am fully capable as an elected Lyon County Commissioner of exercising independence of judgment based on the facts disclosed here today.

Exhibit B

BOB HASTINGS - DISCLOSURE STATEMENT 1/2/14

At this time I would like to disclose the following items:

1) In November 2013 my wife, Nadine, was hired by Comstock Mining Inc. to assist with an event held at the Dayton Community Center. She was hired on a one time basis to assist with the set-up and clean-up of the event and was paid $225.

2) My daughter's boyfriend currently works for Comstock Mining Inc. I in no way assisted in getting him the position nor do I receive any benefit, financial or otherwise, from his position. His hire was based in his prior experience in the Industrial excavation field.

In addition, though it s not required under NRS 281A.420 subsection 2A, I will disclose that my campaign in 2012 did receive campaign contributions from Comstock Mining Inc. and companies associated with its shareholders. These donations have been on the public record since before my election in November of 2012.

In these matters I have sought counsel from both the Director Nevada Commission on Ethics and the Lyon District Attorney and believe myself to be fully disclosed and legal under the law.

SEE JA 0975-1124

Exhibit C

SEE JA 1126-1173

Exhibit D

Exhibit E

Construction Project Management Agreement

Project Designation: Comstock Mining Inc. Property Holdings
Address: 1200 American Flats Road, Virginia City, NV 89440

This agreement is made this 1st day of January 2013 between Comstock Mining Inc., (the "Company) and Scott Keller of Priceless Realty Inc (Keller Consulting) construction project manager ("the Construction Project Manager") at PO Box 201, Silver Springs, Nevada 89429

The parties above do hereby agree that the Construction Project Manager uses his best efforts in a professional and workmanlike manner to manage and deliver a comprehensive document portraying all non-mining construction needs and potential future restoration projects.

The Construction Project Manager's Roles and Responsibilities:

PLANNING PHASE

1. Identify current property holdings and improvement opportunities
2. Identify prerequisite tasks and logically sequence the priorities
3. Identify repairs and remodeling opportunities
4. Provide ideas for new construction of needed office and conference space
5. Provide a comprehensive list of future restoration projects (the wants list)
6. Develop, in conjunction with company management, a project schedule using critical chain project management methods

PRE-CONSTRUCTION PHASE

1. Identify a course of action per priority list (approve the project schedules)
2. Sub-contract, with the Company's approval, engineered plans for the initial project (and each subsequent approved project)
3. Obtain necessary permits and manage interfaces with the proper building authorities, with costs paid by the Company as necessary
4. Manage the bidding process, providing the best quality contractor at the most competitive pricing
5. Act as the clearing house for information between contractors and subcontractors
6. Recommend to the owner the most qualified and reasonably priced contractor/subcontractor
7. Confirm and finalize the contract documents with each contractor/subcontractor

CONSTRUCTION PHASE

1. Act as the Company's representative in the field

2. Meet with the Company and or representative on a regular basis to review progress
3. Coordinate utility connections
4. Coordinate with geologists and/or soil engineers, as necessary
5. Supervise construction projects, ensuring that the project is completed, as defined by the Company and per the project plan, schedule and specifications
6. Monitor and track all change orders
7. Obtain lien releases prior to payment of contractors/subcontractors
8. Communicate liens, in advance, to the Company's Chief Accountant
9. Provide onsite problem solving
10. Coordinate with building departments for inspections
11. Ensure that all workers maintain the highest safety standards, coordinated with the Company's Director of Safety
12. Manage incidental day labor, for in house repairs
13. Provide recommendations to come in at or below approved budget, aggressively look for cost savings for the Company

THE COMPANY'S ROLE AND RESPONSIBILITY

1. Approve (sign contracts) with each contractor/subcontractor upon recommendation of Construction Project Manager
2. All construction expenses are to be borne by the Company. The Construction Project Manager is not to be held liable for any unpaid bills
3. Clear any work order changes on the project with Construction Project Manager
4. Accept liability for any theft or destruction of any building materials not covered by contractor/subcontractor
5. Provide all appropriate insurance policies (public liability, course of construction, fire, theft etc.)
6. Provide office space when needed for meetings with contractors/subcontractors, building officials, etc.

FEE SCHEDULE

1. In consideration for the above services rendered by the Construction Project Manager, the Company agrees to pay a Base fee of $60,000.00 per year negotiable on the anniversary of each beginning new year of the original contract date, with an initial retainer of $5000.00 due upon acceptance of said agreement and paid monthly at a rate of $5000.00 on the subsequent date of each month following acceptance of said agreement.
2. The Company agrees to pay in addition to yearly base fee upon construction 5% of the cost of construction for above outlined construction phase duties of the Construction Project Manager

We hereby execute this Agreement at Las Vegas, Nevada (location)
On this _____ day of January, 2012

Copper Peak Mining, Inc.

Corrado De Gasperis
President & CEO

Construction Project Manager

Scott Keller

Exhibit F

Construction Consultant Agreement

Project Designation: Comstock Mining Inc. Property Holdings
Address: 1200 American Flats Road, Virginia City, NV 89440

This agreement is made this 1st day of May 2013 between Comstock Mining Inc, (the "Company") and **Scott Keller of Keller Consulting** in the capacity of Construction Consultant Superintendent at **PO Box 201, Silver Springs, Nevada 89429**

The parties above do hereby agree that the Construction Consultant Superintendent uses his best efforts in a professional and competent manner to manage and supervise all mining and non-mining construction needs, as outlined by the Director of Mining and Processing for current and future construction needs as needed.

The Construction Consultant's Role and Responsibilities:

1. Identify workforce requirements for individual projects
2. Supervise said construction workforce
3. Identify material needs
4. Supervise sub-contractors
5. Work with Project Manager on scheduling and/or concerns
6. Work with Project Manager and Engineer to identify problem areas of concern while in planning/engineering stage.
7. Coordinate with sub contractors
   Supervise construction projects, ensuring that the project is completed, as defined by the Company and per the project plan, schedule and specifications
9. Monitor and track all change orders
10. Provide onsite problem solving
11. Coordinate with building departments for inspections
12. Ensure that all workers maintain the highest safety standards, coordinated with the Company's Director of Safety
13. Manage incidental day labor, for in house repairs
14. Provide recommendations to come in at or below approved budget, aggressively look for cost savings for the Company.
15. Construction Consultant shall carry proof of OSHA 30 and MSHA certificates

The Company's Role and Responsibility

1. Approve (sign contracts) with each contractor/subcontractor
2. All employee's to be hired through the Company
3. All construction expenses are to be borne by the Company. The Construction Consultant is not to be held liable for any unpaid bills
4. Accept liability for any theft or destruction of any building materials not covered by contractor/subcontractor
5. Provide office space when needed for meetings with contractors/subcontractors, building officials, etc.

Fee Schedule
In consideration for the above services rendered by the Construction Consultant, Comstock Mining Inc agrees to pay a **monthly fee of $7,083.00 starting April __, 2013 through April 30th 2015 paid monthly.**

We hereby execute this Agreement at 1200 American Flats Road, Virginia City, Nevada, on this 14th day of May, 2013:

Comstock Mining Inc

Dave Thomas
Director, Mining and Processing

Construction Consultant

Scott Keller
Keller Consulting

Exhibit G

CM001586

CM001587

CM001588





CM001589

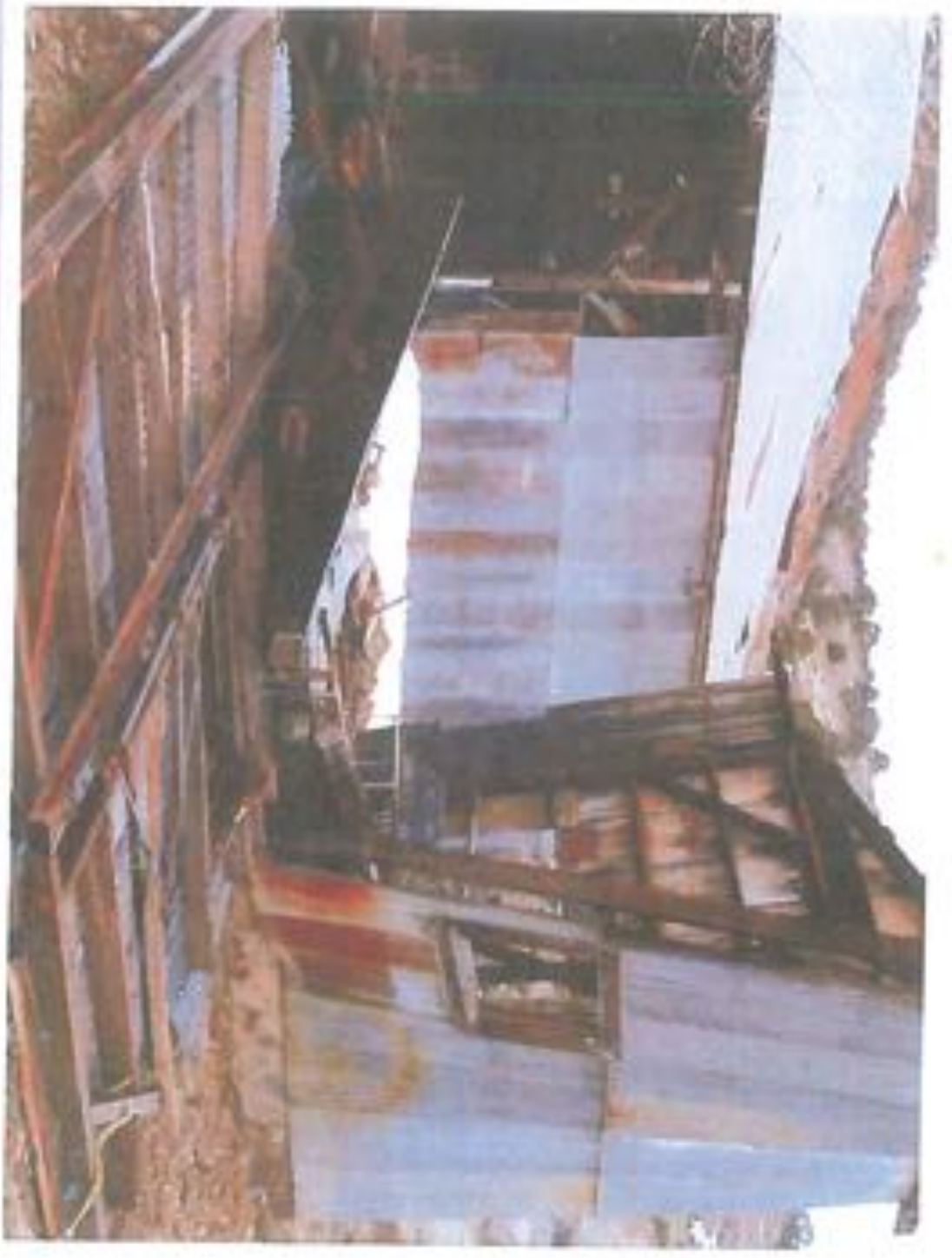


CM01590





CM001591



CM001592





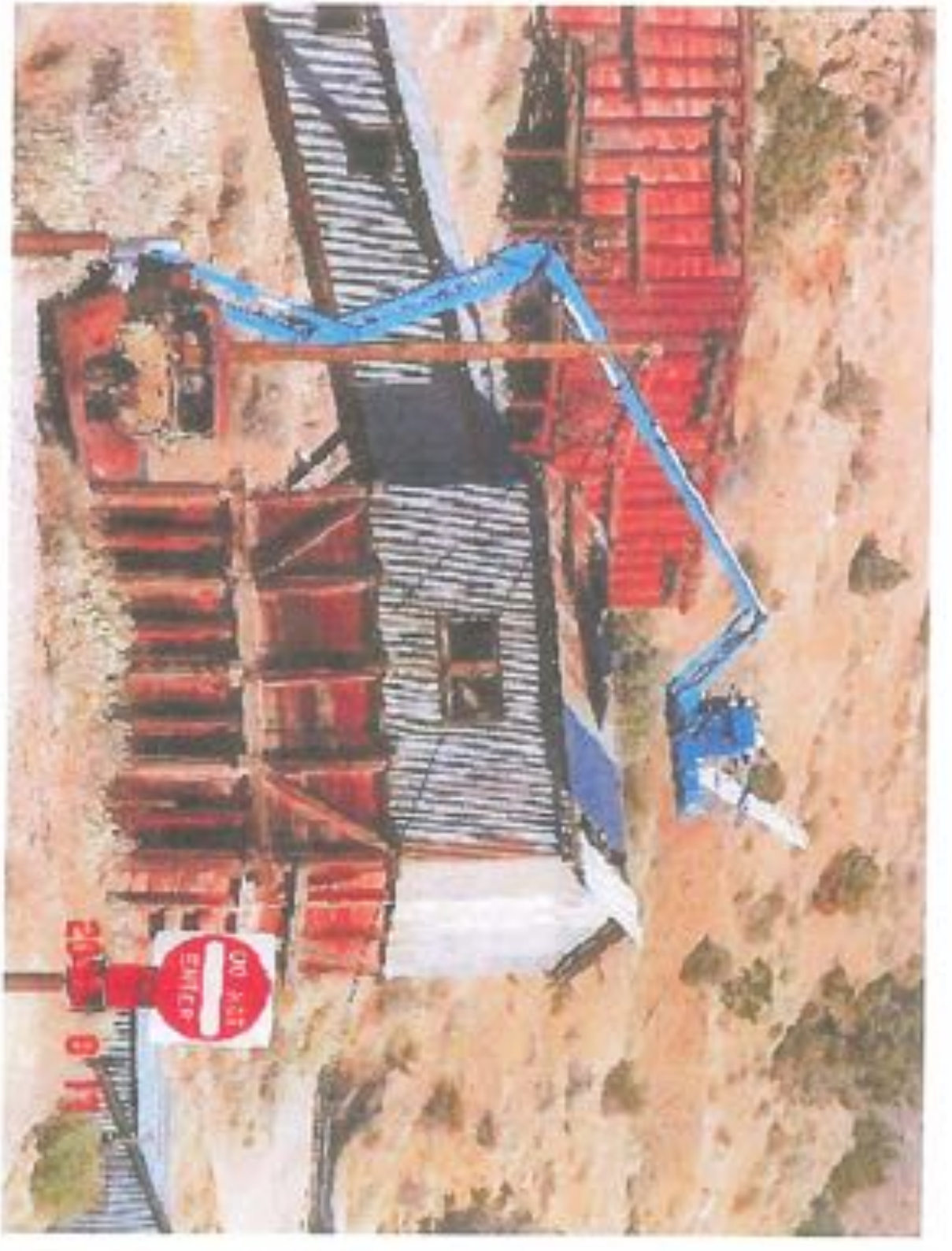
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CM001594

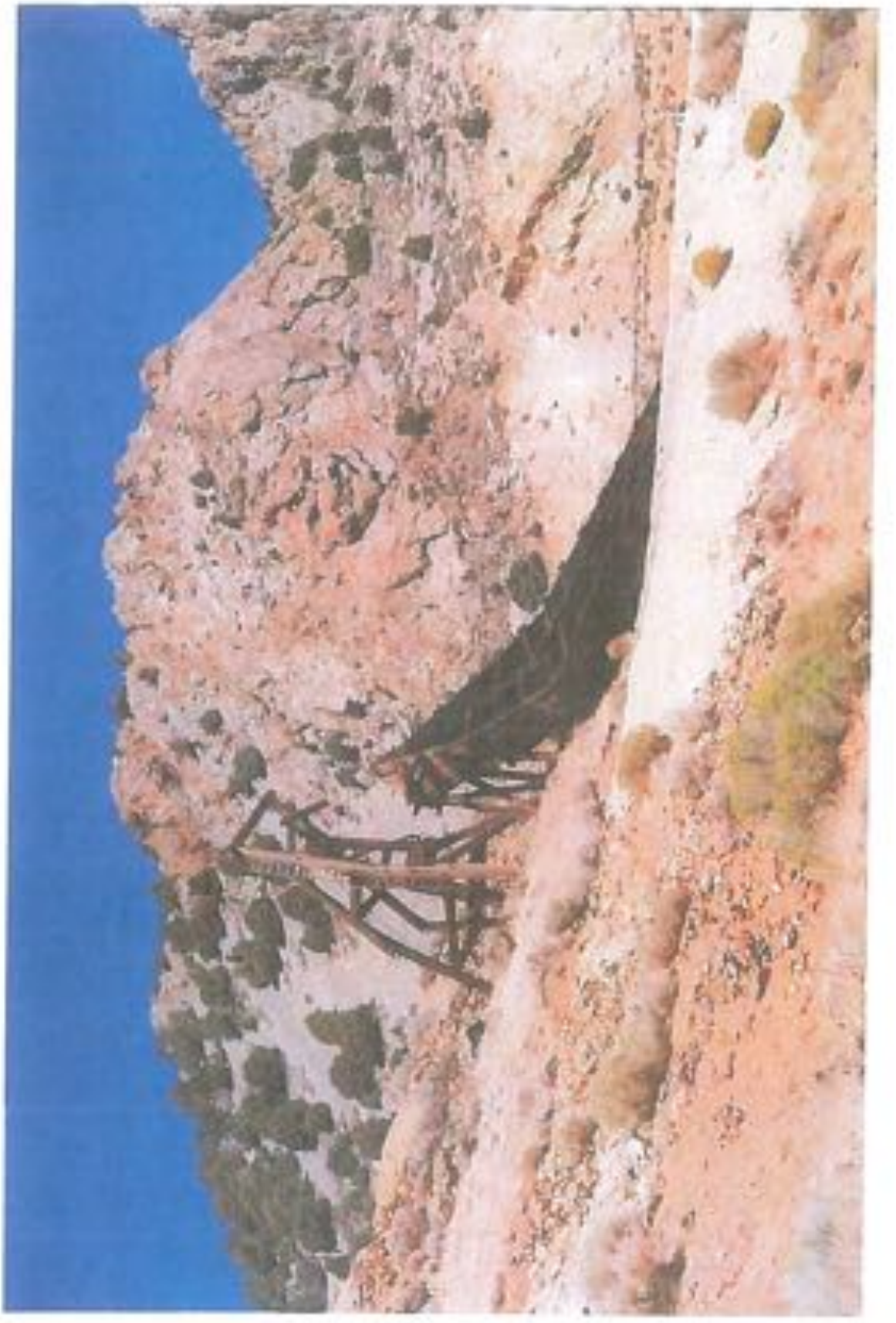


CM001595



CM001596

CM001598



CM001599

CM001600





CM001602



The White House

Keller Consulting

A short summary of the structural and usage of the White House

Keller Consulting

PO Box 201 silver Springs, NV 89429

691-0171

4/8/2013

CM003050

The White House

This home is considered a landmark in the Gold Hill area. It is not considered a historic building.



In my opinion this structure could be used for light storage or construction office not open to the public. I would recommend:

1. Removal and replacement of damaged trim and siding.
2. Caulking, painting rodent control,
3. Inspection from licensed electrician and repairs
4. Abandon upstairs bath and check for plumbing leaks when water is turned on.
5. Add floor supports where needed.

CM03051



The window trim needs to be removed and replaced. Dirt and rocks need to be removed from the bottom of the siding so there is no earth to wood contact. The entrance on the west side of the house (right in the picture) is sinking in the front and pulling away from the house. It should be removed to prevent further damage to the structure.



The siding is bulging to the right of the upper window. This is caused by a leak behind the shower upstairs.



This is the south side of the building . Where the roof attaches to the Main building it is pulling away and causing damage. Siding has been neglected, damaged siding needs to be removed and replaced. The whole structure needs to be chalked and painted.

CM103052



This is the south side of the building again, the roof is pulling away from the building. More evidence of neglect, re-nail, caulk and paint.



The supports for the deck should have been all way out to the edge directly under the posts supporting the roof structure. Recommend adding the correct supports.



Due to the neglect I would recommend removing the hand rail completely and install a new handrail. Paint to match house.

CM003053



Remove and replace steps and add a concrete landing.



After removal of the front entry porch reattach the siding that is being pulled away from the structure.



This is the main service panel, the wiring is outside of the building and not protected from the elements. Some work has been done to solve this problem, but it should be inspected by a licensed electrician.



Wiring appears to be in good shape, need a cover on this junction box.



Electrical wiring appears to be supported, the wires that are hanging down (not supported) are communication wires. Cellulose debris and old pipes should be removed.



The plumbing appears to be all ABS and fairly new (not historic).

CM003055



2 x 6 floor joists with 4 x 6 beams.

Beams are on concrete pier blocks and are shimmed level. You can see shims on the ground that fell out due to vibrations. The black speckled dots in the picture are rat feces.



Shims are adequate for leveling but not for anchoring the floor system down. There is not adequate crawlspace underneath this dwelling



Looking down through this crawl hole the black speckled dots again are rat feces. There is a rodent problem.

CM003056



At the time of the inspection I could not test the heater system. The other rooms in the house have baseboard heaters. There is no centralized air conditioning or swamp coolers.



At the time of the inspection I could not test these appliances but they do appear to be in good shape.



At the time of the inspection I could not test this water heater, it is electric. The wiring should be in the wall or in conduit. The junction box should be firmly attached. Earthquake straps should be installed.

CM003057







There is evidence of previous leaks in the roof. Would recommend electrical fixtures throughout be inspected by a qualified electrician and replaced if needed. Any fluorescent tube lighting present are T 12 bulbs and all new bulbs will be T8.



Spacing in handrail is greater than 4 inches and should be addressed if open to the public.



Upstairs bathroom has had leaks. This area the floor is rotted out.



The tile appears to have leaks in the grouting which could have caused the siding to bulge out or a pipe has busted in this wall.



The walls were removed in this area did not hurt the structural integrity of the roof system.

CM003059







The roof trusses are site built and have no engineering stamps on them. To move or remodel any of the bearing walls below would require engineering. There is inadequate insulation in the ceiling (R 11). The insulation is not tight fitting. Plumbing vent terminates in the attic and consideration to extend these pipes through the roof in any remodeling is to be done.

CM000060

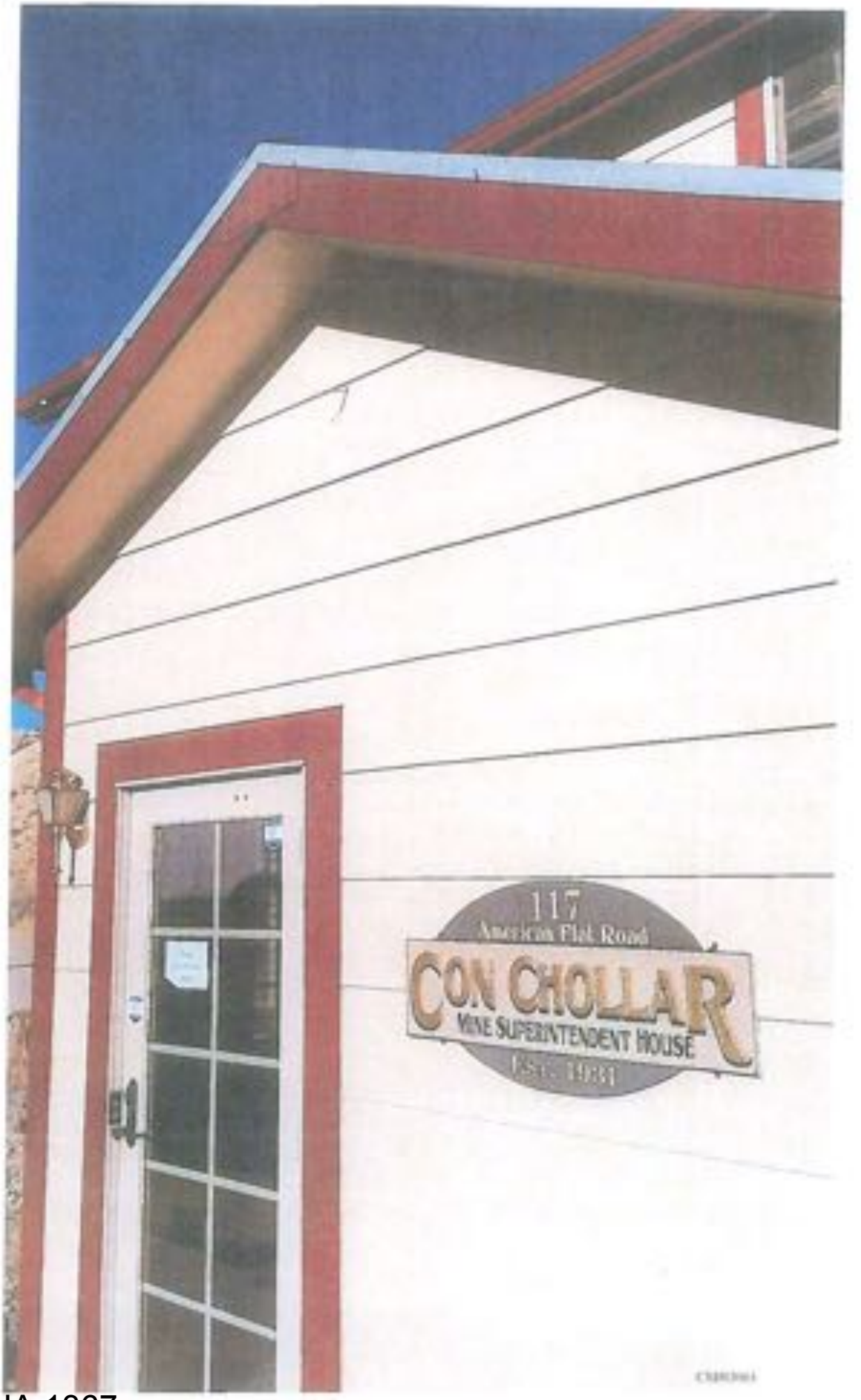

117
American Flat Road
CON CHOLLAR
MINE SUPERINTENDENT HOUSE





Exhibit H

H

AFFIDAVIT OF BUM HESS

STATE OF NEVADA)
) ss.
COUNTY OF STOREY)

Bum Hess, being first duly sworn and under the penalty of perjury, depones and says:

1.) I am a resident of Storey County, Nevada. In January of this year, I completed a term of elected office as a Storey County Commissioner and I had been a commissioner for the last fourteen years. In 2012, I was the vice-chairman of the Board of Commissioners.

2.) On or about March 30, 2012, in my capacity as a county commissioner, I exchanged cellular telephone text messages with Robin Cobbey, a person with whom I had previously exchanged messages and whom I knew to be a member of the Comstock Residents Association. I have personally met and spoken with Ms. Cobbey and I saw her at Board of Commissioner meetings. The e-mails from Ms. Cobbey referenced a "land deal" which was a congressional bill being considered for proposal by Storey County in order to clear up land ownership issues with the U.S. Bureau of Land Management ("BLM"). There are many pieces of land in Storey County which are claimed to be privately owned which BLM also claims to own. This clash goes back many years. Ms. Cobbey also referenced in her text message her concern about any potential transfer of land from the BLM to private parties or Storey County as a result of favorable action on the congressional bill. Specifically, Ms. Cobbey indicated a concern that, as long as the claimed BLM land remained in BLM control, Comstock Mining, Inc. would not be able to transport ore from its mining area near Gold Hill across federal land to Comstock Mining's processing area in American Flat. Ms. Cobbey stated that this would initiate a federal environmental impact statement from BLM and that this would essentially put Comstock Mining "out of business." She asked whether

this was what we all wanted and asked if I could slow up the process of getting the land bill approved.

3.) At the time of this exchange of text messages, I was aware that Comstock Mining was making preparations to begin mining again in an area where they and their predecessor had a county permit for mining. I expressed to Ms. Cobbey that the county had no intention of working to put any company out of business. The following is an accurate record of the exchange of text messages as I have noted with the names of the sender included:

> Robin Cobbey: The natives are restless. do you have anything to report on the blm / storey land deal? we need to provide some basic information to avoid an action on their part. thanks.
> Bum Hess: All is going very well. Got good movement on bill. Thanks
>
> Robin Cobbey: When might this happen? with the land in blm hands comstock will NOT be able to get to their mill and to do so will trigger an EIS/NEPAfrom the feds which will put them out of business. Isn't this what we all want? can you slow up the process? with that land in county hands what do we get? it seems that with the decisions the county has made so far they will simply grant access to CMI. Need more info on timing and county's position.
>
> Bum Hess: The county has worked very hard and will not be slowing down to put someone out of business. The counties position never has nor ever will be to put a company out of business.
>
> Robin Cobbey: We need to talk. the only environmental protection we have is with the blm. cmi will go out of biz because they under capitalized not by anything the county does.

Bum Hess

GREG Hess

Subscribed to and sworn to before me
this 21 day of March 2013.

NOTARY PUBLIC in and for said
County and State

TAMARA A. MOGAN
NOTARY PUBLIC
STATE OF NEVADA
No. 88-4373-18 My Appt. Exp. June 30, 2014

Exhibit I

STOREY COUNTY
PLANNING DEPARTMENT

Storey County Courthouse
26 So "B" Street, PO Box 176, Virginia City, NV 89440
Phone (775) 847-1144 – Fax (775) 847-0949
planning@storeycounty.org

October 13, 2014

Comstock Mining, LLC
PO Box 1118
Virginia City, NV 89440

Re: 2000-222-A-4 Comstock Mining, LLC Special Use Permit Amendment

To Comstock Mining, LLC:

On September 2, 2014, the Board of Storey County Commissioners approved with conditions Special Use Permit (SUP) No. 2000-222-A-4, which is a major modification of former SUP No. 2000-222-A-3 and SUP No. 2011-016. SUP No. 2000-222-A-4 applies to mining, mine definition and exploration, processing, and ancillary uses on the land subject to the SUP amendment request in American Flat and Gold Hill, as illustrated in Project Area Map enclosed herewith, and located approximately in Township 16 North, Range 20 East, Sections 1 and 12; and Township 16 North, Range 21 East, Sections 4, 5, 6, 7, 8, and 9, all in the Mount Diablo Baseline and Meridian (MDB&M).

Pursuant to the Commissioners' approval, all of the following conditions must be met to the satisfaction of each applicable county department, unless otherwise stated.

CONDITIONS OF APPROVAL

I. GENERAL PROVISIONS

1.1 Purpose and scope
Special Use Permit (SUP) No. 2000-222-A-4 amends and replaces SUP No. 2000-222-A-3. It also replaces SUP No. 2011-016 (for exploration) which shall be deemed closed upon approval of the SUP subject hereto. This SUP is for the purpose of surface and underground mining (mining); processing, milling, and beneficiation (processing); mine definition; exploration; and uses which are ancillary to those uses. The boundaries of the land subject to this SUP (subject property) and the categorical uses allowed therein are illustrated in Exhibit A and B enclosed herewith as follows:

- **"Area A"** may only be used for mining, mine definition, exploration, and related uses;
- **"Area B"** may only be used for processing and related uses;

- **"Area C"** may only be used for water and power utility systems, and other related infrastructure;

- **"Area D"** may only be used for road improvement, including separation between the Lucerne Haul Road and American Flat Road public access/right-of-way as illustrated in enclosed Exhibit B; and

- Uses ancillary to the principal uses may occur anywhere within the subject property.

The uses to which this SUP applies shall conform to the conditions herein, and federal, state, and county regulations. This SUP does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private property rights, or any infringement of state or local laws or regulations.

1.2 Expiration
This SUP is effective for a period of 10 years commencing on the date of its approval and expiring on said date in the year 2024. The SUP permit holder (Permit Holder) may submit an application to renew the SUP. The application for renewal must be submitted to the Planning Department no less than 30 days before the expiration of this SUP. The application shall be treated as a new SUP application and its approval or denial will be determined by the Board of County Commissioners with recommendation by the Planning Commission. The approved SUP may contain additional conditions or modified conditions from those in the preceding SUP.

1.3 Annual compliance review
At a regularly scheduled public hearing between the months of March and July of each year beginning in the year of 2015, the Permit Holder shall provide to the Planning Commission a public presentation report featuring the following elements of the active project:

- The extent to which it has or has not complied with the conditions of the SUP and applicable federal, state, and county regulations.

- The status of plans and actions related to the primary Silver City water line, including plan updates and modifications, current use encroachments thereupon, repairs and replacement of all or portions thereof, and interruptions to service provided thereby as a result of the foregoing.

- The status of plans and actions related to the use, modification, and impacts to State Route 342 between Devil's Gate and Petaluma Street (current terminus of American Flat Road at its existing alignment), as related to uses under this SUP.

- A summary report of dust, groundwater, noise, and seismic monitoring data collected pursuant to this SUP and the NDEP requirements throughout the year leading to the public report.

The presentation shall disclose valid evidence of known failure to comply with those requirements. If a violation is found to have occurred, the presentation shall explain what measures, and to what degrees of expediency and success, the Permit Holder employed to remedy the violation. The Permit Holder shall furnish to the Planning Department documents, reports, notices, and other correspondence within 30 days of receipt.

1.4 Non-compliance and show-cause
Storey County may refer this SUP to the Board of County Commissioners for show-cause hearing for revocation based on reasons listed in this section. The procedures for show-cause will be pursuant to Storey County Code (SCC) 17.03 (Administrative Provisions). The continuation of uses of a revoked SUP is a violation of SCC Title 17 (Zoning) and will be punishable as provided for therein or other applicable codes. The SUP may be referred to show-cause for the following reasons:

- Failure to comply with the SUP conditions, or federal, state, and county regulations, without appropriate remedy;
- Any misrepresentation made in the application for the SUP or in other official documents, or amendments thereof, submitted to a federal, state, or local agency;
- Failure to provide notice to the county on violations, disasters, notice of decisions, and other such correspondence from federal, state, and local agencies as required in this SUP.

1.5 Transfer of rights
This SUP will inure to the record owner(s) of the subject property and to the Permit Holder (Comstock Mining, LLC) and will run with the land. Any and all transfers of this SUP to other persons, agencies, corporations, or entities must be advised in-person or in-writing by Certified Mail to the Planning Department at least 90 days prior to assignee taking over the project. The notice must contain the name(s), phone number(s), mailing address, and other contact information for the assignee. The new owners/managers must sign and accept all conditions and requirements of this SUP and submit documentation of their acceptance to the Building and Planning Departments at least 90 days prior to the transfer.

1.6 Indemnification and insurance
The Permit Holder warrants that the future use of land will conform to federal, state, and county regulations; further, the Permit Holder warrants that continued and future use of the land shall so conform. The Permit Holder and property owner(s) agree to hold Storey County, its officers, and representatives harmless from the costs and responsibilities associated with any damage or liability, and any/all other claims now existing or which may occur as a result of this SUP. The Permit Holder must maintain $5,000,000 of liability insurance coverage and umbrella liability insurance coverage. The umbrella policy shall provide coverage for environmental events and disasters associated with the uses under this SUP. The Permit Holder shall submit valid documentation of the required coverage each year, or when changes are made to either policy.

1.7 Surface estate protection
Uses allowed under this SUP shall only occur on properties owned, leased, or otherwise legally controlled by the Permit Holder. At no time may surface disturbances, e.g., grading, equipment staging, and surface subsidence from underground activity, take place on surface property not owned, leased, or otherwise legally controlled by the Permit Holder. An exception to this limitation may be made upon the expressed written permission of the affected property owner(s) as allowed by this SUP and applicable federal, state, and county regulations. The written permission shall be submitted to the Building and Planning Departments at least 15 days prior to commencement of the subject operation.

1.8 Sales tax reporting
All material and equipment purchased for the project must as possible be received in Storey County and the value reported as "County-of-Delivery" on the Nevada Department of Taxation Form TPI-02.01 "Combined Sales and Use Tax Return". The Permit Holder must also report the value for all materials and equipment (personal and rented) "used" on this project as "Use Tax" on TPI-02.01 or TPI-02.02.

II. OPERATING PLAN

2.1 Operating Plan Requirements
The Permit Holder must submit a copy of its operating plan, and major modifications to its plan, to the Storey County Fire Protection District (Fire District), and the Building, Emergency Management, and Planning Departments for review and approval. The plan must be submitted by the Permit Holder prior to commencement of operations under this SUP; updates to the plan must be submitted thereafter when a minor or major modification is made to the plan. In addition to the minimum requirements of the applicable state and federal agency, the operating plan submitted to the county shall include all elements contained in this section and otherwise in the requirements of this SUP. The elements required in this SUP are not exhaustive; the Fire District, Planning Department, or other county department, may impose additional requirements that are necessary to meet the requirements of this SUP and applicable federal, state, and county regulations. The operating plan shall also be subject to the SUP compliance requirements in section 2.2. At a minimum, the plan shall include:

- Basic company, owner, site, and emergency contact information;
- Detailed plot plan of the subject property and the uses therein, including phasing;
- All elements and supporting documentation included in a Plan of Operation required by the Nevada Division of Environmental Protection (NDEP) or the Bureau of Land Management (BLM), as applicable;
- Site evacuation and emergency procedure and emergency contact procedures, including for the NDEP, Dispatch 9-1-1, and Storey County emergency services direct connect (775.847.0950); hazardous materials management plan; wildland fire prevention and suppression; "Hot work" permitting; on-site water storage for wildland fire prevention and suppression; blasting and explosives management; access, circulation, and staging, including for emergency and non-emergency vehicles; documenting and reporting of emergency situations; post-disaster management, cleanup, and material disposal; and post-disaster damage reporting for treatment of historic structures and properties;
- Comprehensive post-operation reclamation plan as required by the NDEP or BLM, and the more stringent requirement in this SUP for concurrent and more thorough post-operations reclamation. The plan shall also include calculations for determining the amount of reclamation surety bonding applicable to the requirements of the NDEP, BLM, and this SUP (see Conditions 3.3 - 3.6).
- Comprehensive plan by which the Permit Holder will protect the Silver City water

utility from accidental damage caused by surface and underground activity, and from ground vibrations or other movement caused thereby. The plan shall also include a detailed description of how accidental damage to the line, or events causing disruption to service as a result of activity associated with the SUP, will be treated and remedied immediately (see Condition 7.4).

- Process for documentation and reporting to the county environmental permits, notices, approvals, abatement mandates, and other related actions of the NDEP, BLM, and other applicable federal and state agencies; and

- Management of air, water, stormwater, noxious weeds, wildland fire fuels management, BMPs, and other environmental elements.

2.2 Operating Plan SUP Conformance Review

The operating plan shall conform to the conditions of the SUP. The Permit Holder shall update the operating plan concurrently with uses under the SUP and submit the updated plan to the Planning Department prior to initiating activities under the modified plan.

For operating plan elements and uses within "Area A" (Exhibit A), the Board of Storey County Commissioners (board) may verify if the draft modified operating plan and each major modification thereafter ("modification") conform to the conditions of the SUP. Operating plan elements and uses within "Area B" are not subject to this validation requirement. For "Area A", the operating plan required by the NDEP or BLM (i.e., State Permits or Federal Plan of Operations), and the additional operating plan elements required by the SUP but not the NDEP or BLM, are all subject to the requirements of this section, but only as to whether the entire submission conforms to the SUP requirements and not as to whether the submission approved by other agencies conform to those agency requirements.

Minor modifications to the operating plan are not subject to the requirements of this section. Major and minor modifications are as defined in SCC 17.03.110. A "Minor modification" defined by, or identified as such in, the NDEP or BLM Plan of Operations or reclamation plan are not subject to the requirements of this section.

The Permit Holder shall submit to the Planning Department copies of the modification no later than 5:00 p.m. on the Friday of the third week before the board meeting at which the hearing will be scheduled. The Planning Department and other applicable county departments, such as the Storey County Fire Protection District, and the Emergency Management and Public Works Departments, as applicable, will review the proposed modification and verify that it conforms to the conditions of the SUP. If staff finds that the modification conforms to the conditions of the SUP, the Planning Director will schedule the matter on the agenda of the board to be heard at its next regular meeting. If staff finds that the modification does not conform to the conditions of the SUP, the Permit Holder may resubmit the modification until it is found by staff to be in compliance.

There shall be no hearing or advisory recommendation of the planning commission, and the board shall only verify that the modification conforms to the conditions of the SUP.

The Planning Director shall present to the board a summary report with findings. If all members of the board find that the modification conforms to the conditions of the SUP, it shall without a formal vote direct staff to accept the modification and allow the Permit

Holder to proceed accordingly. If one or more members of the board expressly find that the modification may not conform to the conditions of the SUP, the board shall by a majority vote verify that the modification is or is not conforming.

A majority vote verifying that the modification conforms to the conditions of the SUP authorizes staff to accept the modification and allows the Permit Holder to proceed accordingly. If the board by its vote determines that the modification does not conform to the conditions of the SUP, it shall state findings of fact of the nonconformance in its motion and vote to not authorize staff to accept the modification and to continue the item to the next regular board meeting to allow the Permit Holder the opportunity to bring the modification into conformance.

The findings and determination of the board shall apply only to the modification's evident conformance to the existing conditions of the SUP, and shall not affect the conditions or entitlements existing in the SUP. The board's decision to authorize staff to accept the modification and allow the Permit Holder to proceed accordingly may not be appealed, except by the Permit Holder. The Permit Holder may at any time submit or re-submit modifications to its operating plan. There shall be no application fees or other fees required.

III. PHASING & RECLAMATION

3.1 Limited use – mining, mine definition, and exploration

In addition to the requirements for mine phasing and post-operations reclamation administered by the NDEP or BLM, as applicable, the Permit Holder shall include in the operating plan elements contained in this section. The Permit Holder shall comply with all elements of the plan. The following thresholds shall be the standard by which the Permit Holder may conduct operations. It shall be understood that the following area thresholds are to be a "rolling" maximum acreage of disturbance at any given time.

- Active mining (120 acres). Cumulative surface disturbances associated with all mining, including surface and underground mining, on the subject property is limited to 120 acres. Roads and ancillary uses are not counted against the total allowable area. Tunnels, adits, shafts, vents, drifts, and other underground workings shall only comply with the minimum requirements of SCC 17.92 and applicable federal and state regulations, and will not count toward the total allowable area in this condition. Waste storage and tailings, except for that which is being processed in accordance with the provisions of this SUP, are counted against total allowed surface disturbance area.

- Mine definition (20 acres). Mine definition is a focused assessment of mineral deposits and other geological conditions, including their location, extent, depth, and grade, for the purposes of determining subsequent phasing of the active mine. Drilling and other activities related to mine definition may occur within 300' of the active surface mine. The cumulative allowed surface disturbance caused by mine definition will not exceed 20 acres. Drill holes, drill pads, trenches, test pits, fluid detention areas, and other surface disturbances, but not access roads to drill sites, are counted against the total allowed surface disturbance area. The reclamation schedule and surety bonding for definition drilling shall be combined with and treated similarly to that for active mining. Access roads will be treated as ancillary uses.

- Exploration (20 acres). Exploration is a focused assessment of mineral deposits and other geological conditions, including their location, extent, depth, and grade, for the purposes of broad-based assessment of targeted areas throughout the entire subject property. Exploration may occur anywhere within the subject property. The cumulative allowed surface disturbance for all exploration may not exceed 20 acres. Drill holes, drill pads, fluid detention basins, but not access roads to drill sites, are counted against the total allowed surface disturbance area. Trenching, test pit, and other similar methods of exploration will be prohibited except within the active mine. Access roads will be treated as ancillary uses.

- Active reclamation (50 acres). Explained above in this section, active surface mining is limited to 120 acres. However, as part of allowed mine phasing, the active mine may proceed on up to 50 additional acres when a commensurate amount land previously mined on the subject property and in association with this SUP is reclaimed. Land within this 50 acre threshold must be re-graded, contoured, and backfilled to a point reasonably consistent with surrounding undisturbed or fully reclaimed topography and surface conditions, but must not yet be treated with soil amendments, or be re-vegetated or re-seeded. Surface treatment must provide for effective natural drainage systems and erosion prevention, noxious weed abatement.

- Fully reclaimed. Fully reclaimed land includes land that has been re-graded, contoured, and backfilled to a point reasonably consistent with surrounding undisturbed or fully reclaimed topography and surface conditions; to which the surface has been treated with soil amendments and growth media (topsoil); and to which seeding and successful re-vegetation has occurred in conformance with the seeding and re-vegetation standards set forth by the NDEP or BLM (even if such reclamation is not required by either agency).

3.2 Limited use – processing

Processing includes, but is not limited to, crushing, conveyance and agglomeration systems; heap leach pads, including the use of sodium-cyanide; Merrill-Crowe facility and further milling and beneficiation facilities; ponds containing sodium-cyanide and other liquid substances; storm water detention, conveyance, and management systems; fire suppression water containment and systems; and road, access, staging, buildings, and other uses. The operating plan must contain the minimum elements required by the NDEP and BLM for the uses on the subject property. In addition to those requirements, the Permit Holder shall include in the operating plan the elements contained in this section that are more stringent than the federal, state, and county regulations. The Permit Holder shall comply with the plan.

- Subject area. Processing may only occur in "Area B" illustrated in Exhibits A and B.

- Hours and days. Processing may occur over 24-hours per day and 365 days per week.

- Subject processing. The processing facility will be limited to receiving and processing ore originating from: the subject property; other mine holdings of the Permit Holder located in Lyon County; and from any mine located in Storey County that is owned by the Permit Holder or another person or firm.

- Distances. No storage, processing, or use involving cyanide may occur within 1,000' of

an occupied dwelling unit existing at the time of this SUP approval. Dwellings that are owned by the Permit Holder and occupied at the time of this SUP approval are exempt from this provision once the dwelling becomes vacated. Once vacated, the use may not become occupied by a permanent resident until said minimum 1,000' distance is reestablished.

3.3 Reclamation – mining, mine definition, and exploration

This section applies to post-operation reclamation of the mine, and mine definition and exploration sites. The operating plan must contain the minimum elements required by the NDEP and BLM for the uses on the subject property. In addition to those minimum requirements, the plan must include the elements contained in this section for concurrent post-operation reclamation. The Permit Holder shall comply with the plan.

- Reclamation standards. The Permit Holder shall comply with the minimum post-operation reclamation requirements administered by the NDEP and BLM. This section, however, recognizes that the state and federal regulations may not require concurrent reclamation and may preclude complete post-operation reclamation of certain portions of the subject property. The Permit Holder shall identify areas in the required NDEP or BLM reclamation plan where reclamation requirements are less stringent than the standards required by this SUP. The Permit Holder shall include in its reclamation plan detailed analyses and descriptions of subject conditions and elements that will be employed by the Permit Holder meet the more stringent requirements in this SUP.

- Reclamation schedule. The plan must include a reclamation schedule showing mine phasing and concurrent reclamation including, but not limited to, the elements in Condition 3.1; time of closure/decommissioning; and the applicable required elements in this SUP.

- Visual rendition. The plan must contain photographic or computer simulated visuals showing pre-mining surface conditions and estimated conditions throughout mine phasing and at post-closure. The visual renditions included in the SUP application showing surface conditions existing at the time of approval of this SUP and proposed post-operation reclamation conditions are enclosed herewith in Exhibit C. The image quality and the post-operations conditions they illustrate shall represent the minimum standard for post-operations reclamation and reclamation visual modeling.

The model must be updated concurrently with mine phasing and at each time a minor or major modification to the operating plan or reclamation plan results in a substantial divergence from the submitted visual model. The Planning Department may determine viewpoint locations and impose other requirements for the visual models.

- Grading and contouring. The reclamation plan must show that all surface disturbances will be graded and contoured to a condition which is safe, stable, and reasonably flush and consistent with the surrounding undisturbed or fully reclaimed topography and surface environment. The plan must also include measures by which open-pits, benches, and other lateral surfaces of the mine will be treated in order to reasonably mitigate visual and other impacts. Mitigation must include as practicable, partial backfilling, sloping, grading, and other surface

treatments that mitigate visual impacts, create natural appearing topography that does not resemble a "manufactured appearance", conform to natural and other drainage ways, and facilitate successful re-vegetation and noxious weed abatement.

- Bench face allowance at post operation. This SUP allows up to 30 percent of all bench faces existing at the time of Board approval of this SUP (as amended) to remain permanently after reclamation. This SUP also allows up to 30 percent of all bench faces created east of the State Route 342 alignment, as it exists at the time of this SUP approval, to remain permanently after mine reclamation. This 30 percent allowance will be subject to the Permit Holder demonstrating to the Planning Department substantial valid evidence that full reclamation of these bench faces is impracticable or impossible, including within the constraints of the land and land ownership or control. The allowance is otherwise subject to review and approval by the Planning Department. The Planning Department's determination may be appealed to the Board of County Commissioners as provided by SCC 17.03 (Administrative Provisions). Bench faces and exposed lateral surfaces existing at the time of this SUP approval are illustrated in enclosed Exhibit C. The image show existing surface conditions at the time of this SUP approval and the conditions that must be reasonably achieved as explained above.

All remaining bench faces and exposed lateral surfaces shall be treated to mitigate visual contrast with the surrounding natural or fully reclaimed environment. Treating exposed side walls with an oxidation accelerator or other durable and environmentally safe manner are acceptable methods of meeting this requirement.

- Re-vegetation. The reclamation and re-vegetation plan required by the NDEP or BLM must be incorporated into the operating plan. The Permit Holder shall identify areas in the required NDEP or BLM reclamation plan where re-vegetation requirements are less stringent than the minimum standards required by this SUP (i.e., areas within the subject property to which re-vegetation is not required by the applicable agency). The plan must describe a comprehensive process, including beyond NDEP and BLM requirements as needed, by which successful post-operation re-vegetation will occur. The plan shall conform to the standards for re-vegetation and noxious weed management for post-mining reclamation established by the NDEP or BLM. The plan and process by which it is administered shall also be subject to Fire District requirements and approval. Unless directed otherwise by the Planning Department, seeding, re-seeding, and planting will take place in the autumn season during the months of October or November, but not during times of extreme weather conditions such as snow or sub-freezing conditions.

3.4 Reclamation – processing

This section applies to post-operation reclamation of processing facilities within the subject property. The operating plan must contain the minimum elements required by the NDEP and BLM, as applicable, for processing-related uses. The Permit Holder shall comply with all elements of the plan. This SUP does not require reclamation of these uses beyond the applicable federal and state regulations administered by the NDEP or BLM.

3.5 Reclamation – ancillary uses
This section applies to post-operation reclamation of ancillary use to the mine, mine definition, exploration, and processing. Uses include, but are not limited to, roads and access; equipment and vehicle staging, parking, fueling, and maintenance areas; buildings and structures; topsoil impoundment areas; and drainage and detention systems. Ore stockpiles, waste dumps, and tailings placed in "Area A" (Exhibits A and B) are considered part of active mining and not ancillary uses. The operating plan must contain the minimum elements required by the NDEP and BLM. The Permit Holder shall comply with all elements of the plan. This SUP does not require reclamation of these uses beyond the applicable federal and state regulations administered by said agencies.

In conformance with NDEP permits existing at the time of this SUP approval, exploration roads within the subject property will be reclaimed during the project closure period unless the BLM or Storey County request that some or all of these roads remain. The Permit Holder shall work with the agencies to determine which, if any, of the exploration roads should and may remain post-closure (NDEP 0196 Reclamation Permit, 2014, p. 33).

3.6 Reclamation surety
A surety bond is required to fund post-operation reclamation for the entire subject property. The minimum amount of reclamation surety bond shall be as determined by the NDEP or BLM to be reasonably sufficient to complete all required reclamation. The surety bond required by the federal or state agency overseeing the project will be the only required surety bond for ancillary and processing uses under this SUP. For reclamation of surface disturbances caused by mining, mine definition, and exploration where the federal or state agency requires no reclamation and reclamation surety, or where valid evidence indicates that the requirements of those agencies do not meet the minimum standards for reclamation required by this SUP, the Permit Holder shall submit to the Planning Department valid documentation that it has posted cash or other guaranteed surety bonding for the complete reclamation of subject uses in accordance the reclamation plan submitted pursuant to this SUP. The valid proof of surety shall be submitted prior to surface disturbances occurring.

The amount of surety necessary to fulfill the requirements of this SUP shall be determined by a qualified licensed engineer or environmental manager at the expense of the Permit Holder. The results, or a portion thereof, determined by the engineer or environmental manager are subject to review by a qualified third-party person chosen by the county. The county's third-party person will only have jurisdiction over portions of the reclamation plan and determination of the amount of needed surety that exceed the minimum standards required by federal and state regulations.

IV. ENVIRONMENTAL CONTROLS

4.1 Noise limitation
At a minimum, noise levels shall conform to the requirements of SCC Chapter 8.04. The Code limits noise at the property line to 84 decibel (octave range 500-1800). The property line is hereby defined as the boundaries of the subject property. When it is determined by Storey County that additional noise abatement is needed, further reasonable requirements including, but not limited to, installation of sound-absorbing structures, earth-fill barriers, and increased separation between machinery and residences, may be imposed on a case-by-

case basis.

4.2 Separation requirements

- Separation from residences. No new surface disturbances including, mining, mine definition, exploration, and ancillary uses in "Area A" (Exhibit A) may occur, or otherwise be caused to occur by the Permit Holder, within 500' of an occupied dwelling unit existing at the time of this SUP approval, or within the distance illustrated in Exhibit D herein to the dwelling unit existing at 2850 Slippery Gulch Road (APN 002-141-13). The following are exempt from these requirements:
  - Activities occurring within the boundaries of Special Use Permit No. 2000-222-A-3 existing prior to the approval of this SUP.
  - Dwellings that are owned by the Permit Holder;
  - Dwellings for which affidavits were submitted as part of the application for this SUP, and accordingly are located entirely within the boundaries of the subject property;
  - When a the affected property owner(s) in Storey County submit to the Planning Department a signed statement that uses associated with the SUP may occur within the distance limitation.

  With regard to buffering to the dwelling unit existing at 2850 Slippery Gulch Road (APN 002-141-13), exploration activities may occur within the "Limited Drill Area" illustrated in Exhibit D herein when such activity does not exceed the hours and days limitations listed in the following subsection.

- Hours and days limitations. Surface activities located within 1,000' of a C, CR, E, P, or R zone, or any permitted occupied dwelling use in other zones may only occur between 8:00 a.m. to 5:00 p.m. and Mondays through Fridays. No activity may occur on weekends, and national and state holidays. The following are exempt from these requirements:
  - Uses existing at the time of approval of this SUP may occur over 24-hours per day and 365 days per year. Uses include, but are not limited to, mining, mine definition and exploration, processing, and ancillary uses, and may include, for example, the Lucerne, Hartford, and Justice Pits, and the Lucerne Haul Road.
  - Dwellings that are owned by the Permit Holder;
  - Dwellings for which affidavits were submitted as part of the application for this SUP, and, accordingly, are located entirely within the boundaries of the subject property;
  - When the affected property owner(s) in Storey County submit to the Planning Department a signed statement that uses associated with the SUP may occur within the distance limitation. The submitted waiver may extend the hours of operation limit for mine definition and exploration up to two days in a 30 day period, provided that the operating times do not occur between 6:00 p.m. and 6:00 a.m., and on Sundays. The waiver shall be non-transferrable and will become null and void immediately upon the affected property owner(s) written request to the Planning Department.

4.3 Ground water monitoring and reporting
Monitoring wells must be installed as directed by the NDEP to monitor the heap leach process and overall processing facility for possible groundwater contamination. A well permit shall be obtained from the Building Department prior to drilling. Monitoring reports and other findings must be submitted to the Building and Planning Department within 30 days of receipt on a quarterly basis when operations are active during the first year of operations, including for heap leach pad expansions. If no signs of leakage or other groundwater contamination occur, monitoring reports must be submitted thereto within 30 days of receipt bi-annually until closure.

4.4 Air monitoring and reporting.
Air emissions, including dust and other airborne materials, shall conform to NDEP air permit standards. Copies of annual reports of environmental quality, necessary to comply with the requirements of the permit(s) issued by the NDEP Bureau of Air Pollution Control, shall be submitted to the Building and Planning Departments within 30 days of receipt. Air monitoring conducted by the Permit Holder shall be inclusive and considerate of potentially impacted residents within 1,000' of active mining areas within the subject property, including from Storey County and Silver City, Lyon County. In the event that there is an air discharge in excess of the standards approved by the NDEP under construction phase or operation phase permit(s), the Permit Holder shall provide the Building and Planning Departments a copy of any notice within 24 hours of Permit Holder's receipt. If the Permit Holder is required by the NDEP to prepare a report on the event, the Permit Holder shall submit a copy of the report to the Building and Planning Departments at the same time it is submitted to the NDEP. There shall be no obnoxious odors released into the air that are a nuisance to surrounding properties.

4.5 Outdoor lighting (non-exempt)
SCC Chapter 8.02 ("Dark Skies") limits outdoor lighting that may impact adjacent land uses. Exemptions for "temporary lighting" in the Code (which normally apply to such activities as road construction, and may appear to apply to mining and processing operations) will not apply to uses under this SUP. All uses, buildings, structures will be required to comply with the strictest regulations under the Code (shield lighting) to ensure minimal impacts to neighbors and the surrounding environment.

4.6 Trees
Trees, shrubs, and other vegetation and ground surfaces must be preserved to the extent feasible. The Permit Holder shall not cause harm or cause to be removed trees of any type with a trunk of six" in diameter within 75' of the center-point of natural waterways shown in Exhibit E. The operating plan shall describe measures that will be taken to protect said trees.

4.7 Invasive species control
Integrated management of invasive weed species (noxious weeds) shall be included in the operating plan. The plan shall apply to the entire subject property and shall conform to the applicable state or federal regulations, and the requirements imposed by this SUP and the Fire District. The Permit Holder shall conform to the plan.

