

Mark L. Gentile*

*Also licensed in CA

Gentile Law Group

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July 13, 2021

Michelle L. Morgando, Esq.
Senior Appeals Officer
State of Nevada, Dept of Administration
Hearings Division
2200 South Rancho Drive, Suite 220
Las Vegas, NV 89102

Dear Ms. Morgando:

I am enclosing herewith my CV which sets forth my legal experience over the past 35 years.

I have been acting as a Hearing Officer in the Department of Administration in a part time capacity since being appointed, in 2014, by Governor Sandoval. In that time, I have acted as Hearing Officer in a number of fair hearings involving the Bureau of Vocational Rehabilitation. The law governing the provision of vocational rehabilitation services in the state of Nevada is set forth in Chapter 615 of the Nevada Revised Statutes, the regulations promulgated thereunder set forth in NAC Chapter 615, and federal laws related to vocational rehabilitation programs. In the course of my practical experience, I familiarized myself with the legislation, the legislative intent, and the interpretive case law.

Overriding any decision involving vocational rehabilitation is the legislative intent, which is to provide vocational rehabilitation services to individuals with disabilities, so that they may prepare for and engage in competitive and integrated employment.

Fair hearings involving these matters can be challenging, as there is no method of appointing counsel. Typically, the disabled individual presents their case in proper person. It does take a measure of patience and skill to direct these fair hearings and to insure that persons untrained in the law have the full opportunity to be heard and express their positions, while maintaining some measure of focus and fairness to the agency.

My adult son is on the spectrum and I have a special affinity for these cases and the laudable intent of the legislation. I hope to be able to continue to serve.

Very truly yours,

GENTILE LAW GROUP

Mark L. Gentile

MARK L. GENTILE
1300 South Decatur Boulevard, Las Vegas, NV 89102
Office: (702) 251-8445

EDUCATION

McGeorge School of Law, University of the Pacific, Sacramento, California. Dean's Honor Roll, 1985. Juris Doctor, 1985. Admitted to California Bar in December, 1985. Admitted to Nevada Bar in September, 1986.

Union College, Schenectady, New York.
Bachelor of Arts, Economics, 1982.

PROFESSIONAL EXPERIENCE

02/07 to Present: ***Gentile Law Group***, 1300 S. Decatur Boulevard, Las Vegas, NV 89102; (702) 251-8445

Owner/Lead Attorney

Owner and lead attorney in a law firm specializing in insurance defense, construction defect, personal injury and general civil litigation.

06/04 to 02/07: ***Gentile & Howard***, 1640 Alta Drive, Suite 12, Las Vegas, NV 89106; (702) 251-8445

Partner/Trial Attorney

Partner in a law firm specializing in insurance defense, medical malpractice defense and general civil litigation.

07/98 to 06/04: ***Mandelbaum Gentile***, 3130 South Rainbow Boulevard, Suite 303, Las Vegas, NV 89146; (702) 367-1234.

Partner/Trial Attorney

Partner in a law firm specializing in insurance defense, medical malpractice defense and general civil litigation.

1990-07/1998 ***Mark L. Gentile & Associates***, 300 South Fourth Street, Suite 1002, Las Vegas, Nevada 89101; (702) 477-0702, ext. 206.

Supervising Attorney

Senior trial attorney for in-house counsel office of Allstate Insurance Company. Responsible for litigating insurance defense cases, from automobile accidents to wrongful death actions, together with supervising and administering the office.

1988-1990 ***Pico & Mitchell***, 2000 South Eastern Avenue, Las Vegas, Nevada 89104.

Attorney

Litigation attorney responsible for a variety of medical malpractice and insurance defense cases, including complex litigation, from pre-trial investigation through discovery, trial, post-trial motions and appeals.

1986-1988 ***White Pine County, Nevada***

Assistant District Attorney

Investigated, prepared, and prosecuted felony and lesser criminal cases. Responsible for juvenile court petitions and the enforcement of child support orders (ERISA). Advised County Commissioners and other county officials.

1985-1986 ***Seventh Judicial District Court***, P.O. Box 729, Ely, Nevada 89301.

Law Clerk to the Honorable Merlyn H. Hoyt

Researched and drafted judicial decisions, orders and correspondence. Prepared appellate opinions in Justice Court appeals, and assorted legal memoranda.

