

No. 75185

IN THE SUPREME COURT OF THE STATE OF NEVADA

In the Matter of)
)
THE HONORABLE WILLIAM GUS SULLIVAN,)
Pahrump Township Justice Court,)
County of Nye, State of Nevada,)
)
Respondent.)

CASE NO.

FILED

FEB 26 2018

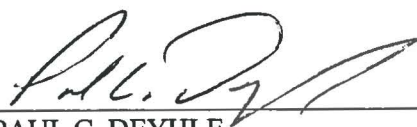
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY _____
DEPUTY CLERK

CERTIFIED COPY OF STIPULATION AND ORDER OF
CONSENT TO PUBLIC REPRIMAND

Pursuant to Commission Procedural Rule 29, I hereby certify that the document attached hereto is a true and correct copy of the STIPULATION AND ORDER OF CONSENT TO PUBLIC REPRIMAND filed with the Nevada Commission on Judicial Discipline on February 23, 2018.

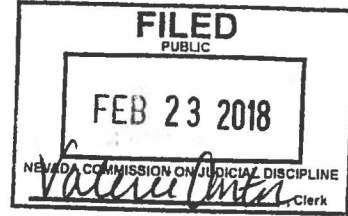
DATED this 26th day of February, 2018.

NEVADA COMMISSION ON
JUDICIAL DISCIPLINE
P.O. Box 48
Carson City, NV 89702
(775) 687-4017

By: 
PAUL C. DEYHLE
General Counsel and Executive Director
Nevada Bar No. 6954

RECEIVED
FEB 26 2018
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

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8 Prosecuting Officer for the Nevada
9 Commission on Judicial Discipline



7 **BEFORE THE NEVADA COMMISSION ON JUDICIAL DISCIPLINE**

9 In the Matter of)
10)
11 THE HONORABLE WILLIAM GUS SULLIVAN,)
12 Pahrump Township Justice Court,)
13 County of Nye, State of Nevada) **CASE NO. 2017-009-P**
14 Respondent.)

15 **STIPULATION AND ORDER OF CONSENT TO PUBLIC REPRIMAND**

16 In order to resolve the Formal Statement of Charges pending before the Nevada Commission on
17 Judicial Discipline (the "Commission"), the Respondent and the Commission stipulate to the following
18 pursuant to Commission Procedural Rule 29:

19 1. Respondent admits that he committed violations of the Revised Nevada Code of Judicial
20 Conduct (the "Code"), Judicial Canon 1, Rule 1.1 (compliance with the law, including the Code); Rule
21 1.2 (failing to act at all times in a manner that promotes public confidence in the independence,
22 integrity, and impartiality of the judiciary and avoiding impropriety and the appearance of impropriety);
23 Judicial Canon 2, Rule 2.2 (failing to uphold and apply the law, and performing all duties of judicial
24 office fairly and impartially); Rule 2.3(A) and (B) (bias); Rule 2.4 (external influences on judicial
25 conduct); Rule 2.5(A)(competence, diligence and cooperation); Rule 2.6(A) (failing to accord to every
26 person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according
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1 to law); Rule 2.9(A),(C) (ex parte communications/independent investigation) and Rule 2.12
2 (supervisory duties), or any single rule or any combination of those rules, and in his official capacity as
3 a justice court judge in and for the Pahrump Township Justice Court, in Nye County, State of Nevada,
4 by knowingly engaging in an act, a combination of acts, or all of the following acts, or the following
5 acts occurred relevant to these charges:

6
7 A. On or about December 28, 2016 at about 4:01 p.m., an application for a temporary
8 protection order ("TPO") was filed in case number 16PODV00834 in Pahrump Justice Court by
9 an adult female applicant against a Nye County deputy sheriff and indicating that the applicant
10 was or had been in a voluntary sexual relationship with the deputy but was now being harassed
11 by the deputy. The application sought a TPO for stalking against the deputy. The applicant was
12 informed on or about December 29, 2016 by the clerk that Respondent had the application and it
13 had not been approved or denied. After review of the TPO, Respondent mentioned the
14 application to fellow Pahrump Township Justice Court Judge Jasperson and was informed by
15 him that the applicant had pending felony charges against her for which she was to appear before
16 the fellow judge. Respondent noted that the TPO application indicated that the deputy against
17 whom the TPO was sought had been involved in the applicant's last four arrests. As such,
18 Respondent had concerns regarding the credibility of the applicant and her motives for applying
19 for the TPO. Based on this information, Respondent contacted the Nye County Sheriff's Office
20 ("NCSO") regarding the situation and spoke to a sergeant who informed Respondent that the
21 NCSO was aware of the allegations made by the TPO applicant against the deputy and, based on
22 that, the NCSO was conducting an internal affairs investigation. Additionally, Respondent was
23 informed that a "stay away" order had been issued by the NCSO directing the deputy to stay
24 away from the TPO applicant pending the investigation and while the deputy was on and off
25 duty.
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1 B. Respondent had been off work on December 29 and 30, 2016, and the weekend of
2 December 31, 2016 and January 1, 2017. Monday, January 2, 2017, was a court holiday. The
3 clerk will generally contact Respondent if he is not present in court on a judicial workday, after
4 which Respondent will remotely review a TPO application and take action on it.

5 C. On or about January 3, 2017, Respondent denied the application for a TPO without a
6 hearing, based on Respondent's review of the application and the knowledge Respondent
7 acquired in his independent investigation, including the "stay away" order issued by the NCSO.
8 Respondent, in denying the application, indicated that it was "Pending the Internal Investigation
9 that is being conducted by the NCSO." Because the application was denied, Respondent did not
10 order or hold a hearing on the TPO application. Respondent also believed that the issuance of a
11 TPO could have an adverse impact on the deputy's law enforcement career. Respondent is a
12 former NCSO deputy who retired with the rank of Captain in 2005.

13 D. By not ruling upon the TPO application by the end of the judicial day on December
14 29, 2016, Respondent failed to act within one judicial day after the application was filed on
15 December 28, 2016 or Respondent failed to require his staff, court officials, and others subject
16 to the Respondent's direction and control to act in a manner consistent with Respondent's
17 obligations under the Code by ensuring that the filed application for a TPO was presented to him
18 by the court clerk in a timely manner. This was in violation of NRS 33.020(4) which provides
19 that a "court shall rule upon an application for a temporary order within 1 judicial day after it is
20 filed."
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24 E. Respondent could have, but did not, set the matter for a hearing in an effort to
25 determine the necessary facts, although NRS 33.020(2) provides that the court may require the
26 applicant or adverse party, or both, to appear before the court determining whether to grant the
27 TPO.
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1 2. Respondent admits to the allegations brought against him in the Charges of Misconduct of
2 the Formal Statement of Charges filed January 9, 2018, and, more specifically, paragraphs (1)(A)
3 through (E) as set forth above.

4 3. Respondent agrees to waive his right to present his case and contest the allegations in the
5 information set forth above in a formal hearing pursuant to Commission Procedural Rule 18.
6 Respondent also agrees that this Stipulation and Order of Consent to Public Reprimand ("Order") takes
7 effect immediately pursuant to Commission Procedural Rule 29. The Commission accepts
8 Respondent's waiver of said right and acknowledges and agrees to the immediate effect of this Order.
9 Respondent further agrees to appear before the Commission in a public proceeding, if required by the
10 Commission, to discuss this Order in more detail and answer any questions from the Commissioners
11 related to this case.
12

13 4. Respondent agrees and acknowledges that this Order will be published on the Commission's
14 website and filed with the Clerk of the Nevada Supreme Court.

