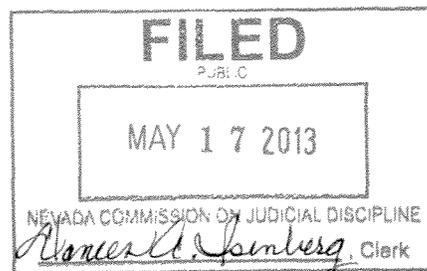


BEFORE THE NEVADA COMMISSION ON JUDICIAL DISCIPLINE

STATE OF NEVADA



In the Matter of the  
HONORABLE TERRY GRAHAM,  
Justice of the Peace,  
Wadsworth Justice Court,  
County of Washoe, State of Nevada,  
Respondent.

Case No. 1202-1083

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND IMPOSITION OF DISCIPLINE**

Pursuant to prior written notice, the above-entitled matter came on for public (formal) hearing in Reno, Nevada, pursuant to NRS§1.467(3)(c) and Interim Commission Rule 18 (hereinafter referred to as “the hearing”) on December 5, 2012, before the Nevada Commission on Judicial Discipline (hereinafter referred to as the “Commission”).<sup>1</sup>

Attorneys Thomas C. Bradley and Mary Boetsch acted as the Special Counsel and prosecuted the case against Respondent. The Respondent was present and represented by Counsel David Grundy and Tammy Riggs.

After being fully advised of its obligations and duties, the Commission specifically finds that the hearing was conducted according to the statutes, rules, and procedures required by law. The Commission hereby issues the following Findings of Fact, Conclusions of Law, and Imposition of Discipline pursuant to Rules 27 and 28, and NRS§1.4673 and §1.4677.

**A. PREFACE**

On December 5, 2012, Special Prosecutors, Thomas C. Bradley, Esq. and Mary E. Boetsch, Esq., and the Respondent through his Counsel Tammy Riggs, Esq. and David Grundy, Esq., entered into a written Admission and Stipulation which was filed with the Commission. In that Admission and Stipulation, the Respondent admitted to the factual allegations contained in Counts One and Two

<sup>1</sup> The following Commissioners participated in the hearing: Chairman Doug Jones, Judge Rodney Burr, Judge Janiece Marshall, Karl Armstrong, Wayne Chimarusti, Mary Lau, and Gary Vause.

1 of the Amended Statement of Formal Charges which was filed contemporaneously with the  
2 Admission and Stipulation. The Amended Statement of Formal Charges alleged:

3 **COUNT ONE**

4 1. That in June 2008, Kamee Copeland was your court clerk at  
Wadsworth Justice Court, Wadsworth Township, Washoe County, Nevada.

5 2. That during that time frame Kamee Copeland was involved in a  
6 personal relationship with Gary Raines who was separated from his wife, Sharon  
7 Raines; that the Raines were in the process of divorcing; and that the divorce action  
8 had been filed in the Second Judicial District Court.

9 3. That a restraining order in the Raines' divorce case was issued by The  
10 Honorable Frances Doherty, Department 12, the Second Judicial District Court, on  
11 October 31 2007, which, in pertinent part, prohibited either party in the divorce from  
12 transferring, encumbering, hypothecating, concealing or in any way disposing of any  
property, real or personal, whether community or separate, except in the usual course  
of business or for the necessities of life.

13 4. That on or about June 20, 2008, while this restraining order was in  
effect, you purchased two pieces of Caterpillar heavy construction equipment, namely  
14 Cat-Track Skid-Steers, that belonged to the marital estate of Sharon and Gary Raines,  
15 by paying off the balance owing to Caterpillar Finance and that this equipment was  
16 covered by the restraining order.

17 5. That, thereafter, on or about January 30, 2009, you went to the adjacent  
18 lot next to the Raines' marital residence located at 995 Mesa Drive, Fernley, Nevada,  
19 to obtain and remove one of the two Cat-Track Skid-Steers; that prior to this date you  
20 learned that the restraining order described herein was in effect.

21 6. That your conduct as described herein constitutes violations of one or  
22 more of the following, then applicable, Canons of the Nevada Code of Judicial  
23 Conduct -- former Canon 1 A, former Canon 2A and former Canon 4A.

24 **COUNT TWO**

25 7. That the allegations in paragraphs one through six are incorporated  
26 herein by reference as though fully set forth herein.

27 8. That when you purchased the equipment described in Count One, you  
28 did so by paying off the outstanding debt owed against the heavy equipment.

9. That Investigator Bob Schmidt of the Advantage Group, performed an  
investigation into this matter at the direction of the Nevada Commission on Judicial  
Discipline; that on January 13, 2011, he interviewed you; that during that interview  
you stated that you paid off the remaining balance owed to Caterpillar Finance for the  
equipment; that you falsely told Investigator Schmidt that you obtained part of the  
money from some cash you kept at home and the rest came from the bank; that,  
thereafter, later in the interview when you were told that Kamee Copeland's credit  
card statement showed a cash advance in the exact amount of the loan pay-off to  
Caterpillar made the day the pay-off was made, you then advised Investigator Schmidt  
that you had borrowed the funds from Kamee Copeland to pay off the outstanding  
obligation because you could not get the money together that quickly.

10. That your conduct as described herein constitutes violations of Current  
Rule 2.16 of the Nevada Code of Judicial Conduct.

In the Admission and Stipulation, the Respondent specifically acknowledged that his conduct  
as set forth in the Amended Statement of Formal Charges constituted clear and convincing evidence  
that he violated those named provisions of the Code, past and current, and the evidence supported

1 the imposition of discipline by the Commission.