4.8 Septic systems.
The Permit Holder may acquire a permit from the Building Department to install septic

system(s) and septic leach-field(s) capable of serving administrative offices and other occupied uses not accessible to a municipal sewerage system. The septic systems shall be removed and reclaimed by the Permit Holder as required by NRS at closure or removal of the buildings.

4.9 Carson River Mercury Superfund Site ("CRMSS")
By accepting this SUP, the Permit Holder acknowledges that portions of the subject property may be within or applicable to the CRMSS. Properly managing disturbances of existing and former mine and mill sites, mill tailings, mine waste, mine material, and other areas that are found to contain Contaminant of Concern (CoC's) as applicable to the CRMSS will be the sole responsibility of the Permit Holder as communicated thereto by the NDEP Bureau of Corrective Actions. Handling, redistributing or reprocessing CoC impacted materials by the Permit Holder shall be completed in accordance with the NDEP Bureau of Corrective Actions.

V. FIRE & EMERGENCY

5.1 Site supervision
Site and staff supervision must comply with Mine Safety and Health Administration (MSHA) requirements. Supervisors must have knowledge of and immediate access to fire suppression devices, First-Aid kits, and locked gates. While on the premises, the on-site supervisor(s) must possess a cellular telephone with adequate signal to send and receive signals to and from Storey County emergency services direct-connect 775.847.0950. All staff using cellular phones must be directed by the Permit Holder or his/her designed to dial Storey County **emergency services direct-connect 775.847.0950 (in lieu of 9-1-1)** in case of emergency. "Emergency 9-1-1" is appropriate from land-line telephones.

5.2 Spill reporting
Any hydrocarbon or chemical spill of or exceeding 25 gallons or 3 cubic-yards shall be reported immediately to Emergency Dispatch 9-1-1 or Storey County emergency services 775.847.0950. Additionally, the incident must be immediately reported to the NDEP and the local jurisdiction, including the Fire District and the Emergency Management, Building, and Planning Departments. The Permit Holder must comply with NDEP clean-up requirements and provide the Fire District and said county departments a copy of NDEP completion of remediation immediately. All hazardous materials incident clean-up and response costs will be borne by the Permit Holder as part of the issuance of this SUP. Incidents exceeding a standard First-Alarm fire will be billed to the Permit Holder. If mutual aid is warranted to suppress an incident, those costs will also be funded by the Permit Holder.

5.3 Emergency specialized training
The Permit Holder must provide and/or pay for any special training for the Fire District and Emergency Management Department, when applicable, that is necessary for safe operation and management of emergencies. This includes at a minimum training for water and confined space rescues, rescues involving cyanide, and other events that may occur in association with allowed uses on the property.

VI. TRANSPORTATION

6.1 Means and modes of transport

Ore, overburden, and other excavated material may be transported throughout the subject property by any type of on- and off-highway vehicles, haul trucks, tractors and heavy equipment, railroad, conveyor systems, and other on-site conveyance systems. Sky Lane, Keystone Circle, Slippery Gulch Road, and the power line access road immediately adjacent to Slippery Gulch Road shall not be used for these purposes. State Route 342 shall not be used for these purposes, except under such unusual circumstances, as demonstrated to the Planning Department by the Permit Holder, that it is prohibited from transporting said materials between Area A and Area B within the subject property (see Exhibit A). In such case, the elements required in Subsections (a) through (c) below shall be presented to the Planning Commission at a public hearing. The Board of Commissioners with recommendation by the Planning Commission shall determine whether the requirements in this section have been satisfied before the Permit Holder may commence use of said roadway for said purposes. The Permit Holder shall demonstrate to the body:

a. The circumstances prohibiting its transport of ore between Area A and Area B within the subject property; valid evidence of the current state of the conditions prohibiting its use of said land; and that it is exercising a continued good faith effort in remedying the circumstances prohibiting its use of said land.

b. A written plan submitted to the Planning Department explaining the estimated timeframe that State Route 342 will be used for said purposes; the number of units (trucks) that will be using the road; days and hours that the road will be used; type of vehicles (including truck and trailer type) that will be used on the road; estimated timeframe for repair and replacement of portions of the road damaged by said use; and methods by which said portions of the road will be repaired or replaced.

c. Planning, communications, and other correspondence between it and the Nevada Department of Transportation (NDOT) and Storey County Planning and Public Works Departments with regard to the subsections herein.

d. Notwithstanding the foregoing in this section, and for the purpose of clarity, nothing herein in this section or in this SUP eliminates alternatives contemplated in a draft or final Environmental Assessment (EA) by the Bureau of Land Management (BLM) regarding the Permit Holder's application for right-of-way amendment.

The use of State Route 342 pursuant to this section shall be limited to Mondays through Fridays, excluding national and state holidays, between the hours of 7:00 a.m. and 7:00 p.m. The use of State Route 342 otherwise will be subject to the requirements of the NDOT. The Permit Holder shall be responsible to repair damages to any state, county, or private road, utility, or other infrastructure caused by activities associated with the uses under this SUP. The repairs must be completed to the satisfaction of Storey County and the NDOT, as applicable. The county reserves the right to restrict or prohibit the use of trucks and heavy equipment on county-owned right-of-ways.

6.2 State Route 342 alignment and re-alignment
This SUP provides the Permit Holder flexibility in planning and executing viable alternatives by which eastward mine expansion may occur in relation to adjacent State Route 342. The amended SUP allows for re-alignment of State Route 342 in a manner which is determined by Storey County and NDOT, as applicable, to be practical, safe, and reasonably efficient. However, Storey County hereby expresses its position that State Route 342 serves practical purposes for inter-local transportation; provides for vital life-safety access, including for EMS, fire, and law enforcement services; and contributes substantially to the local tourism economies of Gold Hill, Virginia City, and Silver City.

The Permit Holder may re-align State Route 342 in order to facilitate uses under this SUP. Potential acceptable alternatives include, but are not limited to: (a) developing a bridge over or under the highway through which mining and non-mining (civilian) traffic may occur simultaneously; (b) realigning the highway west of its existing alignment in concurrence with reclamation of the adjacent Lucerne and Justice pits; and (c) realigning the highway to the immediate east of the newly proposed mine expansion area. Except under temporary circumstances (up to 30 days in a 12 month period) when an access plan is approved by the Fire District and Sheriff's Office, closing the road is considered unreasonable and irresponsible and shall not be allowed.

For purposes of conforming to findings in SCC 17.92 and provisions in the Storey County Master Plan for protecting the historical character and authenticity of the area for tourists and residents, State Route 342, as existing or modified, shall maintain its north and south traffic flows through Gold Canyon and in its current approximate alignment through Devil's Gate.

6.3 Signage
Legible signage shall be placed at appropriate entry points of the premises near State Route 342, the principal administrative office(s), and the processing site. Signage must state the name of company/organization, street address (or descriptive location), contact phone number(s), and other information required by the Fire District. Appropriate signage must be installed on and around the premises stating rules for entry and circulation (e.g., no trespassing, travel permitted only on designated pathways, etc.). Directional signs must be placed at intersections of public ways and mine haul roads, and other places along public ways to appropriately direct the public, residents, and other users in the area.

6.4 Roadway approaches and egress
Egress points abutting State Route 342 must comply with the requirements of NDOT. Approaches to paved county right-of-ways must be sufficient to prevent mud and debris tracking from the site onto the public roadway. Any mud or debris tracked onto the county road must be removed by the Permit Holder immediately as allowable by the NDEP. Mud, sand, and debris must not be allowed to adversely impact existing drainage systems.

- Access Routes. Haul roads and secondary roads shall be developed to the satisfaction of the Fire District. As required thereby, established routes shall remain the primary travel ways for all emergency/fire vehicles, equipment, and personnel. The Permit Holder may develop and/or utilize other secondary travel routes for non-emergency use with approval of the Fire District. The primary emergency access routes shall be kept clear of rocks and other obstacles to emergency vehicles. In order to increase route visibility and reduce confusion for emergency personnel, roadside directional

markers shall be installed as required by the Fire District.

VII. GENERAL USES

7.1 Safety and security

- Security. Appropriate security, including that required by federal and state agencies, shall be maintained to prevent unauthorized access to potentially hazardous conditions. Storage, maintenance of hazardous materials, protective devices (e.g., fencing, gates, etc.), and site monitoring (e.g., on-site security, alarm systems, etc.) shall comply with Fire District, Sheriff's Office, and applicable state and federal agency requirements. Open bodies containing cyanide and other hazardous substances shall be treated appropriately to prevent wildlife access and safety hazards.

- Signage. Warning signs indicating all potentially hazardous conditions shall be installed at each port of entry and around drill pads, sumps and other potentially hazardous conditions. Cautionary signs shall be positioned peripheral to area of acidity to inform individuals entering the area to be safety conscious and aware of potentially hazardous conditions. Appropriate signage indicating crossing truck traffic (i.e., "Truck Crossing") shall be installed on the southbound and northbound lanes of State Route 342 by and at the expense of the Permit Holder and to the satisfaction of Storey County Public Works and/or NDOT, whichever is applicable.

7.2 Watchman's dwelling

The Permit Holder is authorized to place on the subject property a recreational vehicle (RV) type trailer or manufactured building to serve as temporary living quarters for on-site security. A temporary (one-year) permit from the Building Department must be obtained for this watchman's quarters and the Permit Holder shall submit an application to the Building Department each year thereafter for the use to remain. The Permit Holder shall provide with the application written permission from the Comstock Historic District. The use shall be removed from the premises within 30 days of closure of the operation or when operations under this SUP cease to operate for a period of 24 months or longer.

7.3 Silver City water line protection

As stated earlier in these conditions, the Permit Holder shall develop a comprehensive plan by which it will protect the Silver City water main from accidental damage and service disruption caused by surface and underground activity. The plan shall also include a detailed description of how accidental damage to the line, or events causing disruption to service as a result of activity associated with the SUP, will be treated and remedied immediately and without disruption to service provided to Silver City. At a minimum:

- The plan shall include Geographic Information Systems (GIS) aerial imagery illustrating the estimated alignment of the water line within the subject property; type(s) and dimensions of the existing piping, fittings, valve types, etc., in order to plan for unanticipated immediate response situations; existing roads and other surface disturbances; and surrounding topography.

- The plan shall include GIS aerial imagery showing the location of existing and proposed roads, drill pads, pits, and other surface disturbances within 500' of the water line.

- The plan shall provide a detailed explanation of the methods by which the water line will be protected from light and heavy vehicle and equipment uses within 500' thereof. The plan shall address protecting the water line at all vehicle crossing points; monitoring vibration; and protecting the water line from vibration caused by uses within 500' thereof, and from blasting within 1,000' thereof.

- The plan shall explain procedures by which the Permit Holder will immediately notify the Planning and Public Works Departments, the County Manager's Office, and the Storey County and Central Lyon County Fire Protection Districts of damage to the water line, or disruption to service.

- The plan shall explain methods, procedures, estimated timeframe, and other processes by which damage to the water line caused by the Permit Holder will be repaired immediately after such damage and to the satisfaction of the Public Works Director.

- The plan shall indicate the Silver City municipal water tank storage capacity; estimated customer usage (in gallons) during the months of January and July; estimated timeframe of capacity based on storage capacity and usage; and the alternative source of safe drinking water and specific methods by which it will be supplied to the Silver City municipal water system if the duration of service disruption exceeds system storage capacity. The plan shall describe the source of and methods by which sufficient water flows will be provided to Silver City during a structure fire event that occurs during the service disruption.

- The plan shall explain the circumstances that will necessitate all or portions of the water line located within the subject property to be replaced by the Permit Holder prior to damage, and what agreements may be made between the Storey County Water System (Public Works Director) and the Permit Holder for the methods, procedures, and cost of its replacement.

- The plan shall be updated concurrently with active mining and the updated plan shall be submitted to the Storey County Public Works Department and Central Lyon County Fire Protection District for approval, and the Storey County Planning Department and Storey County Fire Protection District for filing.

The Permit Holder shall demonstrate active engagement with the Storey County Public Works Director and the Central Lyon County Fire Protection District Chief in developing the plan. The plan must be approved by the Storey County Public Works Director and the Central Lyon County Fire Protection District Chief, and submitted to the Storey County Planning and Public Works Departments and Storey County Fire Protection District for filing before mining, mine definition, exploration, and other such activities may occur on land east of State Route 342 in its current alignment, or within one year of approval of the SUP, whichever is sooner. Before commencing operations east of the road, the Public Works Director with concurrence by the County Manager may require the Permit Holder at its expense to replace all or a portion of the water line that runs through the subject property that are believed by the Storey County Public Works Director to be susceptible to damage caused by activities associated with the SUP in the area adjacent to the water line.

The Permit Holder will be fully responsible for financial costs associated with required repairs or replacement of the water line. All repairs and replacement shall be to the

satisfaction of the Public Works Director.

7.4 Survey monument protection
No survey monument may be moved or disturbed (as prohibited by federal or state law). To the extent practicable, all monument witness corners, reference monuments, bearing trees and line trees shall be protected against undue destruction, obliteration, or damage. If in the course of operations any survey monument is destroyed, obliterated, or damaged, the Permit Holder shall immediately report the matter to the Planning Department and the Bureau of Land Management. The notice shall describe the monument and its geo-coordinates before disturbance, how it was disturbed and to what extent, and the plan for immediate corrective action. The Permit Holder shall be financially responsible for the immediate and appropriate corrective action.

VIII. CULTURAL RESOURCES

8.1 Protection of Devil's Gate
Uses under this SUP shall not cause impacts to the Devil's Gate rock outcropping/historic landmark. Storey County through this SUP and in conformance with the findings of fact in SCC 17.92 expresses to Lyon County its strong opposition to any allowance of surface disturbances to the landmark, except for realignment or improvements to State Route 342, to portions of the landmark that are located within Lyon County.

The Permit Holder shall cause no surface disturbance within 500' of the outer edge of the Devil's Gate outcropping in Storey County. Surface disturbances within 1,000' of the outer edge of the rock outcropping which are caused by mining and mine definition shall be fully reclaimed within 1 year of disturbance. Those disturbances caused by exploration shall be reclaimed as required otherwise for exploration outside of the active mine. Realignment and improvements to State Route 342 are exempt from these limitations, except that such may not cause adverse impacts to the surface of the outcropping.

8.2 Historical structures protection
Uses under this SUP shall not cause any historical structure to be disturbed, altered, moved, or demolished without a plan submitted to the Planning Department to return the structure fully in-tact to its approximate original location following activities that cause the structure to be moved. The plan and association action will be subject to Comstock Historic District approval. Historical structures shall include occupied and unoccupied buildings, outbuildings, mine head-frames, and foundations which are 50 years of age or older.

8.3 Cemetery protection
The uses under this SUP shall not cause any cemetery or structures therein, including but not limited to headstones, monuments, fences, enclosures, etc., to be disturbed, altered, moved, or destroyed. At a minimum, state laws protecting cemeteries shall not be violated. The terms of this condition shall be fulfilled by compliance with the following limitations.

- Limitations and mitigation. Activities and disturbances shall not take place within 300' of a cemetery boundary as defined by NRS 452.0075 and as determined by the Comstock Cemetery Foundation (CCF). These limitations shall not apply to general vehicular and heavy equipment traffic taking place on the established county roads and right-of-ways, including American Flat Road, or the improvement or widening of American Flat Road as allowed by the Bureau of Land Management (BLM) pursuant to its Environmental Assessment (EA) under NEPA. These limitations also shall not

apply to mineral exploration activities approved by the CCF within the established cemetery buffer area, but not within any cemetery boundary or public right-of-way. Written approval by the CCF shall be submitted to Planning Department prior to commencement of activities within the scope of these regulations.

- Cooperation. Activities and disturbances may be permitted between 300' and 500' surrounding each cemetery boundary as described above when the Permit Holder initiates and maintains continuous communication and collaboration with the CCF in protecting said cemetery resources. A surface vibration monitoring program shall be developed and implemented as determined by the CCF. The program will monitor surface vibrations at selected sites to assess potential vibrations from drilling and excavating operations, heavy machinery, and vehicles. The monitoring program, upon approval of the CCF, will be at oversight of the CCF and at the expense of the Permit Holder, unless agreed otherwise between the parties.

8.4 Cultural resources discovery
Should any prehistoric or historic remains/artifacts be discovered during development or excavation, work shall temporarily be halted at the specific site and the Building and Planning Departments shall be notified in order to evaluate the site and, if deemed necessary, to record and photograph the site in question. The period of temporary delay shall be limited to a minimum of two working days from the date of notification, unless it is a significant find and it is deemed necessary to provide more time to evaluate and protect historical remains or artifacts.

8.5 Historic area preservation
The Permit Holder agrees to contribute at least one percent of annual Net-Smelter-Return (the gross payment on the sale of Dore less the cost of refining and related shipping) toward historic preservation and/or restoration projects within Virginia City, Gold Hill, American Flat, and/or Silver City. This condition shall apply only when the mine associated with this SUP is in active status. A Memorandum of Understanding (*MOU*) shall be developed between the Permit Holder and Storey County, as approved by the District Attorney's Office, for this purpose. (Note: The Permit Holder has in the past contributed financial and other resources to, and has otherwise been actively engaged in, historical preservation and restoration projects and efforts throughout the Comstock over the past several years, including in Virginia City, Gold Hill, Silver City (Lyon County), and American Flat. Accordingly, the Permit Holder collaborated with Storey County in developing and accepting this SUP condition. This SUP condition requiring partial Net-Smelter Revenues contribution is intended to be inclusive of, and not add to, the "1 percent royalties" pledged in the past by the Permit Holder for this purpose).

8.6 Visitor/tourism element
In conformance with the Storey County Master Plan, the Permit Holder is required to develop a pedestrian-oriented area near State Route 342 at a safe and appropriate location between the Devil's Gate outcropping and American Flat Road, Gold Hill, at which motorists may park and exit their vehicles and view information about the history and purpose of past and current mining activity in the area and associated with the this SUP. As required in preceding SUP No. 2011-016 (closed in 2014), the Permit Holder developed a visitors' center that fully conforms to the requirements in the SUP as well as the supporting county master plan. The Permit Holder is hereby required to maintain that visitors' center, or, develop another such informational center that conforms to this SUP and is constructed to the

satisfaction of the Planning and Public Works Departments, Comstock Historic District, and, if applicable, NDOT.

SUP Enclosures*:
Exhibit A: Boundaries and Uses of SUP No. 2000-222-A-4
Exhibit B: Magnified "Area C" and "Area D" for utilities and road improvement
Exhibit C: Post-Operation Reclamation at Billy the Kid, Lucerne, Hartford, and Justice
Exhibit D: Separation from residence located at 2850 Slippery Gulch Rd. (APN 002-141-13)
Exhibit E: Known natural drainages within subject property

If you have any questions, please contact the Planning Department at 775-847-1144.

Sincerely,

Austin Osborne
Planning Director, Storey County

ACCEPTANCE: The terms and conditions of this Confirmation of Special Use Permit No. 2000-222-A-4 are accepted by Corrado DeGasperis, President and CEO of Comstock Mining, LLC, to which this Special Use Permit is issued.

Corrado DeGasperis
President and CEO, Comstock Mining, LLC

10/21/14
Date

Exhibit A: Boundaries and Uses of SUP No. 2000-222-A-4

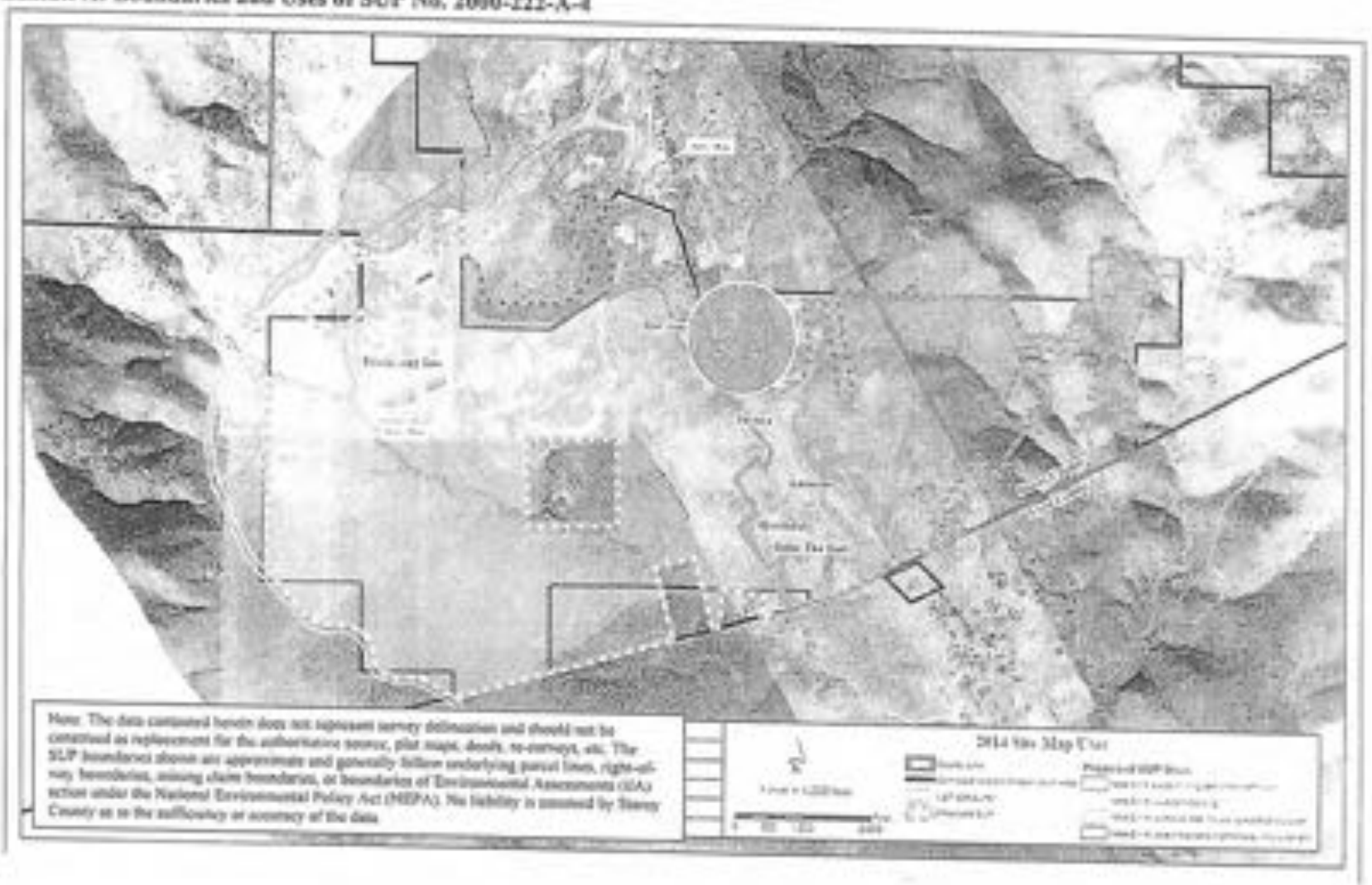


Exhibit B: Magnified "Area C" and "Area D" for utilities and road improvement

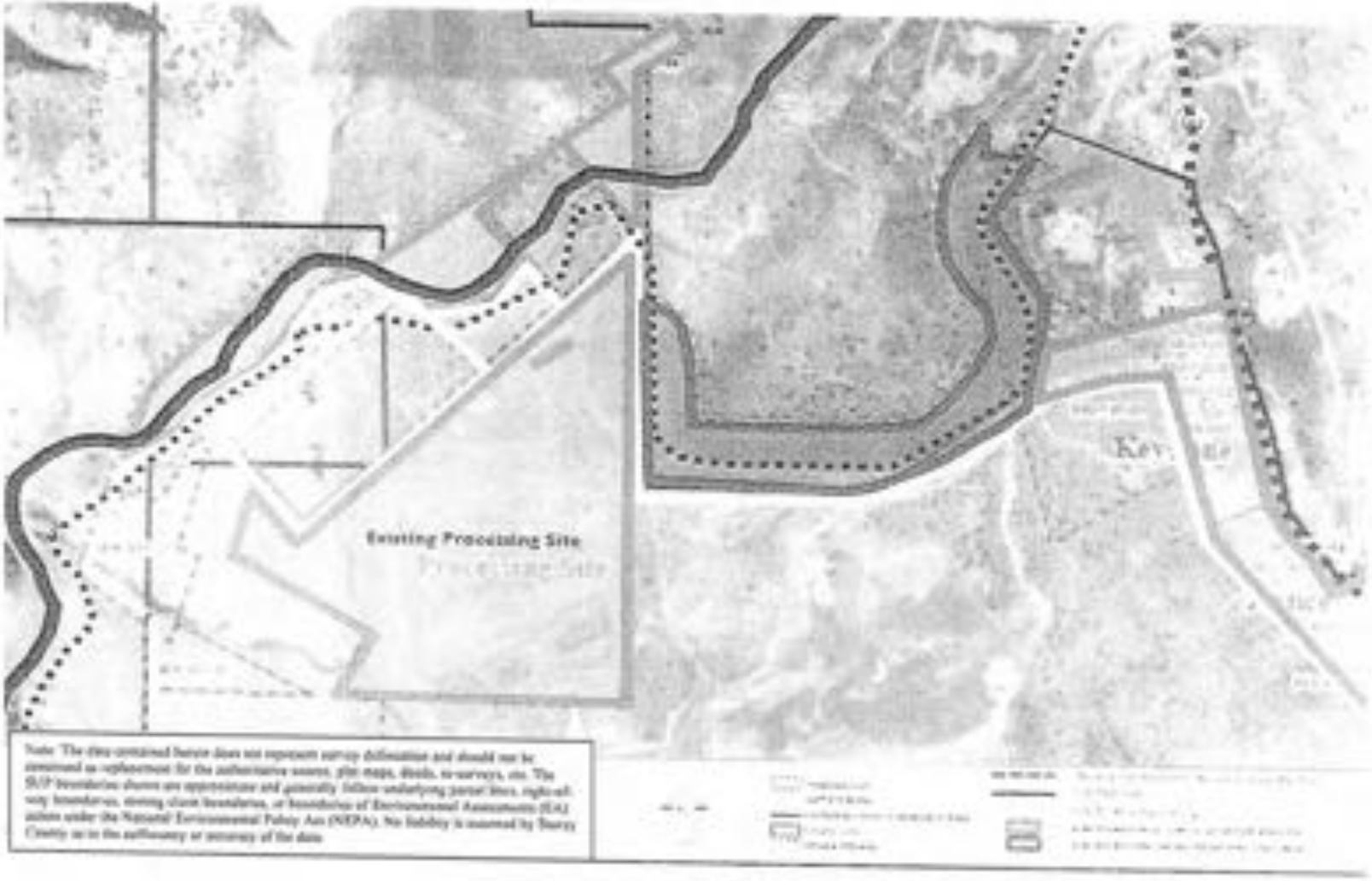
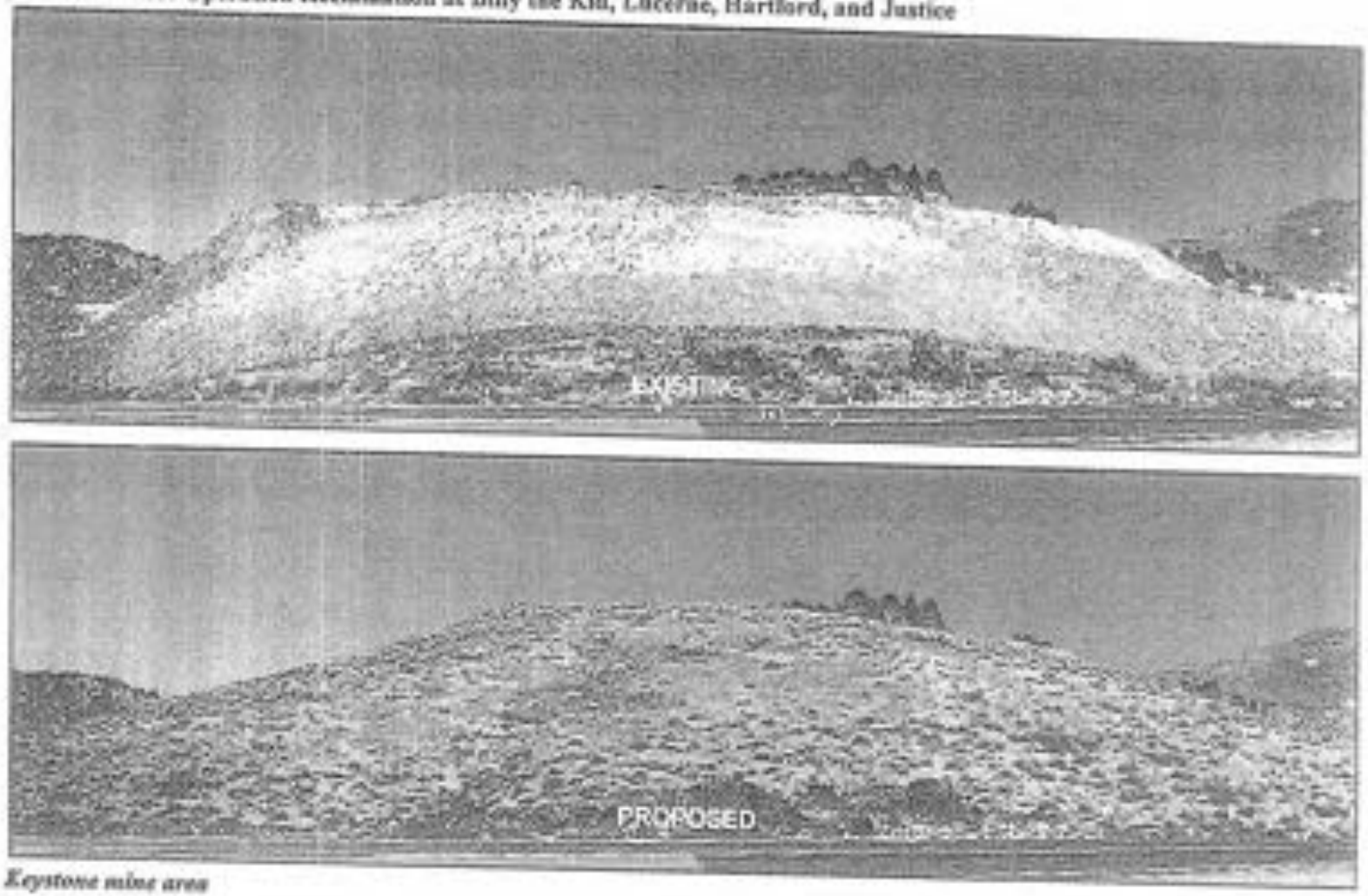
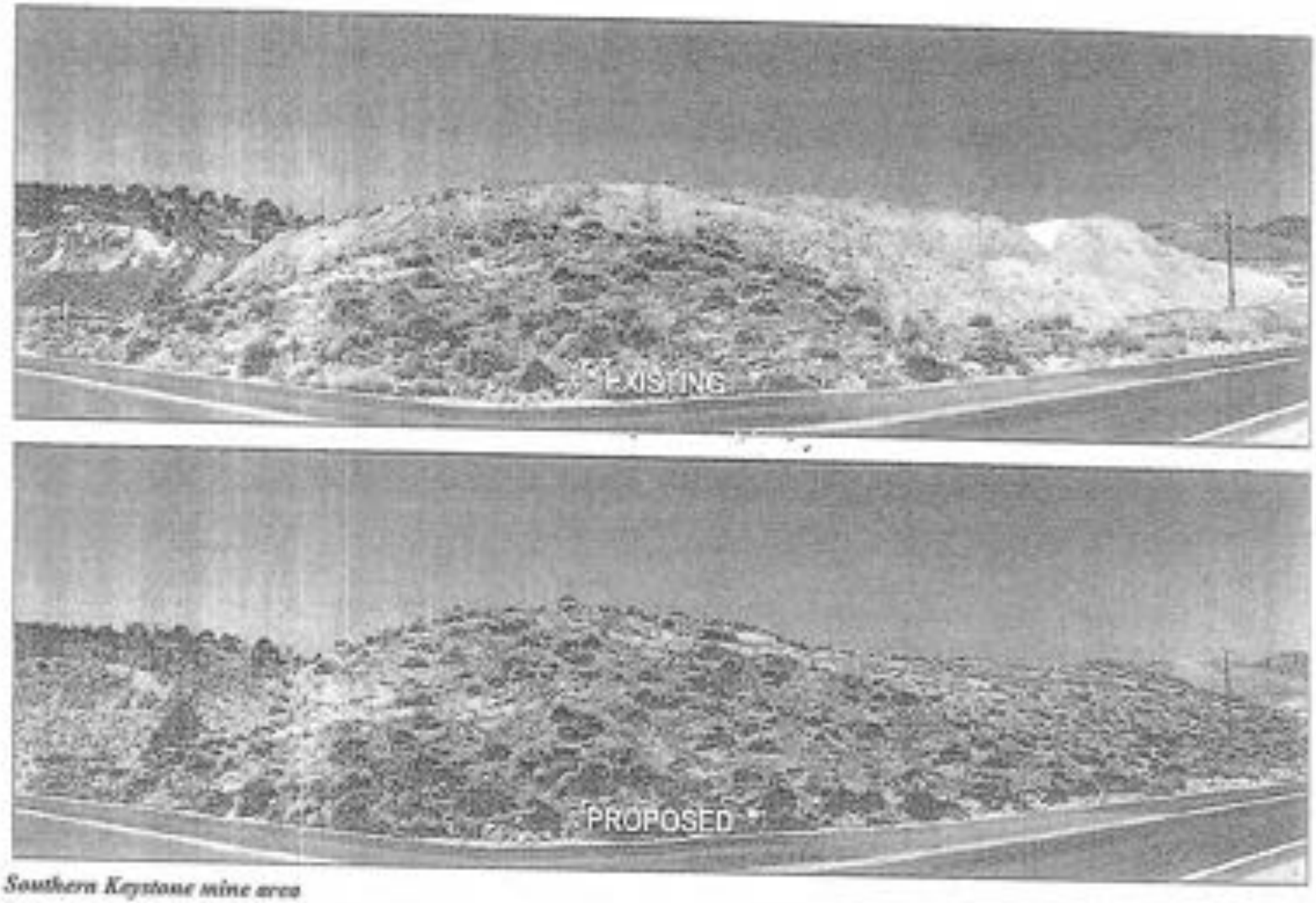


Exhibit C: Post-Operation Reclamation at Billy the Kid, Lucerne, Hartford, and Justice



Keystone mine area

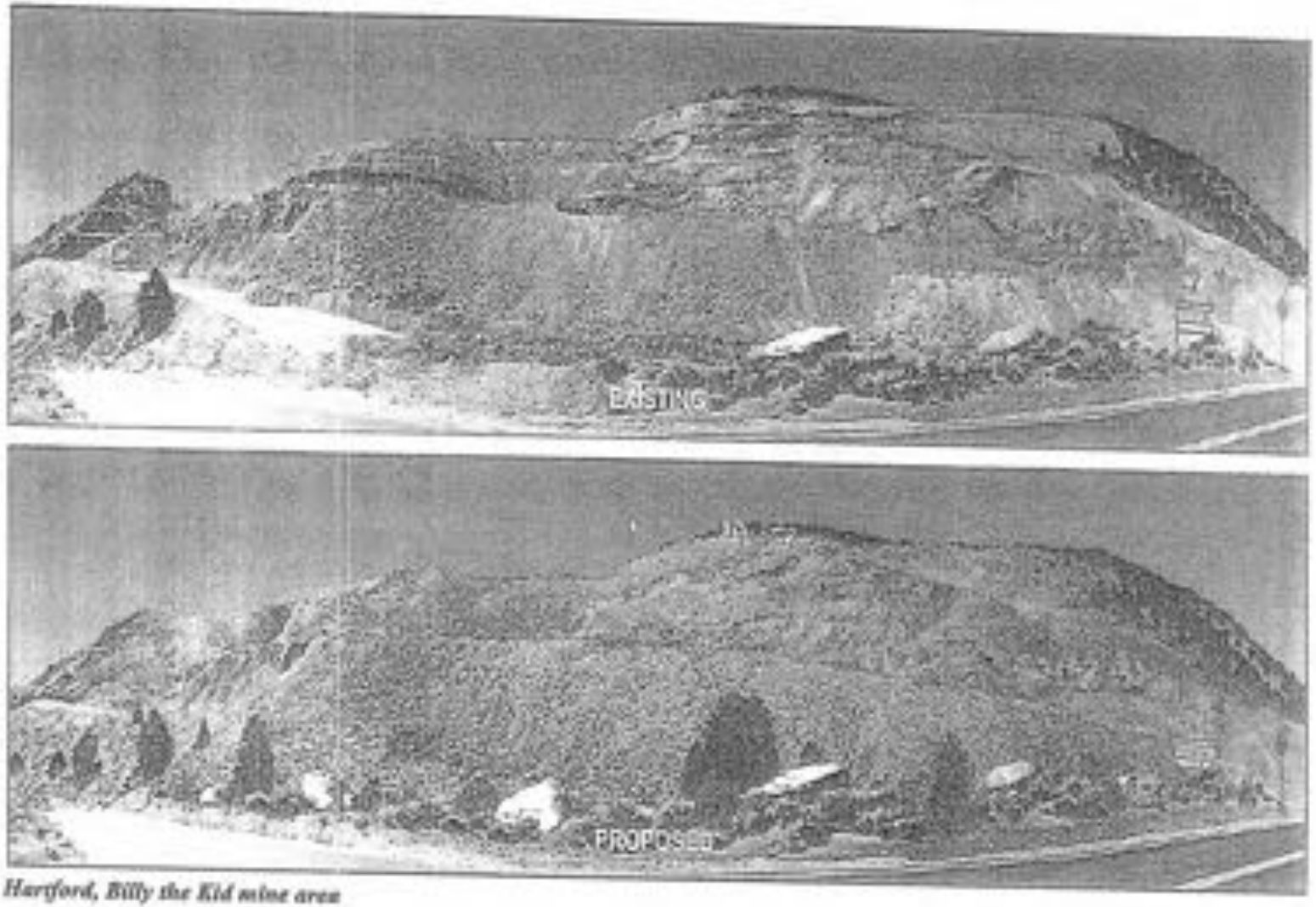


Southern Keystone mine area



Justice mine area

Lacrosse, Elmsford mine areas



Hartford, Billy the Kid mine area

Exhibit D: Distance separation from residence located at 2850 Slippery Gulch Rd. (APN 002-141-13)

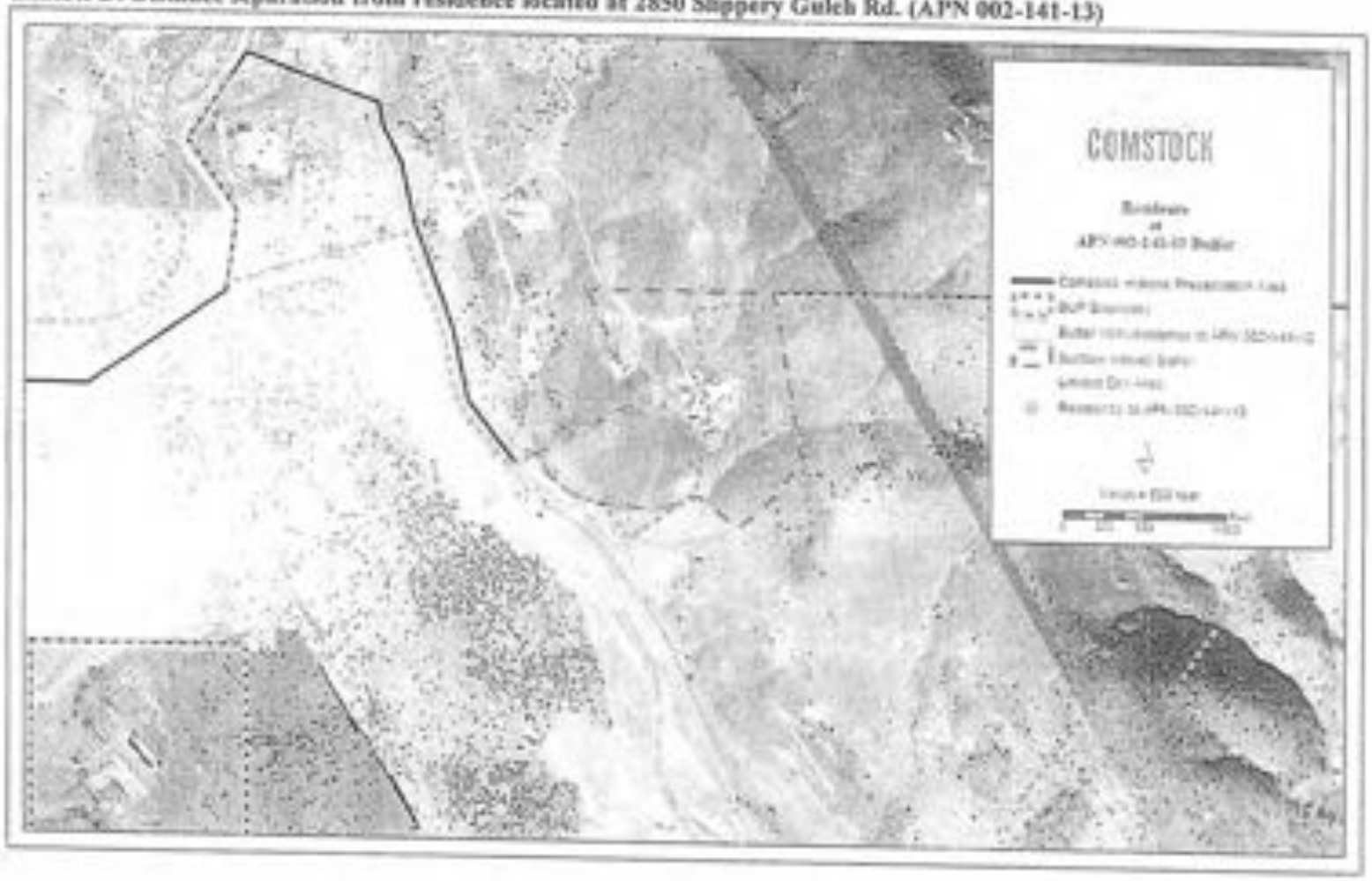


Exhibit E: Known natural drainages within the subject property (See jurisdictional determination for the Plum Mining [Comstock Mining] project, Department of the Army, U.S. Army Engineer District, Sacramento, Corps of Engineers. April 14, 2014).

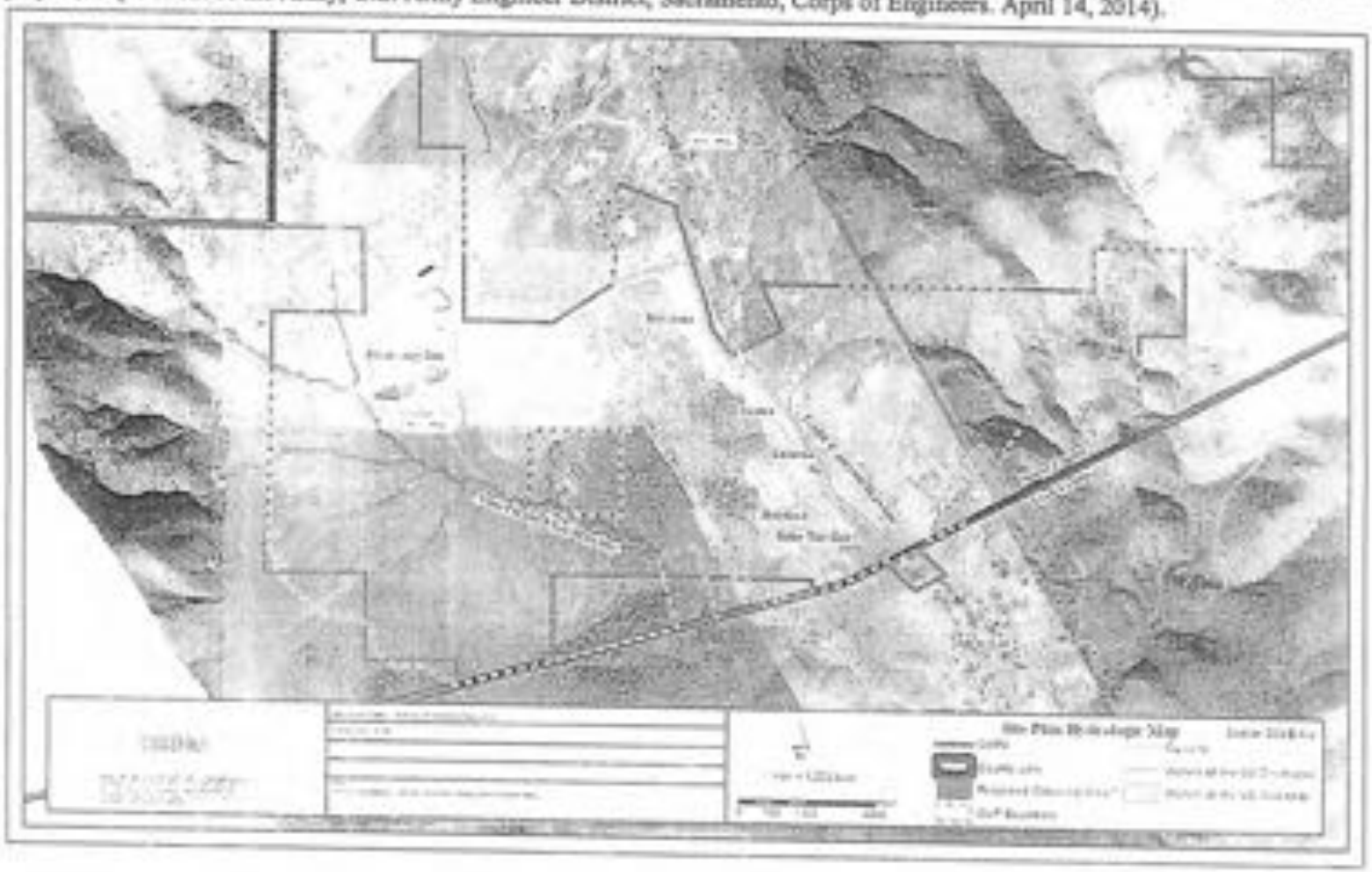


Exhibit J

STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Third-Party Request for Opinion Concerning the Conduct of Vida **Keller**, Member, Board of Commissioners, Lyon County, State of Nevada,

Request for Opinion No. **14-32C**

Public Officer. /

PANEL DETERMINATION
NRS 281A.440(5); NAC 281A.440

The Nevada Commission on Ethics received a Third-Party Request for Opinion ("RFO"), No. 14-32C, regarding the alleged conduct of Vida Keller ("Keller") in violation of the Ethics in Government Law set forth in NRS Chapter 281A.

At the time of the alleged conduct, Keller was an elected member of the Lyon County Board of Commissioners ("Board"), a public officer as defined in NRS 281A.160. The Commission has jurisdiction over the conduct of public officers pursuant to NRS 281A.280. Therefore, the Commission has jurisdiction in this matter.

On March 18, 2015, pursuant to NRS 281A.440(5), an Investigatory Panel consisting of Commissioners John C. Carpenter and Keith A. Weaver, Esq. reviewed the following: 1) Third-Party Request for Opinion; 2) Subject's written response; 3) Commission's Confidential Investigative Report; and 4) Executive Director's Confidential Recommendation to Investigatory Panel. Pursuant to NRS 281A.440(9), the investigative file of the Commission is confidential.

Under NAC 281A.435, the Panel unanimously concludes that the evidence does not support just and sufficient cause for the Commission to hold a hearing or render an opinion regarding allegations that Keller violated NRS 281A. Contrary to the allegations, credible evidence supports that Keller appropriately disclosed her spouse's employment interests related to Comstock Mining, an entity with a matter before the Board. Additionally, the evidence does not support a determination that Keller should have abstained from voting because her spouse's employment interests could not have been affected by the matter before the Board.

Specifically, Keller disclosed that her husband's employer received its funding from mining proceeds of a mine owned and operated by Comstock Mining in Storey County. However, Keller also disclosed that Comstock's mining activity in Storey County would not be affected by any decision the Board may have made regarding the planning and zoning matters sought by Comstock in Lyon County, and therefore her husband's employment interests related to Comstock would likewise not be affected by the matter under consideration by the Board.

Having considered and evaluated these facts and circumstances, the Investigatory Panel will not refer these allegations to the Commission to hold a hearing or render an opinion, and hereby dismisses the Request for Opinion in its entirety.

Dated: March 30, 2015

By: /s/ Tracy L. Chase
Tracy L. Chase, Esq.
Commission Counsel

CERTIFICATE OF MAILING

I certify that I am an employee of the Nevada Commission on Ethics and that on this day in Carson City, Nevada, I transmitted a true and correct copy of the **PANEL DETERMINATION** in Request for Opinion **No. 14-32C**, Email, Certified Mail, Return Receipt requested, and/or regular First Class mail, through the State of Nevada Mailroom, addressed as follows:

Yvonne M. Nevarez-Goodson, Esq.
Executive Director
Nevada Commission on Ethics
704 W. Nye Lane, Suite 204
Carson City, NV 89703

Email: ynevarez@ethics.nv.gov

Steven B. Rye, Esq.
Assistant District Attorney
Lyon County DA's Office
31 S. Main Street
Yerington, NV 89447

Certified Mail: 9171 9690 0935 0037 6373 37

Vida Keller
P.O. Box 201
3125 Spring Circle
Silver Springs, NV 89429

First Class Mail

Theo McCormick
P.O. Box 123
Silver City, NV 89428

First Class Mail

DATED: March 30, 2015

Employee of the Nevada Commission on Ethics

Exhibit K

CAMPAIGN CONTRIBUTIONS AND EXPENSES REPORT

State of Nevada

Name	Office (if applicable)	District (if applicable)
Bob Hastings	Lyon County Commissioner, District I	District 1

Mailing Address	Telephone No.
207 Crown Point Drive, Dayton, NV, 89403	775-348-4350

E-Mail Address: ninergold1@gmail.com

Select Appropriate Box(es)

☑ CANDIDATE ☐ PAC ☐ POLITICAL PARTY ☐ INDEPENDENT EXPENDITURE
☐ NONPROFIT CORP ☐ LEGAL DEFENSE FUND ☑ AMENDED

- ☐ **Annual Filing - Due January 15, 2012**
  Period: Jan 01, 2011 - Dec 31, 2011
- ☑ **Report #1 - Due May 22, 2012**
  Period: Jan 01, 2012 - May 16, 2012
- ☐ **Report #2 - Due June 08, 2012**
  Period: May 19, 2012 - Jun 07, 2012
- ☐ **Report #3 - Due October 16, 2012**
  Period: Jun 08, 2012 - Oct 12, 2012
- ☐ **Report #4 - Due November 02, 2012**
  Period: Oct 13, 2012 - Nov 01, 2012
- ☐ **Report #5 - Due January 15, 2013***
  Period: Nov 02, 2012 - Dec 31, 2012
- ☐ **Annual Filing - Due January 15, 2013**
  Period: Jan 01, 2012 - Dec 31, 2012

FILED
Nov 1 2012
ROSS MILLER
SECRETARY OF STATE
FOR OFFICE USE ONLY

*** Report #5 suffices for the 2013 Annual Filing only if Report #'s 1, 2, 3 and 4 are previously filed**

CONTRIBUTIONS SUMMARY

	This Period	Cumulative From Beginning of Report Period (1) through End of This Reporting Period
1. Total Monetary Contributions Received in Excess of $100 (See page 1 of instruction sheet)	$ 5,080.00	$ 5,080.00
2. Total Monetary Contributions in the Form of Loans Guaranteed by a 3rd-Party in Excess of $100 (See page 1 of instruction sheet)	$ 0.00	$0.00
3. Total Monetary Contributions in the Form of Loans that were Forgiven in Excess of $100 (See page 2 of instruction sheet)	$ 0.00	$0.00
4. Total Amount of Written Commitments for Contributions in Excess of $100 (See page 2 of instruction sheet)	$ 0.00	$0.00
5. Total Value of In Kind Contributions in Excess of $100 (See page 2 of instruction sheet)	$ 0.00	$0.00
6. Total Value of Written Commitments for In Kind Contributions in Excess of $100 (See page 2 of instruction sheet)	$ 0.00	$0.00
7. Total Amount of all Contributions of $100 or less (See page 2 of instruction sheet)	$ 100.00	$100.00
8. Total Amount of All Contributions (Add Lines 1 through 7) (See page 2 of instruction sheet)	$ 5,180.00	$5,180.00

EXPENSES SUMMARY

9. Total Monetary Expenses Paid in Excess of $100 (See page 2 of instruction sheet)	$ 3,914.77	$3,914.77
10. Total Value In Kind Expenses in Excess of $100 (See page 3 of instruction sheet)	$ 0.00	$0.00
11. Total Amount of all Expenses of $100 or less (See page 3 of instruction sheet)	$ 0.00	$0.00
12. Total Amount of All Expenses (Add Lines 9 through 11) (See page 3 of instruction sheet)	$ 3,914.77	$3,914.77

AFFIRMATION

MUST SELECT AT LEAST ONE:

☑ I Declare Under Penalty of Perjury That the Foregoing is True and Correct.

☐ I Declare Under an Oath to God that the Forgoing is True and Correct*
* A declaration under an oath to God is subject to the same penalties as declaration under penalty of perjury

Robert Hastings — Signature
11/01/2012 — Date

MONETARY CONTRIBUTIONS — Report Period #1

Bob Hastings	Lyon County Commissioner, District I	District 1
Name (print)	Office (if applicable)	District (if applicable)

MONETARY CONTRIBUTIONS

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE CONTRIBUTION	DATE OF CONTRIBUTION	AMOUNT OF CONTRIBUTION	CHECK HERE IF LOAN	NAME AND ADDRESS OF 3rd PARTY IF LOAN OBTAINED BY 3rd PARTY	NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO GUARANTEED OR SIGNED LOAN, IF OTHER THAN CONTRIBUTOR
Dana Tarkanian 3008 Campell Circle Las Vegas, NV 89107	01/03/2012	$500.00			
Geoff Wirsil 255 N.Sierra, #2015 RENO, NV 89501	01/25/2012	$300.00			
Henry Solstevin 503 Hollingham Pk. PARADISE, CA 95969	01/25/2012	$250.00			
Dahn Mill Revolt PO Box 2175 DAYTON, NV 89403	01/25/2012	$250.00			
Kay Bennett PO Box 311 SILVER SPRINGS, NV 89429	03/25/2012	$100.00			
	04/26/2012	$250.00			
Nadine A Hastings 207 Crown Point Dr DAYTON, NV 89403	03/15/2012	$2,500.00	X		
Grassroots 2.0 PO Bx 19553 RENO, NV 89511	04/07/2012	$500.00			
Don Melvin 6343 E. 5th St. SILVER SPRINGS, NV 89429	04/07/2012	$100.00			
	04/26/2012	$100.00			
Charles Hastings 1325 Cooney Dr. SILVER SPRINGS, NV 89429	05/16/2012	$150.00			
Nadine A Hastings 207 Crown Point Dr DAYTON, NV 89403	05/16/2012	$60.00			

WRITTEN COMMITMENTS — Report Period #1

Bob Hastings	Lyon County Commissioner, District I	District 1
Name (print)	Office (if applicable)	District (if applicable)

WRITTEN COMMITMENTS

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE THE COMMITMENT	DATE OF COMMITMENT	AMOUNT OF COMMITMENT

IN KIND CONTRIBUTIONS Report Period # 1

Bob Hastings (Name (print)) | Lyon County Commissioner, District I (Office (if applicable)) | District 1 (District (if applicable))

IN KIND CONTRIBUTIONS

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE IN KIND CONTRIBUTION	DATE OF IN KIND CONTRIBUTION ?	DESCRIPTION OF IN KIND CONTRIBUTION	VALUE OR COST OF IN KIND CONTRIBUTION	CHECK HERE IF LOAN	NAME AND ADDRESS OF 3rd PARTY IF LOAN GUARANTEED BY 3rd PARTY	NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO FORWARDED THE IN KIND CONTRIBUTION IF LOAN, IF DIFFERENT THAN CONTRIBUTOR

WRITTEN COMMITMENTS FOR IN KIND CONTRIBUTIONS

Report Period # 1

Bob Hastings	Lyon County Commissioner, District I	District 1
Name (print)	Office (if applicable)	District (if applicable)

WRITTEN COMMITMENTS FOR IN KIND CONTRIBUTIONS

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE THE IN KIND WRITTEN COMMITMENT	DATE OF IN KIND WRITTEN COMMITMENT	VALUE OF IN KIND WRITTEN COMMITMENT

EXPENSE CATEGORIES Report Period #1

Bob Hastings	Lyon County Commissioner, District I	District 1
Name (print)	Office (if applicable)	District (if applicable)

Expense Categories (NRS 294A.365)

CATEGORIES	CODE
Office expenses	A
Expenses related to volunteers	B
Expenses related to travel	C
Expenses related to advertising	D
Expenses related to paid staff	E

Expenses related to consultants	F
Expenses related to polling	G
Expenses related to special events	H
Expenses related to legal defense fund	I
Goods and services provided in kind for which money would otherwise have been paid	J
Contributions made to: (i) another candidate; (ii) a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225; (iii) a PAC that is registered or required to be registered pursuant to NRS 294A.230; or (iv) a Recall Committee that is registered or required to be registered pursuant to NRS 294A.250	K
Other miscellaneous expenses	L

NRS 294A.362 requires "In Kind" contributions and expenses to be reported separately.

