

FILED

IN THE SUPREME COURT OF THE STATE OF NEVADA

JUL 23 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

In the Matter of)
)
THE HONORABLE KENT JASPERSON,)
Pahrump Township Justice Court,)
County of Nye, State of Nevada,)
)
Respondent.)

CASE NO. 79236

**CERTIFIED COPY OF STIPULATION AND ORDER OF
CONSENT TO PUBLIC REPRIMAND**

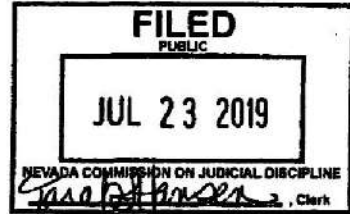
Pursuant to Commission Procedural Rule 29, I hereby certify that the document attached hereto is a true and correct copy of the STIPULATION AND ORDER OF CONSENT TO PUBLIC REPRIMAND filed with the Nevada Commission on Judicial Discipline on July 23, 2019.

DATED this 23rd day of July, 2019.

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

By: *[Signature]*
PAUL C. DEYHLE
General Counsel and Executive Director
Nevada Bar No. 6954

RECEIVED
JUL 23 2019
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK



1 Brian Hutchins, Esq.
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Prosecuting Officer for the Nevada
5 Commission on Judicial Discipline

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

8
9 In the Matter of)
)
10 THE HONORABLE KENT JASPERSON,)
Pahrump Township Justice Court,)
11 County of Nye, State of Nevada) CASE NO. 2018-053-P
)
12 Respondent.)
)

13
14 **STIPULATION AND ORDER OF CONSENT TO PUBLIC REPRIMAND**

15
16 In order to resolve the Judicial Conduct Complaint pending before the Nevada
17 Commission on Judicial Discipline (the "Commission"), Respondent and the Commission
18 stipulate to the following pursuant to Commission Procedural Rule 29 ("Rule 29"):

- 19 1. Respondent admits that he violated the Nevada Revised Code of Judicial Conduct (the
20 "Code"), including Judicial Canon 1, Rule 1.1, failing to comply with the law, including the
21 Code; Judicial Canon 2, Rule 2.2, failing to uphold and apply the law, and performing all duties
22 of judicial office fairly and impartially; Rule 2.5, failing to perform with competence, diligence
23 and cooperation; Rule 2.6(A), failing to accord to every person who has a legal interest in a
24 proceeding, or that person's lawyer, the right to be heard according to law; and Rule 2.9(A) and

1 (C), engaging in improper ex parte communications/ independent investigations; or any single
2 rule or any combination of those rules, based on the following occurrences or actions of
3 Respondent while Respondent was the Justice of the Peace for the Pahrump Township Justice
4 Court in Nye County, Nevada:

5 A. In Justice Court Case No. 17 SUME 00729, a landlord filed eviction proceedings
6 against a tenant in or about October, 2017. Respondent issued an order on December 11, 2017
7 granting the landlord a temporary protective order against the tenant for stalking or harassment
8 but requiring the landlord to give the tenant access to the residence until December 25
9 accompanied by law enforcement to retrieve the tenant's personal property. The tenant failed to
10 obtain her property within the time frame ordered. On January 8, 2018, the temporary protection
11 order was dissolved but Respondent ordered, upon tenant's request, that the tenant still be
12 allowed to retrieve her property until January 19 and that Respondent's bailiff be present to
13 facilitate the retrieval. The bailiff contacted the landlord by telephone around January 17 or 18
14 requesting the landlord's presence at the property. The landlord refused to appear and stated to
15 the bailiff words to the effect he would not appear.

16 B. Respondent improperly issued an arrest warrant for contempt of court for the
17 landlord on January 22, 2018. The arrest warrant issued based upon information Respondent
18 received from his bailiff that the landlord did not make himself present when requested so that
19 the tenant could retrieve her property from the landlord and that the landlord also stated words to
20 the effect that he would not appear to allow the tenant to retrieve her property. The warrant
21 issued for no bail. Contrary to the Nevada Revised Statutes and relevant case law regarding
22 contempt, Respondent did not conduct a contempt of court hearing or file an affidavit regarding
23 the contempt prior to the arrest warrant being issued. The landlord was arrested on February 12,
24 2018 at the Pahrump Justice Court and placed in custody.

1 C. On February 15, 2018, the landlord had an in-custody hearing in front of a senior
2 judge as Respondent was out of state. Respondent recommended to the senior judge that bail be
3 set for the landlord at \$5,000 cash/\$25,000 bond and that an Order to Show Cause hearing be set
4 for February 26, 2018. During the February 26, 2018 hearing, the landlord's counsel made a
5 motion to dismiss based upon NRS 22.030, which states that an affidavit must be presented to
6 the court if the contempt of court is not committed in the immediate view of the court.
7 Respondent refused to dismiss the case at the time and continued the case until March 21, 2018,
8 in order to obtain an affidavit from his bailiff.

9 D. The landlord was released from custody on March 1, 2018, based upon a subsequent
10 conversation between Respondent and the landlord's counsel regarding the tenant being able to
11 retrieve her property. Upon the landlord agreeing that the tenant would be given a final
12 opportunity to retrieve her property, the landlord would be released from custody. The landlord
13 remained in custody for seventeen (17) days. At the March 21, 2018 hearing, Respondent
14 dismissed the contempt of court charges against the landlord as the landlord had complied with
15 the court's orders. Respondent failed to properly follow the law regarding contempt of court.

