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October 17, 2018

Via Electronic Mail

Gus W. Flangas
Flangas Dalacas Law Group
3275 South Jones Boulevard, Suite 105
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Re: Your August 29, 2018, Letter on Behalf of Melanie Keener

Dear Mr. Flangas:

We have reviewed your August 29, 2018, letter on behalf of Melanie Keener, along with some of your recent related correspondence on behalf of your other clients, Lance Gilman and Stewart Handte. As this office (the OAG) has repeatedly said to all who have contacted us in good faith, our office is—and has been—willing to (1) investigate any potential crimes committed by Sheriff Antinoro within the OAG's legal and physical jurisdiction; or (2) facilitate communication with another law enforcement agency if the alleged misconduct is outside the OAG's jurisdiction. Your letters appear motivated by a desire to see Sheriff Antinoro face consequences for the improper actions you assert. If that is in fact your desire, you have many options to advance that goal beyond the limited tools possessed by this office.

As you are no doubt aware, this office has only limited jurisdiction. For example, while civil claims of sexual harassment within the workplace are serious, they are not within the OAG's jurisdiction to investigate or prosecute.¹ Jurisdiction to investigate such matters lies with the Nevada Equal Rights Commission and the Equal Employment Opportunity Commission. If you have not already done so, you may want to contact those agencies. Alternatively, as your client, Melanie Keener, has elected to do,

¹ As you know, Attorney General Masto's Chief Investigator, Dale Liebherr, reviewed and ultimately denied investigation into claims involving the former Storey County Sheriff's Office reserve deputy, who was allegedly denied a full time position in the office due to rejecting Sheriff Antinoro's alleged advances.

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civil lawsuits are also available to individuals who are subjected to sexual harassment.

As to your complaint that the OAG has not interviewed Ms. Keener: OAG investigators met with Ms. Keener, at her request, in early 2016. At that time, Ms. Keener relayed information regarding Sheriff Antinoro's civil sexual harassment of Storey County employees, but did not provide any information suggesting that Sheriff Antinoro may have committed any potential criminal sexual offenses. Following the meeting with Ms. Keener, OAG investigators consulted with their counterparts at the Federal Bureau of Investigations and arranged for FBI agents to meet with Ms. Keener. We understand that the FBI closed its matter. If Ms. Keener has any new information regarding any sexual offenses or other crimes committed by Sheriff Antinoro, the OAG is happy to facilitate another meeting between FBI authorities and Ms. Keener.

Regarding the alleged sexual assault committed by Sheriff Antinoro in Lodi, California, the OAG has referred the matter to the Lodi Police Department, the San Joaquin Sheriff's Office, and the San Joaquin District Attorney's Office as those bodies have jurisdiction to investigate and prosecute the case. If you have not already done so, you may want to contact those agencies.

The OAG also provided the deposition transcript that you attached to your correspondence to the named law enforcement agencies as well as to the FBI. The Lodi Police Department has initiated its investigation into the matter. Although the OAG made repeated attempts to contact the alleged victim to ensure her safety and facilitate contact with the appropriate law enforcement agencies in California, the alleged victim elected not to respond. Upon learning that Cal Dunlap represents the alleged victim, the OAG reached out to Mr. Dunlap for his assistance in determining the alleged victim's safety. Mr. Dunlap requested that the OAG cease its attempts to contact his client. As such, the OAG will not attempt further contact, but will remain available to assist the Lodi Police Department, or other agency with jurisdiction to prosecute the case, as it proceeds with its investigation. If you have not already done so, you may want to contact Mr. Dunlap to see if his client wants to cooperate in an investigation.

Regarding the criminal allegations contained in your correspondence, I can report that at the direction of Attorney General Laxalt, OAG career staff—including both prosecutors and investigators—conducted a thorough investigation to determine whether Sheriff Antinoro committed any sexual

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crimes. OAG investigators have interviewed the possible victims of sexual offenses whom you reference in your correspondence including, but not limited to, Sheriff Antinoro's ex-girlfriend and Sheriff Antinoro's ex-wife. Those alleged victims adamantly denied that Sheriff Antinoro committed any sexual offenses against them. The other possible sexual assaults which you reference in your correspondence occurred either outside the statute of limitations for prosecution or outside the OAG's jurisdiction. Nevertheless, you may want to contact the Nevada Department of Public Safety, Investigation Division as that entity (1) may be able to investigate allegations of civil wrongdoing; and (2) serves as the State's mechanism for conducting internal civil and criminal investigations involving smaller law enforcement agencies. Because it conducts internal investigations, the Nevada Department of Public Safety, Investigation Division does not have the same prosecutorial and investigatory constraints as the OAG. As this office has repeatedly explained, although the OAG is willing to investigate any crimes that may have occurred within its legal and physical jurisdiction, the Nevada Department of Public Safety, Investigation Division is the entity best suited to conduct broader investigations regarding the conduct of particular law enforcement members or agencies.

All that being said, this office is—and has been—willing to investigate any potential crimes committed by Sheriff Antinoro within the OAG's legal and physical jurisdiction. Should your client, Ms. Keener—or another crime victim—have any evidence (including their own eyewitness testimony) that a crime was committed in Nevada by Sheriff Antinoro—or anyone else—we will be happy to meet with you to discuss and then take steps to either investigate that potential crime or refer it to the proper agency. If you would like to discuss assisting with any potential investigation, please let me know and I can schedule a meeting with the OAG investigations division. Please keep in mind, however, that the OAG has limited jurisdiction and cannot investigate, let alone prosecute, alleged misconduct that does not fall within our limited jurisdiction. That is why I wanted to provide this letter directing you to other resources that may be able to help you and your client.

Sincerely,



Jeff Segal
Bureau Chief
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