MONETARY EXPENSES Report Period # 1

Bob Hastings	Lyon County Commissioner, District I	District 1
Name (print)	Office (if applicable)	District (if applicable)

MONETARY EXPENSES

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO RECEIVED THE PAYMENT FOR THE EXPENSE	CATEGORY (NRS 294A.359)	DATE OF EXPENSE	AMOUNT OF EXPENSE
Lyon County Republican Central Committee PO Box 469 Yerington, NV 89447	H	01/01/2012	$300.00
Computer Artistry 823 Ranchview Cir Carson City, NV 89705	D	01/09/2012	$105.42
Robert J Hastings 207 Crown Point Dr DAYTON, NV 89403	D, L	03/20/2012	$2,731.08
Blue Cotton 341 Vanderbilt Court BOWLING GREEN, KY 42103	B	03/20/2012	$115.28
	D	04/15/2012	$410.22

The Victory Store 6200 SW 30th Street DAVENPORT, IA 52802			
Dollar Tree Store 8 Pine Cone Dr. DAYTON, NV 89403	H	05/03/2012	$162.82
Lyon County Democrats PO Box 710 Silver Springs, NV 89429	H	05/05/2012	$120.00

IN KIND EXPENSES Report Period #1

Bob Hastings (Name (print)) | Lyon County Commissioner, District I (Office (if applicable)) | District 1 (District (if applicable))

IN KIND EXPENSES

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO RECEIVED THE IN KIND GOOD OR SERVICE	DESCRIPTION OF IN KIND EXPENSE	DATE OF IN KIND EXPENSE	VALUE OR COST OF IN KIND EXPENSE



Prescribed by Secretary of State
NRS 294A.120, 294A.125,
294A.140, 294A.150, 294A.160
294A.200, 294A.210, 294A.220, 294A.360

CAMPAIGN CONTRIBUTIONS AND EXPENSES REPORT

State of Nevada

Bob Hastings	Lyon County Commissioner, District I	District 1
Name	Office (if applicable)	District (if applicable)
207 Crowe Point Drive, Dayton, NV, 89403		775-246-4350
Mailing Address		Telephone No.
silvergold3@gmail.com		
E-Mail Address		

Select Appropriate Box(es): ☑ CANDIDATE ☐ PAC ☐ POLITICAL PARTY ☐ INDEPENDENT EXPENDITURE ☐ NONPROFIT CORP ☐ LEGAL DEFENSE FUND ☐ AMENDED

- ☐ Annual Filing - Due January 18, 2012 — Period: Jan 01, 2011 - Dec 31, 2011
- ☐ Report #1 - Due May 22, 2012 — Period: Jan 01, 2012 - May 18, 2012
- ☑ Report #2 - Due June 08, 2012 — Period: May 19, 2012 - Jun 07, 2012
- ☐ Report #3 - Due October 16, 2012 — Period: Jun 08, 2012 - Oct 12, 2012
- ☐ Report #4 - Due November 02, 2012 — Period: Oct 13, 2012 - Nov 01, 2012
- ☐ Report #5 - Due January 18, 2013* — Period: Nov 02, 2012 - Dec 31, 2012
- ☐ Annual Filing - Due January 18, 2013 — Period: Jan 01, 2012 - Dec 31, 2012

FILED
Jun 8 2012
ROSS MILLER
SECRETARY OF STATE
FOR OFFICE USE ONLY

* Report #5 suffices for the 2013 Annual Filing only if Report #'s 1, 2, 3 and 4 are previously filed

CONTRIBUTIONS SUMMARY

	This Period	Cumulative From Beginning of Report Period #1 through End of This Reporting Period
1. Total Monetary Contributions Received in Excess of $100 (See page 1 of instruction sheet)	$ 0.00	$ 5,180.00
2. Total Monetary Contributions in the Form of Loans Guaranteed by a 3rd-Party in Excess of $100 (See page 1 of instruction sheet)	$ 0.00	$0.00
3. Total Monetary Contributions in the Form of Loans that were Forgiven in Excess of $100 (See page 2 of instruction sheet)	$ 0.00	$0.00
4. Total Amount of Written Commitments for Contributions in Excess of $100 (See page 2 of instruction sheet)	$ 0.00	$0.00
5. Total Value of In Kind Contributions in Excess of $100 (See page 2 of instruction sheet)	$ 0.00	$0.00
6. Total Value of Written Commitments for In Kind Contributions in Excess of $100 (See page 2 of instruction sheet)	$ 0.00	$0.00
7. Total Amount of all Contributions of $100 or less (See page 2 of instruction sheet)	$ 120.00	$890.00
8. Total Amount of All Contributions (Add Lines 1 through 7) (See page 2 of instruction sheet)	$ 120.00	$6,070.00

EXPENSES SUMMARY

9. Total Monetary Expenses Paid in Excess of $100 (See page 2 of instruction sheet)	$ 0.00	$3,914.77
10. Total Value In Kind Expenses in Excess of $100 (See page 3 of instruction sheet)	$ 0.00	$0.00
11. Total Amount of all Expenses of $100 or less (See page 3 of instruction sheet)	$ 190.60	$1,133.49
12. Total Amount of All Expenses (Add Lines 9 through 11) (See page 3 of instruction sheet)	$ 190.60	$5,048.26

AFFIRMATION

MUST SELECT AT LEAST ONE:

☑ I Declare Under Penalty of Perjury That the Foregoing is True and Correct.

☐ I Declare Under an Oath to God that the Forgoing is True and Correct*

* A declaration under an oath to God is subject to the same penalties as declaration under penalty of perjury

Robert J Hastings — Signature

06/08/2012 — Date

MONETARY CONTRIBUTIONS

Report Period #2

Bob Hastings (Name (print)) | Lyon County Commissioner, District I (Office (if applicable)) | District 1 (District (if applicable))

MONETARY CONTRIBUTIONS

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE CONTRIBUTION	DATE OF CONTRIBUTION	AMOUNT OF CONTRIBUTION	CHECK HERE IF LOAN	NAME AND ADDRESS OF 3rd PARTY IF LOAN GUARANTEED BY 3rd PARTY	NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO ORIGINATED LOAN, IF DIFFERENT FROM CONTRIBUTOR

WRITTEN COMMITMENTS Report Period #2

Bob Hastings	Lyon County Commissioner, District I	District 1
Name (print)	Office (if applicable)	District (if applicable)

WRITTEN COMMITMENTS

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE THE COMMITMENT	DATE OF COMMITMENT	AMOUNT OF COMMITMENT

IN KIND CONTRIBUTIONS Report Period #2

Bob Hastings	Lyon County Commissioner, District I	District 1
Name (print)	Office (if applicable)	District (if applicable)

IN KIND CONTRIBUTIONS

NAME AND ADDRESS OF ENTITY, GROUP OR ORGANIZATION WHO MADE IN KIND CONTRIBUTION	DATE OF IN KIND CONTRIBUTION	DESCRIPTION OF IN KIND CONTRIBUTION	VALUE OR COST OF IN KIND CONTRIBUTION	CHECK HERE IF LOAN	NAME AND ADDRESS OF 3rd PARTY IF NOT GUARANTEED BY 3rd PARTY	NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO FORWARD THE GIFT IF DIFFERENT THAN CONTRIBUTOR

WRITTEN COMMITMENTS FOR IN KIND CONTRIBUTIONS — Report Period: #2

Bob Hastings	Lyon County Commissioner, District I	District 1
Name (print)	Office (if applicable)	District (if applicable)

WRITTEN COMMITMENTS FOR IN KIND CONTRIBUTIONS

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION MAKING IN-KIND WRITTEN COMMITMENT	DATE OF IN-KIND WRITTEN COMMITMENT	VALUE OF IN-KIND WRITTEN COMMITMENT

EXPENSE CATEGORIES Report Period #2

Bob Hastings	Lyon County Commissioner, District I	District 1
Name (print)	Office (if applicable)	District (if applicable)

Expense Categories (NRS 294A.365)

CATEGORIES	CODE

Office expenses	A
Expenses related to volunteers	B
Expenses related to travel	C
Expenses related to advertising	D
Expenses related to paid staff	E
Expenses related to consultants	F
Expenses related to polling	G
Expenses related to special events	H
Expenses related to legal defense fund	I
Goods and services provided in kind for which money would otherwise have been paid	J
Contributions made to: (i) another candidate; (ii) a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.226; (iii) a PAC that is registered or required to be registered pursuant to NRS 294A.230; or (iv) a Recall Committee that is registered or required to be registered pursuant to NRS 294A.250	K
Other miscellaneous expenses	L

NRS 294A.362 requires "In Kind" contributions and expenses to be reported separately.

MONETARY EXPENSES Report Period #2

Bob Hastings	Lyon County Commissioner, District I	District 1
Name (print)	Office (if applicable)	District (if applicable)

MONETARY EXPENSES

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO RECEIVED THE PAYMENT FOR THE EXPENSE	CATEGORY (SEE ITEM 8B)	DATE OF EXPENSE [1]	AMOUNT OF EXPENSE

IN KIND EXPENSES Report Period # 2

Bob Hastings (Name (print)) | Lyon County Commissioner, District I (Office (if applicable)) | District 1 (District (if applicable))

IN KIND EXPENSES

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO RECEIVED THE IN KIND GOOD OR SERVICE	DESCRIPTION OF IN KIND EXPENSE	DATE OF IN KIND EXPENSE [1]	VALUE OR COST OF IN KIND EXPENSE

Prescribed by Secretary of State
NRS 294A.120, 294A.125,
294A.140, 294A.150, 294A.160
294A.200, 294A.210, 294A.220, 294A.362

CAMPAIGN CONTRIBUTIONS AND EXPENSES REPORT

State of Nevada

Bob Hastings	Lyon County Commissioner, District I	District 1
Name	Office (if applicable)	District (if applicable)
207 Crown Point Drive, Dayton, NV, 89403		775-348-4350
Mailing Address		Telephone No.
ninergold3@gmail.com		
E-Mail Address		

Select Appropriate Box(es): ☑ CANDIDATE ☐ PAC ☐ POLITICAL PARTY ☐ INDEPENDENT EXPENDITURE ☐ NONPROFIT CORP ☐ LEGAL DEFENSE FUND ☐ AMENDED

- ☐ Annual Filing - Due January 15, 2012 — Period: Jan 01, 2011 - Dec 31, 2011
- ☐ Report #1 - Due May 22, 2012 — Period: Jan 01, 2012 - May 16, 2012
- ☐ Report #2 - Due June 06, 2012 — Period: May 19, 2012 - Jun 07, 2012
- ☑ Report #3 - Due October 16, 2012 — Period: Jun 08, 2012 - Oct 12, 2012
- ☐ Report #4 - Due November 02, 2012 — Period: Oct 13, 2012 - Nov 01, 2012
- ☐ Report #5 - Due January 15, 2013* — Period: Nov 02, 2012 - Dec 31, 2012
- ☐ Annual Filing - Due January 15, 2013 — Period: Jan 01, 2012 - Dec 31, 2012

FILED
Oct 14 2012
ROSS MILLER
SECRETARY OF STATE
FOR OFFICE USE ONLY

* Report #5 suffices for the 2013 Annual Filing only if Report #'s 1, 2, 3 and 4 are previously filed

CONTRIBUTIONS SUMMARY

	This Period	Cumulative From Beginning of Report Period th through End of This Reporting Period
1. Total Monetary Contributions Received in Excess of $100 (See page 1 of instruction sheet)	$ 14,464.36	$ 19,634.36
2. Total Monetary Contributions in the Form of Loans Guaranteed by a 3rd-Party in Excess of $100 (See page 1 of instruction sheet)	$ 0.00	$0.00
3. Total Monetary Contributions in the Form of Loans that were Forgiven in Excess of $100 (See page 2 of instruction sheet)	$ 0.00	$0.00
4. Total Amount of Written Commitments for Contributions in Excess of $100 (See page 2 of instruction sheet)	$ 0.00	$0.00
5. Total Value of In Kind Contributions in Excess of $100 (See page 2 of instruction sheet)	$ 1,175.00	$1,175.00
6. Total Value of Written Commitments for In Kind Contributions in Excess of $100 (See page 2 of instruction sheet)	$ 0.00	$0.00
7. Total Amount of all Contributions of $100 or less (See page 2 of instruction sheet)	$ 100.01	$1,000.01
8. Total Amount of All Contributions (Add Lines 1 through 7) (See page 2 of instruction sheet)	$ 15,739.37	$21,809.37

EXPENSES SUMMARY

9. Total Monetary Expenses Paid in Excess of $100 (See page 2 of instruction sheet)	$ 11,603.66	$15,518.43
10. Total Value in Kind Expenses in Excess of $100 (See page 3 of instruction sheet)	$ 0.00	$0.00
11. Total Amount of all Expenses of $100 or less (See page 3 of instruction sheet)	$ 2,451.49	$3,584.98
12. Total Amount of All Expenses (Add Lines 9 through 11) (See page 3 of instruction sheet)	$ 14,055.15	$19,103.41

AFFIRMATION

MUST SELECT AT LEAST ONE:

☑ I Declare Under Penalty of Perjury That the Foregoing is True and Correct.

☐ I Declare Under an Oath to God that the Forgoing is True and Correct*

* A declaration under an oath to God is subject to the same penalties as declaration under penalty of perjury

Robert J Hastings — Signature

10/16/2012 — Date

MONETARY CONTRIBUTIONS — Report Period #3

Bob Hastings	Lyon County Commissioner, District I	District 1
Name (print)	Office (if applicable)	District (if applicable)

MONETARY CONTRIBUTIONS

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE CONTRIBUTION	DATE OF CONTRIBUTION	AMOUNT OF CONTRIBUTION	CHECK HERE IF LOAN	NAME AND ADDRESS OF PERSON THAT LOAN WAS RECEIVED BY OR GUARANTEED BY (IF THIRD PARTY)	NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO FORGAVE THE LOAN, IF DIFFERENT THAN CONTRIBUTOR
Comstock Mining Inc 1200 American Flat Rd VIRGINIA CITY, NV 89440	07/16/2012	$4,000.00			
	09/14/2012	$2,000.00			
	10/04/2012	$4,000.00			
Lyon County Republican Central P.O. Box 619 Yerington, NV 89447	08/08/2012	$1,118.00			
Reno Gazette Journal PO Box 22000 Reno, NV 89520	08/15/2012	$238.56			
Dale Devin 853 Lakeshore Blvd. Incline Village, NV 89451	09/13/2012	$250.00			
Nevada Wood Products 5640 Spruce Ave. Silver Springs, Nv 89429	09/17/2012	$2,000.00			
Pat Wilson Company PO Box 20160 CARSON CITY, NV 89721	10/10/2012	$350.00			
West & Associates Realty 85 E. Main Street Fernley, NV 89408	10/12/2012	$500.00			

WRITTEN COMMITMENTS — Report Period #3

Bob Hastings	Lyon County Commissioner, District I	District 1
Name (print)	Office (if applicable)	District (if applicable)

WRITTEN COMMITMENTS

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE THE COMMITMENT	DATE OF COMMITMENT	AMOUNT OF COMMITMENT

IN KIND CONTRIBUTIONS Report Period #3

Bob Hastings	Lyon County Commissioner, District I	District 1
Name (print)	Office (if applicable)	District (if applicable)

IN KIND CONTRIBUTIONS

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE IN KIND CONTRIBUTION	DATE OF IN KIND CONTRIBUTION	DESCRIPTION OF IN KIND CONTRIBUTION	VALUE OR COST OF IN KIND CONTRIBUTION	CHECK HERE IF LOAN	NAME AND ADDRESS OF 3rd PARTY IF LOAN GUARANTEED BY 3rd PARTY	NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO TO WHOM THE LOAN, IF DIFFERENT THAN CONTRIBUTOR
NC Ribon Company PO Box 30160 CARSON CITY, NV 89721	10/03/2012	Trailer move (driver and tractor)	$600.00			
Keller Rebuilders 3125 Spring Circle Silver Springs, NV 89429	10/12/2012	Building of A frame trailer and hauling	$375.00			
Cal Nevada Towing 500 Truck Inn Way Fernley, NV 89408	10/12/2012	Move trailer	$150.00			

WRITTEN COMMITMENTS FOR IN KIND CONTRIBUTIONS — Report Period #3

Bob Hastings	Lyon County Commissioner, District I	District 1
Name (print)	Office (if applicable)	District (if applicable)

WRITTEN COMMITMENTS FOR IN KIND CONTRIBUTIONS

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE THE IN KIND WRITTEN COMMITMENT	DATE OF IN KIND WRITTEN COMMITMENT	VALUE OF IN KIND WRITTEN COMMITMENT

EXPENSE CATEGORIES Report Period #3

Bob Hastings	Lyon County Commissioner, District I	District 1
Name (print)	Office (if applicable)	District (if applicable)

Expense Categories (NRS 294A.365)

CATEGORIES	CODE
Office expenses	A
Expenses related to volunteers	B
Expenses related to travel	C
Expenses related to advertising	D
Expenses related to paid staff	E
Expenses related to consultants	F
Expenses related to polling	G
Expenses related to special events	H
Expenses related to legal defense fund	I
Goods and services provided in kind for which money would otherwise have been paid	J
Contributions made to: (i) another candidate; (ii) a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225; (iii) a PAC that is registered or required to be registered pursuant to NRS 294A.230; or (iv) a Recall Committee that is registered or required to be registered pursuant to NRS 294A.260	K
Other miscellaneous expenses	L

NRS 294A.362 requires "In Kind" contributions and expenses to be reported separately.

MONETARY EXPENSES Report Period #3

Bob Hastings	Lyon County Commissioner, District I	District 1
Name (print)	Office (if applicable)	District (if applicable)

MONETARY EXPENSES

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO RECEIVED THE PAYMENT FOR THE EXPENSE	CATEGORY (NRS 294A.360)	DATE OF EXPENSE	AMOUNT OF EXPENSE
The Victory Store 3200 SW 30th Street DAVENPORT, IA 52802	D	07/18/2012	$2,999.00
Reno Gazette Journal PO Box 22000 Reno, NV 89520	D	07/19/2012	$472.30
Computer Artistry 823 Randview Cir Carson City, NV 89705	F	08/14/2012	$274.06
Carolina Pen Company 7620 Davie Road Hollywood, FL 33024	D	08/14/2012	$172.61
Dan Page PO Box 99 SILVER CITY, NV 89428	E	08/24/2012	$125.00
Lowe's 375 Stanley Drive FERNLEY, NV 89408	D	08/24/2012	$229.73
Gary Gordon Gledhill 259 Riverbend Rd. DAYTON, NV 89403	L	08/28/2012	$168.00
Clear Bags 4949 Windplay Dr. El Dorado Hills, CA 95762	A	09/04/2012	$106.34
HyGo Nye Lane CARSON CITY, NV 89701	H	09/20/2012	$130.00
Mandy Bennett PO Box 567 Silver Springs, NV 89429	E	09/24/2012	$125.00
White Knuckle Motor Sports 34 N. Main St. FERRINGTON, NV 89447	D	09/26/2012	$2,500.00
	D	10/09/2012	$1,050.00
Nadine Hastings 207 Crown Point Dr. DAYTON, NV 89403	L	09/26/2012	$1,250.00
Data Graphics 37 Alfonso Mound House, NV 89706	D	09/26/2012	$462.67
Kernel Image 145 Main Street FERNLEY, NV 89408	D	10/02/2012	$184.83
Reno Print Shop 256 Greg Street suite 5 RENO, NV 89502	D	10/05/2012	$1,104.18
Data Graphics 37 Alfonso Drive CARSON CITY, NV 89706	D	10/12/2012	$305.24

IN KIND EXPENSES Report Period #3

Bob Hastings	Lyon County Commissioner, District I	District 1
Name (print)	Office (if applicable)	District (if applicable)

IN KIND EXPENSES

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO RECEIVED THE IN KIND GOOD OR SERVICE	DESCRIPTION OF IN KIND EXPENSE	DATE OF IN KIND EXPENSE	VALUE OR COST OF IN KIND EXPENSE

Prescribed by Secretary of State
NRS 294A.120, 294A.125,
294A.140, 294A.150, 294A.160
294A.200, 294A.210, 294A.220, 294A.362

CAMPAIGN CONTRIBUTIONS AND EXPENSES REPORT

State of Nevada

Bob Hastings	Lyon County Commissioner, District I	District 1
Name	Office (if applicable)	District (if applicable)
207 Crown Point Drive, Dayton, NV, 89403		775-246-4350
Mailing Address		Telephone No.
ninergold3@gmail.com		
E-Mail Address		

Select Appropriate Box(es): ☑ CANDIDATE ☐ PAC ☐ POLITICAL PARTY ☐ INDEPENDENT EXPENDITURE ☐ NONPROFIT CORP ☐ LEGAL DEFENSE FUND ☐ AMENDED

- ☐ Annual Filing - Due January 15, 2012 — Period: Jan 01, 2011 - Dec 31, 2011
- ☐ Report #1 - Due May 22, 2012 — Period: Jan 01, 2012 - May 18, 2012
- ☐ Report #2 - Due June 08, 2012 — Period: May 19, 2012 - Jun 07, 2012
- ☐ Report #3 - Due October 16, 2012 — Period: Jun 08, 2012 - Oct 12, 2012
- ☑ Report #4 - Due November 02, 2012 — Period: Oct 13, 2012 - Nov 01, 2012
- ☐ Report #5 - Due January 15, 2013* — Period: Nov 02, 2012 - Dec 31, 2012
- ☐ Annual Filing - Due January 15, 2013 — Period: Jan 01, 2012 - Dec 31, 2012

FILED
Nov 2 2012
ROSS MILLER
SECRETARY OF STATE
FOR OFFICE USE ONLY

* Report #5 suffices for the 2013 Annual Filing only if Report #'s 1, 2, 3 and 4 are previously filed

CONTRIBUTIONS SUMMARY

	This Period	Cumulative From Beginning of Report Period #1 through End of This Reporting Period
1. Total Monetary Contributions Received in Excess of $100 (See page 1 of instruction sheet)	$ 7,500.00	$ 27,134.36
2. Total Monetary Contributions in the Form of Loans Guaranteed by a 3rd-Party in Excess of $100 (See page 1 of instruction sheet)	$ 0.00	$0.00
3. Total Monetary Contributions in the Form of Loans that were Forgiven in Excess of $100 (See page 2 of instruction sheet)	$ 0.00	$0.00
4. Total Amount of Written Commitments for Contributions in Excess of $100 (See page 2 of instruction sheet)	$ 0.00	$0.00
5. Total Value of In Kind Contributions in Excess of $100 (See page 2 of instruction sheet)	$ 0.00	$1,175.00
6. Total Value of Written Commitments for In Kind Contributions in Excess of $100 (See page 2 of instruction sheet)	$ 0.00	$0.00
7. Total Amount of all Contributions of $100 or less (See page 2 of instruction sheet)	$ 250.00	$1,250.01
8. Total Amount of All Contributions (Add Lines 1 through 7) (See page 2 of instruction sheet)	$ 7,750.00	$29,559.37

EXPENSES SUMMARY

9. Total Monetary Expenses Paid in Excess of $100 (See page 2 of instruction sheet)	$ 8,091.70	$23,610.13
10. Total Value In Kind Expenses in Excess of $100 (See page 3 of instruction sheet)	$ 0.00	$0.00
11. Total Amount of all Expenses of $100 or less (See page 3 of instruction sheet)	$ 405.27	$3,990.25
12. Total Amount of All Expenses (Add Lines 9 through 11) (See page 3 of instruction sheet)	$ 8,496.97	$27,600.38

AFFIRMATION

MUST SELECT AT LEAST ONE

☑ I Declare Under Penalty of Perjury That the Foregoing is True and Correct.

☐ I Declare Under an Oath to God that the Forgoing is True and Correct*
* A declaration under an oath to God is subject to the same penalties as declaration under penalty of perjury

Robert J Hastings — Signature
11/02/2012 — Date

MONETARY CONTRIBUTIONS — Report Period: #4

Bob Hastings	Lyon County Commissioner, District I	District 1
Name (print)	Office (if applicable)	District (if applicable)

MONETARY CONTRIBUTIONS

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE CONTRIBUTION	DATE OF CONTRIBUTION	AMOUNT OF CONTRIBUTION	CHECK HERE IF LOAN	NAME AND ADDRESS OF 3rd PARTY IF LOAN GUARANTEED BY 3rd PARTY	NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO ENDORSE THE LOAN, IF DIFFERENT THAN CONTRIBUTOR
Santa Fe Financial Corp. 10940 Wilshire Blvd., Suite 2150 LOS ANGELES, CA 90024	10/19/2012	$2,000.00			
The Intercorp Corp. 10940 Wilshire Blvd., Suite 2150 LOS ANGELES, CA 90024	10/19/2012	$3,500.00			
Portsmouth Square Inc. 10940 Wilshire Blvd., Suite 2150 LOS ANGELES, CA 90024	10/19/2012	$2,000.00			

WRITTEN COMMITMENTS — Report Period: #4

Bob Hastings	Lyon County Commissioner, District I	District 1
Name (print)	Office (if applicable)	District (if applicable)

WRITTEN COMMITMENTS

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE THE COMMITMENT	DATE OF COMMITMENT	AMOUNT OF COMMITMENT

IN KIND CONTRIBUTIONS Report Period 4

Bob Hastings	Lyon County Commissioner, District I	District 1
Name (print)	Office (if applicable)	District (if applicable)

IN KIND CONTRIBUTIONS

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE IN KIND CONTRIBUTION	DATE OF IN KIND CONTRIBUTION	DESCRIPTION OF IN KIND CONTRIBUTION	VALUE OR COST OF IN KIND CONTRIBUTION	CHECK HERE IF LOAN	NAME AND ADDRESS OF 3rd PARTY IF LOAN GUARANTEED BY 3rd PARTY	NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO FORGAVE THE LOAN, IF DIFFERENT THAN CONTRIBUTOR

WRITTEN COMMITMENTS FOR IN KIND CONTRIBUTIONS

Report Period #4

Bob Hastings	Lyon County Commissioner, District I	District 1
Name (print)	Office (if applicable)	District (if applicable)

WRITTEN COMMITMENTS FOR IN KIND CONTRIBUTIONS

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE THE IN KIND WRITTEN COMMITMENT	DATE OF IN KIND WRITTEN COMMITMENT	VALUE OF IN KIND WRITTEN COMMITMENT

EXPENSE CATEGORIES Report Period #4

Bob Hastings	Lyon County Commissioner, District I	District 1
Name (print)	Office (if applicable)	District (if applicable)

Expense Categories (NRS 294A.366)

CATEGORIES	CODE
Office expenses	A
Expenses related to volunteers	B
Expenses related to travel	C
Expenses related to advertising	D
Expenses related to paid staff	E
Expenses related to consultants	F
Expenses related to polling	G
Expenses related to special events	H
Expenses related to legal defense fund	I
Goods and services provided in kind for which money would otherwise have been paid	J
	K

Contributions made to: (i) another candidate; (ii) a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225; (iii) a PAC that is registered or required to be registered pursuant to NRS 294A.230; or (iv) a Recall Committee that is registered or required to be registered pursuant to NRS 294A.250	
Other miscellaneous expenses	L

NRS 294A.362 requires "In Kind" contributions and expenses to be reported separately.

MONETARY EXPENSES Report Period #4

Bob Hastings	Lyon County Commissioner, District I	District 1
Name (print)	Office (if applicable)	District (if applicable)

MONETARY EXPENSES

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO RECEIVED THE PAYMENT OR THE EXPENSE	CATEGORY (NRS 294A.360)	DATE OF EXPENSE [1]	AMOUNT OF EXPENSE
White Knuckle Motor Sports 78 N. Main St. YERINGTON, NV 89447	D	10/15/2012	$250.00
KDS 28 N. Main Street YERINGTON, NV 89447	D	10/19/2012	$200.00
Campaign Walkers/Supplies (Rx Cash) PO Box 686 DAYTON, NV 89403	A, G, E, L	10/19/2012	$2,400.00
KNET 1960 Idaho St. Carson City, NV 89701	D	10/19/2012	$675.00
	D	10/24/2012	$675.00
Boy Scouts of America 2940 E. 6th St. Silver Springs, NV 89429	K	10/21/2012	$400.00
Round Table Pizza 514 W. Goldfield Ave. YERINGTON, NV 89447	B	10/21/2012	$131.73
Heidi's Restaurant 3030 N. Carson Street CARSON CITY, NV 89703	B	10/21/2012	$122.85
KCMY 1960 Idaho St. CARSON CITY, NV 89701	D	10/26/2012	$500.00
Nadine Hastings 287 Crown Point Dr. DAYTON, NV 89403	L	10/26/2012	$1,200.00
Grass Roots 2.0 140 Washington St. LL-80 RENO, NV 89503	D	10/29/2012	$392.06
Alta Keller P. O. Box 201 Silver Springs, NV 89429	D, E	10/29/2012	$166.06

Nevada Appeal 680 Mallory Way Carson City, NV 89701	O	10/30/2012	$632.50
Dawn Gribble 1495 River Park Parkway DAYTON, NV 89403	O, E	10/31/2012	$220.00

IN KIND EXPENSES Report Period #4

Bob Hastings	Lyon County Commissioner, District I	District 1
Name (print)	Office (if applicable)	District (if applicable)

IN KIND EXPENSES

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO RECEIVED THE IN KIND GOOD OR SERVICE	DESCRIPTION OF IN KIND EXPENSE	DATE OF IN KIND EXPENSE [1]	VALUE OR COST OF IN KIND EXPENSE

Prescribed by Secretary of State
NRS 294A.120, 294A.125,
294A.140, 294A.150, 294A.160
294A.200, 294A.210, 294A.220, 294A.360

CAMPAIGN CONTRIBUTIONS AND EXPENSES REPORT

State of Nevada

Bob Hastings	Lyon County Commissioner, District I	District 1
Name	Office (if applicable)	District (if applicable)
207 Crown Point Drive, Dayton, NV, 89403		775-246-4350
Mailing Address		Telephone No.
silvergold3@gmail.com		
E-Mail Address		

Select Appropriate Box(es): ☑ CANDIDATE ☐ PAC ☐ POLITICAL PARTY ☐ INDEPENDENT EXPENDITURE ☐ NONPROFIT CORP ☐ LEGAL DEFENSE FUND ☐ AMENDED

- ☐ Annual Filing - Due January 16, 2013 — Period: Jan 01, 2011 - Dec 31, 2011
- ☐ Report #1 - Due May 22, 2012 — Period: Jan 01, 2012 - May 16, 2012
- ☐ Report #2 - Due June 08, 2012 — Period: May 19, 2012 - Jun 07, 2012
- ☐ Report #3 - Due October 16, 2012 — Period: Jun 08, 2012 - Oct 12, 2012
- ☐ Report #4 - Due November 02, 2012 — Period: Oct 13, 2012 - Nov 01, 2012
- ☑ Report #5 - Due January 16, 2013* — Period: Nov 02, 2012 - Dec 31, 2012
- ☐ Annual Filing - Due January 15, 2013 — Period: Jan 01, 2012 - Dec 31, 2012

FILED
Dec 26 2012
ROSS MILLER
SECRETARY OF STATE
FOR OFFICE USE ONLY

* Report #5 suffices for the 2013 Annual Filing only if Report #'s 1, 2, 3 and 4 are previously filed

CONTRIBUTIONS SUMMARY

	This Period	Cumulative From Beginning of Report Period #1 through End of This Reporting Period
1. Total Monetary Contributions Received in Excess of $100 (See page 1 of Instruction sheet)	$ 0.00	$ 27,134.36
2. Total Monetary Contributions in the Form of Loans Guaranteed by a 3rd-Party in Excess of $100 (See page 1 of Instruction sheet)	$ 0.00	$0.00
3. Total Monetary Contributions in the Form of Loans that were Forgiven in Excess of $100 (See page 2 of Instruction sheet)	$ 0.00	$0.00
4. Total Amount of Written Commitments for Contributions in Excess of $100 (See page 2 of instruction sheet)	$ 0.00	$0.00
5. Total Value of In Kind Contributions in Excess of $100 (See page 2 of instruction sheet)	$ 0.00	$1,175.00
6. Total Value of Written Commitments for In Kind Contributions in Excess of $100 (See page 2 of instruction sheet)	$ 0.00	$0.00
7. Total Amount of all Contributions of $100 or less (See page 2 of instruction sheet)	$ 0.00	$1,250.01
8. Total Amount of All Contributions (Add Lines 1 through 7) (See page 2 of instruction sheet)	$ 0.00	$29,559.37

EXPENSES SUMMARY

9. Total Monetary Expenses Paid in Excess of $100 (See page 2 of instruction sheet)	$ 320.63	$23,930.76
10. Total Value In Kind Expenses in Excess of $100 (See page 3 of instruction sheet)	$ 0.00	$0.00
11. Total Amount of all Expenses of $100 or less (See page 3 of instruction sheet)	$ 432.55	$4,422.80
12. Total Amount of All Expenses (Add Lines 9 through 11) (See page 3 of instruction sheet)	$ 753.18	$28,353.56

AFFIRMATION

MUST SELECT AT LEAST ONE:

- ☐ I Declare Under Penalty of Perjury That the Foregoing is True and Correct.
- ☑ I Declare Under an Oath to God that the Forgoing is True and Correct*

* A declaration under an oath to God is subject to the same penalties as declaration under penalty of perjury

Robert J. Hastings — Signature

12/26/2012 — Date

MONETARY CONTRIBUTIONS

Report Period #5

Bob Hastings	Lyon County Commissioner, District I	District 1
Name (print)	Office (if applicable)	District (if applicable)

MONETARY CONTRIBUTIONS

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE CONTRIBUTION	DATE OF CONTRIBUTION	AMOUNT OF CONTRIBUTION	CHECK HERE IF LOAN	NAME AND ADDRESS OF 3rd PARTY IF LOAN GUARANTEED BY 3rd PARTY	NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO SIGNED NTE (ONLY IF PERSON MAKING CONTRIBUTION)

WRITTEN COMMITMENTS Report Period #5

Bob Hastings	Lyon County Commissioner, District I	District 1
Name (print)	Office (if applicable)	District (if applicable)

WRITTEN COMMITMENTS

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE THE COMMITMENT	DATE OF COMMITMENT	AMOUNT OF COMMITMENT

IN KIND CONTRIBUTIONS Report Period #5

Bob Hastings	Lyon County Commissioner, District I	District 1
Name (print)	Office (if applicable)	District (if applicable)

IN KIND CONTRIBUTIONS

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE IN KIND CONTRIBUTION	DATE OF IN KIND CONTRIBUTION	DESCRIPTION OF IN KIND CONTRIBUTION	VALUE OR COST OF IN KIND CONTRIBUTION	CHECK HERE IF LOAN	NAME AND ADDRESS OF 3rd PARTY IF LOAN OBTAINED BY 3rd PARTY	NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO PROVIDED THE LOAN, IF DIFFERENT THAN CONTRIBUTOR

WRITTEN COMMITMENTS FOR IN KIND CONTRIBUTIONS

Report Period: #5

Bob Hastings	Lyon County Commissioner, District I	District 1
Name (print)	Office (if applicable)	District (if applicable)

WRITTEN COMMITMENTS FOR IN KIND CONTRIBUTIONS

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE THE IN KIND WRITTEN COMMITMENT	DATE OF IN KIND WRITTEN COMMITMENT	VALUE OF IN KIND WRITTEN COMMITMENT

EXPENSE CATEGORIES Report Period #5

Bob Hastings	Lyon County Commissioner, District I	District 1
Name (print)	Office (if applicable)	District (if applicable)

Expense Categories (NRS 294A.366)

CATEGORIES	CODE

Office expenses	A
Expenses related to volunteers	B
Expenses related to travel	C
Expenses related to advertising	D
Expenses related to paid staff	E
Expenses related to consultants	F
Expenses related to polling	G
Expenses related to special events	H
Expenses related to legal defense fund	I
Goods and services provided in kind for which money would otherwise have been paid	J
Contributions made to: (i) another candidate; (ii) a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225; (iii) a PAC that is registered or required to be registered pursuant to NRS 294A.230; or (iv) a Recall Committee that is registered or required to be registered pursuant to NRS 294A.250	K
Other miscellaneous expenses	L

NRS 294A.362 requires "In Kind" contributions and expenses to be reported separately.

MONETARY EXPENSES Report Period 8 5

Bob Hastings	Lyon County Commissioner, District I	District 1
Name (print)	Office (if applicable)	District (if applicable)

MONETARY EXPENSES

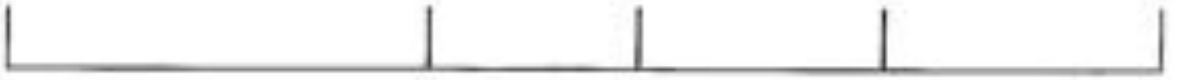
NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO RECEIVED THE PAYMENT FOR THE EXPENSE	CATEGORY (NRS 294A.368)	DATE OF EXPENSE	AMOUNT OF EXPENSE
Smith's 2200 Hwy 50 East Dayton, NV 89403	B, H	11/06/2012	$170.63
Vita Keller P. O. Box 291 Silver Springs, NV 89429	E	12/26/2012	$100.00

IN KIND EXPENSES Report Period # 5

Bob Hastings | Lyon County Commissioner, District I | District 1
Name (print) | Office (if applicable) | District (if applicable)

IN KIND EXPENSES

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO RECEIVED THE IN-KIND GOOD OR SERVICE	DESCRIPTION OF IN-KIND EXPENSE	DATE OF IN-KIND EXPENSE	VALUE OR COST OF IN-KIND EXPENSE



Prescribed by Secretary of State
NRS 294A.120, 294A.125,
294A.140, 294A.150, 294A.160
294A.200, 294A.210, 294A.220, 294A.360

Exhibit L

CAMPAIGN CONTRIBUTIONS AND EXPENSES REPORT

State of Nevada

Chuck Roberts	Lyon County Commissioner, District I	
Name	Office (if applicable)	District (if applicable)
P O Box 498, Carson city, NV, 89702		775-246-5060
Mailing Address		Telephone No.

E-Mail Address

Select Appropriate Box(es): ☑ CANDIDATE ☐ PAC ☐ POLITICAL PARTY ☐ INDEPENDENT EXPENDITURE ☐ NONPROFIT CORP ☐ LEGAL DEFENSE FUND ☑ AMENDED

- ☐ Annual Filing - Due January 18, 2012 — Period: Jan 01, 2011 - Dec 31, 2011
- ☑ Report #1 - Due May 22, 2012 — Period: Jan 01, 2012 - May 18, 2012
- ☐ Report #2 - Due June 08, 2012 — Period: May 19, 2012 - Jun 07, 2012
- ☐ Report #3 - Due October 16, 2012 — Period: Jun 08, 2012 - Oct 12, 2012
- ☐ Report #4 - Due November 02, 2012 — Period: Oct 13, 2012 - Nov 01, 2012
- ☐ Report #5 - Due January 18, 2013* — Period: Nov 02, 2012 - Dec 31, 2012
- ☐ Annual Filing - Due January 18, 2013 — Period: Jan 01, 2012 - Dec 31, 2012

FILED
May 22 2012
ROSS MILLER
SECRETARY OF STATE
FOR OFFICE USE ONLY

* Report #5 suffices for the 2013 Annual Filing only if Report #'s 1, 2, 3 and 4 are previously filed

CONTRIBUTIONS SUMMARY

	This Period	Cumulative From Beginning of Report Period #1 through End of this Reporting Period
1. Total Monetary Contributions Received in Excess of $100 (See page 1 of instruction sheet)	$ 0.00	$ 0.00
2. Total Monetary Contributions in the Form of Loans Guaranteed by a 3rd-Party in Excess of $100 (See page 1 of instruction sheet)	$ 0.00	$0.00
3. Total Monetary Contributions in the Form of Loans that were Forgiven in Excess of $100 (See page 2 of instruction sheet)	$ 0.00	$0.00
4. Total Amount of Written Commitments for Contributions in Excess of $100 (See page 2 of instruction sheet)	$ 0.00	$0.00
5. Total Value of In Kind Contributions in Excess of $100 (See page 2 of instruction sheet)	$ 0.00	$0.00
6. Total Value of Written Commitments for In Kind Contributions in Excess of $100 (See page 2 of instruction sheet)	$ 0.00	$0.00
7. Total Amount of all Contributions of $100 or less (See page 2 of instruction sheet)	$ 0.00	$0.00
8. Total Amount of All Contributions (Add Lines 1 through 7) (See page 2 of instruction sheet)	$ 0.00	$0.00

EXPENSES SUMMARY

9. Total Monetary Expenses Paid in Excess of $100 (See page 2 of instruction sheet)	$ 0.00	$0.00
10. Total Value In Kind Expenses in Excess of $100 (See page 3 of instruction sheet)	$ 0.00	$0.00
11. Total Amount of all Expenses of $100 or less (See page 3 of instruction sheet)	$ 20.00	$20.00
12. Total Amount of All Expenses (Add Lines 9 through 11) (See page 3 of instruction sheet)	$ 20.00	$20.00

AFFIRMATION

MUST SELECT AT LEAST ONE:

☑ I Declare Under Penalty of Perjury That the Foregoing is True and Correct.

☐ I Declare Under an Oath to God that the Foregoing is True and Correct*

* A declaration under an oath to God is subject to the same penalties as declaration under penalty of perjury

Chuck Roberts — Signature

05/21/2012 — Date

MONETARY CONTRIBUTIONS — Report Period #1

Chuck Roberts (Name (print)) | Lyon County Commissioner, District I (Office (if applicable)) | (District (if applicable))

MONETARY CONTRIBUTIONS

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE CONTRIBUTION	DATE OF CONTRIBUTION	AMOUNT OF CONTRIBUTION	CHECK HERE IF LOAN	NAME AND ADDRESS OF PERSON GUARANTEEING LOAN	NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHICH RECEIVED THE LOAN IF DIFFERENT THAN CONTRIBUTOR

WRITTEN COMMITMENTS — Report Period #1

Chuck Roberts (Name (print)) | Lyon County Commissioner, District I (Office (if applicable)) | (District (if applicable))

WRITTEN COMMITMENTS

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE THE COMMITMENT	DATE OF COMMITMENT	AMOUNT OF COMMITMENT

IN KIND CONTRIBUTIONS — Report Period #1

Chuck Roberts (Name (print)) | Lyon County Commissioner, District I (Office (if applicable)) | (District (if applicable))

IN KIND CONTRIBUTIONS

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE IN-KIND CONTRIBUTION	DATE OF IN-KIND CONTRIBUTION	DESCRIPTION OF IN-KIND CONTRIBUTION	VALUE OR COST OF IN-KIND CONTRIBUTION	CHECK HERE IF LOAN	NAME AND ADDRESS OF 3rd PARTY IF LOAN GUARANTEED BY 3rd PARTY	NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO ORIGINALLY MADE LOAN IF DIFFERENT THAN CONTRIBUTOR

WRITTEN COMMITMENTS FOR IN KIND CONTRIBUTIONS

Report Period: # 1

Chuck Roberts (Name (print)) | Lyon County Commissioner, District I (Office (if applicable)) | (District (if applicable))

WRITTEN COMMITMENTS FOR IN KIND CONTRIBUTIONS

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION (IF OTHER THAN REPORTING WRITTEN COMMITMENT)	DATE OF IN KIND WRITTEN COMMITMENT	VALUE OF IN KIND WRITTEN COMMITMENT

EXPENSE CATEGORIES Report Period F1

Chuck Roberts — Name (print)
Lyon County Commissioner, District I — Office (if applicable) — District (if applicable)

Expense Categories (NRS 294A.365)

CATEGORIES	CODE
Office expenses	A

Expenses related to volunteers	B
Expenses related to travel	C
Expenses related to advertising	D
Expenses related to paid staff	E
Expenses related to consultants	F
Expenses related to polling	G
Expenses related to special events	H
Expenses related to legal defense fund	I
Goods and services provided in kind for which money would otherwise have been paid	J
Contributions made to: (i) another candidate; (ii) a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225; (iii) a PAC that is registered or required to be registered pursuant to NRS 294A.230; or (iv) a Recall Committee that is registered or required to be registered pursuant to NRS 294A.250	K
Other miscellaneous expenses	L

NRS 294A.362 requires "In Kind" contributions and expenses to be reported separately.

MONETARY EXPENSES Report Period # 1

Chuck Roberts (Name (print)) Lyon County Commissioner, District I (Office (if applicable)) (District (if applicable))

MONETARY EXPENSES

	CATEGORY (NRS 294A.360)	DATE OF EXPENSE	AMOUNT OF EXPENSE

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO RECEIVED THE PAYMENT FOR THE EXPENSE			

IN KIND EXPENSES Report Period #1

Chuck Roberts (Name (print)) Lyon County Commissioner, District I (Office (if applicable)) (District (if applicable))

IN KIND EXPENSES

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO RECEIVED THE IN KIND GOOD OR SERVICE	DESCRIPTION OF IN KIND EXPENSE	DATE OF IN KIND EXPENSE	VALUE OR COST OF IN KIND EXPENSE

Prescribed by Secretary of State
NRS 294A.120, 294A.125,
294A.140, 294A.150, 294A.160
294A.200, 294A.210, 294A.220, 294A.362

CAMPAIGN CONTRIBUTIONS AND EXPENSES REPORT

State of Nevada

Chuck Roberts	Lyon County Commissioner, District I	
Name	Office (if applicable)	District (if applicable)
P O Box 488, Carson city, NV, 89702		775-246-5060
Mailing Address		Telephone No.

E-Mail Address

Select Appropriate Box(es): ☑ CANDIDATE ☐ PAC ☐ POLITICAL PARTY ☐ INDEPENDENT EXPENDITURE ☐ NONPROFIT CORP ☐ LEGAL DEFENSE FUND ☐ AMENDED

- ☐ Annual Filing - Due January 15, 2012 — Period: Jan 01, 2011 - Dec 31, 2011
- ☐ Report #1 - Due May 22, 2012 — Period: Jan 01, 2012 - May 18, 2012
- ☑ Report #2 - Due June 05, 2012 — Period: May 19, 2012 - Jun 07, 2012
- ☐ Report #3 - Due October 16, 2012 — Period: Jun 08, 2012 - Oct 13, 2012
- ☐ Report #4 - Due November 02, 2012 — Period: Oct 13, 2012 - Nov 01, 2012
- ☐ Report #5 - Due January 15, 2013* — Period: Nov 02, 2012 - Dec 31, 2012
- ☐ Annual Filing - Due January 15, 2013 — Period: Jan 01, 2012 - Dec 31, 2012

FILED
Jun 8 2012
ROSS MILLER
SECRETARY OF STATE
FOR OFFICE USE ONLY

* Report #5 suffices for the 2013 Annual Filing only if Report #'s 1, 2, 3 and 4 are previously filed

CONTRIBUTIONS SUMMARY

	This Period	Cumulative From Beginning of Report Period 01 through End of This Reporting Period
1. Total Monetary Contributions Received in Excess of $100 (See page 1 of instruction sheet)	$ 0.00	$ 0.00
2. Total Monetary Contributions in the Form of Loans Guaranteed by a 3rd Party in Excess of $100 (See page 1 of instruction sheet)	$ 0.00	$0.00
3. Total Monetary Contributions in the Form of Loans that were Forgiven in Excess of $100 (See page 2 of instruction sheet)	$ 0.00	$0.00
4. Total Amount of Written Commitments for Contributions in Excess of $100 (See page 2 of instruction sheet)	$ 0.00	$0.00
5. Total Value of In Kind Contributions in Excess of $100 (See page 2 of instruction sheet)	$ 250.00	$250.00
6. Total Value of Written Commitments for In Kind Contributions in Excess of $100 (See page 2 of instruction sheet)	$ 0.00	$0.00
7. Total Amount of all Contributions of $100 or less (See page 2 of instruction sheet)	$ 20.00	$20.00
8. Total Amount of All Contributions (Add Lines 1 through 7) (See page 2 of instruction sheet)	$ 270.00	$270.00

EXPENSES SUMMARY

9. Total Monetary Expenses Paid in Excess of $100 (See page 2 of instruction sheet)	$ 0.00	$0.00
10. Total Value In Kind Expenses in Excess of $100 (See page 3 of instruction sheet)	$ 250.00	$250.00
11. Total Amount of all Expenses of $100 or less (See page 3 of instruction sheet)	$ 0.00	$20.00
12. Total Amount of All Expenses (Add Lines 9 through 11) (See page 3 of instruction sheet)	$ 250.00	$270.00

AFFIRMATION

MUST SELECT AT LEAST ONE:

☑ I Declare Under Penalty of Perjury That the Foregoing is True and Correct.

☐ I Declare Under an Oath to God that the Foregoing is True and Correct*

* A declaration under an oath to God is subject to the same penalties as declaration under penalty of perjury

Chuck Roberts	06/08/2012
Signature	Date

MONETARY CONTRIBUTIONS

Report Period: #2

Chuck Roberts
Name (print)

Lyon County Commissioner, District I
Office (if applicable)

District (if applicable)

MONETARY CONTRIBUTIONS

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE CONTRIBUTION	DATE OF CONTRIBUTION	AMOUNT OF CONTRIBUTION	CHECK HERE IF LOAN	NAME AND ADDRESS OF 3rd PARTY IF FROM GUARANTEED BY 3rd PARTY	NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO FORWARDED THE LOAN, IF APPLICABLE

WRITTEN COMMITMENTS Report Period 4 2

Chuck Roberts (Name (print)) Lyon County Commissioner, District I (Office (if applicable)) (District (if applicable))

WRITTEN COMMITMENTS

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE THE COMMITMENT	DATE OF COMMITMENT	AMOUNT OF COMMITMENT

IN KIND CONTRIBUTIONS Report Period 4 2

Chuck Roberts (Name (print)) Lyon County Commissioner, District I (Office (if applicable)) (District (if applicable))

IN KIND CONTRIBUTIONS

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE IN KIND CONTRIBUTION	DATE OF IN KIND CONTRIBUTION	DESCRIPTION OF IN KIND CONTRIBUTION	VALUE OR COST OF IN KIND CONTRIBUTION	CHECK HERE IF LOAN	NAME AND ADDRESS OF 3rd PARTY IF LOAN GUARANTEED BY 3rd PARTY	NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO ORIGINATED THE GOAL IF DIFFERENT THAN CONTRIBUTOR
Silver State Millwork LLC P. O. Box 498 Carson City, NV 89702	06/02/2018	H	$250.00			

WRITTEN COMMITMENTS FOR IN KIND CONTRIBUTIONS — Report Period #2

Chuck Roberts (Name (print)) | Lyon County Commissioner, District I (Office (if applicable)) | (District (if applicable))

WRITTEN COMMITMENTS FOR IN KIND CONTRIBUTIONS

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE THE IN KIND WRITTEN COMMITMENT	DATE OF IN KIND WRITTEN COMMITMENT	VALUE OF IN KIND WRITTEN COMMITMENT

EXPENSE CATEGORIES Report Period #2

Chuck Roberts — Name (print)
Lyon County Commissioner, District I — Office (if applicable) / District (if applicable)

Expense Categories (NRS 294A.365)

CATEGORIES	CODE
Office expenses	A
Expenses related to volunteers	B
Expenses related to travel	C
Expenses related to advertising	D
Expenses related to paid staff	E
Expenses related to consultants	F
Expenses related to polling	G
Expenses related to special events	H
Expenses related to legal defense fund	I
Goods and services provided in kind for which money would otherwise have been paid	J
	K

Contributions made to: (i) another candidate; (ii) a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225; (iii) a PAC that is registered or required to be registered pursuant to NRS 294A.230; or (iv) a Recall Committee that is registered or required to be registered pursuant to NRS 294A.250	
Other miscellaneous expenses	0.

NRS 294A.362 requires "In Kind" contributions and expenses to be reported separately.

MONETARY EXPENSES Report Period #2

Chuck Roberts (Name (print)) Lyon County Commissioner, District I (Office (if applicable)) (District (if applicable))

MONETARY EXPENSES

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO RECEIVED THE PAYMENT FOR THE EXPENSE	CATEGORY (NRS 294A.365)	DATE OF EXPENSE	AMOUNT OF EXPENSE

IN KIND EXPENSES Report Period # 2

Chuck Roberts (Name (print)) | Lyon County Commissioner, District I (Office (if applicable)) | (District (if applicable))

IN KIND EXPENSES

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO PROVIDED THE IN KIND GOOD OR SERVICE	DESCRIPTION OF IN KIND EXPENSE	DATE OF IN KIND EXPENSE [1]	VALUE OR COST OF IN KIND EXPENSE
Lyon County Republican Central Committee PO Box 969 Yerington, NV 89447 YERINGTON, NV 89447	H	06/02/2012	$250.00

Prescribed by Secretary of State
NRS 294A.120, 294A.125,
294A.140, 294A.150, 294A.160
294A.200, 294A.210, 294A.220, 294A.362

CAMPAIGN CONTRIBUTIONS AND EXPENSES REPORT

State of Nevada

Chuck Roberts — Name
Lyon County Commissioner, District I — Office (if applicable)
District (if applicable)
P O Box 498, Carson city, NV, 89702 — Mailing Address
775-246-6060 — Telephone No.
E-Mail Address

Select Appropriate Box(es)

☑ CANDIDATE ☐ PAC ☐ POLITICAL PARTY ☐ INDEPENDENT EXPENDITURE
☐ NONPROFIT CORP ☐ LEGAL DEFENSE FUND ☐ AMENDED

- ☐ Annual Filing - Due January 18, 2012 — Period: Jan 01, 2011 - Dec 31, 2011
- ☐ Report #1 - Due May 22, 2012 — Period: Jan 01, 2012 - May 18, 2012
- ☐ Report #2 - Due June 26, 2012 — Period: May 19, 2012 - Jun 07, 2012
- ☑ Report #3 - Due October 16, 2012 — Period: Jun 08, 2012 - Oct 12, 2012
- ☐ Report #4 - Due November 02, 2012 — Period: Oct 13, 2012 - Nov 01, 2012
- ☐ Report #5 - Due January 15, 2013* — Period: Nov 02, 2012 - Dec 31, 2012
- ☐ Annual Filing - Due January 18, 2013 — Period: Jan 01, 2012 - Dec 31, 2012

FILED
Oct 16 2012
ROSS MILLER
SECRETARY OF STATE
FOR OFFICE USE ONLY

* Report #5 suffices for the 2013 Annual Filing only if Report #'s 1, 2, 3 and 4 are previously filed

CONTRIBUTIONS SUMMARY

	This Period	Cumulative From Beginning of Report Period #1 through End of This Reporting Period
1. Total Monetary Contributions Received in Excess of $100 (See page 1 of instruction sheet)	$ 7,933.00	$ 7,933.00
2. Total Monetary Contributions in the Form of Loans Guaranteed by a 3rd-Party in Excess of $100 (See page 1 of instruction sheet)	$ 0.00	$0.00
3. Total Monetary Contributions in the Form of Loans that were Forgiven in Excess of $100 (See page 2 of instruction sheet)	$ 0.00	$0.00
4. Total Amount of Written Commitments for Contributions in Excess of $100 (See page 2 of instruction sheet)	$ 0.00	$0.00
5. Total Value of In Kind Contributions in Excess of $100 (See page 2 of instruction sheet)	$ 2,842.20	$3,092.20
6. Total Value of Written Commitments for In Kind Contributions in Excess of $100 (See page 2 of instruction sheet)	$ 0.00	$0.00
7. Total Amount of all Contributions of $100 or less (See page 2 of instruction sheet)	$ 575.00	$595.00
8. Total Amount of All Contributions (Add Lines 1 through 7) (See page 2 of instruction sheet)	$ 11,350.20	$11,620.20

EXPENSES SUMMARY

9. Total Monetary Expenses Paid in Excess of $100 (See page 2 of instruction sheet)	$ 2,325.00	$2,325.00
10. Total Value In Kind Expenses in Excess of $100 (See page 3 of instruction sheet)	$ 2,842.20	$3,092.20
11. Total Amount of all Expenses of $100 or less (See page 3 of instruction sheet)	$ 60.00	$80.00
12. Total Amount of All Expenses (Add Lines 9 through 11) (See page 3 of instruction sheet)	$ 5,227.20	$5,497.20

AFFIRMATION

MUST SELECT AT LEAST ONE

☑ I Declare Under Penalty of Perjury That the Foregoing is True and Correct.

