

1 CASE NO. 08 OC 00116 1B

2 DEPT. II

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ALAN BLOOM
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8 IN THE FIRST JUDICIAL DISTRICT COURT OF NEVADA
9 IN AND FOR CARSON CITY

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11 STATE OF NEVADA, by and through ROSS)
12 MILLER, its SECRETARY OF STATE,

(PROPOSED)
ORDER GRANTING SUMMARY
JUDGMENT IN FAVOR OF PLAINTIFF

13 Plaintiff,

14 vs.

15 JANINE HANSEN HAWKINS,

16 Defendant.

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18 The Court, having reviewed the Plaintiff's Motion for Summary Judgment and any
19 opposition filed by Defendant, finds good cause exists to GRANT Plaintiff's Motion for
20 Summary Judgment.

21 FINDINGS OF FACT

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1. On May 1, 2006, Defendant Janine Hawkins declared her candidacy for the office of Secretary of State. Exhibit 1 to Verified Complaint for Civil Penalties.
2. On the same day, Defendant signed and filed a Candidate's Acknowledgement, expressly acknowledging the requirement to file Campaign Contribution and Expense Reports ("C&E Reports") and that civil penalties may be imposed for failure to file the reports. Exhibit 2 to Verified Complaint for Civil Penalties.
3. Pursuant to NRS 294A.120 and NRS 294A.200, candidates' C&E Reports must be filed on a form prescribed by the Secretary of State and signed under penalty of perjury.

1 4. On August 8, 2006, Defendant submitted her Report #1. Defendant filled all of
2 the blanks on the form with zeros. Defendant added the following language at the bottom of
3 the form:

4 *See attached letter.*
5 *I have received no contributions and / or made no expenditures in*
6 *gold or silver dollars.*

6 Defendant crossed out the affirmation language and added:

7 *Oath*
8 *I do solemnly swear [sic] in the name of Jesus Christ that the*
9 *foregoing is true + correct.*

9 Exhibit A to Plaintiff's Motion for Summary Judgment.

10 5. On October 31, 2006, Defendant submitted her Report #2. Defendant filled in all
11 of the blanks with zeros. She crossed out the affirmation language and added the following:

12 *I swear in the name of Jesus Christ that the foregoing is true to the*
13 *best of my knowledge. Please see attached letter, 3 pages.*

14 Attached to the report is a three page letter discussing gold and silver as legal tender in
15 the United States.

16 Exhibit B to Plaintiff's Motion for Summary Judgment.

17 6. On January 15, 2007, Defendant submitted her Report #3. Defendant filled in all
18 of the blanks with zeros. She added the language:

19 *I have received NO contributions and/or made no expenditures in*
20 *gold or silver dollars.*

20 Defendant crossed out the affirmation and added:

21 *I do solemnly swear in the name of Jesus Christ that the foregoing*
22 *is true + correct. Jan. 15, 2007 See Attached 18 pages.*

23 Exhibit C to Plaintiff's Motion for Summary Judgment.

24 7. Plaintiff Secretary of State notified Defendant that these reports did not meet the
25 statutory requirement that she report her contributions and expenses, and therefore they were
26 not properly filed. Exhibit D to Plaintiff's Motion for Summary Judgment.

27 8. On April 2, 2008, Plaintiff filed a Verified Complaint for Civil Penalties to recover
28 statutory civil penalties from Defendant due to her continued failure to file her C&E Reports.

1 required by statute.

2 8. Because Defendant failed to file each of her three required C&E Reports, she is
3 subject to the statutory penalties set forth in NRS 294A.420.

4 For the foregoing reasons, IT IS HEREBY ORDERED that Plaintiff's Motion for
5 Summary Judgment is GRANTED.

6 IT IS HEREBY FURTHER ORDERED that Plaintiff is deemed the prevailing party for all
7 purposes and as to all subsequent matters.

8 IT IS HEREBY FURTHER ORDERED that Plaintiff may file supporting cost bills and
9 affidavits to recover attorney's fees and costs of suit pursuant to NRS 294A.420(2).

10 DATED: *December 18, 2009.*

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12

James Edry
DISTRICT COURT JUDGE

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14 Submitted by:

15 CATHERINE CORTEZ MASTO
16 Attorney General

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By: *[Signature]*
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