Arbitrator/Mediator Summary Profile
PAUL H. LAMBOLEY

Contact Information:

Address: Law Office of Paul H. Lamboley
50 W. Liberty Street, Suite 950
Reno, NV 89501

Tel: 775.786.8333 Fax: 775.786.8334 Email: phlamboley@aol.com

Occupation: Lawyer; full-time ADR practice as neutral - Arbitrator/Mediator/Referee/Hearing Officer/Short Trial Judge

Education: Univ. of Notre Dame (B.S. '62), Univ. of Wisconsin (J.D. '67)

Admitted: WI and NV (State and Federal District Courts), U.S. Courts of Appeals (1st, 4th, 5th, 6th, 8th, 9th and D.C. Circuits) and U.S. Supreme Court.

Arbitration, Mediation, and other ADR/Neutral Experience.

ADR neutral practice part-time prior to 2009 and full-time ADR practice since 2009:

As arbitrator: decisions in high value cases involving complex rules, regulations and contracts in regulated services for transportation, education, construction, finance, real estate and health care industries; labor and employment issues in public and private sectors; disputes in rail and airline industry rules, regulations, contracts, mergers and acquisitions; securities and financial investment issues; personal and property injury liability and damage issues in automobile and real estate industries; product liability and damage issues in manufacturing industries, lending and construction issues in housing industries; and insurance coverage issues. Selected by private parties, public agencies and court-annexed programs.

As hearing officer: decisions involve appeals over public employment, civil liberties, and education issues.

Selected by parties, NV Department of Personnel, NV Department of Administration

As referee: decisions involving disputes between homeowners/homeowner associations/financial entities.

Selected by parties and/or NV Real Estate Division.

As mediator: mediations between disputing parties involving labor/employment, foreclosure, real estate, civil rights, financial and commercial entity issues.

Selected by parties, USDC-NV §1983 Early Mediation Program, USBC-NV MMM Mediation Program, NV Foreclosure Mediation Program, NV Real Estate Division,

As Judge Pro Tem: Jury and/or bench trials in civil and criminal (misdemeanor) proceedings.

Selected by Reno Municipal Court and 8th Judicial District Court (Clark County) Short Trial Programs.

As Commissioner – Interstate Commerce Commission: decisions on national rail and motor transportation issues, appellate review of labor arbitration decisions and awards under ICA, and mediation activity in national rail labor-management dispute and motor carrier-insurance coverage.

Appointed by President Reagan, confirmed by US Senate (2 terms).

As Commissioner – Nevada Commission on Ethics: decisions involve ethics issues involving State/Local public officers and employees.

Appointed by NV State Legislature (2 terms).

As lawyer: represented clients in continuing relationship disputes in mediation, arbitration or med/arb proceedings involving labor/employment issues (rights and/or interest disputes), commercial economic disputes and civil, person or property rights arising under various federal, state or local statutes or regulations, and/or common law.

Overall, possess working knowledge and necessary skills for various ADR procedures – in arbitrations as sole or panel Arbitrator, in mediations as sole Mediator, in med/arb as ADR neutral, and civil trials as Presiding Judge.

Panel Memberships for Arbitrator and/or Mediator Appointments:

National Mediation Board (NMB), National Association of Railroad Referees (NARR), Surface Transportation Board, (STB), Financial Industry Regulatory Authority (FINRA), American Arbitration Association (AAA) (labor panel 1973-resigned for active advocacy practice, 1991-reactivated), American Health Law Association – ADR Panel (AHLA), USDC-NV §1983 Mediation Panel, USBC-NV MMM Panel, NV Supreme Court, and 1st, 2nd, 8th and 9th Judicial District Courts (Court-annexed Arbitration Program), 8th Judicial District Court Short Trial Program (STP)(Clark County), NV Foreclosure Mediation Program (NFMP), NV Department of Personnel (NDOP), NV Real Estate Division (NRED), NV Department of Administration (NDOA).

Related CLE Programs: National Academy of Arbitrators (NAA)(annual meetings 2007, 2009, 2010, 2011, 2014, 2015); NARR (annual meetings 2011, 2014, 2015, 2017); AAA virtual hearing (2021) ABA arbitrator training conf, (2020, 2021), AHLA arbitrator conf. 2016, 2021; NASD/FINRA new panel member (1999), new chair training (2002), expungement rule (2004), code revisions and updates online training (2007-17); Court and State Bar sponsored “short-trial” programs (2005, 2010, 2015, 2016, 2018); SBN arbitrator training program, (2007, 2018, 2019); NFMP mediator training programs (2009-2020); NDOP training (2012); NDOE SpIEdHO training (Oct.16-19, 2017); USDC-NV §1983 Mediation Programs (2012-); NRED on-line courses (2014); Mediate (2016-); Program on Negotiation/Harvard Law School (PON/HLS) online materials (2017-)