☐ I Declare Under an Oath to God that the Foregoing is True and Correct*
* A declaration under an oath to God is subject to the same penalties as declaration under penalty of perjury

Chuck Roberts — Signature
10/16/2012 — Date

MONETARY CONTRIBUTIONS

Report Period: #3

Chuck Roberts (Name (print)) | Lyon County Commissioner, District I (Office (if applicable)) | (District (if applicable))

MONETARY CONTRIBUTIONS

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE CONTRIBUTION	DATE OF CONTRIBUTION	AMOUNT OF CONTRIBUTION	CHECK HERE IF LOAN	NAME AND ADDRESS OF 3rd PARTY IF LOAN GUARANTEED BY 3rd PARTY	NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO FORGAVE THE LOAN, IF DIFFERENT THAN CONTRIBUTOR
Carson Rultr PAC P.O. Box 1947 Carson City, NV 89702	06/08/2012	$500.00			
Mary Robertson 333 Elysius Road CARSON CITY, NV 89701	06/16/2012	$2,500.00			
F Grady 43 Fairway Dr. YERINGTON, NV 89447	06/16/2012	$1,000.00			
R. Sadway 50 Tahoe Dr. CARSON CITY, NV 89703	07/16/2012	$150.00			
CRCC P.O. Box 619 Yerington, NV 89447	08/04/2012	$783.00			
P Hunnell Desert Creek Road WELLINGTON, NV 89444	08/21/2012	$1,000.00			
C Marshall 247 Gordon DAYTON, NV 89403	09/03/2012	$250.00			
C Dini 45 N. Main YERINGTON, NV 89447	09/05/2012	$250.00			
G Dini 309 Commercial Ave YERINGTON, NV 89447	09/06/2012	$500.00			
T Dyhr Southerland Ridge Pl. TUCSON, AZ 85718	10/04/2012	$1,000.00			

WRITTEN COMMITMENTS

Report Period: #3

Chuck Roberts (Name (print)) | Lyon County Commissioner, District I (Office (if applicable)) | (District (if applicable))

WRITTEN COMMITMENTS

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE THE COMMITMENT	DATE OF COMMITMENT	AMOUNT OF COMMITMENT

IN KIND CONTRIBUTIONS Report Period # 3

Chuck Roberts — Name (print)
Lyon County Commissioner, District I — Office (if applicable) — District (if applicable)

IN KIND CONTRIBUTIONS

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE IN KIND CONTRIBUTION	DATE OF IN KIND CONTRIBUTION	DESCRIPTION OF IN KIND CONTRIBUTION	VALUE OR COST OF IN KIND CONTRIBUTION	CHECK HERE IF LOAN	NAME AND ADDRESS OF 3rd PARTY IF LOAN GUARANTEED BY 3rd PARTY	NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO FORGAVE THE LOAN, IF DIFFERENT THAN CONTRIBUTOR
Silver State Millwork LLC P.O. Box 498 CARSON CITY, NV 89702	10/12/2012	Sign Materials	$1,852.20			
	10/12/2012	Consulting services related to advertising	$990.00			

Silver State Millwork LLC P. O. Box 498 Carson City, NV 89702						

WRITTEN COMMITMENTS FOR IN KIND CONTRIBUTIONS

Report Period #3

Chuck Roberts (Name (print)) | Lyon County Commissioner, District I (Office (if applicable)) | (District (if applicable))

WRITTEN COMMITMENTS FOR IN KIND CONTRIBUTIONS

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE THE IN KIND WRITTEN COMMITMENT	DATE OF IN KIND WRITTEN COMMITMENT	VALUE OF IN KIND WRITTEN COMMITMENT

EXPENSE CATEGORIES Report Period #3

Chuck Roberts (Name (print)) | Lyon County Commissioner, District I (Office (if applicable)) | (District (if applicable))

Expense Categories (NRS 294A.365)

CATEGORIES	CODE
Office expenses	A
Expenses related to volunteers	B
Expenses related to travel	C
Expenses related to advertising	D
Expenses related to paid staff	E
Expenses related to consultants	F
Expenses related to polling	G
Expenses related to special events	H
Expenses related to legal defense fund	I
Goods and services provided in kind for which money would otherwise have been paid	J
Contributions made to: (i) another candidate; (ii) a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225; (iii) a PAC that is registered or required to be registered pursuant to NRS 294A.230; or (iv) a Recall Committee that is registered or required to be registered pursuant to NRS 294A.250	K
Other miscellaneous expenses	L

NRS 294A.362 requires "In Kind" contributions and expenses to be reported separately.

MONETARY EXPENSES Report Period # 3

Chuck Roberts (Name (print)) | Lyon County Commissioner, District I (Office (if applicable)) | (District (if applicable))

MONETARY EXPENSES

NAME AND ADDRESS OF PERSON, GROUP, OR ORGANIZATION WHO RECEIVED THE PAYMENT FOR THE EXPENSE	CATEGORY (NRS 294A.362)	DATE OF EXPENSE	AMOUNT OF EXPENSE
Lyon County Fair & Rodeo 27 S Main Street YERINGTON, NV 89447	D, H	08/16/2012	$1,000.00
Dayton Valley Days PO Box 1718 DAYTON, NV 89403	H	09/15/2012	$100.00
	H	09/15/2012	$25.00
Dale Gronstrup 37 Alfonso Drive CARSON CITY, NV 89706	D	10/01/2012	$1,200.00

IN KIND EXPENSES Report Period # 3

Chuck Roberts (Name (print)) | Lyon County Commissioner, District I (Office (if applicable)) | (District (if applicable))

IN KIND EXPENSES

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO PROVIDED THE IN KIND GOOD OR SERVICE	DESCRIPTION OF IN KIND EXPENSE	DATE OF IN KIND EXPENSE [1]	VALUE OR COST OF IN KIND EXPENSE
School Graphics 433 Park Ave BROOKLYN, NY 11205	Sign Materials	09/19/2012	$1,260.27
JN Productions PO Box 29324 LEWISVILLE, TX 75029	Expenses related to advertising	10/1/20/12	$990.00
Data Graphics 37 Alfonso Drive CARSON CITY, NV 89706	Sign Materials	10/1/2012	$591.60

Prescribed by Secretary of State
NRS 294A.120, 294A.128,
294A.140, 294A.150, 294A.160
294A.200, 294A.210, 294A.220, 294A.360

CAMPAIGN CONTRIBUTIONS AND EXPENSES REPORT

State of Nevada

Chuck Roberts	Lyon County Commissioner, District I	
Name	Office (if applicable)	District (if applicable)
P O Box 498, Carson city, NV, 89702		775-246-5060
Mailing Address		Telephone No.
E-Mail Address		

Select Appropriate Box(es): ☑ CANDIDATE ☐ PAC ☐ POLITICAL PARTY ☐ INDEPENDENT EXPENDITURE ☐ NONPROFIT CORP ☐ LEGAL DEFENSE FUND ☑ AMENDED

- ☐ Annual Filing - Due January 15, 2012 — Period: Jan 01, 2011 - Dec 31, 2011
- ☐ Report #1 - Due May 22, 2012 — Period: Jan 01, 2012 - May 19, 2012
- ☐ Report #2 - Due June 08, 2012 — Period: May 19, 2012 - Jun 07, 2012
- ☐ Report #3 - Due October 16, 2012 — Period: Jun 08, 2012 - Oct 12, 2012
- ☑ Report #4 - Due November 02, 2012 — Period: Oct 13, 2012 - Nov 01, 2012
- ☐ Report #5 - Due January 15, 2013* — Period: Nov 02, 2012 - Dec 31, 2012
- ☐ Annual Filing - Due January 15, 2013 — Period: Jan 01, 2012 - Dec 31, 2012

FILED
NOV 13 2012
ROSS MILLER
SECRETARY OF STATE
FOR OFFICE USE ONLY

* Report #5 suffices for the 2013 Annual Filing only if Report #'s 1, 2, 3 and 4 are previously filed

CONTRIBUTIONS SUMMARY	This Period	Cumulative From Beginning of Report Period 01 through End of This Reporting Period
1. Total Monetary Contributions Received in Excess of $100 (See page 1 of instruction sheet)	$ 3,250.00	$ 11,183.00
2. Total Monetary Contributions in the Form of Loans Guaranteed by a 3rd Party in Excess of $100 (See page 1 of instruction sheet)	$ 0.00	$0.00
3. Total Monetary Contributions in the Form of Loans that were Forgiven in Excess of $100 (See page 2 of instruction sheet)	$ 0.00	$0.00
4. Total Amount of Written Commitments for Contributions in Excess of $100 (See page 2 of instruction sheet)	$ 0.00	$0.00
5. Total Value of In Kind Contributions in Excess of $100 (See page 2 of instruction sheet)	$ 5,096.30	$8,188.50
6. Total Value of Written Commitments for In Kind Contributions in Excess of $100 (See page 2 of instruction sheet)	$ 0.00	$0.00
7. Total Amount of all Contributions of $100 or less (See page 2 of instruction sheet)	$ 500.00	$1,095.00
8. Total Amount of All Contributions (Add Lines 1 through 7) (See page 2 of instruction sheet)	$ 8,846.30	$20,466.50

EXPENSES SUMMARY		
9. Total Monetary Expenses Paid in Excess of $100 (See page 2 of instruction sheet)	$ 8,089.62	$10,414.62
10. Total Value In Kind Expenses in Excess of $100 (See page 3 of instruction sheet)	$ 5,096.30	$8,188.50
11. Total Amount of all Expenses of $100 or less (See page 3 of instruction sheet)	$ 0.00	$80.00
12. Total Amount of All Expenses (Add Lines 9 through 11) (See page 3 of instruction sheet)	$ 13,185.92	$18,683.12

AFFIRMATION

MUST SELECT AT LEAST ONE:

☑ I Declare Under Penalty of Perjury That the Foregoing is True and Correct.

☐ I Declare Under an Oath to God that the Forgoing is True and Correct*

* A declaration under an oath to God is subject to the same penalties as declaration under penalty of perjury

Chuck Roberts — Signature

11/12/2012 — Date

MONETARY CONTRIBUTIONS — Report Period #4

Chuck Roberts (Name (print)) | Lyon County Commissioner, District I (Office (if applicable)) | (District (if applicable))

MONETARY CONTRIBUTIONS

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE CONTRIBUTION	DATE OF CONTRIBUTION	AMOUNT OF CONTRIBUTION	CHECK HERE IF LOAN	NAME AND ADDRESS OF 3RD PARTY IF LOAN GUARANTEED BY 3rd PARTY	NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO RECEIVED THE LOAN, IF DIFFERENT THAN DONOR/CONTRIBUTOR
W Miles Industrial Pkwy Carson City, NV 89706	10/15/2012	$500.00			
Debbie Dragon, LLC 762 Garnet Circle Carson City, NV 89706	10/15/2012	$500.00			
Death Valley Travel Center, LLC 762 Garnet Cir Carson City, nv 89706	10/15/2012	$500.00			
J Cobbey Lakeside Drive RENO, NV 89511	10/15/2012	$500.00			
Circle Bar N Ranch 5375 Kleppe Ln RENO, NV 89511	10/17/2012	$500.00			
NV Energy 6100 Neil Road Reno, NV 89511	10/26/2012	$500.00			
Charles E Davies Cypress Ct Dayton, NV 89403	10/30/2012	$250.00			

WRITTEN COMMITMENTS — Report Period #4

Chuck Roberts (Name (print)) | Lyon County Commissioner, District I (Office (if applicable)) | (District (if applicable))

WRITTEN COMMITMENTS

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE THE COMMITMENT	DATE OF COMMITMENT	AMOUNT OF COMMITMENT

IN KIND CONTRIBUTIONS — Report Period: # 4

Chuck Roberts (Name (print)) — Lyon County Commissioner, District I (Office (if applicable)) — (District (if applicable))

IN KIND CONTRIBUTIONS

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE IN KIND CONTRIBUTION	DATE OF IN KIND CONTRIBUTION	DESCRIPTION OF IN KIND CONTRIBUTION	VALUE OR COST OF IN KIND CONTRIBUTION	CHECK HERE IF LOAN	NAME AND ADDRESS OF 3rd PARTY IF LOAN GUARANTEED BY 3rd PARTY	NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO FORGAVE THE LOAN IF DIFFERENT THAN CONTRIBUTOR
C Roberts P.O. Box 498 CARSON CITY, NV 89702	10/18/2012	Expenses associated with advertising	$4,146.30	X		
C Roberts P.O. Box 498 CARSON CITY, NV 89702	10/24/2012	Expenses associated with advertising	$200.00	X		
C Roberts P.O. Box 498 101 CARSON CITY, NV 89702	10/29/2012	Expenses related to advertising	$750.00	X		

WRITTEN COMMITMENTS FOR IN KIND CONTRIBUTIONS

Report Period #4

Chuck Roberts (Name (print)) | Lyon County Commissioner, District I (Office (if applicable)) | (District (if applicable))

WRITTEN COMMITMENTS FOR IN KIND CONTRIBUTIONS

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE THE IN KIND WRITTEN COMMITMENT	DATE OF IN KIND WRITTEN COMMITMENT	VALUE OF IN KIND WRITTEN COMMITMENT

EXPENSE CATEGORIES Report Period #4

Chuck Roberts (Name (print)) Lyon County Commissioner, District I (Office (if applicable)) (District (if applicable))

Expense Categories (NRS 294A.365)

CATEGORIES	CODE
Office expenses	A
Expenses related to volunteers	B
Expenses related to travel	C
Expenses related to advertising	D
Expenses related to paid staff	E
Expenses related to consultants	F
Expenses related to polling	G
Expenses related to special events	H
Expenses related to legal defense fund	I
Goods and services provided in kind for which money would otherwise have been paid	J
Contributions made to: (i) another candidate; (ii) a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225; (iii) a PAC that is registered or required to be registered pursuant to NRS 294A.230; or (iv) a Recall Committee that is registered or required to be registered pursuant to NRS 294A.350	K
Other miscellaneous expenses	L

NRS 294A.362 requires "In Kind" contributions and expenses to be reported separately.

MONETARY EXPENSES — Report Period # 4

Chuck Roberts (Name (print)) — Lyon County Commissioner, District I (Office (if applicable)) — (District (if applicable))

MONETARY EXPENSES

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO RECEIVED THE PAYMENT FOR ITS EXPENSE	CATEGORY (NRS 294A.365)	DATE OF EXPENSE	AMOUNT OF EXPENSE
English Mailing Service 3618 Green Acres Dr. Carson City, NV 89705	D	10/16/2012	$4,636.00
Gete Graphics 37 Alfonso Dr CARSON CITY, NV 89706	D	10/22/2012	$1,000.00
	D	10/22/2012	$1,427.67
Rural Nevada Media, LLC PO BOX 92 Yerington, NV 89447	D	10/22/2012	$720.00
Computer Artistry 823 Ranchview Dr Carson City, NV 89705	D	10/24/2012	$103.76

IN KIND EXPENSES — Report Period # 4

Chuck Roberts (Name (print)) — Lyon County Commissioner, District I (Office (if applicable)) — (District (if applicable))

IN KIND EXPENSES

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO RECEIVED THE IN KIND GOOD OR SERVICE	DESCRIPTION OF IN KIND EXPENSE	DATE OF IN KIND EXPENSE	VALUE OR COST OF IN KIND EXPENSE
	Expenses associated with advertising	10/16/2012	$4,146.30

Chester Media 8033 Prototype Dr Reno, NV 89521			
Mason Valley News 207 Goldfield Ave. Yerington, NV 89447	Expenses associated with advertising	10/24/2012	$200.00
Channel 30-Moapa News 311 S. Frontage Road 101 Pahrump, NV 89048	Expenses related to advertising	10/29/2012	$750.00

Prescribed by Secretary of State
NRS 294A.120, 294A.125,
294A.140, 294A.150, 294A.160
294A.200, 294A.210, 294A.220, 294A.360

CAMPAIGN CONTRIBUTIONS AND EXPENSES REPORT

State of Nevada

Chuck Roberts	Lyon County Commissioner, District I	
Name	Office (if applicable)	District (if applicable)
P O Box 498, Carson city, NV, 89702		775-246-6060
Mailing Address		Telephone No.

E-Mail Address

Select Appropriate Box(es): ☑ CANDIDATE ☐ PAC ☐ POLITICAL PARTY ☐ INDEPENDENT EXPENDITURE ☐ NONPROFIT CORP ☐ LEGAL DEFENSE FUND ☐ AMENDED

- ☐ **Annual Filing - Due January 15, 2012** Period: Jan 01, 2011 - Dec 31, 2011
- ☐ **Report #1 - Due May 22, 2012** Period: Jan 01, 2012 - May 18, 2012
- ☐ **Report #2 - Due June 08, 2012** Period: May 19, 2012 - Jun 07, 2012
- ☐ **Report #3 - Due October 16, 2012** Period: Jun 08, 2012 - Oct 12, 2012
- ☐ **Report #4 - Due November 02, 2012** Period: Oct 13, 2012 - Nov 01, 2012
- ☑ **Report #5 - Due January 15, 2013*** Period: Nov 02, 2012 - Dec 31, 2012
- ☐ **Annual Filing - Due January 15, 2013** Period: Jan 01, 2012 - Dec 31, 2012

FILED
Jan 15 2013
ROSS MILLER
SECRETARY OF STATE
FOR OFFICE USE ONLY

*** Report #5 suffices for the 2013 Annual Filing only if Report #'s 1, 2, 3 and 4 are previously filed**

CONTRIBUTIONS SUMMARY

	This Period	Cumulative From Beginning of Report Period #1 through End of This Reporting Period
1. Total Monetary Contributions Received in Excess of $100 (See page 1 of instruction sheet)	$ 5,250.00	$ 16,433.00
2. Total Monetary Contributions in the Form of Loans Guaranteed by a 3rd-Party in Excess of $100 (See page 1 of instruction sheet)	$ 0.00	$0.00
3. Total Monetary Contributions in the Form of Loans that were Forgiven in Excess of $100 (See page 2 of instruction sheet)	$ 0.00	$0.00
4. Total Amount of Written Commitments for Contributions in Excess of $100 (See page 2 of instruction sheet)	$ 0.00	$0.00
5. Total Value of In Kind Contributions in Excess of $100 (See page 2 of instruction sheet)	$ 0.00	$8,188.50
6. Total Value of Written Commitments for In Kind Contributions in Excess of $100 (See page 2 of instruction sheet)	$ 0.00	$0.00
7. Total Amount of all Contributions of $100 or less (See page 2 of instruction sheet)	$ 0.00	$1,096.00
8. Total Amount of All Contributions (Add Lines 1 through 7) (See page 2 of instruction sheet)	$ 5,250.00	$25,716.50

EXPENSES SUMMARY

9. Total Monetary Expenses Paid in Excess of $100 (See page 2 of instruction sheet)	$ 7,643.93	$17,968.55
10. Total Value In Kind Expenses in Excess of $100 (See page 3 of instruction sheet)	$ 0.00	$8,188.50
11. Total Amount of all Expenses of $100 or less (See page 3 of instruction sheet)	$ 0.00	$80.00
12. Total Amount of All Expenses (Add Lines 9 through 11) (See page 3 of instruction sheet)	$ 7,643.93	$26,227.05

AFFIRMATION

MUST SELECT AT LEAST ONE

☑ I Declare Under Penalty of Perjury That the Foregoing is True and Correct.

☐ I Declare Under an Oath to God that the Forgoing is True and Correct*

* A declaration under an oath to God is subject to the same penalties as declaration under penalty of perjury

Chuck Roberts — Signature

01/15/2013 — Date

MONETARY CONTRIBUTIONS — Report Period: #3

Chuck Roberts (Name (print)) | Lyon County Commissioner, District I (Office (if applicable)) | (District (if applicable))

MONETARY CONTRIBUTIONS

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE CONTRIBUTION	DATE OF CONTRIBUTION	AMOUNT OF CONTRIBUTION	CHECK HERE IF LOAN	NAME AND ADDRESS OF THIRD PARTY ORGANIZATION BY WHICH PAID	NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHICH GIVES, LOAN, IF DIFFERENT FROM CONTRIBUTOR
Bielen Construction 3625 South Polaris Av Las Vegas, NV 89118	11/06/2012	$5,000.00			
Joe Smith Box 308 SMITH, NV 89430	11/06/2012	$250.00			

WRITTEN COMMITMENTS — Report Period: #3

Chuck Roberts (Name (print)) | Lyon County Commissioner, District I (Office (if applicable)) | (District (if applicable))

WRITTEN COMMITMENTS

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE THE COMMITMENT	DATE OF COMMITMENT	AMOUNT OF COMMITMENT

IN KIND CONTRIBUTIONS — Report Period [ ]

Chuck Roberts (Name (print)) — Lyon County Commissioner, District I (Office (if applicable)) — (District (if applicable))

IN KIND CONTRIBUTIONS

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE IN KIND CONTRIBUTION	DATE OF IN KIND CONTRIBUTION	DESCRIPTION OF IN KIND CONTRIBUTION	VALUE OR COST OF IN KIND CONTRIBUTION	CHECK HERE IF LOAN	NAME AND ADDRESS OF 3rd PARTY IF LOAN GUARANTEED BY 3rd PARTY	NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO FORGAVE THE LOAN, IF DIFFERENT THAN CONTRIBUTOR

WRITTEN COMMITMENTS FOR IN KIND CONTRIBUTIONS

Report Period # 5

Chuck Roberts
Name (print)

Lyon County Commissioner, District I
Office (if applicable)

District (if applicable)

WRITTEN COMMITMENTS FOR IN KIND CONTRIBUTIONS

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE THE IN KIND WRITTEN COMMITMENT	DATE OF IN KIND WRITTEN COMMITMENT	VALUE OF IN KIND WRITTEN COMMITMENT

EXPENSE CATEGORIES — Report Period: #5

Chuck Roberts (Name (print)) | Lyon County Commissioner, District I (Office (if applicable)) | (District (if applicable))

Expense Categories (NRS 294A.365)

CATEGORIES	CODE
Office expenses	A
Expenses related to volunteers	B
Expenses related to travel	C
Expenses related to advertising	D
Expenses related to paid staff	E
Expenses related to consultants	F
Expenses related to polling	G
Expenses related to special events	H
Expenses related to legal defense fund	I
Goods and services provided in kind for which money would otherwise have been paid	J
Contributions made to: (i) another candidate; (ii) a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225; (iii) a PAC that is registered or required to be registered pursuant to NRS	K

294A.230; or (iv) a Recall Committee that is registered or required to be registered pursuant to NRS 294A.250	
Other miscellaneous expenses	L

NRS 294A.362 requires "In Kind" contributions and expenses to be reported separately.

MONETARY EXPENSES Report Period # 5

Chuck Roberts (Name (print)) Lyon County Commissioner, District I (Office (if applicable)) (District (if applicable))

MONETARY EXPENSES

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO RECEIVED THE PAYMENT FOR THE EXPENSE	CATEGORY (NRS 294A.365)	DATE OF EXPENSE	AMOUNT OF EXPENSE
English Mailing Service 2618 Green Acres Dr. Carson City, NV 89705	D	11/02/2012	$3,672.00
Data Graphics 27 Alfonso Cir Mound House, NV 89706	D	11/12/2012	$854.76
	D	11/12/2012	$854.76
Secret Store Hwy 50 Carson City, NV 89706	C	11/12/2012	$2,162.41

IN KIND EXPENSES Report Period # 5

Chuck Roberts — Name (print)
Lyon County Commissioner, District I — Office (if applicable) — District (if applicable)

IN KIND EXPENSES

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO RECEIVED THE IN KIND GOOD OR SERVICE	DESCRIPTION OF IN KIND EXPENSE	DATE OF IN KIND EXPENSE [1]	VALUE OR COST OF IN KIND EXPENSE

Prescribed by Secretary of State
NRS 294A.120, 294A.128,
294A.140, 294A.150, 294A.160
294A.200, 294A.210, 294A.220, 294A.362

Exhibit M

CONTRIBUTIONS AND EXPENSES REPORT

State of Nevada

Vida D. Keller	Lyon County Commissioner, District #	2
Name	Office (if applicable)	District (if applicable)
PO BOX 201, Silver Springs, NV, 89429		775.691.0173
Mailing Address		Telephone No.
vidakeller@gmail.com		
E-Mail Address		

Select Appropriate Box(es) ☑ CANDIDATE ☐ LEGAL DEFENSE FUND What is this? ☐ AMENDED

- ☑ Report #1 - Due May 20, 2014 Period: Jan 01, 2014 - May 16, 2014
- ☐ Report #2 - Due June 06, 2014 Period: May 17, 2014 - Jun 05, 2014
- ☐ Report #3 - Due October 14, 2014 Period: Jun 06, 2014 - Oct 10, 2014
- ☐ Report #4 - Due October 31, 2014 Period: Oct 11, 2014 - Oct 30, 2014
- ☐ Report #5 - Due January 15, 2015 Period: Oct 31, 2014 - Dec 31, 2014
- ☐ Annual Filing - Due January 15, 2015* Period: Jan 01, 2014 - Dec 31, 2014

FILED
May 19 2014
ROSS MILLER
SECRETARY OF STATE
FOR OFFICE USE ONLY

*** Report #6 suffices for the 2015 Annual Filing only if Report #'s 1, 2, 3 and 4 are previously filed**

CONTRIBUTIONS SUMMARY	This Period	Cumulative From Beginning of Report Period #1 through End of This Reporting Period
1. Total Monetary Contributions Received in Excess of $100	$ 500.00	$ 500.00
2. Total Monetary Contributions in the Form of Loans Guaranteed by a 3rd-Party in Excess of $100	$ 0.00	$0.00
3. Total Monetary Contributions in the Form of Loans that were Forgiven in Excess of $100	$ 0.00	$0.00
4. Total Amount of Written Commitments for Contributions in Excess of $100	$ 0.00	$0.00
5. Total Value of In Kind Contributions in Excess of $100	$ 0.00	$0.00
6. Total Value of Written Commitments for In Kind Contributions in Excess of $100	$ 0.00	$0.00
7. Total Amount of all Contributions of $100 or less	$ 100.00	$100.00
8. Total Amount of All Contributions (Add Lines 1 through 7)	$ 600.00	$600.00
EXPENSES SUMMARY		
9. Total Monetary Expenses Paid in Excess of $100	$ 296.68	$295.68
10. Total Value In Kind Expenses in Excess of $100	$ 0.00	$0.00
11. Total Amount of all Expenses of $100 or less	$ 109.95	$109.95
12. Total Amount of All Expenses (Add Lines 9 through 11)	$ 405.63	$405.63

AFFIRMATION

☑ **I Declare Under Penalty of Perjury That the Foregoing is True and Correct.**
AND
☑ **I have agreed to the following terms and conditions:**

I declare, under penalty of perjury or under an oath to God, that the information I submitted herein to the Secretary of State for the State of Nevada is true and correct, and is not submitted for any improper purpose, and that I am authorized to submit the information, and to the best of my knowledge complies with NRS Chapter 294A. I have reviewed the NRS 225.080 Notice. I understand it is unlawful to submit any illegal, unauthorized, fraudulent, forged, deceptive, defamatory, illicit, or improper information, as defined by state and federal law, to the Secretary of State, and agree to indemnify the Secretary of State, and any other parties entitled thereto, for any damages incurred for any unlawful, unauthorized, fraudulent, forged, deceptive, defamatory, illicit, or improper information, as defined by the federal and state law, submitted to the Secretary of State by my use of this electronic filing system. I further understand that I may be subject to criminal (NRS 239.330) and/or civil (NRS 225.084) penalties for submitting any unlawful unauthorized, fraudulent, forged, deceptive, defamatory, illicit, or improper information, as defined by federal and state law. I understand and agree that all information submitted is the property of the Secretary of State, and may be monitored for all lawful purposes. I further understand that during such monitoring, all information, including personal information placed on this system, may be examined, copied, and used for any authorized purpose. By submitting this report I intend to identify myself as the authorized person signing this document and with the present intent to authenticate my signature as such.

Vida D. Keller — 05/19/2014
Signature — Date

Report Period #1

MONETARY CONTRIBUTIONS

Vida D. Keller	Lyon County Commissioner, District II	2
Name (print)	Office (if applicable)	District (if applicable)

MONETARY CONTRIBUTIONS IN EXCESS OF $100 OR, WHEN ADDED TOGETHER FROM ONE CONTRIBUTOR, THAT EXCEED $100

(Transfer Total Amount of All Monetary Contributions to Lines 1, 2, or 3, As Applicable, of Contributions Summary)

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE CONTRIBUTION	DATE OF CONTRIBUTION	AMOUNT OF CONTRIBUTION	CHECK HERE IF LOAN	NAME AND ADDRESS OF 3rd PARTY (If Any) GUARANTEED BY 3rd PARTY	NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO ACTUALLY MADE LOAN, IF DIFFERENT THAN CONTRIBUTOR
Robert C McFadden 306 Mountain Street CARSON CITY, NV 89703	03/31/2014	$250.00			
Robert C McFadden 2001 Trust 306 Mountain Carson City, NV 89429	03/31/2014	$250.00			

WRITTEN COMMITMENTS Report Period #1

Vida D. Keller	Lyon County Commissioner, District II	2
Name (print)	Office (if applicable)	District (if applicable)

WRITTEN COMMITMENTS FOR CONTRIBUTIONS IN EXCESS OF $100 OR, WHEN ADDED TOGETHER FROM ONE ENTITY, THAT EXCEED $100

(Transfer Total Amount of All Written Commitments to Line 4 of Contributions Summary)

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE THE COMMITMENT	DATE OF COMMITMENT	AMOUNT OF COMMITMENT

IN KIND CONTRIBUTIONS Report Period #1

Vida D. Keller | Lyon County Commissioner, District II | 2
Name (print) | Office (if applicable) | District (if applicable)

IN KIND CONTRIBUTIONS IN EXCESS OF $100 OR, WHEN ADDED TOGETHER FROM ONE CONTRIBUTOR, THAT EXCEED $100

(Transfer Total Value of All In Kind Contributions to Line 5 of Contributions Summary)

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE IN KIND CONTRIBUTION	DATE OF IN KIND CONTRIBUTION	DESCRIPTION OF IN KIND CONTRIBUTION	VALUE OR COST OF IN KIND CONTRIBUTION	CHECK HERE IF LOAN	NAME AND ADDRESS OF 2nd PARTY IF LOAN GUARANTEED BY 2nd PARTY	NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO FORWARDED THE LOAN, IF DIFFERENT THAN CONTRIBUTOR

WRITTEN COMMITMENTS FOR IN KIND CONTRIBUTIONS Report Period #1

Vida D. Keller	Lyon County Commissioner, District II	2
Name (print)	Office (if applicable)	District (if applicable)

WRITTEN COMMITMENTS FOR IN KIND CONTRIBUTIONS IN EXCESS OF $100 OR, WHEN ADDED TOGETHER FROM ONE ENTITY, THAT EXCEED $100

(Transfer Total Value of All In Kind Written Commitments to Line 6 of Contributions Summary)

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE THE IN KIND WRITTEN COMMITMENT	DATE OF IN KIND WRITTEN COMMITMENT	VALUE OF IN KIND WRITTEN COMMITMENT

EXPENSE CATEGORIES Report Period #1

Vida D. Keller	Lyon County Commissioner, District #	2
Name (print)	Office (if applicable)	District (if applicable)

EXPENSE CATEGORIES (NRS 294A.366)

CATEGORIES	CODE
Office expenses	A
Expenses related to volunteers	B
Expenses related to travel	C
Expenses related to advertising	D
Expenses related to paid staff	E
Expenses related to consultants	F
Expenses related to polling	G
Expenses related to special events	H
Expenses related to legal defense fund	I

Goods and services provided in kind for which money would otherwise have been paid	J
Contributions made to: (i) another candidate; (ii) a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225; (iii) a PAC that is registered or required to be registered pursuant to NRS 294A.230; or (iv) a Recall Committee that is registered or required to be registered pursuant to NRS 294A.250	K
Fees for filing declarations of candidacy or acceptances of candidacy	L
Repayments or forgiveness of loans	M
Disposal of unspent contributions pursuant to NRS 294A.160	N
Other miscellaneous expenses	O

1 NRS 294A.362 requires "In Kind" contributions and expenses to be reported on a separate form, which is attached hereto.

MONETARY EXPENSES Report Period #1

Vida D. Keller (Name (print)) | Lyon County Commissioner, District II (Office (if applicable)) | 2 (District (if applicable))

MONETARY EXPENSES IN EXCESS OF $100

(Transfer Total Amount of All Campaign Expenses to Line 9 of Expenses Summary)

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO RECEIVED THE PAYMENT FOR THE EXPENSE	CATEGORY (NRS 294A.365)	DATE OF EXPENSE [1]	AMOUNT OF EXPENSE
Vida Print VidaPrint.com Boise, MA 00000	O	05/05/2014	$200.00

IN KIND EXPENSES Report Period #1

Vida D. Keller (Name (print)) | Lyon County Commissioner, District II (Office (if applicable)) | 2 (District (if applicable))

IN KIND EXPENSES IN EXCESS OF $100

(Transfer Total Value of All In-Kind Expenses to Line 10 of Expenses Summary)

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION FURNISHING THE IN KIND GOOD OR SERVICE	DESCRIPTION OF IN KIND EXPENSE	DATE OF IN KIND EXPENSE	VALUE OR COST OF IN KIND EXPENSE

EL201
Revised: 8-13-13
NRS 294A.120; 294A.123;
294A.160; 294A.200;
294A.362; 294A.373

CONTRIBUTIONS AND EXPENSES REPORT

State of Nevada

Vida D. Keller	Lyon County Commissioner, District II	2
Name	Office (if applicable)	District (if applicable)
PO BOX 391, Silver Springs, NV, 89429		775.691.0173
Mailing Address		Telephone No.
vidakeller@gmail.com		
E-Mail Address		

Select Appropriate Box(es) ☑ CANDIDATE ☐ LEGAL DEFENSE FUND What is this? ☐ AMENDED

- ☑ Report #1 - Due May 20, 2014 Period: Jan 01, 2014 - May 16, 2014
- ☐ Report #2 - Due June 06, 2014 Period: May 17, 2014 - Jun 05, 2014
- ☐ Report #3 - Due October 14, 2014 Period: Jun 06, 2014 - Oct 10, 2014
- ☐ Report #4 - Due October 31, 2014 Period: Oct 11, 2014 - Oct 30, 2014
- ☐ Report #5 - Due January 15, 2015 Period: Oct 31, 2014 - Dec 31, 2014
- ☐ Annual Filing - Due January 15, 2015* Period: Jan 01, 2014 - Dec 31, 2014

FILED
May 19 2014
ROSS MILLER
SECRETARY OF STATE
FOR OFFICE USE ONLY

* Report #5 suffices for the 2015 Annual Filing only if Report #'s 1, 2, 3 and 4 are previously filed

CONTRIBUTIONS SUMMARY

	This Period	Cumulative From Beginning of Report Period #1 through End of This Reporting Period
1. Total Monetary Contributions Received in Excess of $100	$ 500.00	$ 500.00
2. Total Monetary Contributions in the Form of Loans Guaranteed by a 3rd-Party in Excess of $100	$ 0.00	$0.00
3. Total Monetary Contributions in the Form of Loans that were Forgiven in Excess of $100	$ 0.00	$0.00
4. Total Amount of Written Commitments for Contributions in Excess of $100	$ 0.00	$0.00
5. Total Value of In Kind Contributions in Excess of $100	$ 0.00	$0.00
6. Total Value of Written Commitments for In Kind Contributions in Excess of $100	$ 0.00	$0.00
7. Total Amount of all Contributions of $100 or less	$ 100.00	$100.00
8. Total Amount of All Contributions (Add Lines 1 through 7)	$ 600.00	$600.00

EXPENSES SUMMARY

9. Total Monetary Expenses Paid in Excess of $100	$ 295.68	$295.68
10. Total Value in Kind Expenses in Excess of $100	$ 0.00	$0.00
11. Total Amount of all Expenses of $100 or less	$ 109.95	$109.95
12. Total Amount of All Expenses (Add Lines 9 through 11)	$ 405.63	$405.63

AFFIRMATION

☑ I Declare Under Penalty of Perjury That the Foregoing Is True and Correct.
AND
☑ I have agreed to the following terms and conditions:

I declare, under penalty of perjury or under an oath to God, that the information I submitted herein to the Secretary of State for the State of Nevada is true and correct, and is not submitted for any improper purpose, and that I am authorized to submit the information, and to the best of my knowledge complies with NRS Chapter 294A. I have reviewed the NRS 225.083 Notice. I understand it is unlawful to submit any illegal, unauthorized, fraudulent, forged, deceptive, defamatory, illicit, or improper information, as defined by state and federal law, to the Secretary of State, and agree to indemnify the Secretary of State, and any other parties entitled thereto, for any damages incurred for any unlawful, unauthorized, fraudulent, forged, deceptive, defamatory, illicit, or improper information, as defined by the federal and state law, submitted to the Secretary of State by my use of this electronic filing system. I further understand that I may be subject to criminal (NRS 239.330) and/or civil (NRS 225.084) penalties for submitting any unlawful unauthorized, fraudulent, forged, deceptive, defamatory, illicit, or improper information, as defined by federal and state law. I understand and agree that all information submitted is the property of the Secretary of State, and may be monitored for all lawful purposes. I further understand that during such monitoring, all information, including personal information placed on this system, may be examined, copied, and used for any authorized purpose. By submitting this report I intend to identify myself as the authorized person signing this document and with the present intent to authenticate my signature as such.

Vida D. Keller — 05/19/2014
Signature — Date

Report Period #1

MONETARY CONTRIBUTIONS

Vida D. Keller	Lyon County Commissioner, District #	2
Name (print)	Office (if applicable)	District (if applicable)

MONETARY CONTRIBUTIONS IN EXCESS OF $100 OR, WHEN ADDED TOGETHER FROM ONE CONTRIBUTOR, THAT EXCEED $100

(Transfer Total Amount of All Monetary Contributions to Lines 1, 2, or 3, As Applicable, of Contributions Summary)

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE CONTRIBUTION	DATE OF CONTRIBUTION	AMOUNT OF CONTRIBUTION	CHECK HERE IF LOAN	NAME AND ADDRESS OF INSTITUTION FROM WHOM LOAN WAS OBTAINED BY 3rd PARTY	NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO TO WHOM THE LOAN, IF ANY, WAS THEN TRANSFERRED
Robert C McFadden 500 Mountain Street CARSON CITY, NV 89703	03/31/2014	$250.00			
Robert C McFadden 2001 Trust 500 Mountain Carson City, NV 89429	03/31/2014	$250.00			

WRITTEN COMMITMENTS Report Period #1

Vida D. Keller	Lyon County Commissioner, District #	2
Name (print)	Office (if applicable)	District (if applicable)

WRITTEN COMMITMENTS FOR CONTRIBUTIONS IN EXCESS OF $100 OR, WHEN ADDED TOGETHER FROM ONE ENTITY, THAT EXCEED $100

(Transfer Total Amount of All Written Commitments to Line 4 of Contributions Summary)

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE THE COMMITMENT	DATE OF COMMITMENT	AMOUNT OF COMMITMENT

IN KIND CONTRIBUTIONS Report Period #1

Vida D. Keller | Lyon County Commissioner, District II | 2

Name (print) | Office (if applicable) | District (if applicable)

IN KIND CONTRIBUTIONS IN EXCESS OF $100 OR, WHEN ADDED TOGETHER FROM ONE CONTRIBUTOR, THAT EXCEED $100

(Transfer Total Value of All In Kind Contributions to Line 5 of Contributions Summary)

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE IN KIND CONTRIBUTION	DATE OF IN KIND CONTRIBUTION	DESCRIPTION OF IN KIND CONTRIBUTION	VALUE OR COST OF IN KIND CONTRIBUTION	CHECK HERE IF LOAN	NAME AND ADDRESS OF 3rd PARTY IF LOAN GUARANTEED BY 3rd PARTY	NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO FORGAVE THE LOAN, IF DIFFERENT THAN CONTRIBUTOR

WRITTEN COMMITMENTS FOR IN KIND CONTRIBUTIONS

Report Period #1

Vida D. Keller | Lyon County Commissioner, District II | 2

Name (print) | Office (if applicable) | District (if applicable)

WRITTEN COMMITMENTS FOR IN KIND CONTRIBUTIONS IN EXCESS OF $100 OR, WHEN ADDED TOGETHER FROM ONE ENTITY, THAT EXCEED $100

(Transfer Total Value of All In Kind Written Commitments to Line 6 of Contributions Summary)

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE THE IN KIND WRITTEN COMMITMENT	DATE OF IN KIND WRITTEN COMMITMENT	VALUE OF IN KIND WRITTEN COMMITMENT

EXPENSE CATEGORIES Report Period #1

Vida D. Keller	Lyon County Commissioner, District 8	2
Name (print)	Office (if applicable)	District (if applicable)

EXPENSE CATEGORIES (NRS 294A.365)

CATEGORIES	CODE
Office expenses	A
Expenses related to volunteers	B
Expenses related to travel	C
Expenses related to advertising	D
Expenses related to paid staff	E
Expenses related to consultants	F
Expenses related to polling	G
Expenses related to special events	H
Expenses related to legal defense fund	I

Goods and services provided in kind for which money would otherwise have been paid	J
Contributions made to: (i) another candidate; (ii) a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225; (iii) a PAC that is registered or required to be registered pursuant to NRS 294A.230; or (iv) a Recall Committee that is registered or required to be registered pursuant to NRS 294A.250	K
Fees for filing declarations of candidacy or acceptances of candidacy	L
Repayments or forgiveness of loans	M
Disposal of unspent contributions pursuant to NRS 294A.160	N
Other miscellaneous expenses	O

1 NRS 294A.362 requires "In Kind" contributions and expenses to be reported on a separate form, which is attached hereto.

MONETARY EXPENSES — Report Period #1

Vida D. Keller	Lyon County Commissioner, District II	2
Name (print)	Office (if applicable)	District (if applicable)

MONETARY EXPENSES IN EXCESS OF $100

(Transfer Total Amount of All Campaign Expenses to Line 9 of Expenses Summary)

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO RECEIVED THE PAYMENT FOR THE EXPENSE	CATEGORY (NRS 294A.360)	DATE OF EXPENSE [1]	AMOUNT OF EXPENSE
Vista Print VistaPrint.com 0000, MA 00000	D	05/05/2014	$295.99

IN KIND EXPENSES — Report Period #1

Vida D. Keller	Lyon County Commissioner, District II	2
Name (print)	Office (if applicable)	District (if applicable)

IN KIND EXPENSES IN EXCESS OF $100

(Transfer Total Value of All In-Kind Expenses to Line 10 of Expenses Summary)

NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHICH RECEIVED THE IN KIND GOOD OR SERVICE	DESCRIPTION OF IN KIND EXPENSE	DATE OF IN KIND EXPENSE [1]	VALUE OR COST OF IN KIND EXPENSE

EL201
Revised: 8-13-13
NRS: 294A.120; 294A.125; 294A.160; 294A.200; 294A.362; 294A.373

CONTRIBUTIONS AND EXPENSES REPORT

State of Nevada

Vida D. Keller	Lyon County Commissioner, District II	
Name	Office (if applicable)	District (if applicable)
PO BOX 201, Silver Springs, NV, 89429		775.691.0173
Mailing Address		Telephone No.
vidakeller@gmail.com		
E-Mail Address		

Select Appropriate Box(es) ☑ CANDIDATE ☐ LEGAL DEFENSE FUND What is this? ☐ AMENDED

- ☐ Report #1 - Due May 29, 2014 Period: Jan 01, 2014 - May 16, 2014
- ☑ Report #2 - Due June 06, 2014 Period: May 17, 2014 - Jun 05, 2014
- ☐ Report #3 - Due October 14, 2014 Period: Jun 06, 2014 - Oct 10, 2014
- ☐ Report #4 - Due October 31, 2014 Period: Oct 11, 2014 - Oct 30, 2014
- ☐ Report #5 - Due January 15, 2015 Period: Oct 31, 2014 - Dec 31, 2014
- ☐ Annual Filing - Due January 15, 2015* Period: Jan 01, 2014 - Dec 31, 2014

FILED
Jun 6 2014
ROSS MILLER
SECRETARY OF STATE
FOR OFFICE USE ONLY

* Report #5 suffices for the 2015 Annual Filing only if Report #'s 1, 2, 3 and 4 are previously filed

CONTRIBUTIONS SUMMARY	This Period	Cumulative From Beginning of Report Period #1 through End of This Reporting Period
1. Total Monetary Contributions Received in Excess of $100	$ 0.00	$ 500.00
2. Total Monetary Contributions in the Form of Loans Guaranteed by a 3rd-Party in Excess of $100	$ 0.00	$0.00
3. Total Monetary Contributions in the Form of Loans that were Forgiven in Excess of $100	$ 0.00	$0.00
4. Total Amount of Written Commitments for Contributions in Excess of $100	$ 0.00	$0.00
5. Total Value of In Kind Contributions in Excess of $100	$ 0.00	$0.00
6. Total Value of Written Commitments for In Kind Contributions in Excess of $100	$ 0.00	$0.00
7. Total Amount of all Contributions of $100 or less	$ 0.00	$100.00
8. Total Amount of All Contributions (Add Lines 1 through 7)	$ 0.00	$600.00
EXPENSES SUMMARY		
9. Total Monetary Expenses Paid in Excess of $100	$ 0.00	$295.68
10. Total Value In Kind Expenses in Excess of $100	$ 0.00	$0.00
11. Total Amount of all Expenses of $100 or less	$ 0.00	$109.95
12. Total Amount of All Expenses (Add Lines 9 through 11)	$ 0.00	$405.63

AFFIRMATION

☑ I Declare Under Penalty of Perjury That the Foregoing is True and Correct.
AND
☑ I have agreed to the following terms and conditions:

I declare, under penalty of perjury or under an oath to God, that the information I submitted herein to the Secretary of State for the State of Nevada is true and correct, and is not submitted for any improper purpose, and that I am authorized to submit the information, and to the best of my knowledge complies with NRS Chapter 294A. I have reviewed the NRS 225.083 Notice. I understand it is unlawful to submit any illegal, unauthorized, fraudulent, forged, deceptive, defamatory, illicit, or improper information, as defined by state and federal law, to the Secretary of State, and agree to indemnify the Secretary of State, and any other parties entitled thereto, for any damages incurred for any unlawful, unauthorized, fraudulent, forged, deceptive, defamatory, illicit, or improper information, as defined by the federal and state law, submitted to the Secretary of State by my use of this electronic filing system. I further understand that I may be subject to criminal (NRS 239.330) and/or civil (NRS 225.084) penalties for submitting any unlawful unauthorized, fraudulent, forged, deceptive, defamatory, illicit, or improper information, as defined by federal and state law. I understand and agree that all information submitted is the property of the Secretary of State, and may be monitored for all lawful purposes. I further understand that during such monitoring, all information, including personal information placed on this system, may be examined, copied, and used for any authorized purpose. By submitting this report I intend to identify myself as the authorized person signing this document and with the present intent to authenticate my signature as such.

Vida D. Keller — Signature
06/06/2014 — Date

Report Period #2

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

Case No. 83463

Electronically Filed
Feb 07 2022 11:15 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

COMSTOCK RESIDENTS ASSOCIATION; AND JOE MCCARTHY,

Appellants,

vs.

LYON COUNTY BOARD OF COMMISSIONERS; AND COMSTOCK MINING INCORPORATED,

Respondents.

Appeal From Order Granting Defendants' Motion for Attorneys' Fees

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JOINT APPENDIX: VOLUME 5

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Attorneys for Appellants

Docket 83463 Document 2022-04054

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Q Okay. And the home -- so there's -- let's just go back. So if we go back to the top of page 1 of that 2012, that lists 3125 Spring Circle as your address.

A Correct.

Q And that was your personal residence?

A Correct.

Q And the Rawhide home was your old residence that you now held until you sold it?

A Right.

Q How did you acquire the house at 3125 Spring Circle?

A I bought that on a private note, seller -- owner carry, whatever you want to call it.

Q And who held the note?

A The Tibbals Family Trust.

Q T-i-b-b-l-e?

A T-i-b-b-a-l-s.

Q Okay. And what were the -- how much did you put down?

A I don't remember.

Q Do you remember the purchase price of the house?

A Ninety-seven. I believe it was 97,000.

Q Okay. Do you remember the size of the note, the amount?

A Oh, my gosh. You know, I don't think I put anything down on that house.

Q Okay. So it was full -- you financed the full amount of the house?

A I believe so.

Q Okay. Do you remember your monthly payment?

A Five hundred and -- I want to say 531.

Q So approximately $500? $531?

A Right.

Q And was there an interest rate associated with the balance?

A Yes.

Q And what was that? I can give you -- was it around four or five percent or was it around eight, ten percent or was it significantly higher than ten percent?

A It was like six or seven. And I don't remember.

Q Okay. So your estimate --

A I haven't looked at that contract in quite some time.

Q Do you still pay on this contract?

A Yes.

Q I'm sorry?

A Yes.

Q And do you have an idea of how much is due on the note?

A Probably somewhere around 90.

Q Ninety thousand?

A Yeah, approximately.

Q So you --

A I haven't looked at it lately.

Q Okay. Let's go down to Section D which is on the next page. And this lists the creditor names and a couple new ones appear here. The first one is Schwartz Family Trust. Why were they a creditor of yours? No, you were a creditor of theirs. What was that about?

A Schwartz Family Trust belongs to Lakeview Ramsey, LLC. And that was the note -- that was the one property that Lakeview Ramsey lost, but I was an underlying signer on the account, so I was responsible. It's been cleared since. But I was responsible, so I labeled it on here.

Q What about David Robertson?

A He was the note holder on Rawhide.

Q And when did you sell Rawhide?

A I believe it was that same year, because once we moved to Spring Circle, we sold Rawhide.

Q So you sold it relatively soon after moving out?

A Fairly soon, yeah.

Q And would you estimate it was that same year in 2012?

A I believe it was. I think when I did this financial, it was shortly after.

Q Okay. Let's move on to the 2013 disclosure.

A Darn it. My throat. Sorry. I know I took a drink, but it didn't go away.

Q Okay. Let's move on to the next page which is the January 15th, 2013, disclosure statement. Are you at that page?

A Yes.

Q Okay. So we have -- can we go to Section B on that first page. You list the three same sources of income in addition to your Lyon County Commissioner salary, Priceless Realty, Keller Rebuilders and Lakeview Plaza. I just want to confirm that those were your only sources of income identified -- excuse me -- only sources of income as of January 15th, 2013. Is that still accurate?

A Yes.

Q Okay. Did your husband have any other sources of income outside of the sources identified in Section B at that time?

A I can't think of any.

Q Okay. Let's turn actually down to Section C which carries over from page 1 to 2. Again, that's the real property listing. The Lakeview Plaza, LLC, lands, are they the lands that are identified as the 1955 Ramsey Weeks address?

A Correct.

Q Okay. And now you've also listed a new property at 3115 Spring Circle, Silver Springs.

A Correct.

Q And when did you acquire that?

THE COURT REPORTER: Can you speak up a little bit.

THE WITNESS: I'm sorry. I'm talking to myself. I apologize.

BY MR. MARSHALL:

Q Either you need to think to yourself or speak out loud.

A It was the summer before this, so it had to be the summer of 2012, because I know we got it in the summer, and this is '13, so it was a few months before the disclosure.

Q Can you just walk me through the details of the acquisition of that property.

A That house became available as a foreclosure. I had a situation where my family had grown, kids, grandkids moved back home. So the Tibbals family

thought that the best thing to do would be for them to finance me to buy the house next door. That way we had adjoining houses.

Q What is your relationship with the Tibbals Family Trust?

A Very close friends.

Q Okay. So the Tibbals financed the acquisition of 3115 Spring Circle?

A Correct.

Q And can you -- what was the size of that note?

A Seventy-three, I believe. Yeah, 73.

Q Seventy-three thousand dollars?

A Yes.

Q And at that address your kids and grandkids live?

A Correct. Well, we're flipping houses now.

Q Okay. And did you put any money down?

A No, I did not.

Q And do you remember the interest rate on that loan?

A I think it's around seven or close to.

Q So approximately seven percent?

A Yeah.

Q And your monthly payment on that would be --

A I know I pay them together.

Q What is your combined payment?

A Twelve hundred and sixteen. Take 531 from that. I can't get my brain to work.

Q So around -- what is that? -- approximately $700?

A Yes.

Q Okay. And so you've mentioned that you pay those together. So you pay off the note for the house that your children live in?

A Well, I pay both notes, yes.

Q Okay. Do they contribute any to that payment of that note?

A They had not until recently.

Q And when you say "recently," at what point was that?

A Like a month ago.

Q Okay. So just to characterize, by this point in 2013 you and your husband were paying the notes on both your house and the adjoining house that was occupied by your children and grandchildren?

A Correct. There's more to that sorry, but yes.

Q If it's related to my question, please elaborate.

A Well, I'm saying my daughter and my grandchildren, they did, they moved in, but then there

was a point that my daughter moved out and we took custody of the grandchildren. And now the family is back whole again.

Q And when was that approximately?

A I got custody of the grandchildren in 2013.

Q So around this time?

A Yeah.

Q Okay. So if you could move down to Section D. You've listed the Tibbals Family Trust for the first time I see. And that's the notes on the personal residence and the adjacent property; is that right?

A Correct.

Q The Laird Davis was the note holder for the --

A 17-024-01.

Q Okay. And the Schwartz Family Trust was the Lakeview Ramsey, LLC?

A Correct.

Q Okay. Can we shift now down to Section F. And then we have again Priceless, Keller Rebuilders, Lakeview Plaza, LLC, and then we have three new ones. Can you identify what Nugget Holdings, LLC, was about?

A Well, all three of those were together, Nugget Holdings, SVK Holdings and Silver Springs Development. We had an investor that was looking to move some projects forward in Silver Springs. All three of those

LLCs were formed to be holding companies of the land. Then the investor backed out and they were never funded.

Q And who was the investor?

A Her name was Donna Allison.

Q Okay. Let's move on to the next page so we can get this next one done in just a couple minutes and take a break.

Okay. This is your January 6th, 2014, Financial Disclosure Statement. Do you have that in front of you?

A Yes.

Q Again, under Section B, the listing of the income, so sources of income in addition to your Lyon County Commissioner salary, you list Priceless Realty, Keller Rebuilders/Consulting and Lakeview Plaza, LLC. Are those the only sources of income for you during this time?

A Yes.

Q And were these the only sources of income for your husband at this time?

A To my knowledge, yes.

Q Okay. For the first time we see Keller Rebuilders is modified by /Consulting. Can you walk me through why you made that change?

A Scott was doing a lot of construction-type consulting, so in talking with Lyon County on our business license, they said that we probably should identify the consulting, so they changed our business license to include consulting.

Q Okay. So Keller Consulting, was it ever an independent entity?

A I'm not sure what you mean by that.

Q Well, you list -- as I understand what you just testified to, you said that because Scott was doing consulting in addition to the previous, I suppose, work that he was doing that was perhaps under rebuilding, Lyon County suggested that you adjust your business license for Keller Rebuilders. Is that accurate?

A Yeah. So we added the consulting. That way we still only had one business license, but it covered the fact that he was doing consulting work.

Q So let me ask this another way. All the work that was done for Keller Consulting was really done for Keller Rebuilders?

A Well, they would be one and the same, yes.

Q Did the title of the business license change?

A Yes. Lyon County actually changed our business license. So that's why I reflected the change on here.

Q So there's no -- what I'm trying to understand

is there was no separate entity by the name of Keller Consulting by itself?

A No. They are on the license together.

Q Okay. So whenever we see in later documents Keller Consulting, it really is the same business license and same entity as Keller Rebuilders?

A Correct. It's still Scott, yeah.

Q I just -- I mean, but you still had a 50 percent stake in the -- whether we call it Keller Rebuilders or Keller Rebuilders and Consulting or Keller Rebuilders/Consulting, you still --

A Correct. All funds went into the same household, split equally.

Q And it was essentially the same business entity as Keller Rebuilders, it just morphed into an additional consulting role?

A Correct.

Q Okay. So that explains why we won't see a separate business license or a corporate identification with the Secretary of State for Keller Consulting; is that correct?

A Correct.

Q Because it all goes under Keller Rebuilders, their license and Secretary of State registration?

A Yes. I had to think of everything you just

said. When you mentioned Secretary of State, I think of the corporation form, but it's like no, we have the business license with the state, so yes.

Q Okay. So what kind of business is Keller Rebuilders? Is it a sole proprietorship?

A Yes.

Q So it is not a corporation?

A No.

Q Okay. If you could look down at Section C, the real property listings. Those to me look identical to the 2013. So you acquired no additional real property during the time period between 2013 and 2014, would that be accurate?

A That would be accurate. I haven't bought anything else.

Q And the creditors listed in Section D are Schwartz Family Trust, Laird Davis and Tibbals Family Trust. Those were the same. So you acquired no additional debt?

A No.

Q Okay. At this time did you have any other debt that wasn't identified here, for example, an outstanding credit card debt, outstanding car loan, those kind of consumer credit?

A No.

Q So have you ever had a car loan -- excuse me -- within the last -- since 2010?

A Since 2010, no.

Q Okay. And did you ever have any resolving credit or credit card debt outstanding from what you were -- excuse me. Let me just rephrase that, because I got too complicated.

Did you ever have during this time period -- we're talking 2012 through 2014 -- any outstanding credit card debt?

A No.

Q So you paid off your credit card debt monthly?

A I didn't use credit cards.

Q Excellent answer not only from a -- you know, should we as a society encourage consumer debt? Isn't that part of our --

Okay. So you did not use a credit card?

A No, sir.

Q Okay. Then if we'll look down at Section F, we see the same six business entities identified as business entities. And so at this point you still had the Nugget Holdings, SVK Holdings and Silver Springs Development for the one development opportunity with a potential investor that subsequently failed?

A Yes.

MR. MARSHALL: All right. Why don't we take a break and come back -- how long do you guys need?

MS. ZIMMERMAN: I'm going to call my paralegal, so hopefully only ten minutes, five to ten minutes.

MR. MARSHALL: Why don't we come back at 10:15. Is that okay?

MR. RYE: Yes.

(A recess was taken.)

(Exhibit 2 was marked.)

BY MR. MARSHALL:

Q Okay. We're back from our break and I'm going to put in front of you Exhibit No. 2, identified as 2. Copies have been passed to counsel. Can you please look through this two-page document. Do you recognize this document?

A Um-hum. Yes. Sorry.

Q Thank you.

A I apologize. I don't normally do that.

Q And what is this document? What is identified as Exhibit No. 2?

A Our income tax return for 2013.

Q So you filed joint income tax returns. Is this the same from 2010, let's say, to the present?