15 5. Respondent and the Commission hereby stipulate to Respondent's consent to public
16 reprimand pursuant to Commission Procedural Rule 29. Respondent stipulates to the following
17 substantive provisions:
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19 A. He agrees the evidence available to the Commission would establish by clear and convincing
20 proof that he violated the Code, including Canon 1, Rules 1.1 and 1.2, and Canon 2, Rules 2.2,
21 2.3(A) and (B), 2.4, 2.5 (A), 2.6(A), 2.9(A), (C) and 2.12.

22 B. He agrees the discipline of public reprimand is authorized by Article 6, Section 21(1) of the
23 Nevada Constitution and Commission Procedural Rule 29.

24 C. He stipulates to a public reprimand for violations of the Judicial Canons and Rules as set
25 forth above in paragraphs (1) (A) through (E).
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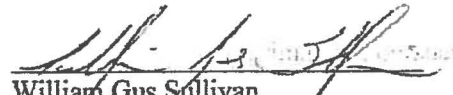
27 6. The Respondent understands and agrees that, by accepting the terms of this Order, he waives
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his right to appeal to the Nevada Supreme Court, pursuant to Rule 3D of the Nevada Rules of Appellate Procedure.

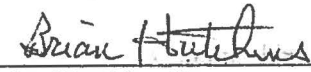
ORDER

IT IS HEREBY ORDERED that Respondent is hereby publicly reprimanded pursuant to Commission Procedural Rule 29 for violating the Code, Canon 1, Rules 1.1 and 1.2, and Canon 2, Rules 2.2, 2.3(A) and (B), 2.4, 2.5 (A), 2.6(A), 2.9(A), (C) and 2.12.

IT IS FURTHER ORDERED that the Executive Director of the Commission take the necessary steps to file this document in the appropriate records and on the website of the Commission and with the Clerk of the Nevada Supreme Court.


William Gus Sullivan
Respondent

Dated this 20th day of February, 2018.

By: 
Brian Hutchins, Esq.
Prosecuting Officer for the Commission

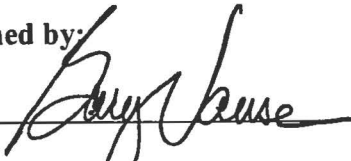
Dated this 22nd day of February, 2018.

1 NEVADA COMMISSION ON JUDICIAL DISCIPLINE:

2 The Commissioners listed below accept the terms of this Stipulation and Order of Consent to
3 Public Reprimand between the Respondent and the Commission. They further authorize the Chairman,
4 if requested, to sign on behalf of the Commission, as a whole, this document containing the Stipulation
5 and Order of Consent to Public Reprimand.
6

7 Signed by:

Dated:

8 
9 _____

2/23/18

GARY VAUSE, CHAIRMAN

10 HON. LEON ABERASTURI

11 KARL ARMSTRONG

12 HON. MARK DENTON

13 BRUCE HAHN

14 STEFANIE HUMPHREY

15 JOHN KRMPOTIC
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1 **CERTIFICATE OF MAILING**

2 I hereby certify that I am an employee of the Nevada Commission on Judicial Discipline and
3 that on the 26th day of February, 2018, I served a copy of the **CERTIFIED COPY OF**
4 **STIPULATION AND ORDER OF CONSENT TO PUBLIC REPRIMAND**, filed with the Nevada
5 Supreme Court, by United States Mail, postage paid, certified, return receipt requested, addressed to the
6 following:

7 Lyn E. Beggs, Esq.
8 Law Offices of Lyn E. Beggs, PLLC
9 328 California Ave. Suite 3
10 Reno, NV 89503
11 lyn@lbeggslaw.com
12 Counsel for Respondent

11 Brian Hutchins, Esq.
12 BH Consulting, LLC
13 P. O. Box 2366
14 Carson City, NV 89701
15 bhconsultingllc@sbcglobal.net
16 Prosecuting Officer

15 

16 _____
17 Valerie Carter, Commission Clerk