2 The Respondent further agreed in the Admission and Stipulation that by accepting the terms  
3 of this agreement, he waived his right to appeal to the Nevada Supreme Court, pursuant to Rule 3D  
4 of the Nevada Rules of Appellate Procedure all issues, save and except that he was permitted to  
5 appeal the propriety of any discipline imposed which is more severe than the form of discipline  
6 proposed by the prosecutors and accepted by Respondent as stated herein.

7 After hearing testimony from Respondent and receiving documentary evidence regarding  
8 whether a violation or violations occurred, as well as evidence in extenuation and mitigation of  
9 punishment, the Commission deliberated in private.

10 **B. FINDINGS OF FACT**

11 The Commission finds that the Admission and Stipulation together with the evidence  
12 presented at the hearing establishes by clear and convincing proof of each of the following facts.

13 1. The Respondent was, at all times applicable to the events in this case, the Wadsworth  
14 Justice of the Peace, County of Washoe, State of Nevada. He still serves in that capacity. Therefore,  
15 the Respondent was and is a judicial officer whose conduct was and is subject to the Nevada Code of  
16 Judicial Conduct.

17 2. The Commission finds that The Special Counsel had established the existence of a  
18 willful violation of the Nevada Code of Judicial Conduct. Specifically, Respondent violated former  
19 Canon 1A, former Canon 2A, Former Canon 4A, and current Rule 2.16 of the Nevada Code of  
20 Judicial Conduct.

21 3. The Commission also announced on the record that the Respondent would be subject  
22 to public reprimand for his conduct in violating the above-described violations. The vote as to the  
23 violation was unanimous.

24 4. The Respondent waived his right to appeal to the Nevada Supreme Court because the  
25 discipline imposed by the Commission was not more severe than the form of discipline proposed by  
26 the prosecutors and accepted by Respondent.

27 ////

28 ////

1           **C. CONCLUSIONS OF LAW**

2           1.       The Commission has both personal jurisdiction over the Respondent and subject  
3 matter jurisdiction over the violations of Code at issue in this case.

4           2.       The Commission unanimously concludes that the Admission and Stipulation together  
5 with the evidence presented at the hearing suffices as proof of the violations stated above.

6           3.       The Commission also concludes that Respondent has waived his right to appeal to the  
7 Nevada Supreme Court.

8           **D. IMPOSITION OF DISCIPLINE**

9           The Commission concludes that the appropriate discipline under Commission Rule 28 as to  
10 said violations shall be as follows:

11           By unanimous vote of the Commission, pursuant to subsections 5(a) and (b) of Article 6,  
12 Section 21 of the Constitution of the State of Nevada, the version of NRS 1.4653(2) in effect on the  
13 dates in question, and Commission Rule 28, the Respondent shall be and hereby is publicly  
14 reprimanded for having committed the acts as specified in the Admission and Stipulation, and fully  
15 set forth above.

16           **E. ORDER**

17           IT IS HEREBY ORDERED by unanimous vote of Commissioners Chairman Doug Jones,  
18 Judge Rodney Burr, Judge Janiece Marshall, Karl Armstrong, Wayne Chimarusti, Mary Lau, and  
19 Gary Vause that the Respondent should be and hereby is publicly reprimanded for violations of  
20 former Canon 1A, former Canon 2A, former Canon 4A, and Current Rule 2.16 of the Nevada Code  
21 of Judicial Conduct.

22           IT IS HEREBY ORDERED by unanimous vote that the chairman is authorized to sign this  
23 document on behalf of all voting commissioners.

24           IT IS HEREBY ORDERED pursuant to the consent of the Respondent, that the Executive  
25 Director of the Judicial Discipline Commission take the necessary steps to file this document in the  
26 appropriate records of the Commission and with the Clerk of the Nevada Supreme Court.

27       ////

28       ////

1 IT IS HEREBY ORDERED that the Clerk's Certificate of Mailing, found below, shall  
2 constitute the notice of entry of this document pursuant to Commission Rule 34; and the clerk shall  
3 promptly serve it on the Respondent's counsel and the Special Counsel.

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IT IS SO ORDERED.

DATED this 17th day of May, 2013.

NEVADA COMMISSION ON  
JUDICIAL DISCIPLINE  
P.O. Box 48  
Carson City, NV 89702

By:   
Douglas W. Jones, Chairman

1 CERTIFICATE OF MAILING

2 I hereby certify taht I am an employee of the Nevada Commission on Judicial Discipline and that on  
3 the 17th day of May, 2013, I placed a copy of the **FINDINGS OF FACT, CONCLUSIONS OF**  
4 **LAW AND IMPOSITION OF DISCIPLINE** in the United States mail, postage prepaid, addressed  
5 to the following persons:

6 Thomas C. Bradley, Esq.  
7 Sinai, Schroeder, Mooney,  
8 Boetsch, Bradley & Pace  
9 448 Hill Street  
10 Reno, NV 89501  
11 Special Counsel

12 Mary E. Boetsch, Esq.  
13 Sinai, Schroeder, Mooney,  
14 Boetsch, Bradley & Pace  
15 448 Hill Street  
16 Reno, NV 89501  
17 Special Counsel

18 David R. Grundy, Esq.  
19 Lemons, Grundy & Eisenberg  
20 6005 Plumas Street  
21 Reno, NV 89519  
22 Counsel for Respondent

23 Tammy M. Riggs, Esq.  
24 Law Office of Tammy M. Riggs  
25 556 California Avenue  
26 Reno, NV 89509  
27 Counsel for Respondent  
28

  
DANEEN ISENBERG, Commission Clerk