A As far as filing jointly?

Q Yes.

A Yes.

Q Okay. And you identify in 2013, looking at income, two sources of income, the wages of 21,582 -- and would that be from Lyon County as your salary for commissioner?

A Yes.

Q -- and then you list as business income or loss $49,888. And is there -- and if you switch to the back page, there's a 1099-Miscellaneous from Comstock Mining to Keller Consulting for $67,747. Is that the source, the sole source of the --

MR. RYE: Objection. Are you looking at page 2 of the document?

MR. MARSHALL: Yes.

MR. RYE: You misstated the number.

MR. MARSHALL: I'm sorry. $63,747.

MR. RYE: Okay.

MR. MARSHALL: What did I say?

MR. RYE: 67,000.

MR. MARSHALL: Sorry.

BY MR. MARSHALL:

Q Let's start this over again.

All right. Do you see the 1099-Miscellaneous on page 2 of Exhibit 2 that identifies Comstock Mining, Inc., as paying to Keller Consulting $63,747?

A Yes.

Q Okay. And then reported as business income or loss on line 12 of page 1 of your 1040 for 2013 was $49,888. Do you see that?

A Yes.

Q My question is was there any other source of business income other than identified in the 1099-Miscellaneous from Comstock Mining?

A No.

Q So, in other words, you received -- as reported on your 2013 tax return, there was no income from Priceless Realty?

A No.

Q Okay. Sorry. Just --

A I know. Speak louder. I'm trying not to be rude.

Q Yell at me. Come on. Get your aggressions out.

A Now, John, you've been in that -- no, never mind.

Q Okay. So this 2013 income reports your income situation for the year 2013; is that correct?

A Yes.

Q Okay. For the year 2014 we were not provided with a copy of your income tax return, but would it be

substantially similar to this one that you filed in 2013?

A Yes.

Q Okay. What, if any, were any differences?

A I don't recall any differences. It would be almost a mirror image. I mean, slight number changes obviously, Lyon County, a little bit of an increase, but mirrored. It would be the two incomes. It would be the county and it would be --

Q So the only income you had for 2013 and 2014 would be from Lyon County, your salary, and from Comstock Mining, Inc.?

A Correct.

Q Okay. And, again, for 2014 you did not receive or make any money from Priceless Realty?

A Correct.

Q Did you have any income that you wrote off or as a result of any commissions or payments of any kind from Priceless Realty in 2013 and 2014?

A There was expenses that were declared for those two years, licensure, things that have to be paid that was wrote off. I wasn't active in real estate at the time. Is it okay to elaborate?

Q Yes.

MS. ZIMMERMAN: Yeah, go for it.

THE WITNESS: You'll note the grandchildren. My mother took very ill. So did my father. I concentrated on my position as a commissioner and took care of my family.

BY MR. MARSHALL:

Q Okay. And if I can sum up, your and James Scott Keller, who is your husband -- correct?

A Yeah. He goes by Scott.

Q -- your joint financial situation as depicted in the 2013 tax return will be the same as if you had produced the 2014 tax return with minor number changes?

A Correct.

Q Okay. Did that situation change in 2015 as being your only source of income between CMI and Lyon County Commissioner?

A Under our personal income tax, yes, but I did start engaging back in real estate in 2015.

Q Okay. And why was that?

A Because I had clients -- had opportunity that kind of came to me.

Q Okay. And who were those clients?

A I had a company there in Silver Springs called Clean Dried Processing that came to me and contracted me to help them separate a parcel and list that for sale.

Q Okay. And was there a name for that parcel or a way to identify it?

A The company was Clean Dried Processing. The property was on Lake Street, so it was referred to as the Lake Street property.

Q Okay. Did you have any other -- you mentioned you had a couple of clients coming in in 2015. Did you have any others?

A I listed -- or relisted, I had listed it before, but put it back on the market, 98 acres that we refer to as the Calico property because it was a ranch there in Silver Springs.

Q Okay. And who was your client at that time for the listing?

A That would have been the Calico Family Trust. And the contact there of the family would have been Jay Ross.

Q And you said you relisted it. So when had you listed -- it sounds like you had listed it before.

A I have worked with the Calico family for many years off and on while Mac Calico was alive and then after him and his wife passed away for the family trust.

Q Okay. And was that 98 acres purchased?

A Yes, it was.

Q And who was it purchased by?

A But that didn't get purchased until 2016 if I have my years straight in my head.

Q And in 2016 it was purchased by whom?

A That was purchased by Comstock Industrial, LLC.

Q And is Comstock Industrial, LLC, at all related to Comstock Mining, Inc.?

A Yes, they are.

Q And what is your understanding of that relationship?

A It's a company that they formed to diversify into real estate separate from mining.

Q So would it be fair to characterize it as a wholly-owned subsidiary, perhaps?

A I don't want to speak for them.

Q But it was owned and controlled by Comstock Mining, Inc., is your understanding?

A I know there's --

MR. RYE: Objection; speculation.

THE WITNESS: Yeah, thank you.

There's shared commonalities, but they're separate entities to my knowledge. And I don't -- like I said, I don't want to speak for them.

BY MR. MARSHALL:

Q Perfect. So we probably should have gone over

it a little bit. Sometimes you may want to pause, particularly if the attorneys get jumpy, and allow them to state their objections so we're not talking over one another. And then unless you are instructed not to answer, you still have to answer.

So they're making an objection for making the record. So if there's some -- you know, if it calls for speculation or the form or something, we'll hash it out ourselves. You don't have to be bothered by that. Do you understand all that?

A Yes, I did.

Q Okay. Let's go back to the situation -- have you ever been delinquent in your real estate property taxes?

A Yes.

Q Okay. Can you tell me about the times that had happened and the situation around that?

A That was around 2012, '13.

Q Okay. And for what properties were you --

A I was delinquent on both the Spring Circle properties and the 17-024-01.

Q 17 --

A -- 024-01.

Q And why were you delinquent?

A That was the same timeframe when I got sudden

custody of three grandchildren and was dealing with mom that was in and out of the hospital and ultimately ended up on hospice and we lost her.

Q Okay. And did you lose any of these properties as a result of your delinquency?

A No. I had actually set up a payment plan with the county under the circumstances so that that would not ever happen. There was never a tax lien.

Q And do you remember when you began those payments on that repayment plan and when you got current?

A I don't remember exactly when I started the payments, but they were completely caught up and current in 2014.

Q Beginning? End? Do you know when in 2014? Did it take you --

A It was June, July. It was midyear when I finally got them all caught up.

Q So let me ask you some perhaps even more delicate questions. I'm not trying to, you know, delve into your personal details unnecessarily.

A I understand.

Q If you feel discomfort, please let me know and maybe there's another way we can --

A Life throws you curves and you get through

them.

Q I can understand that.

So the situation that you described sounds fairly financially dire at this time which is essentially between 2012 and 2014. Would you agree with that?

A Not completely.

Q Can you elaborate a little?

A Well, as far as being behind on property taxes, we had extra expenses with the children. When I received them, we had nothing but the clothes on their back. So it was a choice rather than ask for help. Knowing the laws on the taxes, on the three-year roll, I chose to take care of my grandchildren over paying the taxes until I knew I would be able to catch them up.

Q So it was a purposeful strategic choice to provide the limited funds that you had to your grandchildren rather than to the county to pay taxes?

A Right. But then the county, you know, they collected the penalties and the interest, so --

Q Right.

A But, yes, it was a financial choice to take care of family.

Q And that was because you didn't have the money to do both?

A At that specific time, no.

Q Okay. And "that specific time" meaning between 2012 and 2014?

A Correct.

Q Okay. Were you ever delinquent in your payment of your debt to the Tibbals for either residence?

A No.

Q So every month you paid them on time?

A Correct.

Q Did you ever have during this time any unpaid bills that you essentially made the same strategic choice as the tax bill to -- you had other priorities with your children and so you -- excuse me -- your grandchildren and you prioritized those children over any outstanding bills?

A No. Everything else was paid accordingly.

Q Okay. Thank you for answering those questions.

Okay. Let's start with -- I now want to start asking you a series of questions about your relationship with Comstock Mining, Inc. So we're done with these.

Can we -- just every time I say "CMI," we'll use that abbreviation for Comstock, Inc. Is that -- are you comfortable with using that abbreviation?

A Yeah. Yeah, I think so, as long as you don't

cross lines between that and their CMI, which is the industrial, because they also go by CMI.

Q When I say "CMI" --

A You mean the main company?

Q Correct, the mining company. If I ever ask questions about the industrial, Comstock -- what is the M in --

A I don't know, but their little insignia has CMI on both, so that's why I said I don't want to cross --

Q So I'll refer to that as Comstock Industrial.

A Thank you.

Q Okay. When did you first become aware of Comstock Mining, Inc., to the best of your recollection?

A To my knowledge, the first time I heard anything about Comstock was at a Silver City Advisory Board meeting and they were doing a presentation.

Q And when --

A That would have been in 2010.

Q Okay. During your election which occurred. in --

A 2010.

Q -- 2010 did you have any contact with CMI in terms of asking them for political contributions or asking them positions on anything during that prior to

the date of the election?

A No.

Q So no contact with CMI or any representative prior to the November election in 2010?

A No, none.

Q Okay. You mentioned in your disclosure at the 2014 commissioners' hearing on Comstock's application that you were a part of a task force on mining appointed by Governor Sandoval, I believe. Is that correct?

A I was on a sector council appointed by Governor Sandoval through the governor's Office of Economic Development.

Q Okay. And what was that sector? Was there a name for that sector panel?

A It was called a sector council. They had several sector councils. They were all broken up to health, technology, manufacturing, mining. They had one for agricultural. They had several sector councils, and I don't remember all of them off the top of my head. There's quite a few.

Q And the one you were on was on mining?

A I had two that I sat on, and that was manufacturing and the other one was mining. They had originally been one sector council and they split them

to two.

Q Okay. Did you have any background in mining?

A My background wasn't in mining specifically. My background was in drilling.

Q So the reason why you were on the sector council for mining was your background in drilling, would that be a fair statement?

A Yes.

Q And that background was the company that you owned in Pahrump back in the '80s, I believe?

A Right.

Q I'm sorry?

A Yes.

Q Okay. And at what point -- what were the years of this sector council, the one particularly on mining?

A I think he got those started in 2012 approximately.

Q So after the 2010 election?

A Yes.

Q Okay. You testified that the first time you had heard of CMI was at a Silver City Advisory Board meeting where they gave a presentation. Do you remember who gave the presentation?

A I believe it was Doug McQuide. It's been a while, but I'm pretty sure he was the one that was -- I

didn't know any of them that first time by name, but I believe it was Doug that gave the presentation.

Q And was that before or after your election?

A I believe it was a month or two before the election.

Q Okay. And do you remember your next contact with CMI after that advisory board meeting?

A I don't remember the specific date at all. I remember the circumstance. I don't remember when it was.

Q If you could give me the circumstance, then we can work with that.

A They were giving a tour. They invited county commissioners, planning commissioners and then general public that wanted to take a tour.

Q And this tour was of what?

A The tour was of their proposed -- what their presentation had been all about. It was a proposed area of mining lands that they owned, projects that they had hoped to do in the future. So they did these tours of everything that was going on at that time.

Q Was this in Lyon County?

A The tour actually started in Storey County, but we did tour one property that was in Lyon County. And it's called the Dayton Mill that's right there in

Silver City.

Q Okay. So was this after your election?

A Yes, it was.

Q So you were a sitting commissioner?

A Commissioner, yes, I was.

Q Okay. And was that prior to your being seated, do you remember, so before January?

A No, it would have been after I was seated. Yeah, I was a sitting commissioner. I don't remember when the tour was.

Q So it was after you were seated, and that would have been in 2011, because you weren't seated until --

A I don't remember the date, but yeah. I just remember taking the tour.

Q I only say 2011, because you were seated January of 2011, so it must have been some time after that.

A It was after, yes.

Q Okay. And did you have -- do you remember any particular contact with any CMI representative during the tour other than them talking to the tour at large?

A When we got to the Dayton, my husband, Scott, noted -- well, first of all, they were telling us in the tour -- because it was a building out in front of the mill that had recently fell to the ground and this

mill is historical. So we were going through the main structure and I -- the only direct conversation other than just a tour, this is what we're looking at, my husband had pointed out to one of the gentlemen that was giving the tour that we probably shouldn't be in the building, it was unsafe, and then pointed out some major timbers that were about ready to go. And that was the only contact other than just touring everything. Other than that it was cameras and, you know, taking pictures, a tour.

Q And do you remember your next contact with any CMI representatives?

A Boy, I don't remember dates. There was contact at like the Silver City Advisory Board, because I did attend their meetings. When I say "contact," we were all in the same -- I listened to their updated presentation or whatever.

Q This would have been in 2011?

A Yes, that was after I was a sitting commissioner.

Q And so the -- do you remember having your -- let me back up and ask a general question. Have you ever had any specific one-on-one contact with CMI representatives?

A I did.

MR. RYE: Objection; vague and overbroad.
Can you restate the question, please.
(The question was read.)
MR. RYE: Thank you.
Same objection.
Go ahead and answer.
THE WITNESS: Okay. I'm trying to remember. I think the next -- and, again, I don't remember specific dates.
BY MR. MARSHALL:
Q That's fine. We're not asking dates, just your next contact.
A They had reached out to my husband, Scott Keller, to start a discussion about the historical buildings. And that initial contact I sat in on, not negotiating or nothing, just sat in to find out what it was that they wanted to know. And that was for Storey County.
Q Okay. And that, again, was sometime in 2011 to the best of your recollection?
A '11 or '12, yeah.
Q Okay. Do you remember any others?
A Again, I don't remember specific dates. I did have a meeting with Corrado DeGasperis and others of his company. I don't remember all the names.

Q That's fine.

A Because I had questions about their mining, what their proposal was. So we had a one-on-one, I guess, scenario in that case. He had his mining engineer. And I do not recall -- I'm really bad with names. Because I had specific questions on the type of mining they were proposing in the area. So we did have a meeting on that.

Q When you say "in the area," what area were you focusing on at that point?

A Well, they were starting in Storey County. They were doing everything in Storey County, but they were already doing presentations in Lyon County. And so I wanted -- you know, I wanted to know what they were bringing -- I sat in an advisory board meeting. So I had specific questions for them.

Q About their mining, what they --

A What they were proposing.

Q In Lyon County?

A Right.

Q Okay. So you had -- and was Scott with you in that meeting?

A I don't believe so.

Q Okay. Do you remember any other meetings with Corrado besides big public meetings?

A Not that I can recall unless contact was in public settings. We were both members of NNDA, so we often would run into each other in other forums.

(Exhibit 3 was marked.)

BY MR. MARSHALL:

Q This is Exhibit 3. Can you look at that. Have you had an opportunity to look at this document?

A Yeah, I'm reading it.

Q Tell me when you've --

A I'm getting the date and what it says straight in my head, but yes. I'm good.

Q Okay. First, this is an email from Scott -- I'm going to say Jolcover. Is that how you pronounce his name?

A Jolcover.

Q -- sent on June 27th, 2011, to keller@hsne50.com. And in the messages it says, "Sorry, Vida." So I assume this email was sent to you. Would that be a correct assumption? Are you the Vida that's referenced here?

A Well, that's why I'm confused, because it wasn't sent to me, but he references me.

Q Can you explain?

A That he was highjacked. I'm like --

Q Can you explain your confusion as to why it wasn't sent to you?

A I don't know why he is saying sorry to me. He sent it to Scott, not to me. That's not my email.

Q That's what I want to get at. So keller@hsne50.com, whose email address that is?

A That's Scott's email.

Q Okay. But he's addressing this to you, so probably it would get to you via Scott? Is that --

A Well, I'm a little confused, because the subject says "Dayton Safety Repairs." And earlier I mentioned to you we were on that tour. The safety repair was on the Dayton Mill, so I'm assuming this is regarding contact back to Scott because of those repairs that he mentioned that day. But why he's addressing me, I can't answer.

Q Okay. Is Scott Jolcover identified with Comstock Mining, Inc., CMI?

A Yes.

Q And what is your understanding of his role?

A I don't know his title. And I think it's changed since then. Back then he seemed to be mining -- more mining-type operations type thing.

Q So was he --

A To my knowledge.

Q Okay. Was he in management or was he a worker, if there's --

A I honestly don't know what -- yeah, what his job title was. He was around.

Q Okay. But he was a representative of CMI?

A Yes. Yes. That I can say. He was definitely a representative.

Q Okay. And so do you have any recollection of receiving this email?

A No.

Q And do you have any recollection of what the Dayton safety construction 2011 document that was attached was?

A No. The subject line is the only thing I recognize. The Dayton safety repairs I know for a fact was the Dayton Mill.

Q And how do you know that?

A Well, I do live with Scott, so we do talk.

Q Excellent. That's good. But as part of -- at this point I believe they were working -- was Scott interested in doing some work for CMI?

A Yeah. What they did is they got contacted Scott about his comments and the safety repairs. I believe they ended up contracting that out to a general to get the actual repairs done.

Q And do you know who the general was that they --

A I believe it was Priceless Construction.

Q And who is Priceless Construction?

A That would be my brother-in-law.

Q His name?

A Rick. I'm sorry. Rick Keller.

Q And is Rick Keller Scott Keller's brother?

A Yes, he is.

Q How do you think they would have gotten to Priceless Construction?

A Well, I would imagine talking to Scott, but I'm speculating at that point, talking to Scott, "My brother," you know --

Q The connection would have been from Scott?

A The connection would have been from Scott.

(Exhibit 4 was marked.)

BY MR. MARSHALL:

Q Can you take a look through Exhibit 4, please. Have you had an opportunity to look at the document?

A Yes.

Q Do you recognize the document?

A Yes, I do.

Q And what is this document?

A I had to scan it and send it to you.

Q What is this document?

A It's a Construction Consultant Agreement between Scott Keller and Comstock.

Q And when you say "Scott Keller," can you please read on about the fourth line down who the contract is between?

A Comstock Mining, Inc., (the "Company") and Scott Keller of Keller Consulting in the capacity of Construction Consultant Superintendent."

Q Okay. It also lists a P.O. box there of 201 Silver Springs, Nevada.

A Yes.

Q Whose mailing address is that?

A Well, we live in Silver Springs, so it's a small community. That P.O. Box is connected to our businesses, our personal addresses. It's a box I've had forever. All mail goes to the P.O. Box.

Q In Silver Springs?

A In Silver Springs.

Q So there's no home delivery in Silver Springs?

A There wasn't. We currently have gotten a box now to our Spring Circle address, but up until recently, no, we've always had a P.O. Box, which we still do.

Q So P.O. Box 201 --

A Houses everything.

Q When you say "everything," you mean Priceless Construction -- excuse me -- Priceless Realty, Keller Rebuilders/Construction, your personal --

A Personal, our kids' personal, my grandkids' personal, everything goes to that box.

Q Okay. It's your family box?

A You got it. It houses it all.

Q Okay. Now, when -- have you seen this contract before, I mean before you scanned it to me?

A Yes.

Q And do you remember the first time you've seen this? Did you see it -- strike that. Did you see a draft of this contract?

A No, I did not.

Q Okay. And when was the first time you saw this contract?

A The first time I saw this contract is when Scott returned from his meeting with them where they signed a contract and handed it to me.

Q Okay. So this would have been in 2013?

A Correct.

Q Okay. All right. Let's move on.

(Exhibit 5 was marked.)

BY MR. MARSHALL:

Q I'm going to hand you Exhibit 5 which is a series of emails. Can you take a moment and look through those emails.

A Okay. I know what it is.

Q All right. Can you please describe for me what your understanding of this document is.

A Comstock Mining was looking for water that they could use in their mining operation if they moved forward. They had reached out to the county as far as what they could -- as far as leasing, purchasing water.

I happened to be at Dayton Utilities when Scott Jolcover had come in the one day inquiring, so he had reached back out to me and asked if I could identify. So he was actually reaching out to me as a commissioner, just didn't know what they could and couldn't do as far as leasing rights. So that's why you're seeing the -- where I'm trying to make a connection with him and Mike. Mike would be Workman of Dayton Utilities.

So I was just trying to connect the two dots. I don't pretend to have all the knowledge when it comes to Dayton Utilities. So as a commissioner you often just connect the dots to the right departments when you're asked to help.

Q I notice this email was sent to you, Vida D. Keller, at Priceless Realty, Inc.

A Right. Scott Jolcover was familiar with my Priceless email more than my other emails being Scott has a background in real estate. We had never had dealings together previously, but we were aware of each other, let's put it that way. So he had a tendency to send everything to the email that he knew.

Q And so did you receive other emails from Scott Jolcover regarding county business on your pricelessrealtyinc@yahoo.com?

A I know there's a couple of emails where I got copied into Priceless Realty, and they were supplied to you. So whatever was there was supplied. I don't remember specifics.

(Exhibit 6 was marked.)

BY MR. MARSHALL:

Q Would you take a moment and look at Exhibit 6.

A Okay.

Q Okay. It looks like the original message on the bottom half of the page was from you to Scott Jolcover. Would you agree with that?

A Yes.

Q And I notice you're using your Priceless Realty as the original sending email address. Is there a

reason why you chose that versus your county address?

A It's probably because I was responding back, because the first one came to me from Scott to the Priceless, in other words, not a specific reason to do it. It's just probably the email I had open.

Q Okay. This is not -- is this a -- but this does not look like a response to anybody. There's no re line in terms of -- so this was an original email that you chose to use your Priceless Realty, Inc., email address. I'm just trying to understand your thought process of that.

A Well, like I said, it's probably the email I had open at the time and I just -- I have Scott's email in that Priceless one for contacts. I shot the email over to him.

Q Okay. Is this a -- how would you characterize the topic of your email?

A It looks like the follow-up from the other email where I was setting up his meeting to meet with Mike Workman with Dayton Utilities.

Q And in your capacity as a county commissioner were you doing this work?

A As a county commissioner you get calls from citizens all over the county asking you to set appointments.

Q So was that a "yes" to that?

A That's a "yes."

Q Okay. Thank you.

And then can you look up on top. Scott replies to you and he's -- I'm going to ask you to describe what his -- it looks like he's asking a question. Or what is he doing in that email?

A Yeah, the squinting when I was reading this is because I don't remember the top part of that. And I'm not --

Q Excuse me.

(Cell phone interruption.)

A And I'm not sure what he's referring to. I don't know why he's telling me that Doug has informed him of a road going east where cars park on the -- I don't recognize the email or do I remember why they were emailing me such a thing. The bottom half of this I understand.

Q So do you take this email to be on a different subject than the bottom email?

A Yes, totally different subject, and I don't know why I'm included.

Q It seems like you're the principal recipient in terms of his addressing again another email to you, Vida.

A Yeah. Yeah. No, he specifically sent it to me. I just don't know why. Because he sent it to me and to Keller. And I would think anything to do with the hotel parking or anything to do with the historical buildings would have been Scott. So, again, I don't know the answer.

Q Okay. Thank you.

Did you ever have anything to do with the purchase or sale of the Gold Hill Hotel?

A No.

Q Did you ever have anything to do with the purchase and sale or any familiarity, in fact, with the selling of an apartment building in Gold Hill on parcel No. 002-062-70?

A No, absolutely not.

Q Do you know that building that I'm referring to?

A I'm not sure. You said "apartment building"?

Q An apartment building in Gold Hill.

A They have an apartment building in Gold Hill?

Q So I take it if you're asking the question, you're not familiar with any --

A No. I can't even picture where an apartment building is in Gold Hill.

Q Have you ever aided in any way a CMI

acquisition of property within Lyon or Storey County?

A Other than the one we've already discussed that was the industrial portion of their company?

Q Well --

A I wanted to clarify the question, I guess.

Q The question was broad. So that would be -- in my mind that would be a "yes," but we can inquire.

A Well, I didn't know how to answer that.

MR. MARSHALL: Can you read back the question, please.

(The question was read.)

THE WITNESS: That's very broad, okay, and no dates and no times. Okay. Then the answer would be "yes."

BY MR. MARSHALL:

Q Okay. It's a pretty direct -- pretty straightforward question.

A I was just making sure I was answering correctly.

Q So when you say "yes," it indicates that you -- in what property acquisitions did you aid CMI?

A Well, it would have been Comstock Industrial. That's why I was trying to clarify that question. Are we grouping them together or not at that point?

Q So in your mind --

A I'm going to get in trouble -- right? --

because I'm not going to answer this correctly.

Q No, you're not going to get in trouble.

A Somebody help me. I got three attorneys sitting over here. Somebody help me.

Q No, it could be my confusion which is probably more accurate.

A Okay.

Q So let's first talk about CMI as just CMI, forgetting any relationship with Comstock Industrial.

A Forgetting the relationship. Okay. If you're forgetting the industrial, then the answer is no.

Q Excellent.

Okay. Now, let's then focus on Comstock Industrial.

A Okay.

Q Have you ever aided an acquisition of property or the sale of property for Comstock Industrial?

MR. RYE: Objection; not reasonably related to the district court's order limiting discovery in this matter to the due process claim.

Go ahead and answer.

THE WITNESS: Okay. Am I allowed to elaborate in saying I aided?

BY MR. MARSHALL:

Q Yes.

A Okay. I held the listing for Calico Family Trust, so I listed the property. Comstock Industrial bought the property without representation. In the state of Nevada I am deemed a dual agent at that time. So when you say "aided," yes. Was I compensated from them? No. The listing, the sale, compensation was from the seller's side.

Q Okay. Are there any other properties for Comstock Industrial --

A No.

Q -- that you were involved with?

A No, none.

Q So the only property was the 98 Calico Ranch?

A Correct.

(Exhibit 7 was marked.)

BY MR. MARSHALL:

Q Okay. This is an email -- excuse me. Exhibit 7 is an email dated January 30th, 2018, from Ron James to Corrado DeGasperis.

MS. ZIMMERMAN: That's not -- I don't think that's the correct date.

MR. MARSHALL: I'm sorry. That is not the correct date. That is the forwarding date. Excuse me. Thank you very much.

/////

BY MR. MARSHALL:

Q The date of December 11th, 2013, email from Corrado DeGasperis to Ron James. And it says, "See you for both these meetings. I think we're telling Scott and Vida our meeting would start at noon. See you in a bit." Signed off "Ron." Do you know what meeting he's talking about?

A No, I don't off the top of my head.

Q Do you remember meeting with Corrado DeGasperis and Ron James?

A I remember meeting with Ron on a couple of different occasions when it came to the foundation work and stuff that we were doing, you know, Scott was doing. We did some volunteer work. My daughter and I both did some volunteer work up in Storey County on some of this. They only had grant money, and then they had to have volunteer hours, so groups of us would volunteer for these things. So this specific meeting, it's -- yeah, it's way too vague. I don't remember which one it is. But meeting with Ron we've done on a couple of occasions.

Q Can you describe those meetings, please?

A Well, that's what I was saying, a lot of times it was to get volunteers. Storey County would get grant monies. Like Saint Mary's got grant money and

then the foundation would put in some money and then they would have to have volunteer hours to go with it. So a lot of times it was just coordinating things. I have a tendency to volunteer all over my county and different things like that.

Q So your testimony is that your meetings with Ron James had to do with coordinating volunteering or volunteers for projects?

A Exactly.

Q That was the sole subject of your meetings?

A Yeah, for the history and culture projects that they were doing.

(Exhibit 8 was marked.)

BY MR. MARSHALL:

Q Okay. Do you recognize this document?

A I should -- it's from me -- but I don't.

Q Can you describe the document?

A Well, I have a project in Silver Springs that is 160 acres. And Scott Jolcover and Corrado and I kind of converse back and forth of the best way I should go to take that forward.

Q So when you say you have a project --

A Yes.

Q -- can you describe a little bit about what that project is and who are the owners and how -- when

you say -- and why you say you have a project?

MR. RYE: Objection; not reasonably related to the district court's order limiting the scope of discovery. And, John, I would like to just make it a continuing objection to this line of questioning and this exhibit so I don't interrupt you as you go through the questions --

MR. MARSHALL: So agreed.

MR. RYE: -- if that's acceptable. Thank you.

THE WITNESS: So now I answer it?

BY MR. MARSHALL:

Q Yes.

A Just checking. Get my hand slapped.

Again, I have a project. I'm under a contract for 160 acres in Silver Springs. I don't own it personally outright. And if I don't finish paying for it, I won't. But I'm under a contract with the owner of the property which the underlying owner is ERG's, Inc.

Q Can you spell ERG's, please.

A Well the name of the corporation is ERG's, E-R-G apostrophe S. And that is owned by George and Greg Peek, a large landowner of Silver Springs. So I've been working in conjunction with them under contract to move this 160 acres forward for a commercial development proposed there in Silver

Springs.

Q And so why are you discussing with, as you said, Corrado DeGasperis of CMI and Scott Jolcover of CMI about this 160 acres?

A So I still have to answer; right?

MR. RYE: Yes. Same objection, but you need to answer the question.

THE WITNESS: Okay. Like he said, it doesn't pertain to the case.

Anyways, the reason why I'm consulting with them is because we have a group of folks in Silver Springs -- or not in Silver Springs, from around the area, working with us in Silver Springs to move several projects forward with the USA Parkway coming in. We've got one gentleman who is doing industrial. I'm trying to do commercial. We're trying to help bring the infrastructure in and all are part of a working group. We've all paid in for engineering, so not one person is bearing all the cost, water, sewer, all these things.

In the process of all that I started working with Corrado DeGasperis on moving it forward. So we've had a couple of agreements between the two of us in moving this. The underlying contract on this is with Downtown Silver Springs, LLC, which is Scott and myself, but we are working collectively. They had bought that 98

acres that we've already discussed through Comstock Industrial, so they have a stake in things moving forward in Silver Springs. The Peeks do. We have other developers that I don't know if I should name them in here. Am I allowed to or should I?

BY MR. MARSHALL:

Q You don't have to.

A Okay. There's a collective group of investors and developers trying to move different projects along because they will complement each other.

Q Okay. So you have a contract with Comstock Industrial for the Downtown Springs development?

A No. That's why I didn't -- okay. I don't want to confuse things. I've been collaborating with them and working with them. They've got their 98 acres. I'm working on the 160. Then we have other developers. There's a collective group that everybody is working together.

Q Is there any contractual relationship between you and Scott in any capacity regarding 160 acres with Comstock Industrial or CMI?

MS. ZIMMERMAN: Objection; vague. Which Scott?

MR. MARSHALL: Scott Keller.

THE WITNESS: Okay. I'm going to ask you to say that again.

MR. MARSHALL: Would you mind reading that back.

(The question was read.)

THE WITNESS: Clarification. Are you asking if we have any contracts between the 160 and CMI? I'm confused with the question.

BY MR. MARSHALL:

Q I'm talking about any contractual relationship with Comstock Industrial or CMI and you and your husband over anything within Lyon County.

A Okay. Because that's not how you asked the question. All right. I have a listing -- Priceless Realty has a listing with Comstock Mining Industrial for the 98 acres. They purchased it. They changed the zoning. They secured the water rights. They got it ready for sale. So I have a listing on the 98 acres, Priceless Realty does. We have a working relationship, noncontractual, in moving all of our projects forward.

Q So in that latter context would you say that you are more co -- you are fellow developers in Silver Springs trying to move projects forward?

A Correct.

Q Okay. Thank you.

(Exhibit 9 was marked.)

BY MR. MARSHALL:

Q Do you recognize this document?

A I think so.

Q Okay. Can you describe it for me, please, Exhibit 9?

A It's an email originally, I guess, from Corrado to Scott Jolcover. Okay. I'm confused now, because it breaks and then it's from me to Corrado. Anyways, I know what the subject matter is, because they got the award of excellence in mine reclamation.

Q And then that's when you say, "Cool. So Scott did the foundation proud." Which "Scott" were you referring to there?

A You know, I thought I knew when I first read it and now that I'm rereading it I'm not sure.

Q When you first thought that you knew, what was your reaction?

A Well, I believe that because they got the award of excellence in mine reclamation, but they had featured -- I don't know if the date is correct. But in one of those awards is where they featured the Yellow Jacket headframe that was restored under the foundation. So at first reading it, that's what I assumed it was, but, then again, now I'm making an assumption, because I'm reading it the second time and that could be a completely different statement and it could be the other Scott. So now I don't know.

Q So the first one --

A It might be the wrong date.

Q So the first time you thought it was referring to your husband, Scott Keller; is that correct?

A I assumed that.

Q Okay. Because he did the work on Yellow Jacket? Is that the basis for your assumption?

A Right. Well, yeah, he was the supervisor for the foundation. That's what he did. And they restored the Yellow Jacket headframe.

Q Okay. And do you --

A And I know that there was an award for that when it was completed for what they did. So at first glance I'm assuming that's what this is about.

Q Okay. And then --

A But it's an assumption at this point.

Q And when Corrado responds it looks like to Scott Jolcover using an expletive and saying, "That's her takeaway," do you know what he's referring to?

MR. ZIMMERMAN: Objection; speculation.

THE WITNESS: I don't.

BY MR. MARSHALL:

Q Okay. Thank you.

(Exhibit 10 was marked.)

/////

BY MR. MARSHALL:

Q Are you ready?

A Yes.

Q So are you familiar with this document?

A Yes, I am.

Q Okay. Can you summarize this document for me?

A This document started off as a commission agreement between myself and Comstock on the fact that they were going to hire me to list the property and that they changed -- the original -- the confusion here -- the original intent, Comstock's board was going to buy the property and then they formed Comstock Industrial and they were ultimately the buyers.

The bottom part of this was the agreement made between them and myself to make pre-commission payments on that listing which I still hold today. We have sold some water rights off, but not the whole thing. And so that what you're reading at the bottom is those prepayments, pre-commission payments.

Q And this is -- again, you were referring to Exhibit 10; is that correct?

A Yes, that's the number she gave it.

MR. RYE: John, I'm going to interpose an objection to this line of questioning related to Exhibit 10. Same objection, it's not reasonably limited in scope to

the district court's order.

MR. MARSHALL: Okay.

MR. RYE: I ask that it be a continuing objection to your line of questions.

MR. MARSHALL: Agreed.

MR. RYE: Thank you.

BY MR. MARSHALL:

Q How much money has CMI paid you under this Broker Seller Commission Agreement?

A Seventy-five thousand.

Q And that is --

A That is no longer the amount --

Q Could you clarify that?

A -- left, because we sold some of the water rights already. So some of that money has already went back to them. These were pre-commission payments, like a loan, pre-commission payments to come out of the commission as I sell the property off.

Q Okay. So in effect they were advancing you money under the commission -- a future commission --

A Future commission, right.

Q -- as a loan?

A Right.

Q Okay. Again, let me just spit out the question and then you can answer it.

A Okay.

(Exhibit 11 was marked.)

BY MR. MARSHALL:

Q Are you familiar with this document?

A Yes.

Q Can you describe what this document is, please?

MR. RYE: John, I'm going to go ahead and interpose the same objection to this exhibit and this line of questioning.

MR. MARSHALL: And you want to make it continuing?

MR. RYE: I want to make it continuing, yes.

MR. MARSHALL: Yes, that's so agreed.

THE WITNESS: It is the Commission Instructions for the purchase of what we've been referring to as the 98 acres which the address was 3405 Citrus Street in Silver Springs.

BY MR. MARSHALL:

Q And it's executed by James A. Ross, Trustee for the Calico Family Revocable Living Trust, and it's in the amount of $128,000. So that was your commission for the sale of this property to Comstock Industrial?

A Correct.

Q And the sale price of that was what?

A 3,200,000.

Q All right. I've got too many folders open. So

let me just see if I -- let's take just a five-minute break.

A Make it ten so I can have a cigarette.

Q I want to break -- if we make it ten, then we're going to go longer into our lunch break. Five minutes. Seven minutes. Cut down --

A I'll take the seven.

(A recess was taken.)

(Exhibits 12 and 13 were marked.)

BY MR. MARSHALL:

Q Okay. We're going to shift topics and go on to what we've marked as Exhibit 12. Take a look at that.

A Okay.

Q Who is Bob Hastings?

A Lyon County Commissioner.

Q Okay. This is identified -- excuse me. On Exhibit 12 at the top of the page he is sending you an email that says, "Vida, I finally got a response from Rob regarding Comstock. It is below. Tell me what you think. Bob."

Did you ever respond to Bob's email?

A To be honest with you, I don't even remember the email, so I'm not sure if I responded to him or not.

Q Do you remember the subject --

A I don't remember responding to him.

Q Okay. Do you remember the subject of this email, when he's saying, "I got a response from Rob regarding Comstock," what he was referring to?

A I'm reading through it. I honestly don't remember the email.

Q Okay. I'm going to hand you what's marked Exhibit 13.

A I'm sorry. We're sharing.

Q While you're looking at it, maybe we could just go off for a second.

(Discussion off the record.)

MR. MARSHALL: Okay. Back on the record.

BY MR. MARSHALL:

Q Have you had an opportunity to review this email?

A Um-hum.

Q This is Exhibit 13. Exhibit 13 is an email from Bob Hastings to Corrado DeGasperis. And in it he's describing his receipt from Rob of a response. And then about three lines down he says, "I also discussed this with Vida."

So Bob Hastings, your fellow commissioner, is saying that he discussed this matter with you. Do you recall any conversations with Bob regarding CMI's

application here?

A The only thing I recall is a discussion that Bob was trying to get some information from the planning department regarding CMI's application. So he was trying to do his due diligence, and he was having a hard time getting his answers that he wanted. And I recommended that he go directly to Rob and, if need be, talk to Jeff. I've never seen this email, so the only discussion I know was, you know, "How do I -- as a commissioner how do I go about getting the information that I need?"

Q So if I could just restate what you just said. You remember having a conversation with Bob Hastings that is referenced in this email? Do you remember that?

A Not specific to -- I've never seen this email, so I can't say specific, but it references a discussion, and I do remember -- and obviously it's about CMI. I do remember a discussion where Bob was trying to do his due diligence as a commissioner and was looking for answers and he wasn't getting the answers. So he asked me, you know, "How do I get these answers?"

And I go, "Talk to Rob, you know, talk to him directly. And if you can't talk to the department head

directly, you go through your county manager," which is Jeff Page. I mean, that's proper procedure.

Q So your memory of a phone call with Bob or a conversation with Bob is over the process to get information, not anything to do with the CMI application itself?

A No, not about the application itself, just how to obtain the information he was looking for.

(Exhibit 14 was marked.)

BY MR. MARSHALL:

Q Okay. Do you recognize this email?

A Yes, I do.

Q All right. And can you describe generally what Exhibit 14 is?

A Mark Rotter was a representative of Comstock Mining in their application. And Mark had sent an email to my Lyon County email wondering if I wanted to get together on December 30th or 31st to discuss the project. "Let me know if there's a time and place that might work for you." And wished me a Merry Christmas.

Q Okay. Have you had any prior contact with Mark Rotter regarding the CMI application?

A No.

Q Have you ever had any prior contact with Mark Rotter generally?

A No, not -- I know who Mark Rotter is. I've seen him in public settings.

Q Okay. This was sent on the day before Christmas in 2013 asking for a meeting on December 30th or 31st. Did you, in fact, meet with him?

A I did not.

Q Did you meet with anybody from Manhard Consulting?

A Not on those dates. I did meet with -- well, not meet. I had a phone conversation with Mark Rotter prior to the agendized item that was coming up in January. So it wasn't on those dates. I did not respond to this email. I was very sick with the flu. I didn't respond to anybody.

Q So you were sick with the flu. This was in December -- late December?

A I remember it very well.

Q And do you remember approximately what those dates were that you were sick with the flu?

A Christmas, all the way through the first part of January, very sick.

Q Okay. So even after the hearing on the matter which was --

A I was getting better by then, but, yeah, it

was -- it was a rough end of the year.

Q So you did not meet with Mark Rotter as a result of this, but you had a telephone conversation with him --

A I did.

Q Let me finish. Sorry. Is that correct?

A Correct.

Q Okay. And what was the subject of the telephone conversation?

A I had reached out to Mark Rotter. He was the representative of CMI. I had been going over the maps, the zoning request that CMI had made. I had a lot of concerns with some of the property that they were asking us to rezone, so I went out to Mark and asked if there would be a consideration of removing some of that property from their application, just as a general question was there even a thought process to go that way. Prior to doing that I did reach out to my county chair and my county manager in regards to being able to ask that question.

Q Okay. And how did you reach out to them?

A I called the county manager and asked him to please reach out to the chairman. Joe Mortensen, which is the chairman that year, lives in Fernley, he came down to Silver Springs. Jeff Page, our county manager,

lives in Yerington. He came to Silver Springs. We met at a restaurant there and talked about whether or not it was appropriate for me to ask the question of the applicant.

Q And was anybody else at this meeting?

A No.

Q So it was just the three of you at this restaurant. And do you remember the date?

A I do not. It was prior to our county commission meeting, but I don't remember the date.

Q So was it after you received this email from Mark Rotter and before the agenda item on the 2nd of January?

A Yes.

Q Okay. Was it on Christmas day?

A Oh, no. It was in January. It was -- I never responded to this.

Q No, I understand. I'm just trying to identify -- I'm trying to help you pin down when the date of your meeting was.

A The very first week of January. I just -- I don't remember if it was Monday, Tuesday. I don't remember the date, but it was just whatever our -- I don't remember what date our county commission meeting -- the very first Thursday was for that year.

So it was just literally within a couple of days prior to the meeting. I had the flu before that and I wasn't talking to anybody.

(Exhibit 15 was marked.)

BY MR. MARSHALL:

Q Okay. Can you take a look at what is marked as Exhibit 15.

A Oh, there's your date. Yes, I recognize it.

Q Okay. Can you please describe what Exhibit 15 is?

A In the conversation with Mark Rotter, I had asked him -- because they had everything on the computer, their mapping for their application, so I had requested him if he could show me a revised map, what that would look like, so I could look at it. So this was just prior to me meeting with Jeff and Joe.

Q Okay. Let me see if I can get the chronology straight. Actually why don't you -- could you do me the favor of just laying out the chronology of your contacts with Mark Rotter and Andrew Motter and then the chair of the commission and the county manager that then led to the meeting which I will tell you was on January 2nd. So how did those series of meetings occur? And telephone calls.

A Right. I reached out to Mark Rotter by phone

and asked that question of what would the map look like, what would it -- if we was to -- and I don't have the maps in front of me, so, I'm sorry, I can't really describe, but there was a section there in Silver City I was very concerned with. So I asked him if he would please send me a revised map showing what it would look like if we took a certain section out of their application. I just wanted to see what it would look like. And he did that. And that's what this email is.

And, of course, he copied in Corrado, because he's -- I'm requesting their representative. So he sent that to me. And then from there I took a look at that. And so that's when I called my county manager, Jeff Page, and had him call Joe to see if we could meet. And I wanted to show them what it was that I had in my head and whether or not I could present it properly at a commission meeting because of how the agenda item was. So, in other words, I was doing my due diligence before I just sprung it on everybody and I was in the wrong.

Q What was your concern? Why would you talk with them?

A There was an area of property that's -- the side of the road anyways -- where the majority of the Silver City town is on the opposite side of the road.

There was some historical buildings and some land in there that lined right on the highway that they were including in the application and it had those historical buildings in it. And I had concern with that as far as rezoning because of the zoning that they were asking for. So I had a concern with that.

So that's why I reached out. I wanted to see what it looked like if we -- if that was to be removed from the application. Obviously I couldn't remove anything without everybody agreeing to it, but I wanted to personally see what -- you know, I'm not -- I wasn't ever one of those commissioners to just show up at the meeting and then vote. I went out and did my due diligence, collected every bit of information I possibly could before making a decision. And that was a piece of that.

Q You said that property that you asked them to remove was of concern to you. Can you articulate the concerns that you had?

A There was historic buildings on a portion of it. It was just the way it lined the road. I don't remember my full thought process that far back, nor do I have the map in front of me to describe which pieces it was, but it was just the way it laid in and around the road. It was a concern that was brought up to me

by Silver City citizens, and they brought my attention to it.

Previously and while I had the flu and had nothing better to do than think, I started sitting down and going over maps and agreed that that was a concern. So I reached out to their person who had it on the computer to show me what it would look like if we was to suggest that.

Q Okay. So then you got the map identified in Exhibit 15. And then after that you met with the chair of the commission and the county manager; is that correct?

A Correct.

Q Okay. Why did you meet with them at that time?

A Well, because I wanted to suggest that we -- I wanted to suggest to Comstock Mining, if they agreed -- obviously everybody had to be in agreement, but if they agreed with my assessment of that property, I wanted to pull that out of the application.

Anything that's -- I don't know if I'm speaking out of place, but anything that's on an agenda you can't add to or modify that's increasing what's been agendized, but you can take away, do something less than what's being asked. But that's what I was -- that's why I met with Jeff and Joe, because I wanted to

clarify that I was taking the proper steps.

Q Okay. Prior to the meeting did you ever contact your county counsel with that question regarding the agenda?

MR. RYE: Objection; privileged.

BY MR. MARSHALL:

Q I didn't ask what the content was. I asked whether she met.

MR. RYE: Can you reread the question?

THE WITNESS: I'm confused now.

(The question was read.)

MR. MARSHALL: So did I reach out to any other county commissioners?

BY MR. MARSHALL:

Q Well, let's start with that question. Did you?

A Well, you said "county counsel." They're county commissioners.

Q Let me do this step-wise, because I used technically the wrong term. Did you reach out and contact any of your fellow county commissioners?

A No.

Q Did you reach out and contact the Lyon County District Attorney's Office with the concern that you identified about talking with the chair and co-chair -- excuse me -- the chair and the county manager?

MR. RYE: Objection; privileged.

THE WITNESS: Okay. So do I still answer?

MR. RYE: You can go ahead.

THE WITNESS: I did not. I was under the understanding that our county manager because of this conversation did, but I can't confirm that. I was told verbally.

BY MR. MARSHALL:

Q Who told you and what did they tell you?

A Jeff Page said that he put a call in to the D.A.'s office.

Q And when did he tell you that?

A When we met in Silver Springs.

Q Okay. So he must have then known that you were --

A I told him the content of the conversation over the phone. That's why he was calling Joe to get him there.

Q So between the time that you telephoned him and the time you met, that's when he said he contacted the district attorney's office?

A Right.

(Exhibit 16 was marked.)

MR. MARSHALL: Counsel, I was figuring going to 12:30 and then breaking for lunch and coming back and

finishing up with Vida. Does that sound okay?

MR. RYE: Sounds good to me.

MR. TOWNSEND: Yep.

BY MR. MARSHALL:

Q Is that okay with you?

A Okay.

Q Twenty more minutes.

A Boy, I was long-winded that day.

Q Okay. Can you please identify what Exhibit 16 is?

A It is the disclosure that I read into the record the morning of the Board of County Commission Meeting regarding the master plan amendment and zone change for Comstock Mining.

Q And that was done on January 2nd, 2014; is that correct?

A Yes.

Q Okay. Have you reviewed this disclosure carefully?

A I wrote it.

Q So you remember what's in it?

A Pretty much.

Q Okay. Is there anything you would change in this disclosure as you sit today from what you said in 2014?

A No.

Q Would you add anything regarding an additional disclosure that you might now remember or then that you would add to this disclosure?

A No.

Q These are not complex questions.

A I'm scanning it again as you ask. I'm like, "No."

Q Would you want to take some time and look at it just to make certain?

A No, I'm staying with my answer.

Q So you maintain that your January 2nd, 2014, disclosure was and is accurate and you wouldn't change it?

A Correct.

Q Okay. Can I ask you to look at the third paragraph on page 1 of Exhibit 16. And in there there's a line that you say, "Comstock Mining, Incorporated, as a part of their mining efforts in Storey County, committed a percentage of proceeds to establish a nonprofit foundation that restores and maintains historical properties and culture."

On what basis did you make that statement?

A The basis that Comstock Mining's agreement with Storey County was that one percent of all proceeds went

to Comstock -- I always say it wrong -- Foundation History and Culture. So that's where that statement comes from is because that's where the money comes from.

Q Have you seen a copy of this agreement with Storey County?

A I have. I don't have a copy, but I have seen it.

Q And it is with Comstock and -- Comstock Mining, Inc., and Storey County? Those are the two parties to the agreement?

A Well, it's part of their public document. I was -- I attended the hearing when this was decided by the Board of County Commissioners for Storey County. It was part of their application process in Storey County.

Q When you say "application process," application for what?

A Their mining permits for Storey County.

Q Did you have any help in preparing this document, Exhibit 16?

A No. This was written by me.

Q Did anybody review a draft of this document?

A No. But when you refer to "help," I actually refer to reaching out to our ethics commission and the

D.A. prior to writing this.

Q And did they --

A But it is my document.

Q Did they see drafts of this document before you --

A No.

Q Just let me finish.

A Sorry.

Q Okay. So just to reiterate this point, the map that Mark Rotter and -- I always get these gentlemen's names confused.

A Andrew Motter.

Q -- Andrew Motter -- thank you -- and Mark Rotter sent to you was done at your request and then you shared that with Commissioner --

A Mortensen.

Q -- Mortensen and County Manager Jeff Page?

A Correct.

Q And at that meeting there was only the three of you, no other CMI representative or your husband, Scott Keller?

A No, it was just the three of us. I don't believe Scott was there. I don't want to lie. I don't remember him being there.

Q Okay. Would it surprise you --

A But we have a tendency to go places together, so I'm going to be honest.

Q So he could have --

A But I believe it was just the three of us that met, because it was commission meeting -- commission discussion and he usually stayed out of that. He avoided me like the plague when it came to my other hat in life. A good question for Scott, was he there. I don't remember.

MR. MARSHALL: Okay. Why don't we break for lunch now and I can review my stuff and then we can see if we can wrap up Ms. Keller's deposition relatively shortly after that. Okay. Do you want to come back -- can we say 1:15? Is that okay with everybody?

MR. RYE: Yes.

MR. MARSHALL: Okay. Let's go off record.

(The lunch recess was taken.)

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RENO, NEVADA; TUESDAY, MARCH 20, 2018; 1:16 P.M.

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MR. MARSHALL: Okay. Welcome back. It is about 1:15, a little after. And we're continuing the deposition of Vida Keller.

BY MR. MARSHALL:

Q All right. I just have a few questions to wrap up and then we'll be done with you. So can you take out Exhibit 16 that you have on top and look at again the third paragraph. It starts with "My husband, Scott Keller, was under contract with Comstock Mining, Incorporated, for one year from November 2011 to November 2012." Excuse me. Yes, November 2012. Is that the contract -- excuse me. Do you have a copy of that contract?

A Oh, yeah. It was provided.

Q Is that the contract that was from January of 2012 to December of 2012? Could that have been that contract or was there another contract?

A No, there's only two.

MR. MARSHALL: Mark this.

(Exhibit 17 was marked.)

BY MR. MARSHALL:

Q Okay. If you could take a look at that.

A Okay.

Q Okay. So this is Exhibit 17. Are you familiar with this exhibit?

A Well, yeah, I'm familiar with it.

Q Okay. And this is a contract between Comstock Mining, Inc., and Scott Keller, Priceless Realty, Inc., (Keller Consulting). And it runs from the 1st day of January 2012. Is that the contract you were referring to in the first line of paragraph 3 on Exhibit 16?

A It's got to be since there was only one one-year contract, but for the life of me, I don't know why I pulled -- when I did my disclosure -- I didn't write the contract. But, anyways, what I did in my disclosure, I went and pulled a date to disclose. And I don't know why I have November instead of January.

Q Ms. Keller --

A But there is only one contract.

Q No, I'm not trying to trip you up. I'm just trying --

A Yeah.

Q Let me finish. I'm just trying to make it straight. So there were only two contracts, the one year from January, which you have identified or marked as Exhibit 17, and then the two-year contract that we have marked as Exhibit --

MS. ZIMMERMAN: 4.

BY MR. MARSHALL:

Q -- Exhibit 4? If you want to take out Exhibit 4. Are Exhibit 4 and Exhibit 17 the two contracts that you remember that Priceless Realty/Keller Consulting and Keller Consulting had with CMI?

A Yes, it's the only two contracts.

Q Okay. Excellent. Thank you. That just clarified that.

Also, if you could look back at Exhibit 16. The second sentence of the third paragraph states, "Just prior to that contract" -- and this is referring to the -- what we'll say is Exhibit No. 17 -- "he worked for Priceless Construction on a one-time repair" -- and then there's a parenthetical I'm not going to read -- "The Dayton Mill in Lyon County." Do you remember how much Scott made from that contract?

A I don't.

Q Okay. Was he working as a laborer for Priceless Construction at that time?

A I believe that was -- yeah, that's what he was doing. That was that emergency fix. I don't know the dollar amount of what that was, but it was kind of a volunteer, cover a little bit of wage and mostly material. It was literally to keep it from falling. Like I say, we volunteer for a lot of stuff.

Q Have you or Scott ever had an ownership interest in Priceless Construction?

A No, never.

Q And are you familiar with Scott's employment history with Priceless Construction?

A Somewhat.

Q Has he worked for them in the past prior to this --

A Yes. Sorry.

Q Let me just get the question out. They're obvious, I know, but just in case.

MR. MARSHALL: Could you read back that question, piece.

(The question was read.)

BY MR. MARSHALL:

Q Prior to the emergency repair in Lyon -- at the Dayton Mill in Lyon County?

A Yes.

Q Okay. We'll get to ask him the details of that one.

In 2014 you ran for office and lost; is that accurate?

A Correct.

Q Okay. And did you ever receive campaign contributions from CMI or any persons affiliated with

CMI for that race?

A No.

Q And why not?

A I didn't feel it was appropriate.

Q Could you explain why?

A Well, given the circumstances that, you know, we've had dealings as a commissioner with them over this, the lawsuit had been filed. I mean, I never asked them for contributions, but I wouldn't have.

Q And can you explain to me why you wouldn't have asked them for contributions?

A It's -- I don't know. I would feel like it would be unethical to do so. There was a lawsuit already filed against the county. I just felt it would be unethical to take a dime from them.

Q Excellent. Thank you very much.

Let's see here. Going back to the map amendments that you made just prior to the hearing date in January of 2014, you testified earlier that you had some concerns regarding the area adjacent to the road that were part of the original application. Would that be a fair characterization of your testimony?

A Yes.

Q And the concerns had to do with the historic structures that were near the road and adjacent to

Silver City residents on the other side of the road; is that --

A Right.

Q Okay. And so your efforts were in your opinion a compromise between what CMI was asking for and concerns of Silver City residents; would that be accurate?

A I don't know that I would use the word "compromise." I felt that that area was brought to my attention by Silver City residents, so I looked into it. So I felt that it needed to be removed from the application. I don't feel it was a compromise of any kind. It was just I was in agreement that, you know, after looking at it that it didn't fit the overall application.

Q So would you say that those efforts were integral to the eventual adoption of the CMI application for a land-use change and zoning change?

A I couldn't tell you if they were or weren't. I presented it that way. We know what the final vote was.

Q Right. But important to you?

A It was important to me that the change be made.

Q Okay. And were you -- did you have any discussions with others that it was also important to

them on the commission?

A No.

MR. MARSHALL: Okay. That's all I've got.

Do you guys have any questions or can we wrap this up? Thank you.

THE COURT REPORTER: Ms. Zimmerman, do you want a copy of the transcript?

MS. ZIMMERMAN: Yeah.

MR. RYE: Yes, please.

MR. TOWNSEND: We'll have one.

THE COURT REPORTER: And getting the original signed?

MR. MARSHALL: We have -- let's go ahead and get the original signed. But generally you have 30 days. You know our hearing on this is next week.

THE WITNESS: Next week, yeah.

MR. MARSHALL: So you know that you have an opportunity -- I should have discussed this up front with you. My apologies.

THE WITNESS: Now you come at me.

MR. MARSHALL: So you have an opportunity to correct your deposition transcript. And generally you have 30 days to do that. Of course, I can then -- if your transcript is used, I can comment on the fact that you corrected it if it's ever used at trial. We're

intending to use your transcript next week with the understanding that you might in the future correct it. I'm not certain how we're going to deal with that, but you do have an opportunity to review and correct the transcript just to let you know.

We're probably going to get the transcript on Thursday, Friday?

(Discussion off the record.)

(The deposition was concluded at 1:32 p.m.)

--o0o--

STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

I, LORI URMSTON, a Certified Court Reporter in and for the State of Nevada, do hereby certify:

That on Tuesday, the 20th day of March, 2018, at the hour of 9:00 a.m. of said day, at Sunshine Litigation Services, 151 Country Estates Circle, Reno, Nevada, I reported the deposition of VIDA DARLINE KELLER in the matter entitled herein; that said witness was duly sworn by me; that the foregoing transcript, consisting of pages 1 through 115, is a true and correct transcript of the stenographic notes of testimony taken by me in the above-captioned matter to the best of my knowledge, skill and ability.

I further certify that I am not an attorney or counsel for any of the parties, nor a relative or employee of any attorney or any of the parties, nor financially interested in the action.

DATED: At Reno, Nevada, this 22nd day of March, 2018.

Lori Urmston

LORI URMSTON, CCR #51

NEVADA FINANCIAL DISCLOSURE STATEMENT (FDS)

Please read the instruction before completing. Attach additional sheets if necessary

FILED
hand-delivered
MAR 18 2010
Stokes
SECRETARY OF STATE
ELECTIONS DIVISION

PERSONAL INFORMATION:

NAME: Vida D. Keller	LENGTH OF RESIDENCE IN NEVADA: 18yrs
ADDRESS: 2685 Rawhide St. P.O. Box 201	
CITY, STATE, ZIP: Silver Springs NV 89429	LENGTH OF RESIDENCE IN DISTRICT WHERE REGISTERED TO VOTE: 15 yrs
TELEPHONE: (775) 691-0173	E-MAIL: Keller@HSNE50.com

SECTION A (Public Office): List all public offices for which this financial disclosure statement is required and check each box accordingly i.e. annual, candidate or appointment filing. NRS 281A.620.1(g).

