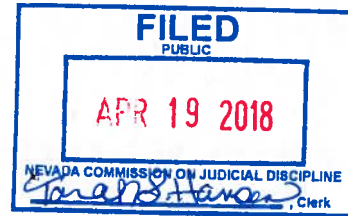


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5 Telephone (702) 321-2222  
6 [kathleenpaustian@cox.net](mailto:kathleenpaustian@cox.net)  
7 Prosecuting Officer for the Nevada  
8 Commission on Judicial Discipline



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

10 IN THE MATTER OF HEIDI ALMASE, )  
11 former Municipal Court Judge, )  
12 City of Las Vegas, )  
13 County of Clark, )  
14 State of Nevada, )

15 Respondent.

16 CASE NO.: 2017-099-P

17 **FORMAL STATEMENT OF CHARGES**

18 COMES NOW Kathleen M. Paustian, Prosecuting Officer for the Nevada Commission on  
19 Judicial Discipline (“Commission” or “NCJD”), established under Article 6 § 21 of the Nevada  
20 Constitution, who, in the name of and by the authority of the Commission, as found in NRS 1.425 -  
21 1.4695, files this Formal Statement of Charges and informs Heidi Almase, former Municipal Court  
22 Judge, City of Las Vegas, County of Clark, State of Nevada (“Respondent” or “Ms. Almase”), that  
23 the following acts were committed by Respondent and warrant disciplinary action by the  
24 Commission under the Revised Nevada Code of Judicial Conduct (“the Code”).

25 **FACTUAL ALLEGATIONS**

26 Respondent knowingly and in the capacity of her office as a Municipal Court Judge for the  
27 City of Las Vegas in Clark County, engaged in the following acts, or a combination of these acts  
28 (“acts” or “actions”):

In 2017, Respondent ran for a second term as a Municipal Court Judge. Respondent was initially represented in her bid for re-election by David Thomas, Esq. After Mr. Thomas withdrew from representing Respondent, she entered into an Independent Contractor Agreement with Jennifer

1 C. Barrier, on April 10, 2017, for campaign management. On June 6, 2017, Ms. Barrier posted a  
2 photo-shopped image of the actor Dwayne Johnson, “the Rock”, with Respondent on the then  
3 Judge’s official Facebook page. The image was tagged: “It just makes sense: Re-Elect Judge  
4 Heidi Almase” and identified Dwayne Johnson, including his signature. Respondent commented  
5 on the page: “I’m ‘almost’ taller than him. Almost.” On or about June 7, 2017, the *Las Vegas*  
6 *Review Journal* (“*Review Journal*” or “*RJ*”) ran an article about the Facebook posting in which the  
7 reporter asked Ms. Barrier if she had authority to post the image of Mr. Johnson. Ms. Barrier  
8 replied she was “...waiting on written authorization to use his photo...” and added “It was never an  
9 endorsement.” In her interview with the Commission’s Investigator, Respondent said she had no  
10 prior knowledge that Ms. Barrier was going to post this image. Respondent also stated that Ms.  
11 Barrier assured her, after the image was posted, that she had obtained Mr. Johnson’s permission to  
12 use his likeness on Respondent’s Facebook page. Respondent stated Ms. Barrier explained that  
13 she had “family connections” with Mr. Johnson. The picture was removed from Respondent’s  
14 official Facebook page shortly after Ms. Barrier spoke to the *RJ*. Respondent later apologized for  
15 the Dwayne Johnson Facebook posting in a press release dated June 9, 2017. She also verbally  
16 self-reported these actions to the Commission on June 8, 2017 and followed up with a letter to the  
17 Commission dated June 9, 2017. Ms. Almase lost the election to her opponent.

18 The actions of Respondent and her representative violated the Code, including, Canon 1,  
19 Rule 1.1, requiring Respondent to comply with the law, including the Code; and Rule 1.2, failing to  
20 promote public confidence in the independence, integrity and impartiality of the judiciary, avoiding  
21 impropriety and the appearance of impropriety; as well as Canon 4, Rule 4.1(A)(11), prohibiting  
22 knowingly, or with reckless disregard for the truth, making any false or misleading statement in  
23 campaign activities; Rule 4.1(B), requiring a judge or judicial candidate to take reasonable  
24 measures to ensure that other persons do not undertake, on behalf of the judge or judicial candidate,  
25 any activities prohibited under paragraph (A) of Rule 4.1; and Rule 4.4(A), subjecting campaign  
26 representatives to the provisions of the Code and mandating that the candidate be responsible for  
27 ensuring that her campaign representatives comply with applicable provisions of the Code. The  
28 Respondent abused her judicial authority by engaging in any or all, or any combination of, the acts  
listed above.

