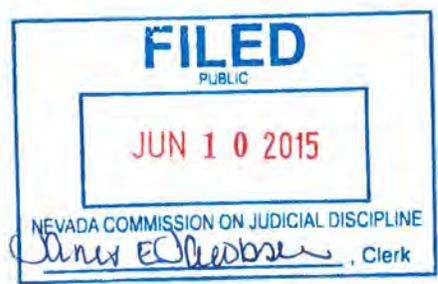


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8 Special Counsel for the Nevada
9 Commission on Judicial Discipline



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

8 IN THE MATTER OF THE HONORABLE)
9 DAWN HAVILAND, Goodsprings Justice)
10 of the Peace, County of Clark, State of)
11 Nevada,)
12 Respondent)

Case No.: 1502-137

12 **FORMAL STATEMENT OF CHARGES**

14 COMES NOW Kathleen M. Paustian, Special Counsel for the Nevada Commission on
15 Judicial Discipline ("Commission" or "NCJD"), established under Article 6 § 21 of the Nevada
16 Constitution, who, in the name of and by the authority of the Commission, as found in NRS 1.425 -
17 1.4695, files this Formal Statement of Charges and informs the Respondent, Dawn Haviland,
18 Justice of the Peace, Goodsprings Township Justice Court, County of Clark, State of Nevada, that
19 the following acts were committed by Respondent and warrant disciplinary action by the
20 Commission under the Nevada Code of Judicial Conduct.

21 **FACTUAL ALLEGATIONS**

22 Beginning in or about October 2009 and continuing to in or about November 2012,
23 Respondent Haviland knowingly and in the capacity of her office as Justice of the Peace in
24 Goodsprings Township, primarily in case number 09MCG007069 and citation number X00188818,
25 engaged in the following acts, or a combination of these acts:

- 26 A. Issued, or cause to be issued, a complaint or bench warrant, or both, without factual or legal
27 basis, against Strickly Truckin' Inc., a Utah Corporation, or Complainant Tracy Strickland, or both,
28 for a motor carrier license violation pursuant to CFR 49 § 393.45 of the Federal Motor Carrier
Safety Regulations for brake tubing and hose.

1 B. Without authority to investigate or prosecute misdemeanors, directed staff, on or about
2 January 7, 2010, to incorrectly include Bill Strickland as the vehicle owner in Part B of the
3 complaint.

4
5 C. After the statute of limitations for such misdemeanors had run, issued, or caused to be
6 issued, a complaint or bench warrant, or both, against Complainant Tracy Strickland for a motor
7 carrier license violation pursuant to CFR 49 § 393.45 of the Federal Motor Carrier Safety
8 Regulations for brake tubing and hose

9 D. Without authority to investigate or prosecute misdemeanors, personally investigated, or
10 ordered her staff or the staff of the court clerk to investigate, the name of the registered owner for
11 Strickly Truckin' Inc., and then issued, or caused to be issued, a complaint or bench warrant, or
12 both, against Strickly Truckin' Inc. or Complainant Tracy Strickland, or both of them, for a motor
13 carrier license violation pursuant to CFR 49 § 393.45 of the Federal Motor Carrier Safety
14 Regulations for brake tubing and hose

15 E. Engaged in prohibited ex parte communications by personally, or through her staff or the
16 staff of the court clerk, communicating, or considering communications, with Strickly Truckin'
17 Inc., or Complainant Tracy Strickland, or both, outside the presence of the parties or their lawyers
18 concerning a pending matter, without consent of the parties or authorization of the law.

19
20 F. Engaged in plea negotiations contrary to law by personally, or through her staff or the staff
21 of the court clerk, communicating with Strickly Truckin' Inc., or Complainant Tracy Strickland, or
22 both, regarding possible resolution of the above case.

23 G. Abused her judicial authority by engaging in any or all, or any combination of, the acts
24 listed above in paragraphs A through F (collectively referred to as "the acts").