23164

Title of Public Office and Name of Government	Elected, appointed or appointed to elected (E, A, AE)	Annual Compensation	Date elected or appointed	ANNUAL NRS 281A.600.1 & 281A.610.1	CANDIDATE NRS 281A.610.1(a).	APPOINTMENT NRS 281A.600.1
				Check the appropriate boxes below		
County Commissioner Dist 2 Lyon County		$			✓	
		$				
		$				

SECTION B (Sources of Income): List each source of your income (in addition to any source listed in Section A), or that of any member of your household who is 18 years of age or older. NRS281A.620.1(b).

	Self	Household Member
	Check the appropriate boxes below	
Priceless Realty Inc.	✓	
Keller Rebuilders	✓	✓
Lake View Plaza LLC	✓	✓

SECTION C (Real Property): List specific location and particular use of all real estate (other than personal residence): (1) in which you or a member of your household has a legal or beneficial interest; (2) the fair market value of which is $2,500 or more; and (3) located in this state or an adjacent state. NRS 281A.620.1(c).

Specific Location	Particular Use
Churchill County 40 ac. APN 06-142-06	Vacant Land
Lyon County parcels 17-050 17-043-01,02	Vacant Land

EXHIBIT
1
3-30-18 V. Keller

Name of Public Officer:

SECTION D (Creditors): List each creditor to whom you or a member of your household owes $5,000 or more [EXCEPT: (1) debt secured by mortgage or deed of trust on your personal residence; and (2) debt on a motor vehicle for personal use retained by seller. NRS 281A.620.1(d).

	Self (Check the appropriate box)	Household Member (Check the appropriate box)
Lyon County Parcels 17-025-01 17-043-01,02	✓	✓

SECTION E (Gifts): List the gift, identity of donor and value of each gift if all gifts received are in excess of an aggregate value of $200 from a donor during the preceding taxable year [EXCEPT: (1) a gift received from a person who is related to you within the third degree of consanguinity or affinity; and (2) ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion if the donor does not have a substantial interest in your legislative, administrative, or political action]. NRS 281A.620.1(e).

Gift	Donor	Value of Gift
None		$
		$
		$
		$

SECTION F (Business Entities): List each business entity (i.e., organization or enterprise operated for economic gain, including a proprietorship, partnership, firm, business, trust joint venture, syndicate, corporation or association) with which you or a member of your household is involved as a trustee, beneficiary of a trust, director, officer, owner in whole or in part, limited or general partner, or holder of a class of stock or security representing 1% or more of the total outstanding stock or securities issued by the business entity. NRS 281A.620.1(f).

	Self (Check the appropriate box)	Household Member (Check the appropriate box)
Priceless Realty Inc	✓	
Keller Rebuilders	✓	✓
Lakeview Plaza LLC	✓	✓

THE INFORMATION I HAVE PROVIDED HEREIN IS ACCURATE AND COMPLETE.

Date: 3-18-2010 Signature: Vida D. Keller

Print Name: Vida D. Keller

WHERE TO FILE:

APPOINTED PUBLIC OFFICERS
SUBMIT TO:
Nevada Commission on Ethics
3476 Executive Pointe Way, Suite 10
Carson City, Nevada 89706
775.687.5469 • 775.687.1279 fax

ELECTED PUBLIC OFFICERS OR CANDIDATES
SUBMIT TO:
Nevada Secretary of State, Elections Division
101 North Carson Street, Suite 3
Carson City, Nevada 89701
775.684.5705 • 775.684.5718 fax

FILED

NEVADA FINANCIAL DISCLOSURE STATEMENT (FDS)

Please read the instruction before completing. Attach additional sheets if necessary

JAN 10 2011

K Rut

SECRETARY OF STATE
ELECTIONS DIVISION

PERSONAL INFORMATION:

NAME: Vida D. Keller	LENGTH OF RESIDENCE IN NEVADA: 19yrs
ADDRESS: 2685 Rawhide St. PO BOX 201	
CITY, STATE, ZIP: Silver Springs NV 89429	LENGTH OF RESIDENCE IN DISTRICT WHERE REGISTERED TO VOTE: 16yrs
TELEPHONE: (775) 691-0173	E-MAIL: Keller@HSNe50.com

SECTION A (Public Office): List all public offices for which this financial disclosure statement is required and check each box accordingly i.e. annual, candidate or appointment filing. NRS 281A.620.1(g).

20271

Title of Public Office and Name of Government	Elected, appointed or appointed to elected (E, A, AE)	Annual Compensation	Date elected or appointed	ANNUAL NRS 281A.600.1 & 281A.610.1	CANDIDATE NRS 281A.610.1(e).	APPOINTMENT NRS 281A.600.1
				Check the appropriate boxes below		
County Commissioner, Lyon Co. Dist 2	E	$		✓		
		$				
		$				

SECTION B (Sources of Income): List each source of your income (in addition to any source listed in Section A), or that of any member of your household who is 18 years of age or older. NRS281A.620.1(b).

	Self	Household Member
	Check the appropriate boxes below	
Priceless Realty Inc.	✓	
Keller Rebuilders	✓	✓
Lakeview Plaza LLC	✓	✓

SECTION C (Real Property): List specific location and particular use of all real estate (other than personal residence): (1) in which you or a member of your household has a legal or beneficial interest; (2) the fair market value of which is $2,500 or more; and (3) located in this state or an adjacent state. NRS 281A.620.1(c).

Specific Location	Particular Use
Churchill County 40ac APN 06-142-06	Vacant land
Lyon County parcels 17-025-01 17-043-01 & 02	Vacant land
Lyon County parcel 17-024-01	Vacant land

Revised 09/16/2009

Name of Public Officer: Vida D. Keller

SECTION D (Creditors): List each creditor to whom you or a member of your household owes $5,000 or more [EXCEPT: (1) debt secured by mortgage or deed of trust on your personal residence; and (2) debt on a motor vehicle for personal use retained by seller. NRS 281A.620.1(d).

	Self (Check the appropriate boxes)	Household Member (Check the appropriate boxes)
Lyon County Parcels 17-025-01 17-043-01,02 17-024-01	✓	✓

SECTION E (Gifts): List the gift, identity of donor and value of each gift if all gifts received are in excess of an aggregate value of $200 from a donor during the preceding taxable year [EXCEPT: (1) a gift received from a person who is related to you within the third degree of consanguinity or affinity; and (2) ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion if the donor does not have a substantial interest in your legislative, administrative, or political action]. NRS 281A.620.1(e).

Gift	Donor	Value of Gift
None		$
		$
		$
		$

SECTION F (Business Entities): List each business entity (i.e., organization or enterprise operated for economic gain, including a proprietorship, partnership, firm, business, trust joint venture, syndicate, corporation or association) with which you or a member of your household is involved as a trustee, beneficiary of a trust, director, officer, owner in whole or in part, limited or general partner, or holder of a class of stock or security representing 1% or more of the total outstanding stock or securities issued by the business entity. NRS 281A.620.1(f).

	Self (Check the appropriate boxes)	Household Member (Check the appropriate boxes)
Priceless Realty Inc	✓	
Keller Rebuilders	✓	✓
Lakeview Plaza LLC	✓	✓

THE INFORMATION I HAVE PROVIDED HEREIN IS ACCURATE AND COMPLETE.

Date: January 10th 2011 Signature: Vida D. Keller

Print Name: Vida D. Keller

WHERE TO FILE:

APPOINTED PUBLIC OFFICERS
SUBMIT TO:
Nevada Commission on Ethics
3476 Executive Pointe Way, Suite 10
Carson City, Nevada 89706
775.687.5469 • 775.687.1279 fax

ELECTED PUBLIC OFFICERS OR CANDIDATES
SUBMIT TO:
Nevada Secretary of State, Elections Division
101 North Carson Street, Suite 3
Carson City, Nevada 89701
775.684.5705 • 775.684.5718 fax

Print Help? PRINT

FILED
Jan 8 2012
ROSS MILLER
SECRETARY OF
STATE

NEVADA FINANCIAL DISCLOSURE STATEMENT

- Please read instructions carefully before completing. -

NAME: (First, Middle, Last)	Vida D. Keller	**ADDRESS:** (Number, Street)	3125 Spring Circle
CITY, STATE, ZIP:	Silver Springs, NV, 89429	**TELEPHONE:**	775.691.0173

EMAIL:	vidakeller@gmail.com	**LENGTH OF RESIDENCE IN NEVADA (Years):**	20	**LENGTH OF RESIDENCE IN DISTRICT WHERE REGISTERED TO VOTE (Years):**	17

SECTION A (Information about your public office): List all public offices for which this financial disclosure statement is required NRS 281A.620.1(g) Please indicate **why** you are filing this form by choosing the appropriate box below.

- **ANNUAL FILING:** elected and appointed officers (if required) no later than January 15th each year.
- **CANDIDATE FILING:** filed by candidates for public office no later than the 10th day after the last day to qualify as a candidate.
- **NEWLY APPOINTED:** filed when appointed to fill an unexpired term of an elected or appointed public officer. (Filed within 30 days of appointment.)

TYPE OF FILING (check one): **Annual** **Candidate** **New Appointment**

TITLE OF PUBLIC OFFICE AND NAME OF GOVERNMENT (Include the title of the office you hold or are seeking, and the name of the entity that employs this position e.g. 'City Manager', 'City of XYZ')	Elected (E), appointed (A) or appointed to an elected (AE) office.	Is this position entitled to annual compensation of $6,000 or more?	Amount of compensation received annually	Date elected or appointed
Lyon County Commissioner Dist 2	E	Yes	$22,584.00	11/2/2010

SECTION B (Sources of Income): List each source of your income (in addition to any source listed in Section A), or that of any member of your household who is 18 years of age or older. [NRS 281A.620.1(b)]:

SOURCES OF INCOME	Self	Household Member
Priceless Realty Inc		
Keller Rebuilders		
Lakeview Plaza LLC		

SECTION C (Real Property): List specific location and particular use of all real estate (other than personal residence): (1) in which you or a member of your household has a legal or beneficial interest; (2) the fair market value of which is $2,500 or more; and (3) which is located in this state or an adjacent state [NRS 281A.620.1(c)]:

SPECIFIC LOCATION(Address, City, State)	PARTICULAR USE(Rental, Vacation, Land etc.)
APN 17-025-01 17-043-01,02 1955 Ramsey Weeks, Silver	

Springs, NV	Vacant Land
APN 17-024-01 Silver Springs, NV	Vacant Land
2685 Rawhide, Silver Springs, NV	Vacant Home
APN 06-142-06 Churchill County, NV	Vacant Land

SECTION D (Creditors): List each creditor to whom you or a member of your household owes $5,000 or more **[EXCEPT: (1)** debt secured by mortgage or deed of trust on real property which is not required to be listed in Section C above; and **(2)** debt for which a security interest in a motor vehicle for personal use was retained by seller] [NRS 281A.620.1(d)]:

CREDITOR NAME	Self	Household Member
Schwartz Family Trust		
David Robertson		
Laird Davis		

SECTION E (Gifts): List the identity of donor and value of each gift of all gifts received in excess of an aggregate value of $200 from a donor during the preceding taxable year **[EXCEPT: (1)** a gift received from a person who is related to you within the third degree of consanguinity or affinity; and **(2)** ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion if the donor does not have a substantial interest in your legislative, administrative, or political action] [NRS 281A.620.1(e)]:

DONOR NAME	DESCRIPTION OF GIFT	VALUE OF GIFT
None		

SECTION F (Business Entities): List each business entity **(i.e., organization or enterprise operated for economic gain, including a proprietorship, partnership, firm, business, trust joint venture, syndicate, corporation or association)** with which you or a member of your household is involved as a trustee, beneficiary of a trust, director, officer, owner in whole or in part, limited or general partner, or holder of a class of stock or security representing 1% or more of the total outstanding stock or securities issued by the business entity [NRS281A.620.1(f)]:

BUSINESS ENTITY	Self	Household Member
Priceless Realty Inc		
Keller Rebuilders		
Lakeview Plaza LLC		

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT:

Vida D Keller	**01/08/2012**
Signature	Date

Print Help? PRINT

FILED
Jan 15 2013
ROSS MILLER
SECRETARY OF STATE

NEVADA FINANCIAL DISCLOSURE STATEMENT

- Please read instructions carefully before completing. -

NAME: (First, Middle, Last)	Vida D. Keller	**ADDRESS:** (Number, Street)	3125 Spring Circle
CITY, STATE, ZIP:	Silver Springs, NV, 89429	**TELEPHONE:**	775.691.0173

EMAIL:	vidakeller@gmail.com	**LENGTH OF RESIDENCE IN NEVADA (Years):**	20	**LENGTH OF RESIDENCE IN DISTRICT WHERE REGISTERED TO VOTE (Years):**	17

SECTION A (Information about your public office): List all public offices for which this financial disclosure statement is required NRS 281.571(1)(g) Please indicate **why** you are filing this form by choosing the appropriate box below.

- **ANNUAL FILING:** elected and appointed officers (if required) no later than January 15th each year.
- **CANDIDATE FILING:** filed by candidates for public office no later than the 10th day after the last day to qualify as a candidate.
- **NEWLY APPOINTED:** filed when appointed to fill an unexpired term of an elected or appointed public officer. (Filed within 30 days of appointment.)

TYPE OF FILING (check one): ✓ **Annual** **Candidate** **New Appointment**

TITLE OF PUBLIC OFFICE AND NAME OF GOVERNMENT (Include the title of the office you hold or are seeking, and the name of the entity that employs this position e.g. 'City Manager', 'City of XYZ')	Elected (E), appointed (A) or appointed to an elected (AE) office.	Is this position entitled to annual compensation of $6,000 or more?	Amount of compensation received annually	Date elected or appointed
Lyon County Commissioner Dist 2	E	Yes	$26,136.00	11/2/2010

SECTION B (Sources of Income): List each source of your income (in addition to any source listed in Section A), or that of any member of your household who is 18 years of age or older. [NRS 281.571(1)(b)]:

SOURCES OF INCOME	Self	Household Member
Priceless Realty Inc		
Keller Rebuilders		
Lakeview Plaza LLC		

SECTION C (Real Property): List specific location and particular use of all real estate (other than personal residence): (1) in which you or a member of your household has a legal or beneficial interest; (2) the fair market value of which is $2,500 or more; and (3) which is located in this state or an adjacent state [NRS 281.571(1)(c)]:

SPECIFIC LOCATION(Address, City, State)	PARTICULAR USE(Rental, Vacation, Land etc.)
APN 17-025-01 17-043-01,02 1955 Ramsey Weeks, Silver	

Springs, NV	Vacant Land
APN 17-024-01 Silver Springs, NV	Vacant Land
APN 06-142-06 Churchill County, NV	Vacant Land
3115 Spring Circle Silver Springs NV	Single family residence

SECTION D (Creditors): List each creditor to whom you or a member of your household owes $5,000 or more [**EXCEPT: (1)** debt secured by mortgage or deed of trust on real property which is not required to be listed in Section C above; and **(2)** debt for which a security interest in a motor vehicle for personal use was retained by seller] [NRS 281.571(1)(d)]:

CREDITOR NAME	Self	Household Member
Schwartz Family Trust		
Laird Davis		
Tibbals Family Trust		

SECTION E (Gifts): List the identity of donor and value of each gift of all gifts received in excess of an aggregate value of $200 from a donor during the preceding taxable year **[EXCEPT: (1)** a gift received from a person who is related to you within the third degree of consanguinity or affinity; and **(2)** ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion if the donor does not have a substantial interest in your legislative, administrative, or political action] [NRS 281.571(1)(e)]:

DONOR NAME	DESCRIPTION OF GIFT	VALUE OF GIFT
None		

SECTION F (Business Entities): List each business entity **(i.e., organization or enterprise operated for economic gain, including a proprietorship, partnership, firm, business, trust joint venture, syndicate, corporation or association)** with which you or a member of your household is involved as a trustee, beneficiary of a trust, director, officer, owner in whole or in part, limited or general partner, or holder of a class of stock or security representing 1% or more of the total outstanding stock or securities issued by the business entity [NRS 281.571(1)(f)]:

BUSINESS ENTITY	Self	Household Member
Priceless Realty Inc		
Keller Rebuilders		
Lakeview Plaza LLC		
Nugget Holdings LLC		
SVK Holdings LLC		
Silver Springs Development LLC		

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT:

Vida D Keller — Signature

01/15/2013 — Date

Print Help? PRINT

NEVADA FINANCIAL DISCLOSURE STATEMENT (FDS)

- Please read instructions carefully before completing. -

FILED
Jan 6 2014
ROSS MILLER
SECRETARY OF STATE

NAME: (First, Middle, Last)	Vida D. Keller	**ADDRESS:** (Number, Street)	3125 Spring Circle
CITY, STATE, ZIP:	Silver Springs, NV, 89429	**TELEPHONE:**	775.691.0173

EMAIL:	vidakeller@gmail.com	**LENGTH OF RESIDENCE IN NEVADA (Years):**	21	**LENGTH OF RESIDENCE IN DISTRICT WHERE REGISTERED TO VOTE (Years):**	18

SECTION A (Information about your public office): List all public offices for which this financial disclosure statement is required NRS 281.571(1)(g) Please indicate **why** you are filing this form by choosing the appropriate box below.

- **ANNUAL FILING:** Filed by elected and appointed officers (if required) no later than January 15th each year.
- **CANDIDATE FILING:** Filed by candidates for public office no later than the 10th day after the last day to qualify as a candidate.
- **NEWLY APPOINTED:** Filed when appointed to fill an unexpired term of an elected or appointed public officer no later than the 30th day following appointment.

TYPE OF FILING (check one): ✓ **Annual** **Candidate** **New Appointment**

TITLE OF PUBLIC OFFICE AND NAME OF GOVERNMENT (Include the title of the office you hold or are seeking, and the name of the entity that employs this position e.g. 'City Manager', 'City of XYZ')	Elected (E), appointed (A) or appointed to an elected (AE) office.	Is this position entitled to annual compensation of $6,000 or more?	Amount of compensation received annually	Date elected or appointed
Lyon County Commissioner Dist 2	E	Yes	$26,136.00	11/2/2010

SECTION B (Sources of Income): List each source of your income (in addition to any source listed in Section A), or that of any member of your household who is 18 years of age or older. [NRS 281.571(1)(b)]:

SOURCES OF INCOME	**Self**	**Household Member**
Priceless Realty Inc		
Keller Rebuilders/Consulting		
Lakeview Plaza LLC		

SECTION C (Real Property): List specific location and particular use of all real estate (other than personal residence): (1) in which you or a member of your household has a legal or beneficial interest; (2) the fair market value of which is $2,500 or more; and (3) which is located in this state or an adjacent state [NRS 281.571(1)(c)]:

SPECIFIC LOCATION(Address, City, State)	**PARTICULAR USE**(Rental, Vacation, Land etc.)
APN 17-025-01 17-043-01,02 1955 Ramsey Weeks, Silver	

Springs, NV	Vacant Land
APN 17-024-01 Silver Springs, NV	Vacant Land
APN 06-142-06 Churchill County, NV	Vacant Land
3115 Spring Circle Silver Springs NV	Single family residence

SECTION D (Creditors): List each creditor to whom you or a member of your household owes $5,000 or more [**EXCEPT: (1)** debt secured by mortgage or deed of trust on real property which is not required to be listed in Section C above; and **(2)** debt for which a security interest in a motor vehicle for personal use was retained by seller] [NRS 281.571(1)(d)]:

CREDITOR NAME	Self	Household Member
Schwartz Family Trust		
Laird Davis		
Tibbals Family Trust		

SECTION E (Gifts): List the identity of donor and value of each gift of all gifts received in excess of an aggregate value of $200 from a donor during the preceding taxable year **[EXCEPT: (1)** a gift received from a person who is related to you within the third degree of consanguinity or affinity; and **(2)** ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion if the donor does not have a substantial interest in your legislative, administrative, or political action] [NRS 281.571(1)(e)]:

DONOR NAME	DESCRIPTION OF GIFT	VALUE OF GIFT
None		

SECTION F (Business Entities): List each business entity **(i.e., organization or enterprise operated for economic gain, including a proprietorship, partnership, firm, business, trust joint venture, syndicate, corporation or association)** with which you or a member of your household is involved as a trustee, beneficiary of a trust, director, officer, owner in whole or in part, limited or general partner, or holder of a class of stock or security representing 1% or more of the total outstanding stock or securities issued by the business entity [NRS 281.571(1)(f)]:

BUSINESS ENTITY	Self	Household Member
Priceless Realty Inc		
Keller Rebuilders		
Lakeview Plaza LLC		
Nugget Holdings LLC		
SVK Holdings LLC		
Silver Springs Development LLC		

THE INFORMATION I HAVE PROVIDED HEREIN IS ACCURATE AND COMPLETE.

Vida D Keller — Signature

01/06/2014 — Date

Print Help? PRINT

NEVADA FINANCIAL DISCLOSURE STATEMENT (FDS)

- Please read instructions carefully before completing. -

FILED
Jan 15 2015
BARBARA K. CEGAVSKE
SECRETARY OF STATE

NAME: (First, Middle, Last)	Vida D. Keller	**ADDRESS:** (Number, Street)	3125 Spring Circle
CITY, STATE, ZIP:	Silver Springs, NV, 89429	**TELEPHONE:**	775.691.0173

EMAIL:	vidakeller@gmail.com	**LENGTH OF RESIDENCE IN NEVADA (Years):**	29	**LENGTH OF RESIDENCE IN DISTRICT WHERE REGISTERED TO VOTE (Years):**	21

SECTION A (Information about your public office): List all public offices for which this financial disclosure statement is required NRS 281.571(1)(g) Please indicate **why** you are filing this form by choosing the appropriate box below.

- **ANNUAL FILING:** Filed by elected and appointed officers (if required) no later than January 15th each year.
- **CANDIDATE FILING:** Filed by candidates for public office no later than the 10th day after the last day to qualify as a candidate.
- **NEWLY APPOINTED:** Filed when appointed to fill an unexpired term of an elected or appointed public officer no later than the 30th day following appointment.

TYPE OF FILING (check one): **Annual** **Candidate** **New Appointment**

TITLE OF PUBLIC OFFICE AND NAME OF GOVERNMENT (Include the title of the office you hold or are seeking, and the name of the entity that employs this position e.g. 'City Manager', 'City of XYZ')	Elected (E), appointed (A) or appointed to an elected (AE) office.	Is this position entitled to annual compensation of $6,000 or more?	Amount of compensation received annually	Date elected or appointed
Lyon County Commissioner Dist 2	E	Yes	$26,373.00	11/2/2010

SECTION B (Sources of Income): List each source of your income (in addition to any source listed in Section A), or that of any member of your household who is 18 years of age or older. [NRS 281.571(1)(b)]:

SOURCES OF INCOME	Self	Household Member
Priceless Realty Inc		
Keller Rebuilders/Consulting		
Lakeview Plaza LLC		

SECTION C (Real Property): List specific location and particular use of all real estate (other than personal residence): (1) in which you or a member of your household has a legal or beneficial interest; (2) the fair market value of which is $2,500 or more; and (3) which is located in this state or an adjacent state [NRS 281.571(1)(c)]:

SPECIFIC LOCATION(Address, City, State)	PARTICULAR USE(Rental, Vacation, Land etc.)
APN 17-025-01 17-043-01,02 Silver Springs, NV	Vacant Land

APN 17-024-01 Silver Springs, NV	Vacant Land
APN 06-142-06 Churchill County, NV	Vacant Land
3115 Spring Circle Silver Springs NV	Single family residence

SECTION D (Creditors): List each creditor to whom you or a member of your household owes $5,000 or more [**EXCEPT: (1)** debt secured by mortgage or deed of trust on real property which is not required to be listed in Section C above; and **(2)** debt for which a security interest in a motor vehicle for personal use was retained by seller] [NRS 281.571(1)(d)]:

CREDITOR NAME	Self	Household Member
Laird Davis		
Tibbals Family Trust		

SECTION E (Gifts): List the identity of donor and value of each gift of all gifts received in excess of an aggregate value of $200 from a donor during the preceding taxable year **[EXCEPT: (1)** a gift received from a person who is related to you within the third degree of consanguinity or affinity; and **(2)** ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion if the donor does not have a substantial interest in your legislative, administrative, or political action] [NRS 281.571(1)(e)]:

DONOR NAME	DESCRIPTION OF GIFT	VALUE OF GIFT
None		

SECTION F (Business Entities): List each business entity **(i.e., organization or enterprise operated for economic gain, including a proprietorship, partnership, firm, business, trust joint venture, syndicate, corporation or association)** with which you or a member of your household is involved as a trustee, beneficiary of a trust, director, officer, owner in whole or in part, limited or general partner, or holder of a class of stock or security representing 1% or more of the total outstanding stock or securities issued by the business entity [NRS 281.571(1)(f)]:

BUSINESS ENTITY	Self	Household Member
Priceless Realty Inc		
Keller Rebuilders		
Lakeview Plaza LLC		
Nugget Holdings LLC		
SVK Holdings LLC		
Silver Springs Development LLC		

THE INFORMATION I HAVE PROVIDED HEREIN IS ACCURATE AND COMPLETE.

Vida D. Keller — Signature

01/15/2015 — Date

Form **1040** Department of the Treasury—Internal Revenue Service (99) **U.S. Individual Income Tax Return** **2013** OMB No. 1545-0074 IRS Use Only—Do not write or staple in this space.

For the year Jan. 1–Dec. 31, 2013, or other tax year beginning , 2013, ending , 20 — See separate instructions.

Your first name and initial	Last name	Your social security number
James S	Keller	-1086
If a joint return, spouse's first name and initial	Last name	Spouse's social security number
Vida D	Keller	-3025

Home address (number and street). If you have a P.O. box, see instructions. — Apt. no.
PO BOX 201

▲ Make sure the SSN(s) above and on line 6c are correct.

City, town or post office, state, and ZIP code. If you have a foreign address, also complete spaces below (see instructions).
Silver Springs NV 89429

Foreign country name | Foreign province/state/county | Foreign postal code

Presidential Election Campaign
Check here if you, or your spouse if filing jointly, want $3 to go to this fund. Checking a box below will not change your tax or refund. ☐ You ☐ Spouse

Filing Status Check only one box.

1 ☐ Single
2 ☒ Married filing jointly (even if only one had income)
3 ☐ Married filing separately. Enter spouse's SSN above and full name here. ▶
4 ☐ Head of household (with qualifying person). (See instructions.) If the qualifying person is a child but not your dependent, enter this child's name here. ▶
5 ☐ Qualifying widow(er) with dependent child

Exemptions

6a ☒ **Yourself.** If someone can claim you as a dependent, do not check box 6a
b ☒ **Spouse**

Boxes checked on 6a and 6b: 2
No. of children on 6c who: • lived with you: 3 • did not live with you due to divorce or separation (see instructions):
Dependents on 6c not entered above:
Add numbers on lines above ▶: 5

c **Dependents:**

(1) First name	Last name	(2) Dependent's social security number	(3) Dependent's relationship to you	(4) ✓ if child under age 17 qualifying for child tax credit (see instructions)
Ha	D Ra	-2959	Grandchild	☒
M-	D L:	-7676	Grandchild	☒
J	A L.	-8864	Grandchild	☒
				☐

If more than four dependents, see instructions and check here ▶ ☐

d Total number of exemptions claimed

Income

Attach Form(s) W-2 here. Also attach Forms W-2G and 1099-R if tax was withheld.

If you did not get a W-2, see instructions.

7	Wages, salaries, tips, etc. Attach Form(s) W-2		7	21,582.
8a	**Taxable** interest. Attach Schedule B if required		8a	
b	**Tax-exempt** interest. **Do not** include on line 8a	8b		
9a	Ordinary dividends. Attach Schedule B if required		9a	
b	Qualified dividends	9b		
10	Taxable refunds, credits, or offsets of state and local income taxes		10	
11	Alimony received		11	
12	Business income or (loss). Attach Schedule C or C-EZ		12	49,888.
13	Capital gain or (loss). Attach Schedule D if required. If not required, check here ▶ ☐		13	
14	Other gains or (losses). Attach Form 4797		14	
15a	IRA distributions 15a	b Taxable amount	15b	
16a	Pensions and annuities 16a	b Taxable amount	16b	
17	Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E		17	
18	Farm income or (loss). Attach Schedule F		18	
19	Unemployment compensation		19	
20a	Social security benefits 20a	b Taxable amount	20b	
21	Other income. List type and amount		21	
22	Combine the amounts in the far right column for lines 7 through 21. This is your total income ▶		22	71,470.

Adjusted Gross Income

23	Educator expenses	23		
24	Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Form 2106 or 2106-EZ	24	2,477.	
25	Health savings account deduction. Attach Form 8889	25		
26	Moving expenses. Attach Form 3903	26		
27	Deductible part of self-employment tax. Attach Schedule SE	27	3,525.	
28	Self-employed SEP, SIMPLE, and qualified plans	28		
29	Self-employed health insurance deduction	29		
30	Penalty on early withdrawal of savings	30		
31a	Alimony paid b Recipient's SSN ▶	31a		
32	IRA deduction	32		
33	Student loan interest deduction	33		
34	Tuition and fees. Attach Form 8917	34		
35	Domestic production activities deduction. Attach Form 8903	35		
36	Add lines 23 through 35		36	6,002.
37	Subtract line 36 from line 22. This is your adjusted gross income ▶		37	65,468.

EXHIBIT 2 3-20-18 V. Keller

a Employee's social security number	OMB No. 1545-0008	This information is being furnished to the Internal Revenue Service. If you are required to file a tax return, a negligence penalty or other sanction may be imposed on you if this income is taxable and you fail to report it.
3025		

b Employer identification number (EIN)	1 Wages, tips, other compensation	2 Federal income tax withheld
0097	21582.26	938.84
c Employer's name, address, and ZIP code LYON COUNTY 27 S. MAIN ST. YERINGTON, NV 89447	3 Social security wages	4 Social security tax withheld
	5 Medicare wages and tips 21582.26	6 Medicare tax withheld 312.94
	7 Social security tips	8 Allocated tips
d Control number 3440	9	10 Dependent care benefits
e Employee's name, address, and ZIP code VIDA D KELLER P.O. BOX 201 SILVER SPRINGS, NV 89429	11 Nonqualified plans	12a See instructions for box 12 DD 11508.30
	13 Statutory employee ☐ Retirement plan ☒ Third-party sick pay ☐	12b
	14 Other SECTION 125 4061.28	12c
		12d

15 State Employer's state ID number	16 State wages, tips, etc	17 State income tax	18 Local wages, tips, etc.	19 Local income tax	20 Locality name

Form W-2 Wage and Tax Statement 2013

Department of the Treasury—Internal Revenue Service

Copy C—For EMPLOYEE'S RECORDS (See *Notice to Employee* on the back of Copy B.) or Copy 2 to be Filed With Employee's State, City or Local Income Tax Return

Safe, accurate, FAST! Use IRS e-file

Form 1099-MISC ☐ CORRECTED (if checked) (keep for your records)

PAYER'S name, street address, city or town, province or state, country, ZIP or foreign postal code, and telephone no.	1 Rents	OMB No. 1545-0115	Miscellaneous Income
COMSTOCK MINING LLC PO BOX 1118 VIRGINIA CITY NV 89440 (775) 847-5272 132	$	2013	
	2 Royalties $	Form 1099-MISC	38-2099803 Department of the Treasury -- IRS
	3 Other income $ 63747.00	4 Fed. inc. tax withheld $	Copy B For Recipient
PAYER'S federal identification number 5386	RECIPIENT'S identification number 2040	5 Fishing boat proceeds $	6 Medical and health care payments $
RECIPIENT'S name, address, country, and ZIP or foreign postal code KELLER CONSULTING PO BOX 201 SILVER SPRINGS NV 89429		7 Nonemployee compensation $	8 Substitute payments in lieu of dividends or interest $
		9 Payer made direct sales of $5,000 or more of consumer products to a buyer (recipient) for resale ▶ ☐	10 Crop insurance proceeds $
		11 Foreign tax paid $	12 Foreign country or U.S. possession
Account number (see instructions) 6928		13 Excess golden parachute payments $	14 Gross proceeds paid to an attorney $
15a Section 409A deferrals $	15b Section 409A income $	16 State tax withheld $	17 State/Payer's state no.	18 State income $

This is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if this income is taxable and the IRS determines that it has not been reported.

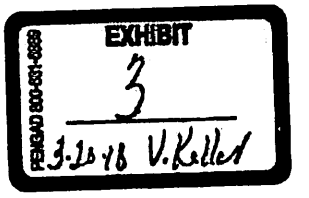
Scott Jolcover

From:	Scott Jolcover
Sent:	Monday, June 27, 2011 5:02 PM
To:	keller@hsne50.com
Cc:	Corrado DeGasperis; robtfaber@aol.com; Doug McQuide
Subject:	Dayton Safety Repairs
Attachments:	doc-dayton-safety-const20110627085936.pdf

Sorry Vida I was hijacked for an all day tour on my way to e mailing you earlier.

Here ya go,

Kind thanks,
Scott



CMI02601

Construction Consultant Agreement

Project Designation: Comstock Mining Inc. Property Holdings
Address: 1200 American Flats Road, Virginia City, NV 89440

This agreement is made this **1st day of May 2013** between Comstock Mining Inc, (the "Company") and **Scott Keller of Keller Consulting** in the capacity of Construction Consultant Superintendent at **PO Box 201, Silver Springs, Nevada 89429**

The parties above do hereby agree that the Construction Consultant Superintendent uses his best efforts in a professional and competent manner to manage and supervise all mining and non-mining construction needs, as outlined by the Director of Mining and Processing for current and future construction needs as needed.

The Construction Consultant's Role and Responsibilities:

1. Identify workforce requirements for individual projects
2. Supervise said construction workforce
3. Identify material needs
4. Supervise sub-contractors
5. Work with Project Manager on scheduling and/or concerns
6. Work with Project Manager and Engineer to identify problem areas of concern while in planning/engineering stage.
7. Coordinate with sub contractors
   Supervise construction projects, ensuring that the project is completed, as defined by the Company and per the project plan, schedule and specifications
9. Monitor and track all change orders
10. Provide onsite problem solving
11. Coordinate with building departments for inspections
12. Ensure that all workers maintain the highest safety standards, coordinated with the Company's Director of Safety
13. Manage incidental day labor, for in house repairs
14. Provide recommendations to come in at or below approved budget, aggressively look for cost savings for the Company.
15. Construction Consultant shall carry proof of OSHA 30 and MSHA certificates

The Company's Role and Responsibility

1. Approve (sign contracts) with each contractor/subcontractor
2. All employee's to be hired through the Company
3. All construction expenses are to be borne by the Company. The Construction Consultant is not to be held liable for any unpaid bills
4. Accept liability for any theft or destruction of any building materials not covered by contractor/subcontractor
5. Provide office space when needed for meetings with contractors/subcontractors, building officials, etc.



Fee Schedule
In consideration for the above services rendered by the Construction Consultant, Comstock Mining Inc agrees to pay a **monthly fee of $7,083.00 starting April __, 2013 through April 30th 2015 paid monthly.**

We hereby execute this Agreement at 1200 American Flats Road, Virginia City, Nevada, on this 14th day of May, 2013:

Comstock Mining, Inc

Dave Thomas
Director, Mining and Processing

Construction Consultant

Scott Keller
Keller Consulting

Subject: **Re: temp permits**

From: sjolcover@aol.com
To: pricelessrealtyinc@yahoo.com
Cc: degasperis@comstockmining.com; mcquide@comstockmining.com
Date: Thursday, April 5, 2012, 6:40:12 PM PDT

Wednesday 9:30 in Dayton done

Sent from my iPhone

On Apr 5, 2012, at 6:11 PM, Vida Keller <pricelessrealtyinc@yahoo.com> wrote:

> No Problem.
> On the note of the wells what does your wednesday morning look like, Mike is available after about 9:30 at Dayton Utilities
>
> *Vida D Keller*
>
> Broker, Priceless Realty Inc
> Research and Development
> P.O. Box 201
> Silver Springs, NV 89429
> (775) 577-3200 office
> (775) 577-3204 fax
> (775) 691-0173 cell
> email: pricelessrealtyinc@yahoo.com
>
> **From:** "Sjolcover@aol.com" <Sjolcover@aol.com>
> **To:** pricelessrealtyinc@yahoo.com
> **Cc:** mcquide@comstockmining.com
> **Sent:** Thursday, April 5, 2012 2:41 PM
> **Subject:** Fwd: temp permits
>
> Vida please keep a lookout as these move through the process. Please advise if you think someone from CMI needs to attend Vidlar's item.
>
> kind thanks,
>
> Scott
>
> From: degasperis@comstockmining.com
> To: Sjolcover@aol.com
> Sent: 4/5/2012 12:50:27 P.M. Pacific Daylight Time
> Subj: Re: temp permits
>
> From: bbrandt@vidlerwater.com
> To: Sjolcover@aol.com
> Sent: 4/5/2012 10:34:46 A.M. Pacific Daylight Time
> Subj: FW: temp permits

EXHIBIT 5
3-20-18 V. Keller

Scott, here are the copies of the permits. I talked with Lyon County the permits go to the board April 19th. I have looked for the agenda or notification in the paper with no luck. after the board Misty said we can get with Mike about the next submittal. I don't think it should be a problem, I was hoping it would be before the board sooner than the 19th. I will keep you updated on any news. I have not talked with Dorothy yet, she is traveling but I am sure Vidler will be at the Board meeting.
Thanks,
LeAnn

LeAnn Brandt
Water Rights Specialist
Vidler Water Company, Inc.
3480 GS Richards Blvd., Suite 101
Carson City, NV 89703
775-885-5000 ext. 106
Fax. 775-885-5005

Subject: Re: Wells at american Flats

From: SJolcover@aol.com
To: mcquide@comstockmining.com; sjolcover@comstockmining.com; pricelessrealtyinc@yahoo.com
Cc: keller@hsne50.com
Date: Friday, March 30, 2012, 7:40:41 AM PDT

Vida, Doug has informed me that the "road" going east where cars park on the south side of hotel is also county, it that is correct then per Doug we should just need permission from County. I believe he is handling that.

Scott

In a message dated 3/29/2012 10:41:01 P.M. Pacific Daylight Time, mcquide@comstockmining.com writes:

> Road is Storey county
> *Sent from my Verizon Wireless 4G LTE DROID*
>
> ----Original message----
>
> **From:** Vida Keller <pricelessrealtyinc@yahoo.com>
> **To:** Scott Jolcover <sjolcover@comstockmining.com>
> **Cc:** Doug McQuide <mcquide@comstockmining.com>, Scott Keller <Keller@HSNe50.com>
> **Sent:** Thu, Mar 29, 2012 22:37:02 PDT
> **Subject:** Wells at american Flats
>
> Scott
>
> I will set up a meeting for Tues or Thursday of the week after next with Mike Workman to discuss Comstock Mining taking over the wells and the responsibility.
> I don't believe there is any water rights associated toher than those banked with Dayton Utilities.
>
> As far as the easement for the sewer line, we need to identify ownership between the road to the South of the hotel and the existing wall of odd fellows.
>
> I'll be back from Hawthorne tomorrow night.
>
> *Vida D Keller*
>
> Broker, Priceless Realty Inc
> Research and Development
> P.O. Box 201
> Silver Springs, NV 89429
> (775) 577-3200 office
> (775) 577-3204 fax
> (775) 691-0173 cell
> email: pr[illegible]ltyinc@yahoo.com

EXHIBIT 6 3.20.18 V. Keller

Keller 0141

Tim Smith

From: Corrado DeGasperis
Sent: Tuesday, January 30, 2018 7:42 AM
To: Tim Smith
Subject: FW: Meeting with Scott Keller

From: Ron James <ron@comstockfoundation.org>
Organization: Comstock Foundation for History and Culture
Date: Wednesday, December 11, 2013 at 10:00 AM
To: Corrado DeGasperis <DeGasperis@comstockmining.com>
Subject: Re: Meeting with Scott Keller

Hi Corrado,

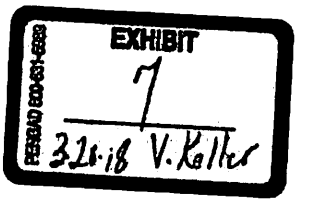
See you for both these meetings. I think we were telling Scott and Vida our meeting would start at noon.

See you in a bit.

Ron

On 2013-12-11 10:53, Corrado DeGasperis wrote:

> When: Wednesday, December 11, 2013 12:30 PM-1:00 PM. (UTC-08:00) Pacific Time (US & Canada)
> Where: Lynch House Office
>
> *~*~*~*~*~*~*~*~*~*



CFHC 01416

JA 1105

Scott Jolcover

From: Scott Jolcover
Sent: Thursday, March 24, 2016 9:55 AM
To: Vida Keller
Cc: Corrado DeGasperis
Subject: RE: 160 Acres

Again have we filled out the online application form ? It looks pretty basic and simple to me ?

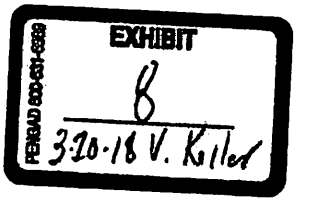
Scott Jolcover
Director of Business Development
Comstock Mining Inc.

COMSTOCK
MINING

775-847-5272 ext 101 (o)
775-742-9694 (c)
775-847-4762 (f)
1200 American Flat Road
PO Box 1118
Virginia City, NV 89440

NYSE MKT: LODE





From: Vida Keller [mailto:vidakeller@gmail.com]
Sent: Thursday, March 24, 2016 9:47 AM
To: Scott Jolcover
Cc: Corrado DeGasperis
Subject: Re: 160 Acres

I finally got an email from Mark Rotter yesterday to attend a meeting with him and Rob Loveberg on Monday the 28th, still no updated price.
In my confidential discussion with Melissa Lindell from Wood-Rodgers she suggest we do not have another meeting with Rob, simply make application then meet with Rob. Other wise we are re-hashing the same thing when the end result we know what we are applying for and why.

On Thu, Mar 24, 2016 at 9:19 AM, Scott Jolcover <SJolcover@comstockmining.com> wrote:

Vida please update your lack of success with him.....and where we are also with Rogers-Williams.

Scott Jolcover

Scott Jolcover

From: Vida Keller <vidakeller@gmail.com>
Sent: Monday, March 28, 2016 12:19 AM
To: Scott Jolcover; Scott Jolcover; Corrado DeGasperis
Subject: Master Plan Amendment
Attachments: PLANNING APPLICATION MPA 2016 01521101.doc; letter of justification MPA DTSS.docx

Here is the application, finished the draft letter of justification, working on the findings

—
Vida D. Keller,
(775) 691-0173cel

CM102528

Scott Jolcover

From: Corrado DeGasperis
Sent: Friday, August 28, 2015 12:54 PM
To: Scott Jolcover
Subject: FW: Comstock Awarded Excellence in Mine Reclamation

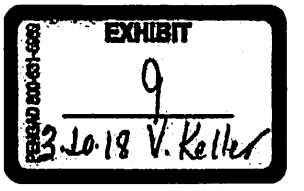
Shit, that's her takeaway?

From: Vida & Scott Keller <vidakeller@gmail.com>
Date: Friday, August 28, 2015 12:45 PM
To: Corrado DeGasperis <DeGasperis@comstockmining.com>
Subject: Re: Comstock Awarded Excellence in Mine Reclamation

Cool
So Scott did the Foundation proud

On Friday, August 28, 2015, Corrado DeGasperis <DeGasperis@comstockmining.com> wrote:

Hey now..... :))



CMI02602

PRICELESS REALTY INC
P.O. Box 201, Silver Springs, NV 89429
(775) 577-3200 office (775) 691-0173 cell (775) 218-1910 fax



April 5, 2016

Broker Seller Commission Agreement

This Commission Agreement dated April 5th 2016 between Priceless Realty, Inc. (Broker) and Comstock Mining, Inc. (Seller) is in reference to the future ownership of 3405 Citrus Ave, Silver Springs, Nevada consisting of 98 acres and approximately 247 acre feet of water rights. APN# 15-171-25.

Seller agrees to pay Priceless Realty, Inc. 3% commission on the total sales price of any future sale of said property in its entirety or multiple agreements.

Comstock Mining, Inc.
A Nevada Corporation

By: Corrado DeGasperis
Name: Corrado DeGasperis
Title: President and CEO

Priceless Realty, Inc.
A Nevada Corporation

By: Vida D. Keller
Name: Vida D. Keller
Title: President and Broker
Lic# 42776

Whereas the Company, Comstock Mining Inc., has paid Priceless Realty directly ($25,000) and indirectly through Title Escrow Services ($50,000), for a total of $75,000;

Whereas both parties wish to prioritize and accelerate the marketing and sales of both APN# 15-171-25 and approximately 257 acre-feet of Senior water rights, and

Whereas both Comstock Mining and Priceless Realty wish to apply these payments toward commissioned services for the marketing and sale of the aforementioned land and water rights;

Therefore, the undersigned agree to reduce the 3% by a credit of the full $75,000. applied to the first $75,000 earned.

Corrado DeGasperis Corrado DeGasperis 3/28/17 Vida Keller Vida D. Keller 3/23/17

TITLE SERVICE and ESCROW COMPANY

P.O. BOX 855 * 25 WEST STREET * FERNLEY, NV 89408
PHONE: (775) 575-2286 * FAX: (775) 575-5544

COMMISSION INSTRUCTIONS

Date May 20, 2016

Escrow No. TSF-24045-MC

Address: 3405 Citrus Street, Silver Springs, NV 89429

The undersigned hereby instructs TITLE SERVICE AND ESCROW COMPANY to pay a Real Estate Commission in the amount of $128,000.00 out of Sellers proceeds, at close of escrow, as follows:

Priceless Realty, Inc.	$128,000.00

The Calico Family Revocable Living Trust

James A. Ross, Jr. TTEE

James A. Ross, Jr., Trustee

Priceless Realty, Inc.

By: Vida O'Keller

License: 42776

Expiration: 4/30/18

EXHIBIT
11
3.20.18 V. Keller

Gmail

Bob Hastings <ninergold3@gmail.com>

Fwd: Zoning Issue Quastion

1 message

Bob Hastings <ninergold3@gmail.com> Fri, Oct 25, 2013 at 3:05 PM
To: vida keller <vidakeller@gmail.com>

Vida -

I finally got a response from Rob regarding Comstock. It is below. Tell me what you think.

Bob
---------- Forwarded message ----------
From: **Rob Loveberg** <rloveberg@lyon-county.org>
Date: Fri, Oct 25, 2013 at 12:37 PM
Subject: Re: Zoning Issue Quastion
To: Bob Hastings <ninergold3@gmail.com>
Cc: Jeff Page <jpage@lyon-county.org>, Kerry Page <kpage@lyon-county.org>

Bob,

I have not completed the report so I can't tell you yet what the staff recommendation will be. However I will tell you the same thing I told their consultant when asked a similar question, I intend to write a balanced report with the facts and information available which permits the Planning Commission and Board of Commissioners to make their own determination.

I have a bias regarding Master Plans. I do not believe that a Master Plan should be changed frequently, nor should it be changed without compelling long term justification which reflects the long term community goals and interests.

I would be happy to talk with you regarding the CMI application. Please do not hesitate to call me at 775-302-6051.

On Thu, Oct 24, 2013 at 10:37 AM, Bob Hastings <ninergold3@gmail.com> wrote:
Good Morning Rob -

I tried calling a few times but manage to keep missing you. I'll try an email now. LOL

First, please understand I am only coming to you with this because I was asked to. Also, please don't think I am in any way trying to influence anything. I am simply trying to get info.

I know you are working on the staff report for the Comstock Mining. Comstock contacted me and they are quite "intense". Of course their concern is that the staff report will either recommend denial or be cast in a negative light. I have tried to convince them that you are a guy who writes the reports based on fact - but that does not calm nerves. If you can tell me - do you expect the final report to be negative towards Comstock and/or recommend a denial? I'm not asking for promises and I realize anything can change, based on facts, in the next few weeks.

Thanks for your help.



Bob Hastings
Lyon County Commissioner - District 1
www.bobhastingsnv.com

14 CV 00128 002925
LYON COUNTY

Gmail

Bob Hastings <ninergold3@gmail.com>

CMI Zone Change

1 message

Bob Hastings <ninergold3@gmail.com> Mon, Oct 28, 2013 at 3:53 PM
To: Corrado DeGasperis <DeGasperis@comstockmining.com>

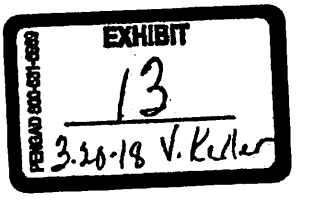
Corrado -

I received a response Rob. First he states that he has not finalized the report but the final version will be balanced and based on facts. He also noted something about generally not liking to make Master Plan changes. But I do not believe that will be anywhere in the report. I also discussed this with Vida. That said I will be discussing this further with Jeff Page. I want to make that Rob understands the concerns we have and Jeff amy be the conduit we need.

–
Bob Hastings
Lyon County Commissioner - District 1
www.bobhastingsnv.com
email: ninergold3@gmail.com
775-771-9848

PO Box 686
Dayton, NV 89403

DISCLAIMER: This e-mail and any file(s) transmitted with it, is intended for the exclusive use by the person(s) mentioned above as recipient(s). This e-mail may contain confidential information and/or information protected by intellectual property rights or other rights. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution, copying, or action taken in relation to the contents of and attachments to this e-mail is strictly prohibited and may be unlawful. If you have received this e-mail in error, please notify the sender and delete the original and any copies of this e-mail and any printouts immediately from your system and destroy all copies of it.



Gmail

Fwd: Comstock Mining

Vida Keller <vkeller@lyon-county.org> Tue, Feb 25, 2014 at 2:41 PM
To: Steve Rye <srye@lyon-county.org>

——— Forwarded message ———
From: **Mark Rotter** <mrotter@manhard.com>
Date: Mon, Dec 23, 2013 at 10:55 AM
Subject: Comstock Mining
To: vkeller@lyon-county.org

Vida- I was wondering if you would want to get together on December 30th or 31st to discuss the project. Let me know if there is a time and place that might work for you. Have a Merry Christmas. Mark

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Gmail

Vida Keller <vidakeller@gmail.com>

Revised CMI Parcel Exhibit

1 message

Andrew Motter <amotter@manhard.com> Wed, Jan 1, 2014 at 2:52 PM
To: vidakeller@gmail.com
Cc: DeGasperis@comstockmining.com, Mark Rotter <MRotter@manhard.com>

Vida,

Attached is the revised exhibit that you requested. Please feel free to call Mark, Corrado, or myself if you have any questions.

Andrew Motter, P.E.

Manhard Consulting, Ltd.
9850 Double R Blvd., Suite 101
Reno, NV 89521
office
cell
fax

Manhard
9850 Double R Boulevard
Suite 101
Reno, NV 89521
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EXHIBIT
15
3-20-18 V. Keller

January 2, 2014

Board of County Commissioners Meeting

Vida Keller, Lyon County Commissioner

Full disclosure on agenda item;

Public hearing 9:30 AM

Comstock mining Incorporated

Master Plan Amendment and Zone change request

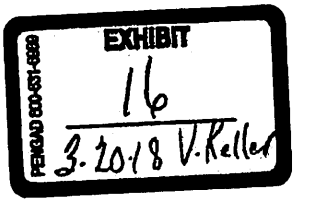
I was appointed by the governor of the state of Nevada, Brian Sandoval, to sit on the mining sector Council for the Gov.'s office For Economic Development. To fulfill my obligations to the state of Nevada, I have been on numerous tours and investors meetings regarding mining operations and their needs for further development. This is to include both Nevada Copper in Lyon County and Comstock Mining in Storey County.

I have also attended Silver City Advisory Board Meetings to listen to the concerns about mining operations.

My husband Scott Keller was under contract with Comstock Mining Incorporated for one year from November 2011 to November 2012, as a project manager to restore historical structures in nature. Just prior to that contract, he worked for Priceless Construction on a one-time repair (that Comstock Mining Incorporated didn't own, but precurred the funding for) the Dayton Mill in Lyon County. Priceless Construction is owned and operated by my brother-in-law Rick Keller. The citizens of Silver City were very upset that part of the building had already collapsed, so with the funding from Comstock Mining Incorporated, Priceless Construction did some emergency repairs to prevent the historic buildings from further structural failure. Scott Keller was then contracted to identify future restorations needed in Storey County. Comstock Mining Incorporated, as a part of their mining efforts in Storey County, committed a percentage of proceeds to establish a nonprofit foundation that restores and maintains historical properties and culture. In April of 2013, the Comstock Foundation for History and Culture established a new contract with Scott Keller to restore projects in Storey County. This includes the restoration of the Yellow Jacket Head frame and identifying other projects for future consideration for restoration. Current projects include restoration at the Gold Hill Depot, St. Mary's Art Center, 4th Ward school and others.

Scott Keller's current contract has and does not rely on any future land use, exploration or mining in Lyon County by Comstock Mining.

The Comstock Foundation for History and Culture is a nonprofit organization that receives proceeds from mining in Storey County and other various fundraising efforts.



All of these projects are in direct correlation with Scott Keller's work history and continued career as a carpenter, contractor and consultant. His contract is based on his experience and expertise in this career field.

Any decision today for or against the proposed agenda item has no present or future decrease or added benefit to Scott Keller.

In preparing this disclosure today, I have personally sought out the advice of legal counsel from the Lyon County Dist. Atty. Bob Auer and the advice from Caren Cafferata Jenkins, Executive Director of the Nevada Commission on Ethics.

I also refer to NRS281A.420 requirements regarding disclosure of conflicts of interest and abstention from voting because of certain types of conflicts; effect of abstention on quorum and voting requirements.

My decision to not abstain on the matter before us comes directly out of NRS 281A.420 4;

4. In Interpreting and applying the provisions of subsection 3:

(a) it must be presumed that the independence of judgment of a reasonable person in the public officer's situation would not be materially affected by the public officer's acceptance of a gift or loan, significant pecuniary interest or commitment in a private capacity to the interests of another person where the resulting benefit or detriment accruing to the other person, is not greater than the accruing to any other member of any general business, profession, occupation or group that is affected by the matter. The presumption set forth in this paragraph does not affect the applicability of the requirements set forth in subsection 1 relating to the disclosure of the acceptance of a gift or loan, significant pecuniary interest or commitment in a private capacity to the interests of another person.

(b) The Commission must give appropriate weight and proper difference to the public policy of this State which favors the right of a public officer to perform the duties for which the public officer was elected or appointed and to vote or otherwise act upon a matter, provide the public officer is properly disclose the public officer's acceptance of a gift or loan, significant pecuniary interest or commitment in a private capacity to the interest of another person in the manner required by subsection 1. Because abstention by a public officer disrupts the normal course of representative government and deprives the public and the public officer's constituents of a voice and governmental affairs, the provisions of this section are intended to require abstention only in clear cases where the independence of judgment of a reasonable person in the public officer's situation would be materially affected by the public officer's acceptance any gift or loan, significant pecuniary interest or commitment in a private capacity to the interests of another person.

In conclusion;

1. Scott Keller is working in his normal course of business.
2. There is no additional benefit to Scott Keller's contract by any decision made here today.
3. There is an expected performance required by an elected official to vote or otherwise act upon a matter once full disclosure has been made.

Therefore I, Vida Keller, declare I am fully capable as an elected Lyon County Commissioner of exercising independence of judgment based on the facts disclosed here today.

Construction Project Management Agreement

Project Designation: Comstock Mining Inc. Property Holdings
Address: 1200 American Flats Road, Virginia City, NV 89440

This agreement is made this 1st day of January 2012 between Comstock Mining Inc., (the "Company) and Scott Keller of Priceless Realty Inc (Keller Consulting) construction project manager ("the Construction Project Manager") at PO Box 201, Silver Springs, Nevada 89429

The parties above do hereby agree that the Construction Project Manager uses his best efforts in a professional and workmanlike manner to manage and deliver a comprehensive document portraying all non-mining construction needs and potential future restoration projects.