Professional Appointments:

Judge Pro Tem: 8th Judicial District Court – Clark County (2010-)
Reno Municipal Court (1977, 1978)
Arbitrator: 1st, 2nd, 8th and 9th Judicial District Courts (Court-annexed programs (2006 -)
Mediator: USDC-NV §1983 Mediation Panel (2012-), USDC – Bkrptcy Ct. MMM Panel,
NV Foreclosure Mediation Program (2009-), NV Real Estate Division. (2013-)
Hearing Officer: NV Personnel Commission (2011-14) NV Department of Administration (2015-)
Referee: NV Real Estate Division (2013-)
Commissioner: Interstate Commerce Commission (1984-1990, Vice Chair 1987)
Commissioner: State of Nevada Commission on Ethics (2008-2015, Chair 2013-2015)
Special Counsel: USDC-NV Prison Reform Proceedings (1978)
Special Counsel: Nevada Supreme Court, Post-Conviction Writ Proceedings (1970-71)
Law Clerk: Honorable David Zenoff, Justice, Nevada Supreme Court (1967-68)

Employment:

Law Offices of Paul H. Lamboley, Lawyer/Arbitrator/Mediator/Consultant: (1990 -)
Offices – Washington, DC (1990-2004), Reno (1990-) and Las Vegas, NV (2006-2017)
ADR Neutral: full-time ADR practice as Arbitrator, Mediator, Hearing Officer, and Judge Pro Tem (2009-)
Lawyer: former practice concentrated on transportation, antitrust, energy, environment, commercial and trade-related issues; trial, appellate and administrative forums. General Counsel for Washington, DC- based national transportation trade association (1990-2000).
Consultant/expert witness: transportation/economic regulation.
Adj. Professor/Lecturer: labor/employment law, ADR, transportation law and regulation.
Interstate Commerce Commission -Washington, D.C. Commissioner: (1984-1990) (Vice Chairman –1987) (Presidential nominations/Senate confirmations-two terms.)
Law Offices of Paul H. Lamboley – Reno, NV – Lawyer (1968-84)
Civil and criminal practice. *Expertise:* labor/employment law, joint employer/employee health & welfare benefit, apprentice training, and retirement trust funds, ERISA and EEOC under Federal/ State/Local laws for uniformed and non-uniformed employees in private and public sectors employed in police, fire, education (K-12 and Univ.), transportation, construction trades, hospital and health care, entertainment, hotel custodial, culinary, food and beverage services, commercial retail and civil service employees. Co-counsel for health & welfare benefit trust fund.
Pro bono: counsel and trustee for Washoe County Legal Services and W.A.R.C..
Litigation: Federal and State courts, and administrative agencies, including jury trials in criminal and civil cases.
Appeals: Federal and State courts of appeal, including Supreme Courts (Nevada, California and United States).

Academic Appointments: (Adjunct Professor/Lecturer)

Labor/employment law, arbitration: Georgetown Univ. (Business School Adjunct professor 1991, 1992,); Stanford Univ. Law School (Guest lecturer 1982, 1983), Univ. of Nevada-Reno (lecturer 1981, 1983);
Economic regulation, adminlaw/procedure and transportation law: Georgetown Univ. Law Center (Guest lecturer 2000); Ohio State Univ./Unv. No. Florida (Logistics Seminars-Lecturer 1997); Univ. Notre Dame (Economics Dept.- Guest lecturer 1987-89); Univ. Notre Dame (Economics Dept.-Guest lecturer 1987-89); Univ. of Wisconsin (Business School, Guest lecturer 1986-90);
Administrative law and procedure: Office of Personnel Management (OPM) Senior Executive Program-Kings Point, NY, (Visiting Faculty 1985-87);
Criminal law and procedure: Univ. of Nevada-Reno (Adjunct professor 1977, 1978).

Conditions of Appointment:

For any appointment to act as a dispute resolution neutral, the codes of professional ethics governing judges, arbitrators, mediators and/or lawyers will apply. Unless otherwise restricted by law or the parties, multiple and/or concurrent appointments as neutral in other cases may be accepted. In the event a reasoned written opinion is requested or required by law, a transcript will normally be required, and specifically in termination cases.