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COUNT ONE

By engaging in the acts, or a combination of the acts, listed above, Respondent exceeded or abused her judicial authority as authorized under the Nevada Code of Judicial Conduct, violating paragraph [1] of the Preamble to the Code which mandates an independent, fair, impartial and competent judiciary.

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COUNT TWO

By engaging in the acts, or a combination of the acts, listed above, Respondent violated Canon 1, Rule 1.1, requiring her to comply with the law, by acting without authority to investigate and/or prosecute misdemeanors.

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COUNT THREE

By engaging in the acts, or a combination of the acts, listed above, Respondent violated Canon 1, Rule 1.2, requiring her to promote public confidence in the judiciary, by exceeding her authority in a case before her by investigating and prosecuting a misdemeanor, including the issuance, or causing the issuance, of a complaint or bench warrant, or both, against Strickly Truckin' Inc., Complainant Tracy Strickland and Bill Strickland.

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COUNT FOUR

By engaging in the acts, or a combination of the acts, listed above, Respondent violated Canon 2, Rule 2.2, requiring her to uphold and apply the law, by exceeding her legal authority in a case before her by investigating and prosecuting a misdemeanor, including the issuance, or causing the issuance, of a complaint or bench warrant, or both, against Strickly Truckin' Inc., Complainant Tracy Strickland and Bill Strickland.

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COUNT FIVE

By engaging in the acts, or a combination of the acts, listed above, Respondent violated Canon 2, Rule 2.5(A), requiring her to perform judicial and administrative duties competently and diligently, by exceeding her authority in a case before her by investigating and prosecuting a misdemeanor, including the issuance, or causing the issuance, of a complaint or bench warrant, or both, against Strickly Truckin' Inc., Complainant Tracy Strickland and Bill Strickland.

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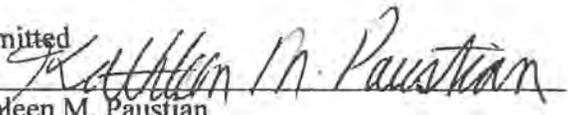
COUNT SIX

By engaging in the acts, or a combination of the acts, listed above, Respondent violated Canon 2, Rule 2.9, prohibiting ex parte communications, by personally, or through her staff or the staff of the court clerk, communicating, or considering communications, with Strickly Truckin'

1 Inc., or Complainant Tracy Strickland, or both, outside the presence of the parties or their lawyers
2 concerning a pending matter, without consent of the parties or authorization of the law, and by
3 engaging personally, or through her staff or the staff of the court clerk, in plea negotiations with
4 Strickly Truckin' Inc., or Complainant Tracy Strickland, or both, to potentially settle the above
5 case.

6 Based on the foregoing, the Nevada Commission on Judicial Discipline shall hold a public
7 hearing on the merits of these charges pursuant to NRS 1.4673 and, if violations as alleged are
8 found to be true, the Commission shall impose whatever sanctions and/or discipline it deems
9 appropriate pursuant to NRS 1.4677 and other Nevada Revised Statutes governing the
10 Commission.

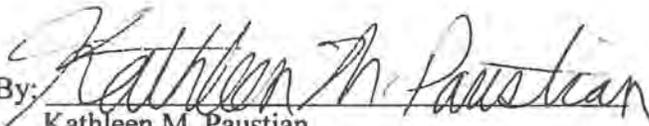
11 DATED this 8th day of June, 2015.

12 Submitted
13 by: 
14 Kathleen M. Paustian
15 Special Counsel to the NCJD
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CERTIFICATE OF SERVICE

I hereby certify that a true and file stamped copy of the FORMAL STATEMENT OF CHARGES has been forwarded to the following party via U.S. mail, postage pre-paid, on this 8th day of June, 2015.

The Honorable Dawn Haviland
Justice of the Peace
Clark County Justice Court
Goodsprings Township
23120 Las Vegas Boulevard South
Jean, NV 89019

By: 
Kathleen M. Paustian

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