The Construction Project Manager's Roles and Responsibilities:

PLANNING PHASE

1. Identify current property holdings and improvement opportunities
2. Identify prerequisite tasks and logically sequence the priorities
3. Identify repairs and remodeling opportunities
4. Provide ideas for new construction of needed office and conference space
5. Provide a comprehensive list of future restoration projects (the wants list)
6. Develop, in conjunction with company management, a project schedule using critical chain project management methods

PRE-CONSTRUCTION PHASE

1. Identify a course of action per priority list (approve the project schedules)
2. Sub-contract, with the Company's approval, engineered plans for the initial project (and each subsequent approved project)
3. Obtain necessary permits and manage interfaces with the proper building authorities, with costs paid by the Company as necessary
4. Manage the bidding process, providing the best quality contractor at the most competitive pricing
5. Act as the clearing house for information between contractors and subcontractors
6. Recommend to the owner the most qualified and reasonably priced contractor/subcontractor
7. Confirm and finalize the contract documents with each contractor/subcontractor

CONSTRUCTION PHASE

1. Act as the Company's representative in the field

EXHIBIT
17
3.2018 V. Keller
PENRAD 800-451-8899

2. Meet with the Company and or representative on a regular basis to review progress
3. Coordinate utility connections
4. Coordinate with geologists and/or soil engineers, as necessary
5. Supervise construction projects, ensuring that the project is completed, as defined by the Company and per the project plan, schedule and specifications
6. Monitor and track all change orders
7. Obtain lien releases prior to payment of contractors/subcontractors
8. Communicate liens, in advance, to the Company's Chief Accountant
9. Provide onsite problem solving
10. Coordinate with building departments for inspections
11. Ensure that all workers maintain the highest safety standards, coordinated with the Company's Director of Safety
12. Manage incidental day labor, for in house repairs
13. Provide recommendations to come in at or below approved budget, aggressively look for cost savings for the Company

THE COMPANY'S ROLE AND RESPONSIBILITY

1. Approve (sign contracts) with each contractor/subcontractor upon recommendation of Construction Project Manager
2. All construction expenses are to be borne by the Company. The Construction Project Manager is not to be held liable for any unpaid bills
3. Clear any work order changes on the project with Construction Project Manager
4. Accept liability for any theft or destruction of any building materials not covered by contractor/subcontractor
5. Provide all appropriate insurance policies (public liability, course of construction, fire, theft etc.)
6. Provide office space when needed for meetings with contractors/subcontractors, building officials, etc.

FEE SCHEDULE

1. In consideration for the above services rendered by the Construction Project Manager, the Company agrees to pay a Base fee of $60,000.00 per year negotiable on the anniversary of each beginning new year of the original contract date, with an initial retainer of $5000.00 due upon acceptance of said agreement and paid monthly at a rate of $5000.00 on the subsequent date of each month following acceptance of said agreement
2. The Company agrees to pay in addition to yearly base fee upon construction 5% of the cost of construction for above outlined construction phase duties of the Construction Project Manager

We hereby execute this Agreement at [illegible] (location)
On this ____ day of January, 2012

Comstock Mining, Inc.

Corrado De Gasperis
President & CEO

Construction Project Manager

Scott Keller

EXHIBIT 18

EXHIBIT 18

Case No. 14-CV-00128

IN THE THIRD JUDICIAL DISTRICT COURT

OF THE STATE OF NEVADA

IN AND FOR LYON COUNTY

--o0o--

COMSTOCK RESIDENTS ASSOCIATION,

Plaintiffs/Petitioners,

vs.

LYON COUNTY BOARD OF COUNTY COMMISSIONERS; COMSTOCK MINING INCORPORATED,

Defendants/Respondents.

==========

DEPOSITION OF JAMES SCOTT KELLER

Tuesday, March 20, 2018

Reno, Nevada

Job No. 458922B

Reported by: LORI URMSTON, CCR #51, RPR, RMR
CALIF. CCR #3217

--o0o-- APPEARANCES --o0o--

FOR THE PLAINTIFFS/PETITIONERS:

JOHN L. MARSHALL, ESQ.
570 Marsh Avenue
Reno, Nevada 89509

FOR THE DEFENDANT/RESPONDENT LYON COUNTY BOARD OF COUNTY COMMISSIONERS:

STEPHEN B. RYE, ESQ.
Lyon County District Attorney's Office
31 S. Main Street
Yerington, Nevada 89447

FOR THE DEFENDANT/RESPONDENT COMSTOCK MINING INCORPORATED:

JUSTIN M. TOWNSEND, ESQ.
Allison MacKenzie, Ltd.
402 N. Division St.
Carson City, Nevada 89703

FOR VIDA AND SCOTT KELLER:

TARA C. ZIMMERMAN, ESQ.
Kaempfer Crowell
50 West Liberty Street, Suite 700
Reno, Nevada 89501

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BE IT REMEMBERED that on Tuesday, the 20th day of March, 2018, at 1:37 p.m. of said day, at Sunshine Litigation Services, 151 Country Estates Circle, Reno, Nevada, before me, LORI URMSTON, a Certified Court Reporter, personally appeared JAMES SCOTT KELLER.

--o0o--

JAMES SCOTT KELLER,
having been first duly sworn,
was examined and testified as follows:

EXAMINATION

BY MR. MARSHALL:

Q Could you state your name and address for the record.

A I have to look. I don't -- I know where I live. I know what the house looks like. James Keller, 3125 Spring Circle, Silver Springs.

Q Mr. Keller, you stated your name there was James Keller. Do you also go by Scott Keller?

A James Scott Keller. Scott is my middle name, and I go by my middle name. So everybody refers to me as Scott.

Q Okay. Have you ever had your deposition taken before?

A No.

Q Have you generally been told what it is we're going to be doing here by your counsel? I assume your counsel is Ms. Zimmerman?

A Um-hum.

Q One of the first things I want to talk to you about is we're doing this to produce a transcript that can be used later in court, and it's very important that that we use words instead of gestures or grunts or anything like that that the court reporter might have difficulty taking down as an accurate record. So we should avoid using words like "uh-huh" or those kind of words that might have a different meaning. So let's try to use "yes," "no," things like that. Is that okay?

A I'll do my best.

Q Okay. And if we hear a grunt, we might ask you to explain what that is. Okay?

A (Nods head.)

Q Now, I'm going to be asking you questions, and it's very important that we have a mutual understanding of what the question is so that you can have a complete answer and then I can understand what your answer is. So if you have any doubt what my question is, please ask. This is more of a conversation than a cross-examination. That's for later at trial if we ever get to that, but this is just more of my asking open-ended questions, getting information from you and moving on. Do you understand that?

A Okay.

Q Okay. And after we're done with this, the court reporter will prepare an electronic transcript and provide you with a copy to review. You are able to make changes to your answers, but if you do make changes, then I can comment on the fact that you gave one answer first and changed the answer when you reviewed the transcript. Do you understand that?

A Yeah.

Q Okay. And you understand you're under oath to tell the truth during this deposition; is that right?

A Yes.

Q Okay. Another key thing that your wife and I battled over was allowing me to finish my question before you answer. So that way the court reporter can take down -- she won't have to hear overlapping conversations. So let me get my -- finish my question and then you can provide your answer. Do you understand that?

A Yes.

Q Can you first provide me with just a very brief summary of your education and employment history up to the time of about 2010.

A I graduated from Wooster High School. I've been in the trades my whole life since before I graduated as a carpenter, and all phases. That's what

I've done my whole life.

Q Okay. And what year did you graduate from Wooster?

A '79.

Q Okay. And starting in 2010 -- let me strike that again. When did you meet Ms. Keller?

A I'll get this date wrong.

Q And we will not tell her that you're struggling with this question.

A We've had a 20-year anniversary, so it would have been two years before that, so you can backtrack 22 years.

Q So about 22 years ago?

A Yeah.

Q Okay. And at that point what was your employment when you met her?

A Carpenter.

Q And who were you working for?

A Priceless Realty. I mean Priceless Construction.

Q And Priceless Construction, as I understand it, is owned by your brother Rick Keller; is that true?

A Yes.

Q Okay. And how long had you been working for him?

A At that time I think about five months.

Q And what had you been doing before that?

A General contractor.

Q For another employer?

A No. I was a general contractor.

Q You were -- it was your own business?

A Right.

Q And was there a name for that business?

A Keller Construction.

Q And at that point did you have a general contractor's license?

A I had what they call an A-1 license.

Q Can you explain to me what an A-1 license is?

A That means I could build anything and do anything. I could build an airport or a bridge or whatever you want. That was in the state of Montana. So it's a little different than here.

Q So when you say your experience was in carpentry, is that general carpentry or was there a specific kind of carpentry that you specialized in?

A Everything dealing with carpentry. I've stepped into just about all of it. So when I say that, I've done log homes, I've done stick-builts. I had one of the original manufactured housing licenses in the state back where they -- where I could rebuild it, I

could take it down to the frame and bring it back up. I have an electrical contractor's license. And then mortise, mortise framing.

Q Okay. All right. So the general contracting business, Keller Construction, that was in Montana?

A Um-hum.

Q I'm sorry.

A Yes.

Q And then when you moved back to Northern Nevada, you went to work with Priceless Construction?

A Yes.

Q Okay. How long did you work for Priceless Construction?

A I'm not sure. Off and on forever. Priceless Construction was owned by my dad and my brother at the time, so it's family.

Q So you've worked for them on and off --

A When I'm not doing my own work.

Q Okay. Let me just -- let me spit the question out and then you can correct me, jump in, whatever you'd like to do. Okay?

A Okay.

Q All right. Let's start with -- what you have before you is a pile of exhibits, documents that I provided to Ms. Keller and we have marked with

different exhibit numbers. They're stacked in highest to lowest number. We're going to in this deposition utilize these as well as additional documents. So when I ask you to refer to an exhibit number, it will be either those in front of you or ones that I hand you. Okay?

A Okay.

Q All right. So if you could take Exhibit 17, please. Take a look at that, familiarize yourself with that document.

A Okay.

Q Are you generally familiar with Exhibit 17?

A I am right now.

Q Okay. And do you recognize this document?

A Yes.

Q And what is it?

A It's the management agreement that I came together with Comstock Mining and the foundation.

Q I'm sorry. I don't see the foundation in the document.

A Well, the foundation isn't on here, but the whole purpose of this is to do historical work. So the funding comes out of Comstock Mining to Storey County. That one percent went to the Comstock Foundation, but the foundation I don't believe was set up yet, so they

had to set it up. So this contract got me to where I could start doing the work.

Q Okay. How did this contract come about? Can you explain to me how? Did you answer an RFP, request for proposal, or how did -- how did you and CMI agree to enter into this contract?

A I believe this is from -- I had previously done some work for them. And they were moving forward with doing some historical work, and that's how that came about.

Q Okay. So what was -- you had previously done some work for them. Can you describe what that was?

A I worked on a project in Lyon County that was an old mill there, the Dayton --

Q The Dayton Consolidated Mill?

A I think we just call it the Dayton. I don't know if that's -- that's what I called it was the Dayton.

Q We'll call it the Dayton Mill. And can you describe your work on the Dayton Mill?

A Well, my brother did the work. I did the -- I found out the stuff that was going on there by going through -- going through the building I noticed a bunch of stuff that was wrong and was falling down. So then they brought my brother in who had the license. So I

oversaw the work getting done. My brother was the contractor.

Q And who were you paid by?

A I was paid by Comstock.

Q Okay. You were paid with -- did you have a contract with them or --

A Yes.

Q And was it this contract or was it -- and I'm pointing to Exhibit 17.

A The one before this.

Q So there's another contract before this one?

A Yes, I think so.

Q I'm going to ask you to look at Exhibit 4. Can you familiarize yourself with that one?

A Okay. I've got my contracts -- I'll state that right now. I've got the contracts backwards, because I got my dates wrong. So this would have been the one.

Q I'm sorry to interrupt. When you say "this," you're referring to the Exhibit 17?

A 17 would have been the Dayton -- yes, 17 was the Dayton. That brought me into the -- Exhibit 4 was the one afterwards. So this is the one that I was talking about with Dayton was Exhibit 17.

Q Okay. And the beginning date of that contract, I believe, is January 1, 2012. Is that correct?

A Yes.

Q So had you done any work on the Dayton or other projects for Priceless or CMI in the area?

A No.

Q So you hadn't performed any work for Priceless Construction on any sort of emergency repair or anything prior to the execution of this contract?

A I'm getting my dates all screwed up here. There was an emergency repair, but I thought that was under this.

Q Okay.

A I just have to go back in my memory as good as I can.

Q That's fine.

A I can tell you what I did.

Q We'll get to that. Can I just interrupt you for a second?

A Sure.

MR. MARSHALL: Do you mind if I ask the deponent to remove his earpiece?

BY MR. MARSHALL:

Q Do you mind?

A No. I didn't know I was wearing it. I'll shut my phone off too.

Q Stranger things have happened.

A I didn't -- I didn't even realize I was wearing it.

Q Okay. Why don't you describe your work, the first work, you did for CMI or Priceless Construction within CMI's restoration job.

A The first thing I did was the Dayton.

Q Okay. And when you say -- what was involved with that?

A Well, a wall had blown over. There was -- I don't know what it's called, but it's a -- it's like a chute that comes down from the hill that comes up on a conveyer belt into the mill. That chute was coming down. A bunch of the metal had flown off the roof, so it was rotting in a bunch of places, so a bunch of the timbers were failing. And so we went through and identified everything that needed to be done.

Q Okay. During your wife's deposition she testified that you guys were on a mine tour and you had identified and actually recommended that they get outside the building because of concerns of safety within the Dayton Mill. Do you remember that?

A Yes.

Q Was that your first contact or your first time at the Dayton Mill?

A Yes.

Q Had you been on any other properties, mining properties, associated with CMI before that?

A I don't think so.

Q So that --

A I might have been -- excuse me. I might have been to like announcements or something like that, but I'm not sure.

Q Okay. For the purposes of these contracts, was that your first contact with CMI regarding doing work for them?

A Yes.

Q Okay. And what was the next contact with CMI regarding Dayton or any other work for them after the tour?

A After the tour they said that they -- after I told them about everything, they said, "What can we do about it?" I recommended Priceless Construction to go do the work, get the emergency done. I called up the county. The county said that they would work with me to get it done immediately as far as permitting and everything else. So I coordinated that with them and that's what we did.

Q When you say "coordinated with them," who were you --

A Coordinated with Lyon County to make sure the

permitting process -- because it was an emergency fix, and coordinated with Priceless Construction to get them out there.

Q To do the work?

A Right.

Q Okay. So do you remember how the chain of contact happened? You were there at the tour. You gave -- you know, you told somebody about these problems. What was the next contact? Did they reach out to you?

A Yes. And I believe it was Doug McQuide.

Q Okay. So you did not solicit work from them, they reached out to you?

A Right.

Q And so for any of these contracts or agreements was there -- did you ever respond to a request for proposals or an open public process for competing for this work?

A I don't think so. They might have interviewed other people. I didn't.

Q But you weren't aware of any effort to do any of that?

A No.

Q Okay. So the genesis of your first contract with CMI was through the repair work that you

identified and then they contacted you regarding the Dayton Mill?

A Right.

Q Okay. Let's start with Exhibit 17. It lists on the first paragraph there your name of Priceless Realty, Keller Consulting.

A Right.

Q Why are those names in the contract, the Priceless Realty and Keller Consulting? It's not a trick question. It's just trying to figure out corporate ownership, et cetera.

A That's what it was is it was our business.

Q So this was a contract with your business. And were they separate businesses or are they really just operating as one or --

A We had Priceless Realty. And you're getting me on the business part of it. And that would be -- Vida would be the one to answer those. But we put Keller Consulting into that. So it's the same bank account, I guess.

Q Okay. So --

A I don't know --

Q Let me just -- your wife during her deposition kind of testified that you did the work, she handled the business side. Would you agree with that?

A Overwhelmingly. I don't -- I don't cash checks. I don't do anything.

Q So she was the one who received all the checks, cashed the checks, maintained the books on kind of the business side of Priceless Realty and Keller Consulting?

A Right.

Q Okay. Now, under the time of this first agreement which is from January -- date of January 1, 2012, how long did this contract last, do you recall?

A Let's see if there's an ending date on it, because it only went to whatever -- I have no idea. But I know it ended.

Q If you look at Exhibit 4, which is right there, that's the next contract; is that accurate?

A Yes.

Q And when was the beginning date of that contract?

A First of May 2013.

Q Okay. So did this contract, Exhibit 17, run from January 1, 2012, to the beginning of the next contract which was --

A No.

Q So there was a gap between the two?

A Yeah.

Q Okay. Why was there a gap between the two?

A Because there wasn't anything for me to do. They were setting up their foundation and stuff. This was emergency stuff that they wanted me to do. And once that was -- then I went around and looked at their other stuff that was historic in nature, if it had any emergency stuff. If there wasn't anything to be done, they were still setting it up, so then they stopped that and I was off the thing. So then they brought me back because they were starting new developments.

Q Okay. Do you know when this contract ended, when you ended this contract?

A I have no idea. The easiest way for me to get definitive would be to look at the paid stuff of when they stopped paying me. That's when it ended.

Q Okay. Can you look on Exhibit 17, that contract. On page 2 down at the bottom where it says Fee Schedule, about the fourth line down, it says, "with an initial retainer of $5,000 due upon acceptance of said agreement." Do you see that under Fee Schedule No. 1 on page 2?

A Okay. Yeah.

Q Okay. Would it be fair to characterize this contract as a retainer contract, they paid you $5,000 a month for the emergency work that you were doing for

them?

A Until the work was done. So they terminated it as soon as it was done, I believe, or they might have honored the contract up to a year.

Q Okay.

A But the work I did was to this. So once it was done, I wasn't doing anything.

Q Okay. Did you ever submit any time records for them in terms of the hours, the number of hours, that you worked?

A Not that I'm aware of unless they asked. I would have to look date back, I guess. If there's anything to do with grants, then there would have been any time on those, that you would fill out a form that said this much time went into it, because you have to put so much time into it to make the grant work. So then there would have been not of what I did on the day but how much I did on that project.

Q Okay. But you didn't --

A But this wasn't -- this wasn't -- I don't even believe this was owned by Comstock, the Dayton, at the time.

Q So, in other words, you didn't keep daily hourly records for time records?

A No.

Q Did you submit to them any monthly reports of work done?

A No. I just talked to them. If you look at what I do, I don't submit a lot of stuff.

Q That's fine. We had been produced some records. I just wanted to make certain that there was no -- other than the monthly time reports that we have a few, I think, from the next contract in 2015, those were the only ones we could find that you had -- that were produced to us that you had submitted. Is that your recollection, that you hadn't produced any others?

A No. I was -- I was -- I answered to them, you know, as far as I had to do work.

Q Yes.

A But I just told them what I was doing.

Q Just in terms of written records, that's all I'm asking.

A No written.

Q Okay. Thank you.

Okay. So at the time you were working under Exhibit 17 for the emergency repairs at Dayton Consolidated, did you have any licenses from the State of Nevada?

A Pertaining to this?

Q Correct.

A No.

Q Let's say generally.

A Yes.

Q And what license was that?

A I had a manufactured housing license.

Q And did you refer to that earlier when you said you could bring down the manufactured to the ground and rebuild it essentially?

A Yes.

Q So rebuilding license for manufactured homes?

A Right. Well, a rebuilder's license in manufactured housing at that time was -- they call it a rebuilder's license, but it was the top of the line of manufactured housing. In other words, you could do anything. It sounds like you're doing a remodel. It's not. It's the opposite of that. It means that you can do anything to a manufactured home, set a brand-new one, do anything that anybody else can do, do all the heating and air conditioning and everything else, except everyone else has a separate license. That license covers all of them.

Q Okay.

A At that time. They've since changed.

Q So that was the one license you held for the work you -- but it wasn't necessary in your opinion for

the work done under Exhibit 17?

A No. I believe I had a business license. I'm thinking licenses as contractor's license.

Q That's what I'm referring to.

A Okay. Because I'm sure I had a business license. Those type of licenses that you have to carry, I'm sure I had those.

Q Okay. If you could go back to Exhibit No. 4, this one. Let me make certain I've got the right one. Can you -- do you -- I think we've already said -- do you recognize Exhibit No. 4? Are you familiar with that document?

A I'm getting refreshed with it. Again, I haven't seen this since 2013 or '14 -- '13 when it was made. So I'm pretty familiar with it, but I just read it.

Q Okay.

A It's not fresh in my mind.

Q And did you draft this document?

A Yes.

Q Exhibit No. 4. Had you drafted other contracts before?

A Yes.

Q And how many had you drafted before?

A I have no idea. Enough to be in construction

for ten years as a general contractor.

Q Did you use a standard form?

A Yeah. And I just -- and normally I would just put in there -- I'm not a lawyer, so I don't -- it might not be right, but I put in there what I think should be in there. So that's how it came about. And if no one argued, then we moved forward.

Q Okay. Can you look down at No. 15 on Construction Consultant's Role and Responsibilities.

A Yes.

Q That would have been your -- you were the construction consultant; is that correct?

A Right.

Q And No. 15 says, "Construction consultant shall carry OSHA 30 and MSHA certificates."

A Yes.

Q Did you obtain those, proof of the OSHA 30 and MSHA certificates?

A Yes.

MR. MARSHALL: And did we -- I don't think those were produced.

MS. ZIMMERMAN: I'm not sure.

MR. MARSHALL: I didn't see them.

MR. RYE: John, you said the OSHA 30. And what was the other one?

THE WITNESS: MSHA.

MS. ZIMMERMAN: MSHA.

BY MR. MARSHALL:

Q What does MSHA stand for?

A Mining safety hazardous something. It's for mining.

Q Mining related?

A If you go onto a mining property, you have to be MSHA. So any historic building in the Comstock historic district that's on mining property, you have to carry MSHA. And just about all the historic stuff is on a mining property.

Q Okay. So this is for the period -- if you look on page 2 under Fee Schedule --

A Yes.

Q -- it looks like it's between April 2013 and April 30th, 2015. Is that correct?

A From May 1st to -- what was your question again?

Q How about if I put it this way? This was a two-year contract looking like starting May 1, 2013, through May 30, 2015. Would you agree with that?

A Yes.

Q Under this contract did you produce any -- excuse me -- did you keep any hourly records of the

work performed?

A Again, I produced it when they needed it for their documentation. I didn't go out and do that as a standard thing.

Q So you didn't do it for all work performed under the contract?

A Not for all work, no.

Q Okay. Did you produce any monthly reports of work accomplished in a written fashion?

A I don't think so. If they needed something written on what I accomplished on something, I would gladly give it to them.

Q So they would initiate asking for a written report?

A Right. Usually -- well, what was done or whatever, if I just told them, then I think that would be fine, but if they needed something written for documentation, then I would provide that.

Q So you did not do that as a matter of course, producing monthly or whatever time interval reports to them, you responded to their requests for reports?

A Right. And when I'm talking about that, I'm talking about going through the foundation. And for the most part most of my reporting was not only to the foundation, it was to Storey County. That's the ones

that were responsible for the -- the money went to the foundation on an agreement with Storey County for the foundation. So a lot of this work that I did was for county historical -- for stuff that the county approved.

Q Okay. The monthly fee or retainer for your services under this contract was $7,000.83 -- excuse me -- $7,083 and the amount under contract 17 was for $5,000. Can you explain why the cost went up by over $2,000?

A I wanted more money.

Q So you said, "I want to be paid more"?

A Yes.

Q Okay. If you could look back at Exhibit 17. And on page 2 under Fee Schedule, No. 2 --

A Um-hum.

Q -- it says, "The Company agrees to pay in addition to yearly base fee upon construction five percent of the cost of construction for above outlined construction phase duties of the construction project manager." What is your understanding of that clause?

A I think it was when I accomplished the project that they set forward that I would get paid five percent more as a fee for the completion of the

project.

Q And that was five percent of the cost of construction?

A Cost of that project, whichever that project would be.

Q Okay. And were you ever paid money under this clause to your knowledge?

A I don't think so.

Q And why was that? Was there any construction done under this clause?

A No, because we just did that emergency thing, so it would have been that, so I don't think it was charged.

Q It was just the one emergency repair that Priceless Construction did?

A Right. And so they did the thing and I basically oversaw the project. So I don't think we held them to that.

Q So the --

A I don't think. I mean, ask Vida if I got paid.

Q She would know?

A She would know. I would not know.

Q I'm going to have this marked even though I think I know what your answers are going to be.

(Exhibit 18 was marked.)

BY MR. MARSHALL:

Q Can you look at Exhibit 18, please.

A Well, if you had this, you would have known some of those other answers. Go ahead.

Q Have you looked through all three pages?

A Okay.

Q Okay. Let's start with page 1 which is a 1099-Miscellaneous tax form for 2013 from Comstock Mining to Keller Consulting. So this would have been for work performed under Exhibit 17 or 4, do you know?

A What's the date?

Q It's a 2013 form.

A I don't know. You would have to ask Vida on that.

Q So for all questions regarding these 1099s, it's better to direct those to Vida than to you?

A Yes. She would know.

MR. MARSHALL: We didn't get a 2012 or 2011.

MS. ZIMMERMAN: Okay.

MR. MARSHALL: Can you try to track those down?

(Exhibit 19 was marked.)

BY MR. MARSHALL:

Q Can you take a look at Exhibit 19 and familiarize yourself with that.

MR. RYE: That's 19?

MS. ZIMMERMAN: Yeah.

BY MR. MARSHALL:

Q Okay. Have you had an opportunity to look at Exhibit 19?

A Yes.

Q And can you describe for me what it is?

A It looks like they're trying to finish up the contracts with Priceless, labor contract with Priceless Construction.

Q And what was the labor contract with Priceless Construction for?

A Restoration of the Yellow Jacket.

Q So this was for restoration of the Yellow Jacket. And so this was in 2013, September 8th of 2013, so that would have been under -- you're operating under your contract No. 4? Would that be correct, Exhibit 4?

A Yes.

Q Okay. So Priceless Construction did the work on the Yellow Jacket -- I'm going to butcher it -- headframe?

A Yes.

Q And how were they awarded that contract?

A Through me.

Q So you made the decision to --

A Well, I made the recommendation and the foundation hired them. I didn't sign contracts.

Q So you recommended to whoever paid the contract to work with Priceless Construction?

A Yes.

Q Did you seek bids from any other company?

A I don't recall if I did.

Q Would you have normally?

A Not for that price.

Q And can you explain to me why that is?

A A hundred thousand dollars to redo that was extremely cheap.

Q So you thought you wouldn't get a better price?

A I wouldn't have got a better price.

Q Again, Priceless Construction at that time is owned by your father and brother?

A It might been owned by my brother at that time.

Q But it was your family-owned business?

A Right. My father had passed away, I think. I'm not sure of the date.

(Exhibit 20 was marked.)

BY MR. MARSHALL:

Q I've handed you Exhibit 20. If you could take a moment and review that.

A Okay.

Q I've got to wait to get my copy back.

MS. ZIMMERMAN: Sorry.

BY MR. MARSHALL:

Q Okay. You've had an opportunity to examine Exhibit 20. Can you describe to me what that is?

A Well, they asked for a monthly report for my activities. And since I didn't actually do a reporting, I gave them what I felt was a summary of what I did, what I was up to. As you can see, it's spread out over a bunch of different things.

Q So that would be -- your report is contained in the Wednesday, April 29th, 2015, email from you to Ron?

A To Ron.

Q Okay. Do you know why they were asking you for this report --

A No.

Q -- in April of 2015?

A No. Probably because there was so many things going on. Previous to that we worked on one thing at a time. And it got to the point of there was a whole bunch of stuff going on, so I was doing a little bit here and there. And I know there was a big push to get the railroad depot done.

Q So Exhibit 20 would be an example of the report that you would prepare if someone asked you for one?

A I could probably get more into hours and stuff. This is more of a summary.

Q Do you remember ever producing for them a report that had hours associated with it?

A I don't know if I did it with them or if I did it to the grant like I did it for Storey County. So I gave them -- whatever form they asked me to fill out, I filled that out and gave it back to them.

Q Did you ever retain a copy of that --

A No, I didn't need it. My contract wasn't with them.

Q Let me just get those questions out. So go ahead.

A So if there was -- like at Saint Mary's they needed a ten percent match. The foundation would match whatever grant Storey County had to do the project. So the foundation along with the grant would get it done.

Q So the paperwork you provided went to --

A The administrator of the grant.

Q Which would be Storey County?

A Right, of whoever was covering that grant at that time.

Q Okay. So you never kept a copy of that nor did you provide a copy to Comstock Foundation for History and Culture?

A No. They didn't need it and the other people did. I could get it. I mean, I could have gotten one if I wanted it, or anybody. It wasn't a big deal.

Q So you would just go to Storey County and request those documents?

A Or I could have just copied it, I mean, not a big deal, but no one asked me for it, so I didn't provide it.

Q Okay. Looking at Exhibit 4, the contract from 2013 to 2015, during that time period what, if any, licenses in terms of contracting or construction or carpentry did you hold from May of 2013 through, I think, April of 2015?

A It would have just been the manufactured housing.

Q So the same license you had under the prior contract?

A Right. Otherwise I would have done the work.

Q So you couldn't have -- let me ask. Can I ask you to clarify your answer, please?

A I couldn't have -- I couldn't have been a general contractor without a license. I can do the work. Any work I can do that doesn't require a general contractor's license I can do.

Q And can you give me some examples of that? Did

you do that kind of work under these contracts?

A You can do any kind of work that a handyman can do. Okay. So if a wall needs to be painted, I can go paint that wall. I don't need to hire a contractor to paint a wall. So I could have done that for the foundation. But when you get into structural stuff, then they want a licensed contractor to perform that work.

Q And that's when you had to hire someone else to do that work?

A Right.

Q And that would have been Priceless Construction?

A Right.

Q Okay. During the time you were working under these two contracts, Exhibit 4 and Exhibit 17, so that would have been from 2012 to 2015, did you have any outside sources of income other than the payments under these two contracts?

A No. I was -- well, on this one, yes. Well, I don't know. But definitely not on this one.

Q When you say "this one," you're referring to Exhibit No. 4?

A Whenever these were in existence, I only worked for them. No outside money coming in when these were

in existence I do not believe.

MR. MARSHALL: Why don't we take a five-minute break and hopefully we'll be able to wrap up pretty soon.

(A recess was taken.)

BY MR. MARSHALL:

Q I only have a couple more questions. Did you attend the January 2nd, 2014, hearing on Comstock Mining, Inc.'s land-use applications?

A I don't know.

Q Do you remember -- that was the hearing in which your wife, Vida Keller, made her disclosure. Do you remember hearing that verbally? Do you remember going to a public --

A I would think I was there. Chances are I was probably there, but I don't know that. I would say there's probably about an 80 percent chance I was there, because I attended a lot of the county commissioners' meetings.

Q Okay. She also testified that she had met maybe a day or two before with Joe Mortensen and Jeff Page, the county manager, to discuss a proposal that she had to remove some of the land that was zoned -- that CMI wanted zoned. Do you remember attending that meeting?

A I wouldn't have attended that meeting. I would have been -- if anything -- if I was there, I wasn't in the meeting, because that meeting would have been commissioner business, not --

Q Okay.

A If you want to talk town board, that's me, but not commissioner stuff.

Q Okay. That's it. Thank you very much.

So like I said in the beginning, the court reporter is going to email you --

MS. ZIMMERMAN: I do have a couple questions --

MR. MARSHALL: Okay. Excuse me.

MS. ZIMMERMAN: -- before we get there.

EXAMINATION

BY MS. ZIMMERMAN:

Q There was some discussion about the different projects that you did under these contracts. Can you -- and this is going to be kind of open ended, but can you give us sort of a list or a rundown of the different buildings you worked on and the projects that you did on those buildings?

A Well, the major project was the restoration project of the Yellow Jacket. That was the huge one. But then the other projects that we worked on was Saint Mary's arts and culture -- yeah, I think it's arts and

culture. It's the arts building. We redid the floors in there, took out a water tower from the third floor, redid the steps going into it.

Fourth Ward School, we went through and re-weatherized everything from the outside. I was there for quite a while, but I'm trying to think of everything that I did. We replaced a bunch of the trim. Cosmetic stuff at the Fourth Ward besides the weatherstripping.

The depot, railroad depot, in Gold Hill, redid the plumbing in it and went through with the architectural contractor, the historical architectural contractor, to prepare it for a bidding process for Storey County. So that one went out to bid for Storey County, but as part of the process of identifying what needed to be done with -- Mercedes was her name.

I went through every -- I think just about every -- everything from little firehouses that were up there to anything and made a recommendation or a list of things that needed to be done on each one. And any spare time I had, that's what Storey County had me do. So it wasn't -- I didn't get a day off if you look at it that way. I had to -- if I didn't have something that I was doing, do some work on that other stuff.

I went down to the -- I'm trying to think of the

name of it -- Donovan in -- Stamp Mill in Silver City. That was caving in. I did a bunch of work there removing ore from the ore bins that were still full and shoring up underneath it, shoring up the roof structure across the roof structure. Boy, it's just hard to remember everything.

Q Okay.

A There wasn't a day off the whole time. But I enjoyed it. It was -- you don't get many opportunities being a carpenter to do stuff that they want you to keep forever compared to tear it down next week to build something new. So I enjoyed it.

MS. ZIMMERMAN: I don't have any other questions.

MR. RYE: I don't have any questions.

MR. TOWNSEND: No questions.

EXAMINATION

BY MR. MARSHALL:

Q Okay. Now we're done. So the court reporter will email you an electronic transcript. You'll have an opportunity to review like we talked about ahead. Then you can make any changes, but again with the admonition that I can comment.

A Well, like right now, I would just state that anything that had to do with financial matters I might be misspoken, because, like I say, I don't handle

those. Vida does.

Q So Vida handled all of the financial stuff for Keller?

A Right. I did the contracts, but once I got paid, that went to her. And as far as you were asking a bunch about licensing, I'm sure I had all the proper licensing that I needed to do the work that I needed to do, but the reason -- and I explained why the reason was that we brought in a general contractor instead of me actually doing the work is because that would have been a different license.

Q Correct. And just --

A That's it.

Q Last question. So did you hire any other contractor besides Priceless Construction to do the work under these contracts?

A Okay. I didn't hire any contractor, but I recommend recommendations.

Q Did you recommend --

A Yes.

Q And can you briefly describe that?

A Well, for masonry work I believe it was Dondelinger out of Dayton.

Q And why would you -- excuse me. Did Priceless Construction do masonry work?

A No. So it would be a separate thing of whatever needed to be done. So like if -- I believe I got some bids for some roofing from roofing contractors, some for painting contractors for doing -- I forget what the name of that building is down on the left, but another historic building. But the reason why I wouldn't go with the -- we had to go through it with the painting contractor is because of the lead abatement. Because of the old paint, it all has lead in it, so you have to be able to abate that.

Q And Priceless Construction couldn't do that?

A They didn't want to. Priceless Construction did everything under cost, so it was kind of a favor. And they wanted their name to be part of that historical thing. It wasn't -- that wasn't -- they weren't there to make money and they didn't want to take on those kind of projects with abatement that is a money -- it's a money maker for the guys that do it, but they do it professionally.

Q Okay. Thank you.

(The deposition was concluded at 2:45 p.m.)

--o0o--

STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

I, LORI URMSTON, a Certified Court Reporter in and for the State of Nevada, do hereby certify:

That on Tuesday, the 20th day of March, 2018, at the hour of 1:37 p.m. of said day, at Sunshine Litigation Services, 151 Country Estates Circle, Reno, Nevada, I reported the deposition of JAMES SCOTT KELLER in the matter entitled herein; that said witness was duly sworn by me; that the foregoing transcript, consisting of pages 1 through 42, is a true and correct transcript of the stenographic notes of testimony taken by me in the above-captioned matter to the best of my knowledge, skill and ability.

I further certify that I am not an attorney or counsel for any of the parties, nor a relative or employee of any attorney or any of the parties, nor financially interested in the action.

DATED: At Reno, Nevada, this 22nd day of March, 2018.

Lori Urmston

LORI URMSTON, CCR #51

Form **1099-MISC** ☐ CORRECTED (if checked) (keep for your records)

PAYER'S name, street address, city or town, province or state, country, ZIP or foreign postal code, and telephone no.	1 Rents	OMB No. 1545-0115	**Miscellaneous Income**
COMSTOCK MINING LLC PO BOX 1118 VIRGINIA CITY NV 89440 (775) 847-5272 132	$ 2 Royalties $	2013 Form 1099-MISC	38-2098803 Department of the Treasury — IRS
	3 Other income $ 63747.00	4 Fed. Inc. tax withheld $	**Copy B For Recipient**
PAYER'S federal identification number 5386	RECIPIENT'S identification number 2040	5 Fishing boat proceeds $	6 Medical and health care payments $	
RECIPIENT'S name, address, country, and ZIP or foreign postal code KELLER CONSULTING PO BOX 201 SILVER SPRINGS NV 89429		7 Nonemployee compensation $	8 Substitute payments in lieu of dividends or interest $	This is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if this income is taxable and the IRS determines that it has not been reported.
		9 Payer made direct sales of $5,000 or more of consumer products to a buyer (recipient) for resale ▶ ☐	10 Crop insurance proceeds $	
		11 Foreign tax paid $	12 Foreign country or U.S. possession	
Account number (see instructions) 948156928		13 Excess golden parachute payments $	14 Gross proceeds paid to an attorney $	
15a Section 409A deferrals $	15b Section 409A income $	16 State tax withheld $	17 State/Payer's state no.	18 State income $

FEIN/SSN 800-457-6888

EXHIBIT
18
3-20-18 J. Keller

Form **1099-MISC** ☐ CORRECTED (if checked) (keep for your records)

PAYER'S name, street address, city or town, state or province, country, ZIP or foreign postal code, and telephone no.	1 Rents	OMB No. 1545-0115	Miscellaneous Income
COMSTOCK MINING LLC PO BOX 1118 VIRGINIA CITY NV 89440 (775) 847-5272 134	$ 2 Royalties $	2014 Form 1099-MISC	38-2088803 Department of the Treasury -- IRS
	3 Other income $ 86479.56	4 Federal income tax withheld $	Copy B For Recipient
PAYER'S federal identification number '5386	RECIPIENT'S identification number)2040	5 Fishing boat proceeds $	6 Medical and health care payments $	
RECIPIENT'S name, address, ZIP/postal code & country KELLER CONSULTING PO BOX 201 SILVER SPRINGS NV 89429	7 Nonemployee compensation $	8 Substitute payments in lieu of dividends or interest $	This is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if this income is taxable and the IRS determines that it has not been reported.
	9 Payer made direct sales of $5,000 or more of consumer products to a buyer (recipient) for resale ▶ ☐	10 Crop insurance proceeds $	
	11	12	
Account number (see instructions) 948156928	13 Excess golden parachute payments $	14 Gross proceeds paid to an attorney $	
15a Section 409A deferrals $	15b Section 409A income $	16 State tax withheld $ $	17 State/Payer's state no.	18 State income $ $

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Form 1099-MISC ☐ CORRECTED (if checked) (keep for your records)

PAYER'S name, street address, city or town, state or province, country, ZIP or foreign postal code, and telephone no.	1 Rents	OMB No. 1545-0115	Miscellaneous Income
COMSTOCK MINING LLC PO BOX 1118 VIRGINIA CITY NV 89440 (775) 847-5272 134	$ 2 Royalties $	2015 Form 1099-MISC	38-2099803 Department of the Treasury — IRS
	3 Other income $	4 Federal income tax withheld $	Copy B For Recipient
PAYER'S federal identification number: 5386	RECIPIENT'S identification number: 2040	5 Fishing boat proceeds $	6 Medical and health care payments $	
RECIPIENT'S name, address, ZIP/postal code & country KELLER CONSULTING PO BOX 201 SILVER SPRINGS NV 89429	7 Nonemployee compensation $ 56664.00	8 Substitute payments in lieu of dividends or interest $	This is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if this income is taxable and the IRS determines that it has not been reported.
	9 Payer made direct sales of $5,000 or more of consumer products to a buyer (recipient) for resale ▶ ☐	10 Crop insurance proceeds $	
	11	12	
Account number (see instructions): A127	FATCA filing ☐	13 Excess golden parachute payments $	14 Gross proceeds paid to an attorney $	
15a Section 409A deferrals $	15b Section 409A income $	16 State tax withheld $	17 State/Payer's state no.	18 State income $

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HIGHSPEED NETWORKS

Scott Keller <keller@hsne50.com>

Yellow Jacket

6 messages

Scott Keller <keller@hsne50.com> Sun, Sep 8, 2013 at 3:25 PM
To: Ron James <ron@comstockfoundation.org>

Ron,
Attached is the labor contract with Priceless Construction, Please review and sign. I will get a signed copy from Priceless Construction back to you.
Attached is the equipment rental contract with United rentals, Please review and sign and I will order the delivery of the equipment.
Priceless construction will be working 40-60 hours per week as to get full value of the equipment rental.
The account with White Cap construction supply has not been established could you check with accounting and open the account? I need to order the sonotube and post base supports for Chute repair along with delivery of a 32' Scaffold plank to work under the safety platform and above the open mine shaft.

Call or email me if you have any questions.
Thank You,
Scott Keller

EXHIBIT 19 3-20-18 J. Keller
PENSAD 800-631-6989

2 attachments

Comstock_Final[1].docx
15K

RENTAL[1].pdf
42K

Ron James <ron@comstockfoundation.org> Sun, Sep 8, 2013 at 4:05 PM
To: Scott Keller <keller@hsne50.com>

Hi Scott,

I can print these and have signed originals to you by Tuesday if that works for you.

We'll need to watch the budget to make certain we don't exceed $100,000, which is our limit for the project. These items look great.

Thanks for all you are doing on this,

Ron

[Quoted text hidden]

Scott Keller <keller@hsne50.com> Sun, Sep 8, 2013 at 5:45 PM
To: Ron James <ron@comstockfoundation.org>

Ron, I am making some small revisions to the contract and I will send it to you, please disregard the contract I sent earlier.
I will be out of town on Tuesday so I will get the originals when I get back.
Thank You,
Scott Keller

[Quoted text hidden]

Ron James <ron@comstockfoundation.org> Sun, Sep 8, 2013 at 5:57 PM

To: Scott Keller <keller@hsne50.com>

Sounds good. Let me know when you'll be back and I'll bring them to you.

[Quoted text hidden]

Scott Keller <keller@hsne50.com> Mon, Sep 16, 2013 at 9:38 PM
To: Ron James <ron@comstockfoundation.org>

Ron,
Here is the signed contract from Priceless Construction, Please sign and send back.

[Quoted text hidden]

Priceless_Contract_Foundation[1].pdf
256K

Ron James <ron@comstockfoundation.org> Tue, Sep 17, 2013 at 10:35 AM
To: Scott Keller <keller@hsne50.com>

Hi Scott,

Attached is the contract. I can bring a hard copy up on Thursday if you need it; I plan to take photos that day.

How is it going? I saw from a distance yesterday, and it looked like you had the NE upright removed. I hope it is going well.

Thanks,

Ron

[Quoted text hidden]

Yellow Jacket contract 9 2013074.jpg
328K

Keller 0239

JA 1168

Scott Keller <keller@hsne50.com>

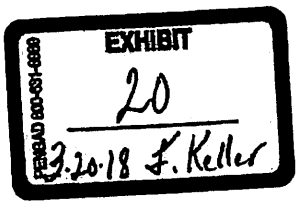
Monthly reports

3 messages

ron@comstockfoundation.org <ron@comstockfoundation.org> Wed, Apr 29, 2015 at 8:40 AM
To: Scott Keller <keller@hsne50.com>

Hi Scott,
Corrado would like monthly reports on your activities. Can you let me know the projects you have worked on in April and what you have completed this month?

Thanks,
Ron



Scott Keller <keller@hsne50.com> Wed, Apr 29, 2015 at 1:29 PM
To: Ron James <ron@comstockfoundation.org>

Ron,

As you know I have attended meetings and tried working through the bid process with Storey County, regarding working at the Gold Hill railroad depot. Since our last meeting with Storey County I have removed the bathroom/storage interior and I'm working on removing the interior walls in the back addition. Due to structural concerns I have scheduled a meeting Friday morning with the Storey County building Department and Mercedes on how they want to proceed. As far as the Donovan Stamp Mill I am up to 27-30 tons of ore loaded into sandbags and have approximately 18-20 tons left to remove before I can start repairs on the back of the ore bin wall. As you know the bags are on the main level and have to be removed. I have put about four tons on the lower level and I can put the majority of ore into the backroom as soon as Lane removes his garbage out of the room. Now that the weather is warmer I will schedule in the final work at St. Mary's Arts Center to be completed next month. I have looked over the Silver City Historic Firehouse from the outside and as soon as Pam can get a key and schedule a meeting I will be able to give them a recommendation on how to proceed and what the Historic Foundation could do to help. After realizing how much Plexiglas we would need to cover the windows at the Donovan Stamp Mill and to cover the historic graffiti at the Gold Hill Railroad Depot and it would be an exorbitant cost, I reached out to Warren Tripp of Tripp Plastics. Warren got back to me this morning and has agreed to an "at cost" or lower price to contribute to the foundation. He would like to set up a meeting just to hear more about the Comstock Historic Foundation's efforts and probably a tour at a later date.

Thank You,

Scott Keller

[Quoted text hidden]

Mail Delivery Subsystem <mailer-daemon@googlemail.com> Wed, Apr 29, 2015 at 1:29 PM
To: keller@hsne50.com

Delivery to the following recipient failed permanently:

ron@comstockfoundation.org

Technical details of permanent failure:
Google tried to deliver your message, but it was rejected by the server for the recipient domain comstockfoundation.org by gol.jmil.otel.net. [209.236.67.83].

EXHIBIT 19

EXHIBIT 19

All Transactions for Keller Consulting

All Transactions

Type	Num	Date	Account	Amount	
Bill Pmt -Check	6173	05/16/2013	100000 Wells Fargo 0920	-7 083 00	X
Bill Pmt -Check	6253	05/24/2013	100000 · Wells Fargo 0920	-7 083 00	X
Bill Pmt -Check	6431	06/14/2013	100000 Wells Fargo 0920	-7,083 00	X
Bill Pmt -Check	6663	07/12/2013	100000 · Wells Fargo 0920	-7,614.03	X
Bill Pmt -Check	6684	07/19/2013	100000 · Wells Fargo 0920	-235 88	X
Bill Pmt -Check	6724	07/26/2013	100000 Wells Fargo 0920	-235 13	X
Bill Pmt -Check	6757	08/02/2013	100000 · Wells Fargo 0920	-7,083 00	X
Bill Pmt -Check	7033	09/05/2013	100000 Wells Fargo 0920	-7,083 00	X
Bill Pmt -Check	7058	09/05/2013	100000 · Wells Fargo 0920	-331 81	X
Bill Pmt -Check	7098	09/13/2013	100000 Wells Fargo 0920	-388 20	X
Bill Pmt -Check	7233	10/01/2013	100000 · Wells Fargo 0920	-7,838 39	X
Bill Pmt -Check	7349	10/11/2013	100000 · Wells Fargo 0920	-292 27	X
Bill Pmt -Check	7414	10/18/2013	100000 Wells Fargo 0920	-908 32	X
Bill Pmt -Check	7539	11/01/2013	100000 · Wells Fargo 0920	-8,354 15	X
Bill Pmt -Check	7752	11/22/2013	100000 Wells Fargo 0920	-748 80	X
Bill Pmt -Check	7783	12/06/2013	100000 · Wells Fargo 0920	-7,137 06	X
Bill Pmt -Check	8013	01/03/2014	100000 · Wells Fargo 0920	-7,083 00	X
Bill Pmt -Check	8015	01/03/2014	100000 · Wells Fargo 0920	-1,483 56	X
Bill Pmt -Check	8194	02/01/2014	100000 · Wells Fargo 0920	-7,083 00	X
Bill Pmt -Check	8434	03/07/2014	100000 Wells Fargo 0920	-7 083 00	X
Bill Pmt -Check	8653	04/04/2014	100000 · Wells Fargo 0920	-7,083 00	X
Bill Pmt -Check	8835	05/06/2014	100000 · Wells Fargo 0920	-7,083 00	X
Bill Pmt -Check	9012	06/06/2014	100000 Wells Fargo 0920	-7,083 00	X
Bill Pmt -Check	9238	07/11/2014	100000 Wells Fargo 0920	-7,083.00	X
Bill Pmt -Check	9358	08/01/2014	100000 · Wells Fargo 0920	-7,083.00	X
Bill Pmt -Check	9614	09/05/2014	100000 Wells Fargo 0920	-7,083 00	X
Bill Pmt -Check	9814	10/03/2014	100000 Wells Fargo 0920	-7,083 00	X
Bill Pmt -Check	9993	11/01/2014	100000 · Wells Fargo 0920	-7,083 00	X
Bill Pmt -Check	10206	12/05/2014	100000 · Wells Fargo 0920	-7,083 00	X
Bill Pmt -Check	10401	01/09/2015	100000 · Wells Fargo 0920	-7,083.00	X
Bill Pmt -Check	10561	02/01/2015	100000 · Wells Fargo 0920	-7,083 00	X
Bill Pmt -Check	10741	03/01/2015	100000 Wells Fargo 0920	-7,083 00	X
Bill Pmt -Check	10966	04/03/2015	100000 Wells Fargo 0920	-7,083.00	X
Bill Pmt -Check	11162	05/01/2015	100000 Wells Fargo 0920	-7,083 00	X
Bill Pmt -Check	11379	06/05/2015	100000 · Wells Fargo 0920	-7,083 00	X
Bill Pmt -Check	11553	07/02/2015	100000 · Wells Fargo 0920	-7,083 00	X
Bill Pmt -Check	11781	08/07/2015	100000 · Wells Fargo 0920	-7,083.00	X
Total				-212,642.60	

Prepared by Tim D. Smith

COMSTOCK MINING LLC 05/16/2013 Keller Consulting

Date	Type	Reference	Original Amount	Balance Due	Payment
05/16/2013	Bill	April 2013	7,083.00	7,083.00	7,083.00
		Check Amount			7,083.00

006173

100000 Banks:Wells I 7,083.00

SUPERIOR PRESS (888) 590-7998 IB1889154

INVOICE

Per contract services rendered as Construction Consultant
Starting April 30th 2013 monthly fee $7083.00

Inv # April 2013	Inv Date 5/16/13
	$
539090	$ 7083.00
	$
	$
Approved By: SW	Entered By DA

COMSTOCK MINING, LLC
05/24/2013

Keller Consulting

Date	Type	Reference	Original Amount	Balance Due	Payment
05/16/2013	Bill	May 2013	7,083.00	7,083.00	7,083.00
		Check Amount			7,083.00

006253

100000 Banks:Wells I

7,083.00

SUPERIOR PRESS (888) 590-7998 J81954747

INVOICE

Per contract services rendered as Construction Consultant
For May 30th 2013 monthly fee $7083.00

Inv # May 2013	Inv Date 5/16/13
	$
539090	$ 7083.00
	$
	$
Approved By	Entered By

COMSTOCK MINING LLC
06/14/2013

Keller Consulting

006431

Date	Type	Reference	Original Amount	Balance Due	Payment
06/01/2013	Bill	June 2013	7,083.00	7,083.00	7,083.00
		Check Amount			7,083.00

100000 Banks:Wells I

7,083.00

SUPERIOR PRESS (888) 590-7998 JB1954747

INVOICE

Per contract services rendered as Construction Consultant
For June 30th 2013 monthly fee $7083.00

Invoice 00003

June

Inv # ~~May~~ 2013	Inv Date 6/1/13
	$
539090	$ 7083.00
	$
	$
Approved By SM	Entered By DL

COMSTOCK MINING, LLC

07/12/2013 Keller Consulting

006663

Date	Type	Reference	Original Amount	Balance Due	Payment
07/01/2013	Bill	July 2013	7,083.00	7,083.00	7,083.00
07/10/2013	Bill	White House sheeting	531.03	531.03	531.03
		Check Amount			7,614.03

100000 Banks:Wells I

SUPERIOR PRESS (888) 590-7998 JB1954747

7,614.03

INVOICE

Per contract services rendered as Construction Consultant
For July 30th 2013 monthly fee $7083.00

Invoice 00004

COMSTOCK MINING, LLC

006684

07/19/2013 Keller Consulting

Date	Type	Reference	Original Amount	Balance Due	Payment
07/10/2013	Bill	00002	235.88	235.88	235.88
		Check Amount			235.88

100000 Banks:Wells I

SUPERIOR PRESS (888) 590-7998 |81954747 235.88

OFFICE SUPPLIES

DOOR HANDLE LOCK (HR OFFICE)	26.97
CAUTION TAPE (WHITE HOUSE)	15.46
TAX	16.52
TOTAL	$ 235.88

REIMBURSEMENT INVOICE # 00002

Inv # 00002	Inv Date 7-10-13
530103	$ 20.14
530150	$ 183.16
530176	$ 32.14
	$
Approved By	Entered By

220.34
5.17

COMSTOCK MINING, LLC

07/26/2013 Keller Consulting

006724

Date	Type	Reference	Original Amount	Balance Due	Payment
07/13/2013	Bill	00003	235.13	235.13	235.13
		Check Amount			235.13

100000 Banks:Wells I

235.13

SUPERIOR PRESS (888) 590-7998 IB1954747

2 23/32 X 4X8 100		
Saw blades		218.78
TAX		16.35
TOTAL		$ 235.13

Inv # 00003	Inv Date 7.13.13
	$
53100	$ 23541
22000	$ 1287
	$
Approved By	Entered By

REIMBURSEMENT INVOICE # 00003

LOWE'S NEVER STOP IMPROVING

LOWE'S HIW, INC.
430 FAIRVIEW DRIVE
CARSON CITY, NV 89701 (775) 881-2460

- SALE -

SALES#: S1024DH1 1794640 TRANS#: 43568115 07-11-13

293402 DEWALT 16PC RECIP BLADE S	29.97
7855 WELDTEC 7-1/4" 40T SAWBLD	16.98
239500 7 1/4" 36T CIRCULAR SAW B	12.97
112628 5 LB 2-1/2-IN CRS DRYWLL	21.97
12218 23/32"X4X8 T&G OSB SUBFLO	
2 @ 27.27	54.54
12181 3/8IN X 4FT X 8FT FIR SHE	
5 @ 16.47	82.35
SUBTOTAL:	218.78
TAX:	16.35
INVOICE 02715 TOTAL:	235.13
DEBIT:	275.13
CHANGE:	40.00

DEBIT:XXXXXXXXXXX5550 AMOUNT:275.13 AUTHCD:362769
SWIPED REFID:560131102402 07/11/13 11:42:11
TRACE:00594580
PURCHASE CASH BACK TOTAL DEBIT
235.13 40.00 275.13

STORE: 1024 TERMINAL: 02 07/11/13 11:42:13
OF ITEMS PURCHASED: 11
EXCLUDES FEES, SERVICES AND SPECIAL ORDER ITEMS

JA 1177

8/2/2013

Keller Consulting **7,083.00

Seven Thousand Eighty-Three and 00/100**********

Keller Consulting
PO Box 201
Silver Springs, NV 89429

Check #
00 6754

Keller Consulting 8/2/2013

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
8/1/2013	Bill	August 2013	7,083.00	7,083.00		7,083.00
					Check Amount	7,083.00

Wells Fargo 0920 7,083.00

Keller Consulting 8/2/2013

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
8/1/2013	Bill	August 2013	7,083.00	7,083.00		7,083.00
					Check Amount	7,083.00

Wells Fargo 0920 7,083.00

COMSTOCK MINING, LLC

007033

Keller Consulting

Date	Type	Reference	Original Amt.	Balance Due	9/5/2013 Discount	Payment
9/1/2013	Bill	September 2	7,083.00	7,083.00		7,083.00
					Check Amount	7,083.00

7,083.00

Wells Fargo 0920

SUPERIOR PRESS (888) 590-7998 [B1954747

INVOICE

Per contract services rendered as Construction Consultant
For September 30th 2013 monthly fee $7083.00

Invoice 00002

Sept 2012	Inv Date 9-1-13
	$
181000	$ 7083.00
	$
	$
Approved By	Entered By

COMSTOCK MINING, LLC

007058

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
8/28/2013	Bill	August282013	331.81	331.81		331.81

Keller Consulting

9/5/2013

Check Amount 331.81

Wells Fargo 0920

SUPERIOR PRESS (888) 590-7998 JB1954747

Per receipts 331.81

TAX

TOTAL

22.00

$ 331.81

LOWE'S®
NEVER STOP IMPROVING

LOWE'S HIW, INC.
375 STANLEY DRIVE
FERNLEY, NV 89408 (775) 980-4000

- SALE -

SALES#: S2661CI1 1814306 TRANS#: 88274983 08-11-13

76949 2008 CLEAR 1PK	16.98
6 @ 2.83	
SUBTOTAL:	16.98
TAX:	1.21
INVOICE 01271 TOTAL:	18.19
DEBIT:	18.19

DEBIT:XXXXXXXXXXX5550 AMOUNT:18.19 AUTHCD:703227
SWIPED REFID:274995266101 08/11/13 19:36:35
TRACE:00510282

PURCHASE	CASH BACK	TOTAL DEBIT
18.19	0.00	18.19

STORE: 2661 TERMINAL: 01 08/11/13 19:36:37
OF ITEMS PURCHASED: 6
EXCLUDES FEES, SERVICES AND SPECIAL ORDER ITEMS

THANK YOU FOR SHOPPING LOWE'S.
SEE REVERSE SIDE FOR RETURN POLICY.
STORE MANAGER: STACY BATES

WE HAVE THE LOWEST PRICES, GUARANTEED!
IF YOU FIND A LOWER PRICE, WE WILL BEAT IT BY 10%.
SEE STORE FOR DETAILS.

YOUR OPINIONS COUNT!
REGISTER FOR A CHANCE TO WIN A
$5,000 LOWE'S GIFT CARD!