//

**COUNT ONE**

1  
2 By engaging in the acts, or a combination of the acts, listed above, regarding the false  
3 Facebook posting, Respondent violated the Code, including Canon 1, Rule 1.1, requiring  
4 Respondent to comply with the law, including the Code; and Rule 1.2, failing to promote public  
5 confidence in the independence, integrity and impartiality of the judiciary, avoiding impropriety  
6 and the appearance of impropriety; as well as Canon 4, Rule 4.1(A)(11), prohibiting knowingly, or  
7 with reckless disregard for the truth, making any false or misleading statement in campaign  
8 activities; Rule 4.1(B), requiring a judge or judicial candidate to take reasonable measures to ensure  
9 that other persons do not undertake, on behalf of the judge or judicial candidate, any activities  
10 prohibited under paragraph (A) of Rule 4.1; and Rule 4.4(A), subjecting campaign representatives  
11 to the provisions of the Code and mandating that the candidate be responsible for ensuring that her  
12 campaign representatives comply with applicable provisions of the Code.

13 Based on the information above, the Commission shall hold a public hearing on the merits  
14 of these facts and Counts pursuant to NRS 1.4673 and, if violations as alleged are found to be true,  
15 the Commission shall impose whatever sanctions and/or discipline it deems appropriate pursuant to  
16 NRS 1.4677 and other Nevada Revised Statutes governing the Commission.

17  
18  
19 DATED: this 19th day of April, 2018.

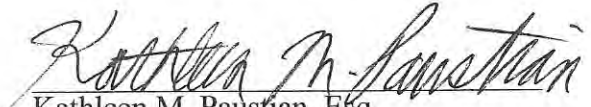
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21  
22 Submitted by: Kathleen M. Paustian  
23 Kathleen M. Paustian, Esq.  
24 Prosecuting Officer for the NCJD  
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26  
27  
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1 KATHLEEN M. PAUSTIAN, ESQ. being first duly sworn under oath, according to Nevada  
2 law, and under penalty of perjury, hereby states:

3 1. I am an attorney licensed to practice law in the State of Nevada. I have been retained  
4 by the Nevada Commission on Judicial Discipline to serve in the capacity of Prosecuting Officer in  
5 the matter of former Las Vegas Municipal Court Judge Heide Almase, Case No. 2017-099-P.  
6


7 2. I have prepared and reviewed this Formal Statement of Charges against Ms.  
8 Almase, and, pursuant to the investigation conducted in this matter, and based on the contents of  
9 that investigation and following reasonable inquiry, I am informed and believe that the contents of  
10 this Formal Statement of Charges are true and accurate.  
11

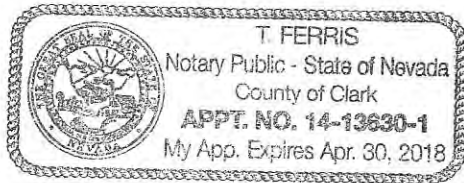
12 DATED: this 19<sup>th</sup> day of April, 2018.

13   
14 Kathleen M. Paustian, Esq.

15 STATE OF NEVADA )  
16 COUNTY OF CLARK ) ss  
17

18 Subscribed and sworn to before me, a Notary Public,  
19 this 19<sup>th</sup> day of April, 2018, by Kathleen M. Paustian.  
20

21  
22 By:   
NOTARY PUBLIC




**CERTIFICATE OF SERVICE**

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I hereby certify that a true and correct copy of this FORMAL STATEMENT OF CHARGES was placed in U.S. mail, postage pre-paid, on this 19<sup>th</sup> day of April, 2018, addressed to:

Heidi Almase, Esq.  
530 S. 7th Street  
Las Vegas, NV 89101

By:   
Kathleen M. Paustian, Esq.  
Prosecuting Officer for the NCJD