16 E. Upon learning of this complaint, Respondent contacted judicial colleagues for
17 advice and instruction regarding contempt, familiarized himself with all relevant Nevada
18 Statutes, Rules of Procedure and case law regarding contempt, and has incorporated the advice
19 and law into his Bench Book. Further, Respondent fully cooperated with the Commission's
20 investigation, admitted his error and accepted responsibility for his violations of the Code.

21 2. Respondent admits to all the allegations brought against him in paragraphs (1)(A)
22 through (E) as set forth above.

23 3. Respondent agrees to waive his right to present his case and contest the allegations in the
24 information set forth above in a formal hearing pursuant to Commission Procedural Rule 18.

1 Respondent also agrees that this Stipulation and Order of Consent to Public Reprimand
2 (“Order”) takes effect immediately pursuant to Rule 29. The Commission accepts Respondent’s
3 waiver of said right and acknowledges and agrees to the immediate effect of this Order.
4 Respondent further agrees to appear before the Commission in a public proceeding, if required
5 by the Commission, to discuss this Order in more detail and answer any questions from the
6 Commissioners related to this case.

7 4. Respondent agrees and acknowledges that this Order will be published on the
8 Commission’s website and filed with the Clerk of the Nevada Supreme Court pursuant to Rule
9 29.

10 5. Respondent and the Commission hereby stipulate to Respondent’s consent to public
11 reprimand and Respondent’s agreement to complete, at his own expense, a National Judicial
12 College Course as set forth herein. Respondent stipulates to the following substantive
13 provisions:

14 A. Respondent agrees the evidence available to the Commission would establish by
15 clear and convincing proof that he violated the Code, including Judicial Canon 1, Rule 1.1 and
16 Canon 2, Rules 2.2, 2.5, 2.6(A) and 2.9 (A) & (C).

17 B. Respondent agrees the discipline of public reprimand and requirement to
18 complete a National Judicial College Course are authorized by Article 6, Section 21 of the
19 Nevada Constitution; NRS 1.4653 (1) and (2); NRS 1.4677(1)(a) and (d)(2); NRS 1.4694; and
20 Rule 29.

21 C. Respondent stipulates to a public reprimand and agrees to complete a National
22 Judicial College Course for violations of the Judicial Canons and Rules as set forth above in
23 paragraphs (1) (A) through (E).

24 6. Respondent understands and agrees that, by accepting the terms of this Order, he waives

1 his right to appeal to the Nevada Supreme Court, pursuant to Rule 3D of the Nevada Rules of
2 Appellate Procedure.

3 **ORDER**

4 IT IS HEREBY ORDERED that Respondent is publicly reprimanded pursuant to Rule 29
5 for violating the Code, including Judicial Canon 1, Rule 1.1; and Judicial Canon 2, Rules 2.2,
6 2.5, 2.6 (A) and 2.9 (A) & (C).

7 IT IS FURTHER ORDERED that Respondent shall within one (1) year of the date of this
8 Order, complete, at his own expense, the National Judicial College webinar course entitled
9 "Ethics and Judging: Reaching Higher Ground (JS 601)," from June 10 to July 26, 2019 (a
10 course of one hour each week), or such similar course as may be available with the approval of
11 the Commission's Executive Director. Respondent shall timely notify the Commission upon
12 completion of all requirements of this Order, including providing a certificate of course
13 completion for the course identified above, or a similar course as approved by the Commission's
14 Executive Director.

15 IT IS FURTHER ORDERED that Respondent will study and familiarize himself with all
16 Nevada Statutes and rules of civil procedure dealing with disciplinary actions in the courtroom,
17 specifically, but not limited to, statutes and rules governing the use of the contempt power in the
18 courtroom.

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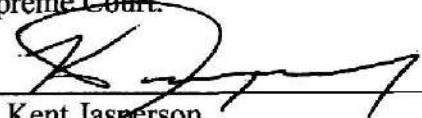
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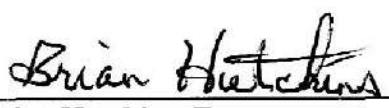
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IT IS FURTHER ORDERED that the Executive Director of the Commission take the necessary steps to file this document in the appropriate records and on the website of the Commission and with the Clerk of the Nevada Supreme Court.

By: 
Kent Jaspersen
Respondent

Dated this 20 day of June, 2019.

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

Dated this 1st day of July, 2019.

1 NEVADA COMMISSION ON JUDICIAL DISCIPLINE:

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

6 Signed by:

Dated:

7  _____

July 23, 2019

8 GARY VAUSE, CHAIRMAN

9 STEFANI HUMPHREY

10 HON. JEROME POLAHA

11 HON. THOMAS STOCKARD

12 KARL ARMSTRONG

13 BRUCE HAHN

14 JOHN KRMPOTIC

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify on this 23rd day of July, 2019, I transmitted a copy of the foregoing
3 STIPULATION AND ORDER OF CONSENT TO PUBLIC REPRIMAND, via email and by placing
4 said document in the U.S. Mail, postage prepaid, addressed to:

5 John L. Arrascada, Esq.
6 Arrascada & Aramini, Ltd.
7 145 Ryland Street
8 Reno, NV 89501
9 jla@arrascadalaw.com
10 Counsel for Respondent

11 Brian Hutchins, Esq.
12 BH Consulting, LLC
13 PO Box 2366
14 Carson City, NV 89702
15 bhconsulting@sbcglobal.net
16 Prosecuting Officer

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29 Tarah L. Hansen, Commission Clerk