LOWE'S®
NEVER STOP IMPROVING

LOWE'S HIW, INC.
375 STANLEY DRIVE
FERNLEY, NV 89408 (775) 980-4000

- SALE -

SALES#: S2661BC2 1211624 TRANS#: 14429471 08-13

348262 BHK 3/8-IN HITEST SP BR43	99.00
30 @ 3.30	
363546 HABNUH 2-3/4" DISC LOCK 3	29.97
315883 5/8-INX6-IN LG DIAMTR TPC	19.92
4 @ 4.98	
363545 HABNUH 2-3/4" PASSWORD DI	24.94
2 @ 12.47	
23131 18V XRP BATTERY 2PK (SEAS	119.00
SUBTOTAL:	292.83
TAX:	20.79
INVOICE 14162 TOTAL:	313.62
DEBIT:	313.62

DEBIT:XXXXXXXXXXX5550 AMOUNT:313.62 AUTHCD:79322
SWIPED REFID:429493266114 08/13/13 14:31:33
TRACE:00466096

PURCHASE	CASH BACK	TOTAL DEBIT
313.62	0.00	313.62

STORE: 2661 TERMINAL: 14 08/13/13 14:31:34
OF ITEMS PURCHASED: 5
EXCLUDES FEES, SERVICES AND SPECIAL ORDER ITEMS

THANK YOU FOR SHOPPING LOWE'S.
SEE REVERSE SIDE FOR RETURN POLICY.
STORE MANAGER: STACY BATES

WE HAVE THE LOWEST PR[illegible], GUARANTEED!
IF YOU FIND A LOWER PRICE, WE WILL BEAT IT BY 10%.

COMSTOCK MINING, LLC

007098

Keller Consulting

9/13/2013

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
9/1/2013	Bill	August 2013-2	388.20	388.20		388.20
					Check Amount	388.20

Wells Fargo 0920 388.20

SUPERIOR PRESS (888) 590-7998 |B1954747

Nails, screws per receipts.

Per receipts	362.16
TAX	26.04
TOTAL	$ 388.20

REIMBURSEMENT INVOICE # 00002

AUG 28

Inv # 2012	Inv Date 9-1-13
	$
181000	$ 388.20
	$
	$
Approved By	Entered By

COMSTOCK MINING, LLC

007233

Keller Consulting

Date	Type	Reference	Original Amt.	Balance Due	10/1/2013 Discount	Payment
9/22/2013	Bill	sept222013	755.39	755.39		755.39
10/1/2013	Bill	October 2013	7,083.00	7,083.00		7,083.00
					Check Amount	7,838.39

Wells Fargo 0920

7,838.39

SUPERIOR PRESS (888) 590-7998 JB2027119

☒ Next week's check run

☐ ASAP: _____ *(Obtain proper authorized signature on bottom of this page)*
(Date needed by)

Check Amount: $ 7,083.00

Vendor Name: Keller Consulting

Street Address: PO Box 201

City, State, Zip: Silver Springs, NV 89429

Description of Payment:

Construction Consultant Superintendent
monthly fee

Select One:

☑ Please mail the check to the mailing address on file.

☐ Do not mail the check. Please hand deliver the check to: _____

☐ Wire Transfer. Please attach wire transfer instructions.

Check Request Approved By: Per attached agreement 5/14/13
(Or attach approved PO/Email) (Authorized Signature) (Date)

Inv # September 2013	Inv Date 9/1/13
	$
539090	$ 7083.00
	$
	$

Approved By: [illegible] Entered By: [illegible]

Immediate release of check payment approved by:

_____
(Authorized Signature) (Date)

Last Updated: 9/13/2012

COMSTOCK MINING, LLC

007349

Keller Consulting

10/11/2013

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
~~10/2/2013~~	Bill	0004	292.27	292.27		292.27
					Check Amount	292.27

Wells Fargo 0920

292.27

SUPERIOR PRESS (888) 590-7998 JB2027119

Miscellaneous items: The Yellow Jacket Repair

2x4's, generator fuel

Per receipts	240.19
TAX	12.08
Delivery	40.00
TOTAL	$ 292.27

REIMBURSEMENT INVOICE # 00004

EXP

Inv # OCT 2 2013	Inv Date 10-2-13
	$
180000	$ 292.27
681815	$
	$
Approved By	Entered By

COMSTOCK MINING, LLC

007414

Keller Consulting

10/18/2013

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
10/14/2013	Bill	October 12 2013	908.32	908.32		908.32
					Check Amount	908.32

Wells Fargo 0920

908.32

SUPERIOR PRESS (888) 590-7998 |B2027119

Approved by 10/18/13 JM

Entered by

Miscellaneous items: The Yellow Jacket Repair

2x4's, generator fuel

Per receipts	240.19
TAX	12.08
Delivery	40.00
Previous unpaid balance	$ 292.27

pd 10/11/13

Through Oct 12th

Yellow Jacket Materials: Concrete	289.57
MSC 1" HEX DIE 1 1/8" HERTEL Drill Bit	168.15
Saw blades misc.	64.73
Generator, forklift fuel and repairs	306.19
Delivery charges	60.00
Tax	19.68
Sub Total through Oct 12th	908.32
Previous approved unpaid #00004	292.27
Total Due	**$ 1200.59**

REIMBURSEMENT INVOICE # 00005

COMSTOCK MINING, LLC

007539

Keller Consulting

Date	Type	Reference	Original Amt.	Balance Due	11/1/2013 Discount	Payment
10/27/2013	Bill	October Exp 2013	1,271.15	1,271.15		1,271.15
11/1/2013	Bill	November 2013	7,083.00	7,083.00		7,083.00
					Check Amount	8,354.15

Wells Fargo 0920

8,354.15

SUPERIOR PRESS (888) 590-7998 JB2027119

INVOICE

Per contract services rendered as Construction Consultant
For November 30th 2013 monthly fee $7083.00

Invoice 00004

Inv #NOV2013	Inv Date 11-1-13
	$
180000	$ 708300
	$
	$
Approved By AHO 10/31	Entered By SK

COMSTOCK MINING, LLC

007752

Keller Consulting

11/22/2013

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
11/14/2013	Bill	November EXP 2013	748.80	748.80		748.80
					Check Amount	748.80

Wells Fargo 0920

748.80

SUPERIOR PRESS (888) 590-7998 JB2027119

November 14, 2013

Miscellaneous items: The Yellow Jacket Repair Reimbursement for paid out expenses

Generator/Equipment fuel/diesel	$	175.01
Home Depot Misc. Hardware		38.46
PDM Steel Plates		65.00
White Cap ¾ allthread rod		50.03
Kelly-Moore stain		340.30
Delivery		80.00 → Keller delivered fuel. Receipt
Total Due	**$**	**748.80**

REIMBURSEMENT INVOICE # 00007

OK Ronald Lamm 11/22/2013

Inv # NOV Exp 2013	Inv Date 11-14-13
	$
180000	$ 748.80
	$
	$
Approved By SM	Entered By

COMSTOCK MINING, LLC

007783

Keller Consulting

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
11/26/2013	Bill	00008	54.06	54.06		54.06
12/1/2013	Bill	December 2013	7,083.00	7,083.00		7,083.00
					Check Amount	7,137.06

12/6/2013

Wells Fargo 0920

SUPERIOR PRESS (888) 590-7998 JB2027119 7,137.06

November 26, 2013

Miscellaneous Items: The Yellow Jacket Repair Reimbursement for paid out expenses

Equipment fuel/diesel	**$**	**54.06**
Total Due	**$**	**54.06**

REIMBURSEMENT INVOICE # 00008

R Robertson 12/2/2013

Inv # 00008	Inv Date 11.26.13
	$
180000	$ 54.06
	$
	$
Approved By	Entered By

JB 12/06

COMSTOCK MINING, LLC

008013

Keller Consulting

Date	Type	Reference	Original Amt.	Balance Due	1/3/2014 Discount	Payment
1/1/2014	Bill	January 2014	7,083.00	7,083.00		7,083.00
					Check Amount	7,083.00

Wells Fargo 0920

7,083.00

SUPERIOR PRESS (888) 590-7998 JB2027119

Per contract services rendered as Construction Consultant
For month of January 31st, 2014 monthly contract fee **$ 7083.00**

Invoice 00006

OK
Ron Lowe

Inv # JAN 2014	Inv Date 01-1-14
	$
180000	$ 7083.00
	$
	$
Approved By SM	Entered By SS

COMSTOCK MINING, LLC

008015

Keller Consulting

Date	Type	Reference	Original Amt.	Balance Due	1/3/2014 Discount	Payment
12/31/2013	Bill	2012 Bill	1,483.56	1,483.56		1,483.56
					Check Amount	1,483.56

Wells Fargo 0920 1,483.56

SUPERIOR PRESS (888) 590-7998 JB2027119

Attn: Doug McQuide

Relinquished
Priceless Realty

1/3/13

Re-Imbursement Statement

Authorized expenses miscellaneous
Re-imbursement of materials purchased

60 10' T-posts
12 4X8 OSB
48 2X4 studs
600 cable ties
32' pass link chain
Fuel

Total with tax

$ 1483.56

Please make check payable to Priceless Realty Inc.
Will pick up when ready call (775)691-0173

Thank You

Inv # UCT102012	Inv Date 2-1-13
	$
103010	$ 1483.56
	$
	$
Approved By SW	Entered By

1/3/13

CEAC 00034

COMSTOCK MINING, LLC

008194

Keller Consulting 2/1/2014

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
2/1/2014	Bill	00007	7,083.00	7,083.00		7,083.00
					Check Amount	7,083.00

Wells Fargo 0920 7,083.00

SUPERIOR PRESS (888) 590-7998 |B2027119

January 29, 2014

INVOICE

Per contract services rendered as Construction Consultant
For month of February 28th, 2014 monthly contract fee **$ 7083.00**

OK Ronald Jr ✓
2.4.14

Invoice 00007

Inv # 00007	Inv Date 1-29-14
	$
181815	$ 7083.00
	$
	$
Approved By	Entered By

AMD 2/2/14

KELLER CONSULTING
PO Box 201
Silver Springs, Nevada 89429

COMSTOCK MINING, LLC

008434

Keller Consulting

Date	Type	Reference	Original Amt.	Balance Due	3/7/2014 Discount	Payment
3/1/2014	Bill	March 2014	7,083.00	7,083.00		7,083.00
					Check Amount	7,083.00

Wells Fargo 0920

7,083.00

SUPERIOR PRESS (888) 590-7998 JB2085636

Inv # MAR 14	Inv Date 3-1-14
	$
681815	$ 7083.00
	$
	$
Approved By	Entered By

3/4/14

KELLER CONSULTING

PO Box 201
Silver Springs, Nevada 89429
[illegible] 691-0173

COMSTOCK MINING, LLC

Keller Consulting

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
4/1/2014	Bill	April 2014	7,083.00	7,083.00		7,083.00

4/4/2014 Check Amount 7,083.00

008653

Wells Fargo 0920

SUPERIOR PRESS (888) 590-7998 182085636

7,083.00

V

3/31/14

Inv # 00059	Inv Date 4-1-14
	$
180000	$ 708300
	$
	$
Approved By	Entered By SS

Code to 681815
AMB 04/04/14

KELLER CONSULTING

008835

COMSTOCK MINING, LLC

5/6/2014

Keller Consulting						
Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
5/1/2014	Bill	May 2014	7,083.00	7,083.00		7,083.00
					Check Amount	7,083.00

7,083.00

Wells Fargo 0920

SUPERIOR PRESS (888) 590-7998 ;B2085636

Invoice 000010

Inv # 10	Inv Date 5-1-14
	$
L081815	$ 708300
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Approved By	Entered By

Jm 5/3

OK
Ron Jam
4/28/14

KELLER CONSULTING

PO Box 201
Silver Springs, Nevada 89429
(775) 691-0173

COMSTOCK MINING, LLC

009012

Keller Consulting

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
6/1/2014	Bill	000011	7,083.00	7,083.00		7,083.00

6/6/2014

Check Amount 7,083.00

Wells Fargo 0920

SUPERIOR PRESS (888) 590-7998 IB2085636

7,083.00

Approved By | Entered By

6/6/06

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6/6/14

KELLER CONSULTING

COMSTOCK MINING, LLC

009238

7/11/2014

Keller Consulting

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
7/1/2014	Bill	000012	7,083.00	7,083.00		7,083.00
					Check Amount	7,083.00

7,083.00

...lls Fargo 0920

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Invoice 000012

Rec'd 7/2/14

Inv # 000012	Inv Date 7-1-14
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Approved By	Entered By

AM 7/9

KELLER CONSULTING

PO Box 201

RECEIVED
JUL 2 2 2014
BY:

COMSTOCK MINING, LLC

009358

Keller Consulting

Date	Type	Reference	Original Amt.	Balance Due	8/1/2014 Discount	Payment
8/1/2014	Bill	August 2014	7,083.00	7,083.00		7,083.00
					Check Amount	7,083.00

Wells Fargo 0920

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SUPERIOR PRESS (888) 590-7998 JB2085636

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AM 7/23

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Lou Ca
7/22/2014

JE 1338

KELLER CONSULTING

COMSTOCK MINING, LLC

009614

Keller Consulting

Date	Type	Reference	Original Amt.	Balance Due	9/5/2014 Discount	Payment
9/1/2014	Bill	000014	7,083.00	7,083.00		7,083.00
					Check Amount	7,083.00

Wells Fargo 0920

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SUPERIOR PRESS (888) 590-7998 ;B2085636

Invoice 000014

Inv # 000014	Inv Date 8-27-14
1800001	$
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Approved By	Entered By SS

OK
Ron
9/2/14

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COMSTOCK MINING, LLC

009814

Keller Consulting

10/3/2014

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
10/1/2014	Bill	000015-Sept 2014	7,083.00	7,083.00		7,083.00
					Check Amount	7,083.00

Wells Fargo 0920

7,083.00

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$ 7083.00

Invoice 000015

000015-

Inv # Sept 14	Inv Date 10-1-14
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Approved By	Entered By

Ok Rec 9/26/14

KELLER CONSULTING

PO Box 201
Silver Springs, Nevada 89429
(775) 691-0173

COMSTOCK MINING, LLC

009993

Keller Consulting

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
10/26/2014	Bill	000016	7,083.00	7,083.00	11/1/2014	7,083.00
					Check Amount	7,083.00

Wells Fargo 0920

SUPERIOR PRESS (888) 590-7998 /82085636

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AM 10/30

COMSTOCK MINING LLC

010206

Keller Consulting

Date	Type	Reference	Original Amt.	Balance Due	12/5/2014 Discount	Payment
12/1/2014	Bill	000017	7,083.00	7,083.00		7,083.00
					Check Amount	7,083.00

Wells Fargo 0920

7,083.00

SUPERIOR PRESS (888) 590-7998 J82236457

Per contract services rendered as Construction Consultant
For month of December 31st, 2014 monthly contract fee.

$ 7083.00

Invoice 000017

OK
Randall Jam
11/26/14

KELLER CONSULTING

PO Box 201

1505

COMSTOCK MINING LLC

010401

Keller Consulting

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
1/1/2015	Bill	000018	7,083.00	7,083.00		7,083.00

1/9/2015

Check Amount 7,083.00

Wells Fargo 0920

SUPERIOR PRESS (888) 590-7998 JB2236457

Invoice 000018

Inv # 000018	Inv Date 1-1-15
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182000	$ 7083.00
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COMSTOCK MINING LLC
Keller Consulting

Date	Type	Reference	Original Amt.	Balance Due		
2/1/2015	Bill	000019	7,083.00	7,083.00	2/1/2015 Discount	010561 Payment 7,083.00
					Check Amount	7,083.00

Wells Fargo 0920

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IOR PRESS (888) 590-7998 JB2236457

Invoice 000019

Of Kim Yin
1/30/15

Inv # 000019	Inv Date 2-1-15
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180000	$ 7083.00
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Approved By	Entered By SS

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COMSTOCK MINING LLC

Keller Consulting

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
3/1/2015	Bill	000020	7,083.00	7,083.00		7,083.00

3/1/2015 Check Amount 7,083.00

010741

Wells Fargo 0920

SUPERIOR PRESS (888) 590-7998 JB2236457

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Invoice 000020

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	$
Approved By	Entered By

KELLER CONSULTING

COMSTOCK MINING LLC

010966

Keller Consulting

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
4/1/2015	Bill	000021	7,083.00	7,083.00		7,083.00

4/3/2015

Check Amount 7,083.00

Wells Fargo 0920

SUPERIOR PRESS (888) 590-7998 JB2236457

7,083.00

Invoice 000021

Inv# 000021	Inv Date 4-1-15
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OK Rack Jan 3/25 3/25/15

KELLER CONSULTING

PO Box 201

COMSTOCK MINING LLC

011162

Keller Consulting

Date	Type	Reference	Original Amt.	Balance Due	5/1/2015 Discount	Payment
5/1/2015	Bill	00022	7,083.00	7,083.00		7,083.00
					Check Amount	7,083.00

Wells Fargo 0920

7,083.00

SUPERIOR PRESS (888) 590-7998 JB2236457

Invoice 000022

4/24/14

Inv # 000022	Inv Date 5-1-15
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Approved By	Entered By

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COMSTOCK MINING LLC

Keller Consulting

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
6/1/2015	Bill	000023	7,083.00	7,083.00		7,083.00
					Check Amount	7,083.00

011379

Wells Fargo 0920

SUPERIOR PRESS (888) 590-7998 J82236457

7,083.00

Invoice 000023

OK
Ramon
5/29/15

Inv #000023	Inv Date 6-1-15
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1800001	$ 7083.00
081815	$
	$
Approved By	Entered By

FMB 6/2

KELLER CONSULTING

PO Box 201
[redacted] Nevada 89429

COMSTOCK MINING LLC

Keller Consulting

Date	Type	Reference	Original Amt.	Balance Due		
7/1/2015	Bill	000024	7,083.00	7,083.00	7/2/2015 Discount	Payment 7,083.00
					Check Amount	7,083.00

011553

Wells Fargo 0920

SUPERIOR PRESS (888) 590-7998 JB2236457

7,083.00

Invoice 000024

[redacted]	
	$
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Approved By	Entered By

COMSTOCK MINING LLC

011781

Keller Consulting

8/7/2015

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
8/1/2015	Bill	000025	7,083.00	7,083.00		7,083.00
					Check Amount	7,083.00

Wells Fargo 0920

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SUPERIOR PRESS (888) 590-7998 |B2236457

Invoice 000025

Inv #000025	Inv Date 8/1/15
	$
180000	$ 7083.00
	$
	$
Approved By	Entered By

AM 8/7

EXHIBIT 20

EXHIBIT 20

Tim Smith

From: Pamela Abercrombie <pam@comstockfoundation.org>
Sent: Saturday, January 27, 2018 2:08 PM
To: Tim Smith
Subject: Letter to Chair to dispose of Keller
Attachments: Letter to CF Chair RE Keller.docx

Pamela Abercrombie, MPA
Comstock Foundation for History and Culture
Historic Preservation Projects Manager
Board Secretary
Former Executive Director

Restoring the Legacy of a Nation

Comstock Foundation for History and Culture
P.O. Box 61, Virginia City, NV 89440
775-443-7803
ron@comstockfoundation.org
www.comstockfoundation.org

DATE: July 17, 2015

TO: Corrado De Gasperis, Chair
Comstock Foundation for History and Culture

RE: Scott Keller, Keller Rebuilders and Consulting

Dear Corrado

As the executive director for the Comstock Foundation, I conclude a compelling need not to renew the contract with Scott Keller of Keller Rebuilers and Consulting that expired April 30, 2015 and that his continued services on a month-to-month basis since expiration of the contract terminate July 31, 2015. The reasons for my stated decision include the following.

1. The Foundation cannot afford to pay a construction consultant a monthly salary and there is little demand for such services at this time.
2. The Nevada State business license Mr. Keller operates under, Keller Rebuilers and Consulting, expired with the Secretary of State 01/31/15.
3. Mr. Keller does not have a business license with Storey County.
4. Mr. Keller does not have a contractor's license with the Nevada State Contractor's Board.
5. As an independent contractor, Mr. Keller should carry independent contractor's liability insurance and self-employment worker's comp.

Although the former executive director for the Foundation values Mr. Keller's work, it concerns me that the existing contract with Mr. Keller is designed to compensate Mr. Keller whether there is work for him or not. Since my involvement with the Foundation as the executive director, I have discovered there is a need to 'find work' for Mr. Keller. This tells me that there is not a need for Mr. Keller's services at this time. It is even more concerning that Mr. Keller does not maintain current business licenses and there is no documentation that he carries the necessary self-employed insurance policies to perform work for the Foundation.

I have reviewed the progress reports submitted for April, May, and June. In Mr. Keller's April description of work, he reported work remaining at the Donovan Mill. The May and June progress reports include minimal indication of continuation with the work at the Donovan Mill. Although, I understand his construction consultant services have evolved into construction

services, I still struggle with equating the amount of work reported each month to the monthly compensation amount. I expect, without hesitation, Mr. Keller's time dedicated to the Foundation's projects at 40 hours per week or at least more output per month to receive a payment of $7,083 per month. Additionally, Mr. Keller reports on tasks I consider responsibilities of the executive director, such as grant reporting for Storey County and seeking donations from sources for project supplies.

I maintain that the contract with Scott Keller of Keller Rebuilders and Consulting not be renewed and his services terminate July 31, 2015. Most urgently, Mr. Keller must have the necessary business licenses and independent contractor insurance policies to enter into a new contract with the Foundation. Secondly, if it is decided at a later date to enter into a new contract with Scott Keller of Keller Rebuilders and Consulting, the contract must be compensation by project and the monthly payment benefit to Mr. Keller eliminated. Although, I am not comfortable using a business that does not maintain active licenses and insurance policies.

The Comstock Foundation is moving in a very positive direction. The Foundation currently operates with an average checking-account balance of $2,500 and a savings account of $6,000. The regular bills for the Foundation are about $250 per month to maintain the Donovan Mill, $300 quarterly for the website and email hosting, and $700 annually for the website domain, Secretary of State nonprofit fees, and property taxes for the Donovan Mill. If the Foundation received a monthly payment of half the compensation Mr. Keller receives, the Foundation could accumulate funds to support fund development, marketing, project-support for Comstock organizations and historic preservation/restoration, and collaboration development efforts. The funding support from Comstock Mining, Inc. is valued, genuinely appreciated, and special. Therefore, I am concerned that these precious funds are not used in the most efficient manner to benefit the mission of the Foundation. These valuable funds unquestionably can be redirected to support the efforts and mission of the Foundation in a way that will generate growth and promote sustainability for the future of the Foundation while still investing in preservation and restoration of historic resources. We can definitely continue construction projects without the services of Keller Rebuilers and Consulting. Moreover, I am most certainly not pleased contracting with a business that does not maintain proper business licenses and insurances.



Sincerely and in most respect,

Pamela Abercrombie, MPA
Comstock Foundation for History and Culture
Executive Director

EXHIBIT 21

EXHIBIT 21

Tim Smith

From: Corrado DeGasperis
Sent: Tuesday, January 30, 2018 2:15 PM
To: Tim Smith
Subject: FW: Additional Requested Information

On 1/30/15, 8:31 AM, "ron@comstockfoundation.org" <ron@comstockfoundation.org> wrote:

Hi Corrado and Brian,
I spoke with Stephen Rye, the DA for Lyon County about my response to the Ethic Commission request for additional information (Brian, please see below). Stephen is representing Vida Keller in the ethics probe, and he wanted clarification as to why I wasn't responding positively to the latest request for information. He said the attorney for the Ethics Commission contacted him to let him know I wasn't willing to yield additional information. I explained that I hadn't heard anything further from the Ethics Commission. And I let him know that I wasn't interested in having our internal information made available to people who have done their best to attack not just Comstock Mining, but also the Foundation.

Stephen did say that he could obtain our contract with Scott Keller from .da if he wanted access to that part of the information. He did not indicate that he would do that, but it is clear that he might. His goal is to put the investigation to rest as soon as possible. I don't mean to hinder that, but if I were to yield our confidential information, that would become the next new platform from which the CRA would preach its definition of the Gospel.

Please let me know if you believe I should take a new direction with this. Otherwise I believe it is best to wait to see if the Ethics Commission makes another move.

Best wishes,
Ron

-----Original Message-----
From: ron@comstockfoundation.org [mailto:ron@comstockfoundation.org]
Sent: Monday, January 26, 2015 9:21 AM
To: 'Corrado DeGasperis'
Subject: RE: Additional Requested Information

Thanks for the note. Much appreciated.

-Original Message-----
rom: Corrado DeGasperis [mailto:DeGasperis@comstockmining.com]
Sent: Monday, January 26, 2015 9:15 AM
To: Ron James - CF

Subject: Re: Additional Requested Information

Ron, I could not agree more with how you handled this. I started reading the email form the bottom up (as I typically do) and was becoming agitated at the obvious irrelevancy of of all of the follow up questions but especially questions 2a and 2b. Your responses fully calmed me down. Thank you for replying the way you did and please keep me informed, dealt time of any future inquiries. Kindest regards, Corrado

From: "ron@comstockfoundation.org<mailto:ron@comstockfoundation.org>" <ron@comstockfoundation.org<mailto:ron@comstockfoundation.org>>
Date: Monday, January 26, 2015 9:09 AM
To: Corrado DeGasperis <DeGasperis@comstockmining.com<mailto:DeGasperis@comstockmining.com>>
Subject: FW: Additional Requested Information

Hi Corrado,
I hope you don't mind how I have handled the following. I regard the material that the Ethic Commission is now requesting as constituting "overreach." The last time I spoke with Anthony, he read me the final text and asked for corrections, which I provided. Now he (presumably at the request of a supervisor) is asking for a great deal more. This information would end up in a public document, and while I can defend everything we have done, we all know CRA will make bad news out of anything, and so I see no reason to spoon feed them ammunition for their campaign of deceit.

They may issue a subpoena, which we could challenge, but my guess is that they are likely close the investigation with the information that they have.

Please let me know if you have thoughts on this.

And by the way, the discussion with International Visitor Leadership Program last Friday went well. They had spoken with two people (including Joe) from the CRA the previous day, so they received that point of view. But they were extremely positive about the Foundation and CMI. I'm writing up a summary/blog.

Best wishes,
Ron

From: ron@comstockfoundation.org<mailto:ron@comstockfoundation.org> [mailto:ron@comstockfoundation.org]
Sent: Monday, January 26, 2015 7:59 AM
To: 'Anthony Freiberg'
Subject: RE: Additional Requested Information

Good morning Anthony,
This list of questions would require a great deal of work on my part to answer, and frankly, I am committed to complete several large projects that will occupy my time over the coming weeks and that are important to the success of my organization. In addition, since the Comstock Foundation is not and cannot be the subject of a government-based ethic probe, I do not

see a connection to your enquiry or the relevancy of our internal accounting. But as I have indicated, even if that connection could be made to my satisfaction, I simply don't have the time to provide the information you have requested.

I have attempted to be cooperative, and I have provided a great deal of information, I hope provided in frank terms, but this extends our discussion to a new level.

Best wishes,
Ron

From: Anthony Freiberg [mailto:anthony.freiberg@ethics.nv.gov]
Sent: Monday, January 26, 2015 7:46 AM
To: ron@comstockfoundation.org<mailto:ron@comstockfoundation.org>
Subject: Additional Requested Information

Good Morning Mr. James,

You have been extremely helpful in my investigation up to this point, however I have been asked to obtain some additional information regarding the Foundation.

1- Can you provide Mr. Keller's Salary?

As previously provided, Mr. Keller is a Project Manager for the Foundation, what tasks does he perform specifically?

b. What is Mr. Keller's work history/background?

2- Do you have the accounting breakdown totals for the Foundation since onset?

a. How much has the Foundation received from CMI?

b. How much has the Foundation received from other sources?

Thank you once again for all of your assistance in this matter.

Anthony

Anthony L. Freiberg
Senior Investigator
Nevada Commission on Ethics
[cid:image001.png@01CC4563.56929E70]
704 West Nye Lane, Suite 204
Carson City, NV. 89703
(775) 687-3436 Direct Line
(775) 687-5469 Office
(775) 687-1279 Fax

http://www.ethics.nv.gov<http://www.ethics.nv.gov/>

)NFIDENTIALITY : The contents of this message and any attachments hereto may be subject to the confidentiality provisions contained in NRS 281A.440 and should not be disclosed to other parties, distributed, or copied in any way.
P Please consider the environment before printing this e-mail.

EXHIBIT 22

EXHIBIT 22

Tim Smith

From: Corrado DeGasperis
Sent: Tuesday, January 30, 2018 6:07 AM
To: Tim Smith
Subject: FW: Foundation Board meeting

Pre-formation

From: Ron James <James@comstockmining.com>
Date: Friday, June 14, 2013 at 12:48 PM
To: Corrado DeGasperis <DeGasperis@comstockmining.com>, "<Travis Higgins>"
Subject: Foundation Board meeting

Corrado and Travis:

As we agreed, the following are the names of possible candidates for the Board for the Comstock Foundation for History and Culture. Please let me know if you agree that this is the list we agreed upon. I'll also develop a text that will describe what the Foundation will do to serve informally as the basis for introductory meetings with potential board members. I'll send that separately.

For a five-person board:

John Winfield, CMI representative

Corrado De Gasperis, CMI representative

Paul Yandre, Storey County resident

Pam Abercrombie, Lyon County resident

Larry Ruvo, fundraising

Alternate candidates if nominees for a five member board decline are as follows:

Storey County resident: 1. Ron Gallagher; 2. Marshall McBride

Lyon County resident: 1. Ron Reno; 2. Cal Dillon

Fundraising: 1. Patricia Lee Halavais; 2. Roger Norman

If all five candidates for a five-person board accept, then we agreed to approach Patricia Lee Halavais, which - if she accepted - would cause the board to become a seven-member board. At that point, our first preference was for Marshall Bride as a third Comstock resident representative. If he can't serve, then we move on to Ron Gallagher, Ron Reno, or Cal Dillon as alternatives (in that order).

For the sake of contacting these candidates, we agreed that it would be best if John Winfield approached Larry Ruvo. And that Corrado approach Patricia Lee Halavais.

We also agreed that I would approach other candidates with the hope that we could meet each separately to explain what the foundation intends to do. Ideally these meetings would include John, Corrado, and myself, so we will need to agree on our availability over the next two weeks.

If this summary is acceptable, we agreed that Corrado would forward this list to John for concurrence.

We did not discuss the possible office holders (we have agreed that Corrado would serve as Chair, but the positions of Secretary/Vice Chair and Treasurer are to be determined. Deciding who could serve in these capacities may be best left until we have a better understanding of who is willing to serve.

Please let me know if you have any additional thoughts or if this summary needs to be amended.

Thanks for your help with this,

Ron

Protocol for Communication and Assistance
Comstock Mining, Inc., and the Comstock Foundation for History and Culture
June 2013

Preamble

With the organization of the Comstock Foundation for History and Culture (CFHC), there is an opportunity and a need to outline appropriate occasions and means for communication between the CFHC and Comstock Mining, Inc. (CMI). As a distinct nonprofit organization, the CFHC is not obliged to interact with CMI because of donations, so it is important to point out that assistance and communication is based on the CFHC mission, to support entities in ways that will enhance the Comstock Historic District. In short, CFHC will offer CMI the same assistance that it makes available to others.

Occasions for Communication and Assistance

1. General questions about compliance with state and federal law: CMI staff should feel free to consult with the CFHC regarding compliance with state and federal law. CFHC staff will be available for planning discussions and meeting for the education of CMI staff for compliance with state and federal law and for the general sensitivity that is appropriate when encountering historic resources. Appropriate CMI staff and contact information: Lead CMI staff: Rachel Yelderman. Alternates: Dave Thomas

2. The discovery of historic artifacts: CMI staff can call the CFHC for assistance with historic artifacts that workers uncovered during operations. It is generally best if professional, permitted archaeologists take the lead when discoveries occur, and since CMI has an archaeological firm on contract, initial calls should go to that archaeological firm. CMI staff should also contact the CFHC to keep that organization informed and to ask for advice. If public land is involved. the appropriate public land manager should be contacted.

Appropriate CMI staff and contact information: Rachel Yelderman. Manager

3. Dealing with historic buildings: CMI staff can call the CFHC for assistance with historic buildings or with any building undertaking within the Comstock Historic District. Since these undertakings will often require the services of an architect or professional contractor, CFHC will be involved on the level of general advisor. If the projects involves a new building or the alteration of the exterior of a historic one (including moving the building) a Certificate of Appropriateness is required from the Comstock Historic District Commission, and that agency should be contacted. Appropriate CMI staff and contact information: Ken Joy, Capital Projects Manager–

4. Assistance with press releases: CFHC staff can assist CMI when CMI decides to announce discoveries to the public. CFHC staff can review press releases to make certain that the language

is appropriate and sensitive to the fields of history and archaeology. Appropriate CMI staff and contact information: Director of External Relations; Elaine Barkdull-Spencer

5. Assistance with exhibits: CFHC staff can assist CMI when CMI decides to use artifacts for exhibits. CFHC staff can assist with the preparation of exhibit text and the exhibit cases for artifacts. Since the preparation of exhibits is a complicated, professional undertakings, it is likely that CMI will need to procure professionals for these sorts of efforts, but CFHC can assist in writing, editing, and general planning. On occasion, it may be appropriate for CFHC to take a more active role in the exhibit; that is, some exhibits may be joint undertakings with some funding coming from CFHC as a joint sponsor. Individual agreements for these occasions will be appropriate. Appropriate CMI staff and contact information: Rachel Yelderman, Elaine Barskdull-Spencer

6. Assistance with grants and federal tax credits: CFHC staff is available to assist CMI with the application for federal tax credits for historic rehabilitation and for grants, when appropriate, for CMI undertakings. CFHC is available to CMI for planning discussion to determine the applicability of these sorts of programs that might assist CMI. Appropriate CMI staff and contact information: Judd Merrill, Elaine Barkdull-Spencer

7. Assistance with fundraising: There will be occasions when CFHC will request assistance from CMI with fundraising, either with CFHC projects or with other projects within the Comstock Historic District. Assistance could take the form of tours of the CMI mines and/or mills, the use of the Gold Hill Hotel or other facilities under the management of CMI, or other requests including direct assistance with the funding of specific events or undertakings. Although CMI is under no obligation to comply with these requests, it will make staff available to discuss needs as they arise. Appropriate CMI staff and contact information: Corrado DeGasperis, Judd Merrill (if more grant based), Rachel Yelderman

8. Assistance with funding: CMI has indicated an interest in providing CFHC with on-going funding to assist with the advancement of the Comstock Historic District. This "Protocol for Communication and Assistance" does not represent a commitment to assist the CFHC financially or to continue financial assistance in the future. Should CMI wish to make funding available to CFHC, to change the nature of the funding, or to cease making funding available, it will communicate with CHFC so CHFC can make appropriate plans in response to the circumstance. Appropriate CMI staff and contact information: Corrado DeGasperis, Dave Thomas

Means for Communication and Interaction

The CFHC and CMI should be prepared to communicate by any means appropriate and as circumstances change over time. CMI should keep CFHC informed about changes in staff in relation to the appropriate points of contact for various types of occasions.

When specific undertakings dictate a great level of cooperation and interaction, it may be appropriate to draft agreements for those specific occasions.

Corrado De Gasperis Date
President and CEO, Comstock Mining Inc.

Ronald M. James Date
Executive Director, Comstock Foundation for History and Culture

Tim Smith

From: Corrado DeGasperis
Sent: Tuesday, January 30, 2018 6:07 AM
To: Tim Smith
Subject: FW: protocol and contacts
Attachments: Protocol for Communication and Assistance[1].docx

Pre-formation

From: Ron James <James@comstockmining.com>
Date: Friday, June 14, 2013 at 1:02 PM
To: Corrado DeGasperis <DeGasperis@comstockmining.com>, "<Travis Higgins>"
Subject: RE: protocol and contacts

Hi Corrado and Travis,

Attached is a new draft for the Protocol for Communications with paragraph #2 amended to deal with artifacts. Please let me know if this new language will work from your points of view.

We agreed that once we settle on the text for this document that we should have a 1 hour meeting with all the people identified in the document so that we can go over the protocol, answer questions, and ask for feedback for additional amendments.

Thanks as always for your help,

Ron

From: Corrado DeGasperis
Sent: Friday, June 14, 2013 10:21 AM
To: Travis Higgins; Ron James
Subject: protocol and contacts

Gentlemen, I lost this in my task list, apologies. The protocol looks complete and accurate. Excellent work. I attempted a first pass at the contacts but lets discuss at 10:30 am.

Best regards,

Corrado De Gasperis

President and CEO

Comstock Mining Inc.

NYSE MKT: LODE

COMSTOCK

775 847 4755 (o)

775 848 5310 (c)

800 750 5740 (f)

1200 American Flat Road

PO Box 1118

Virginia City, NV 89440

Tim Smith

From: Corrado DeGasperis
Sent: Tuesday, January 30, 2018 6:08 AM
To: Tim Smith
Subject: FW: Establishing automatic deposit

Pre-formation

From: Ron James <James@comstockmining.com>
Date: Monday, June 17, 2013 at 10:03 AM
To: JoAnn Ignatich <Ignatich@comstockmining.com>
Cc: Corrado DeGasperis <DeGasperis@comstockmining.com>
Subject: Establishing automatic deposit

Dear Ms. Ignatich,

I've been working on contract with CMI to establish the Comstock Foundation for History and Culture. During a recent meeting, Corrado suggested that I should be switched to a salaried position effective June 1, 2013 (with funds for my salary being drawn off the CMI account established for the Foundation). We agreed on a rate of $80,000 per year.

t, is there anything you need from me to facilitate this change? Also, may I work with you to establish automatic deposit?

I am meeting at the Gold Hill Hotel at 10:00 on June 20; I can meet with you before or after that meeting.

Thanks for your time and in advance for your help.

Best wishes,

Ron James

Tim Smith

From: Corrado DeGasperis
Sent: Tuesday, January 30, 2018 6:08 AM
To: Tim Smith
Subject: FW: Foundation overview

Pre-formation

From: Ron James <James@comstockmining.com>
Date: Monday, June 17, 2013 at 11:15 AM
To: Corrado DeGasperis <DeGasperis@comstockmining.com>, "<Travis Higgins>"
Subject: RE: Foundation overview

Great news. Thanks.

Best wishes,

Ron

From: Corrado DeGasperis
Sent: Monday, June 17, 2013 11:05 AM
To: Ron James; Travis Higgins
Subject: Re: Foundation overview

Ron, I reached out to John on Friday after our call with out any luck this past weekend. I sent him a reminder this AM but he is also visiting the Comstock tomorrow early evening, and I will surely have the conversation face to face by then, at the latest. Kindest regards, Corrado.

Corrado De Gasperis

President and CEO

Comstock Mining Inc.

NYSE MKT: LODE

COMSTOCK

775 847 4755 (o)

775 848 5310 (c)

800 750 5740 (f)

1200 American Flat Road

PO Box 1118

Virginia City, NV 89440

From: Ron James <James@comstockmining.com>
Date: Mon, 17 Jun 2013 11:02:29 -0700
To: Corrado De Gasperis <degasperis@comstockmining.com>, "Travis F. Higgins" <higgins@comstockmining.com>
Subject: Foundation overview

Hi Corrado and Travis,

Attached is a draft of an overview of the Comstock Foundation. It would be easy to miss something here, so I welcome suggestions for changes and additions.

Corrado, do you have a chance to review the names of potential board members with John? I believe we are waiting for his green light before approaching candidates.

Thanks as always,

Ron

The following is the text of the email I sent previously outlining the approach we developed for the board members:

we agreed, the following are the names of possible candidates for the Board for the Comstock Foundation for History and Culture. Please let me know if you agree that this is the list we agreed upon. I'll also develop a text that will describe what the Foundation will do to serve informally as the basis for introductory meetings with potential board members. I'll send that separately.

For a five-person board:

John Winfield, CMI representative

Corrado De Gasperis, CMI representative

Paul Yandre, Storey County resident

Pam Abercrombie, Lyon County resident

Larry Ruvo, fundraising

Alternate candidates if nominees for a five member board decline are as follows:

rey County resident: 1. Ron Gallagher; 2. Marshall McBride

Lyon County resident: 1. Ron Reno; 2. Cal Dillon

Fundraising: 1. Patricia Lee Halavais; 2. Roger Norman

If all five candidates for a five-person board accept, then we agreed to approach Patricia Lee Halavais, which - if she accepted - would cause the board to become a seven-member board. At that point, our first preference was for Marshall McBride as a third Comstock resident representative. If he can't serve, then we move on to Ron Gallagher, Ron Reno, or Cal Dillon as alternatives (in that order).

For the sake of contacting these candidates, we agreed that it would be best if John Winfield approached Larry Ruvo. And that Corrado approach Patricia Lee Halavais.

We also agreed that I would approach other candidates with the hope that we could meet each separately to explain what the foundation intends to do. Ideally these meetings would include John, Corrado, and myself, so we will need to agree on our availability over the next two weeks.

If this summary is acceptable, we agreed that Corrado would forward this list to John for concurrence.

We did not discuss the possible office holders (we have agreed that Corrado would serve as Chair, but the positions of Secretary/Vice Chair and Treasurer are to be determined. Deciding who could serve in these capacities may be best left until we have a better understanding of who is willing to serve.

Tim Smith

[redacted]om: Corrado DeGasperis
[redacted]ent: Tuesday, January 30, 2018 6:10 AM
To: Tim Smith
Subject: FW: board members

Pre-formation

From: Ron James <James@comstockmining.com>
Date: Wednesday, June 19, 2013 at 2:58 PM
To: "<Travis Higgins>", Corrado DeGasperis <DeGasperis@comstockmining.com>
Subject: board members

Hi Travis,

Just to catch you up with where we are:

I think we can check off approval of board nominees; John agreed with our list. I asked John if he would be willing to call [redacted]arry Ruvo, and he said he would, but it would have to wait until next week when he returns from Europe.

I can call Pam since she is on both the "5" and the "7" member list. I think we should offer the "5" member position to Marshall and let him decided whether or not to take it. He left for Reno today, so I wasn't able to talk with him. I should be able to reach him tomorrow.

Corrado, I was thinking that we could offer the one and two year terms to reluctant nominees. We wanted to stagger the terms so they didn't roll over all at once. I believed we would need to apologize to members who had the shorter terms before they rolled over into the full four year terms, but now I believe we can regard these shorter terms as a tool and an opportunity. Lee has reservations and so does Marshall, but if we say we want them for just a year or two and then they can decide whether or not to stay, it may be a way to show them that it isn't that bad.

See you both tomorrow at 7:30.

best wishes,

[redacted]n

EXHIBIT 23

EXHIBIT 23

Tim Smith

From: Corrado DeGasperis
Sent: Tuesday, January 30, 2018 6:26 AM
To: Tim Smith
Subject: FW: apologies

From: Ron James <James@comstockmining.com>
Date: Wednesday, July 17, 2013 at 12:11 PM
To: Corrado DeGasperis <DeGasperis@comstockmining.com>
Subject: RE: apologies

Great observations from Ron Gallagher. He said he would be very comfortable with Clay. He had reservations about the alternative - we can talk.

I'm at the Hotel; the group will probably not arrive until around 12:30.

From: Ron James
Sent: Wednesday, July 17, 2013 7:47 AM
To: Corrado DeGasperis
Subject: RE: apologies

Hi Corrado,

"Disastrous travel" is never a good thing. Sorry to hear about it.

I will be on the Comstock all day today: meetings at 9:00, 11:00, and 2:00. I am also going to drop by the BofA branch to see how setting up an account there would look for the Foundation. But I will be available throughout the day, especially before meetings. I will make a point of arriving in Gold Hill well before 9:00 on the chance that I can catch you there: I'll check in at the gray house on the chance that you are there and available.

Best wishes,

Ron

From: Corrado DeGasperis
Sent: Wednesday, July 17, 2013 7:28 AM
To: Ron James
Subject: apologies



Ron, I had two days of disastrous travel and was not able to connect with you yesterday. I'd like to connect this AM, to briefly discuss Kellers, VCTC and a question or thought on John Tyson. Let m know when would be convenient. Best regards,

EXHIBIT 24

EXHIBIT 24

Tim Smith

m: Corrado DeGasperis
Sent: Tuesday, January 30, 2018 6:26 AM
To: Tim Smith
Subject: FW: Yellow Jacket hoist

From: Ron James <James@comstockmining.com>
Date: Thursday, July 18, 2013 at 3:22 PM
To: Scott Keller <Keller@comstockmining.com>
Cc: Corrado DeGasperis <DeGasperis@comstockmining.com>
Subject: Yellow Jacket hoist

Hi Scott,

Where are we with regard to developing an approach and cost estimate for the Upper Yellow Jacket Hoist? It would be good to start on the first phase - the clearing of the road, the securing of the lower access of the road, and the removal of rock from behind the hoist machinery shed (securing the rock wall to the west).

anks in advance for anything you have on this.

At some point, we need to get together to talk about how to proceed with this and other projects. How does your schedule look for next week?

best wishes,

Ron

EXHIBIT 25

EXHIBIT 25

Tim Smith

From: Corrado DeGasperis
Sent: Tuesday, January 30, 2018 8:15 AM
To: Tim Smith
Subject: FW: Landmark status and Mining Festival in June

From: Ron James <ron@comstockfoundation.org>
Organization: Comstock Foundation for History and Culture
Date: Wednesday, January 22, 2014 at 8:09 AM
To: Corrado DeGasperis <DeGasperis@comstockmining.com>
Cc: Elaine Barkdull-Spencer <Barkdull@comstockmining.com>
Subject: Re: Landmark status and Mining Festival in June

It's a function of the VCTC. Deny Dotson and Ron Gallagher (the chair of the VCTC) have been directing it. They are using "Liquid Blue" as their contractor. They are also reaching out to the various venues, which will include the 4th Ward and St. Mary's Arts, so they will be part of this as well. And of course, by using the Gold Hill depot as the central facility, they will be reaching out to the Hotel and CMI. They have secured funding from the Nevada Tourism Commission for promotion of the event.

On 2014-01-22 09:05, Corrado DeGasperis wrote:

> Who makes up the "muckfest" team?
>
> On Jan 22, 2014, at 11:02 AM, "Ron James"
> <ron@comstockfoundation.org<mailto:ron@comstockfoundation.org>> wrote:
>
> Hi Corrado,
>
> Thanks for the comments. I'll let the Muckfest team know that you would like to
> help in soliciting teams from other companies.
>
> Best wishes,
>
> Ron
>
> On 2014-01-22 08:48, Corrado DeGasperis wrote:
>
> See my comments below.

From: Ron James
<ron@comstockfoundation.org<mailto:ron@comstockfoundation.org><mailto:ron@comstockfoundation.org<mailto:ron@comstockfoundation.org>>>
Organization: Comstock Foundation for History and Culture
Date: Tuesday, January 21, 2014 2:11 PM
To: Corrado DeGasperis
<DeGasperis@comstockmining.com<mailto:DeGasperis@comstockmining.com><mailto:DeGasperis@comstockmining.com<mailto:DeGasperis@comstockmining.com>>>, Elaine Barkdull-Spencer <Barkdull-Spencer@comstockmining.com<mailto:Barkdull-Spencer@comstockmining.com><mailto:Barkdull-Spencer@comstockmining.com<mailto:Barkdull-Spencer@comstockmining.com>>>
Subject: Landmark status and Mining Festival in June

Hi Corrado and Elaine,

1. Attached is the document I promised to send last time we met; this is an outline of preservation as seen on the federal, state, and local level. I hope this helps. If it would be better to arrange this another way or if I need to elaborate on anything, please let me know. EXCELLENT THANK YOU. I WIL REVIEW.

2. Last week I met with the VCTC and the organizers of "Muckfest," which is our first - I hope annual - Mining History Festival, June 7, 2014. Things are progressing nicely. There will be a team competition involving six venues and mining-related tasks that need to be accomplished (see the attached text that I wrote for the event). The VCTC is hoping various Nevada mining companies will send teams, and of course, we are all hoping that CMI will field a team. The home venue for the Muckfest will be the Gold Hill Depot so this is a great opportunity for the Hotel and Gold Hill in general - as well as CMI. The VCTC said that one of the things they are hoping to do is to have one of CMI's haulpaks located at the depot with a nineteenth-century ore cart next to it. There will be a raffle to guess how many ore-filled shovels it would take to fill the ore cart and the haulpak - to demonstrate the progress of technology as well as how hard the original muckers worked. We preliminary agreed that proceeds from the raffle would be split between St. Mary's Arts and the 4th Ward, both of which will be providing a venue for the competition. It might be nice if the Comstock Foundation matched the proceeds of the raffle, to make people more interested in buying tickets. OUTSTANDING. I'D LIKE TO GET MORE INVOLVED IN SOLICITING THE OTHER 6 or MORE MINERS TO FIELD A TEAM. LETS DISCUSS. THERE ARE OTHER BENEFITS TO THESE OUTREACHES, MAINLY AGGRESSIVE MARKETING.

The bottom line: expect a request to field a team of miners and for the use of a haulpak on June 7. EXCELLENT.

3. Corrado - Scott Keller had sent an email outlining various projects involving St. Mary's Arts, the 4th Ward, and the Gold Hill Depot. A few of them will require the purchase of some supplies. I assume you agree to spending a limited amount (less than $2,000) to achieve results with these projects. Please let me know if you have concerns, otherwise I will direct Scott to proceed. If larger amounts of funds are needed as we progress on these projects, I'll come to you with the details. NO CONCERNS, I WILL REVIEW AND PROVIDE SOOME ADDITIONAL INSIGHTS BUT PLEASE PROCEED.

Thanks for your thoughts on all of this,

Ron

EXHIBIT 26

EXHIBIT 26

CMI Donations

February 1, 2010 through February 9, 2018

Dayton County Non-Profit and Civic Contributions
Document Request # 4

Date	Name	Memo	Amount
09/12/2011	Dayton Area Chamber of Commerce	Golf Event "Make A Difference"	280.00
04/26/2012	Silver Springs Area Chamber of Commerce	Founder's Day Events	500.00
09/01/2012	Dayton Area Chamber of Commerce	Making a Difference 2012	700.00
09/04/2012	Dayton Valley Days	Sponsorship of Chili Cook Off 2012	2,500.00
09/26/2012	Lyon County Fly-In	Fly-In Event Sponsor	500.00
07/15/2013	Dayton Valley Days		3,000.00
08/26/2013	Dayton Valley Days		85.00
08/28/2013	Lyon County Fly-In		500.00
08/28/2013	Lyon County Fly-In		500.00
11/26/2013	Healthy Communities Coalition		1,500.00
09/16/2014	Dayton Area Chamber of Commerce	Eagle sponsorship for "Make A Difference"	700.00
10/13/2014	Soroptimist International of the Comstock		300.00
02/16/2015	Dayton High School	Dayton High School basketball team	450.00
03/06/2015	Silverada Little League		650.00
03/24/2015	Dayton High School	Boys Baseball Team	2,000.00
03/27/2015	Peas and Carrots Childcare	Children's day on the Comstock	500.00
04/29/2015	American Express	Dayton Baseball team	1,042.95
05/21/2015	Dayton High School Booster Club	Grad night	200.00
08/05/2015	Lyon County Fly-In	contribution for over all event	300.00
08/25/2015	Dayton Area Chamber of Commerce	Golf Tournament	700.00
05/29/2013	Silver Stage High School/Safe and Sober		500.00
09/17/2013	Dayton Area Chamber of Commerce		700.00
09/17/2013	Dayton Area Chamber of Commerce		160.00
10/01/2013	Dayton Area Chamber of Commerce		420.00
05/16/2014	Dayton Community Center		500.00
06/20/2014	Boys & Girls Club of Mason Valley		3,000.00
12/11/2014	Boys & Girls Club of Mason Valley	Sponsored a table	350.00
04/29/2015	Boys & Girls Club of Mason Valley		3,500.00
07/21/2015	Silver Stage Pop Warner	Silver Level Sponsor	500.00
11/16/2015	LDS Church Comstock Ward		200.00
02/02/2016	Dayton High School		450.00
07/07/2016	Boys & Girls Club of Mason Valley	Chili Cook Off	1,500.00
01/25/2017	Boys & Girls Club of Mason Valley	Annual Chili Cook-Off Sponsorship	4,000.00
03/23/2017	Dayton High School	Contributions	400.00
06/22/2017	Dayton Comstock BMX, Inc.	Contribution	1,000.00
08/09/2017	Silver Stage Pop Warner	Contribution	500.00
08/18/2017	VFW Post 8660	Sponsorship	250.00
02/06/2018	Lyon County Library Foundation	Donation	300.00
		Totals	**35,137.95**

EXHIBIT 27

EXHIBIT 27

Tim Smith

From: Corrado DeGasperis
Sent: Tuesday, January 30, 2018 6:27 AM
To: Tim Smith
Subject: FW: final paycheck for foundation work

From: Ron James <James@comstockmining.com>
Date: Friday, July 19, 2013 at 5:34 AM
To: Corrado DeGasperis <DeGasperis@comstockmining.com>
Subject: RE: final paycheck for foundation work

Thanks Corrado. Much appreciated.

From: Corrado De Gasperis [DeGasperis@comstockmining.com]
Sent: Thursday, July 18, 2013 9:17 PM
To: Ron James
Cc: Judd Merrill; Dora Rodriguez; Travis Higgins
Subject: Re: final paycheck for foundation work

ease proceed

On Jul 18, 2013, at 3:32 PM, "Ron James" <James@comstockmining.com> wrote:

Hi Judd and Dora,

If - and especially only if - this doesn't present a problem:

I spoke with Corrado about having a final check from CMI, drawn off Foundation funds for the two pay periods ending on July 19 and August 2, issued as a single check on August 2. While the Foundation will establish a bank account ready for the transfer of funds once the Secretary of State sends notification of acceptance of the filing of our Articles of Incorporation, if may be some time before the Foundation is ready to start writing checks. It would be great if CMI could issue that last check to me - and deduct it from Foundation funds. But I don't want to impose in any way, so if this doesn't work with your plans, please disregard the request.

Thanks for your consideration of this.

best wishes,

Ron

EXHIBIT 28

EXHIBIT 28

Tim Smith

From: Corrado DeGasperis
Sent: Tuesday, January 30, 2018 7:42 AM
To: Tim Smith
Subject: FW: Meeting with Scott Keller

From: Ron James <ron@comstockfoundation.org>
Organization: Comstock Foundation for History and Culture
Date: Wednesday, December 11, 2013 at 10:00 AM
To: Corrado DeGasperis <DeGasperis@comstockmining.com>
Subject: Re: Meeting with Scott Keller

Hi Corrado,

See you for both these meetings. I think we were telling Scott and Vida our meeting would start at noon.

See you in a bit.

Ron

On 2013-12-11 10:53, Corrado DeGasperis wrote:

> When: Wednesday, December 11, 2013 12:30 PM-1:00 PM. (UTC-08:00) Pacific Time (US & Canada)
> Where: Lynch House Office
>
> *~*~*~*~*~*~*~*~*~*~*

Tim Smith

From: Corrado DeGasperis
Sent: Tuesday, January 30, 2018 7:42 AM
To: Tim Smith
Subject: FW: Keller Consulting Invoices

From: Ron James <ron@comstockfoundation.org>
Organization: Comstock Foundation for History and Culture
Date: Wednesday, December 11, 2013 at 3:22 PM
To: Vida & Scott Keller <vidakeller@gmail.com>, Corrado DeGasperis <DeGasperis@comstockmining.com>
Cc: Susan Gordon <Gordon@comstockmining.com>, Dora Luz Rodriguez <Rodriguez@comstockmining.com>
Subject: Re: Keller Consulting Invoices

Hi everyone,

I discussed the issues about the invoices and checks with Susan. We concur that there was an invoice and should have been a corresponding check (it should be blue) for $1,485.61 to Priceless Construction. Susan indicates that she handed it to Vida together with Scott's most recent check for $7,083.00. Vida, if you could look at the $1,485.61 check again and verify that it was made out to Scott, that would be great - and it would mean that it is a mistake. If it is to Scott, perhaps you can scan it and send Susan an image so she can sort things out. That $1,485.61 should have been to Priceless.

Vida, I also spoke with Susan about the old invoice for supplies submitted to CMI before Scott transferred to the Foundation in August. It would probably help if you could resubmit that old invoice with the original date. etc., to Susan so she could track down what happened to it.

I hope this makes sense, and I trust that anything I have misunderstood or missed will be filled in by the person with the answers.

Thanks to all for your help in sorting this out.

Best wishes,

Ron

On 2013-12-06 13:15, Ron James wrote:

Vida,

I heard that you wanted to see the list of expenses associated with the Yellow Jacket Hoist. I still need to check a few things; there may be one or two things that need to be added to make this current as of this week, but this provides a fairly accurate summary.

Please let me know if you have any questions.

Best wishes,

Ron

On 2013-11-26 18:32, Vida Keller wrote:

Susan,
Here is Keller Consulting's invoices
Hope you have a great Thanksgiving.

Vida

--

Vida D. Keller
Commissioner, Lyon County Nevada
(775) 691-0173 cell

EXHIBIT 29

EXHIBIT 29

Priceless Construction
1175 Flint Street, Fernley, Nevada 89408
(775) 575-1143
NEV. LIC. 35398A; 35399A
Quality isn't expensive, it's ***PRICELESS.***

Proposal submitted to:

Comstock Mining Inc.

Job name:

Comstock Mine

Job location:

P.O. Box 1118
1200 American Flat Road
Virginia City, Nevada 89440

Date:

June 17, 2011

Job description:

Project 1: Shore up conveyor bridge on lower end with concrete deadmen on either side with posts and forty five braces to a beam above. Install bracing to interior of lower building at conveyor bridge including posts and beams to keep building from shifting. Refer to pictures one thru nine.

Project 2: Install several posts where removed (at truck location) inside large building at upper end of bridge conveyor. Install bracing at several locations where roof system has deflected and come apart.
Refer to pictures ten thru eighteen.

Project 3: Remove existing dirt at lower end of large building and pour new piers. Construct new wall framing with two by eights. Apply plywood or osb over framing and then install owner supplied metal siding.
Refer to pictures nineteen thru twenty two.