Fees and Expenses Generally:

Unless otherwise determined by statute or agreement, fees are \$375 per hour or \$2000.00 per 8-hour day or part thereof in arbitration hearing or mediation session. No charge for travel time to and from sites nationwide. Prehearing conference, study/preparation, and post-hearing preparation of written award and/or decision fees will be at the hourly rate, unless agreed to be at a pro-rata per diem basis. Expenses charged for travel will be actual costs or IRS mileage rate for personal auto use, for transcripts/record will be actual costs, and for cancellation \$600.00 will be charged if cancellation occurs within seven (7) calendar days prior hearing date, unless cancellation is for illness or settlement. If required or permitted, decision and/or award may allocate fees and expenses jointly and severally among or between the parties.

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Statement of Qualifications – Vicky T. Oldenburg, Oldenburg Law Office

Current Practice:

Founder – Oldenburg Law Office

Provide a broad range of legal services to Nevada businesses and non-profit boards including:

Business Services: Preparation, implementation, legal review and enforcement of a variety of business agreements including vendor contracts, equipment leases, product and service sales agreements, and commercial building leases.

Preparation of articles of incorporation, bylaws, and operating agreements.

Legal advice on board governance.

Legal advice on compliance with a variety of federal, state, and local laws and regulations.

Employment Law: Representation on a variety of claims before state and federal enforcement agencies including Title VII discrimination, retaliation, wage and hour law, Family Medical Leave Act, unemployment, and worker's compensation.

Preparation of personnel policies and procedures, employee handbooks, contracts of employment, and severance agreements.

Legal advice on employee management issues and state and federal employment law compliance.

Hearing Officer, State of Nevada

Appointed by former Governor Brian Sandoval and Governor Steve Sisolak as a Hearing Officer for the Nevada Department of Personnel. Serve as a Hearing Officer for the Nevada Department of Education.

Professional History:

Attorney, Reno-Sparks Indian Colony

September 2010 to June 2015

Provided legal services in the areas of tribal self-governance, commercial retail development including commercial leases, vendor contracts, intergovernmental agreements, and land-to-trust applications. Drafted ordinances, policies, and procedures for several Colony departments. Represented Colony before federal and state agencies and the Nevada legislature.

Senior Deputy Attorney General

Nevada Attorney General Brian Sandoval; Nevada Attorney General Catherine Cortez Masto

August 2003 to September 2010

Legal Counsel to the Department of Taxation, the Secretary of State, the Supreme Court, and the State Treasurer on all legal matters including implementation, interpretation, and compliance with State and federal laws. Drafted a variety of policies, procedures, and legislation for State agencies. Served as Senior Counsel representing the State on implementation and enforcement of the National Tobacco Master Settlement Agreement and related tobacco tax laws.

Senior Legal & Policy Analyst

Former Governor Kenny Guinn

April 2001 to August 2003

Served the Governor during 2 regular and 3 special sessions of the Nevada Legislature providing legal and policy advice to the Governor on a variety of State and federal matters, and served as the Governor's liaison to local, State, and federal agencies and congressional offices, and to Nevada Tribes.

Deputy Attorney General

Nevada Attorney General Frankie Sue Del Papa

March 1995 to August 1998

Legal Counsel to the Nevada Gaming Control Board and the Nevada Department of Business and Industry, including the Department of Employment, Training and Rehabilitation, on all legal matters; enforcement of state gaming laws and regulations; drafted legislation and regulations. Served as the Nevada Open Meeting Law attorney.

Attorney, McDonald Carano Wilson, LLP, Reno, Nevada

August 1996 to August 1998

General civil practice.

Deputy City Attorney, Environmental Division

City Attorney Patricia Lynch

March 1995 to August 1996

Counsel to the Truckee Meadows Water Reclamation Facility and lead attorney on federal environmental litigation. Represented the City in negotiation of the Truckee River Water Quality Settlement Agreement.

Law Clerk to the Honorable David W. Hagen

1993-1995

Guild & Hagen, Ltd.

1992-1993

General Civil Practice

Vicky@OldenburgLawOffice.com
5421 Kietzke Lane, Suite 202, P.O. Box 17422
Reno, Nevada 89511
775-303-8877 (mobile); 775-971-4245 (office)

Lorna L. Ward

538 Glenmyra Circle
Sun Valley, NV 89433

EXPERIENCE

October 1, 2017 – present:

Special Appeals Officer – Carson City, State of Nevada Department of Administration, Appointed by Governor Brian Sandoval and Steve Sisolak.

October 1995 – May 2017:

Appeals Officer State of Nevada Department of Administration, Appointed by Governors Bob Miller, Kenny Guinn, Jim Gibbons, and Brian Sandoval.

March 1993 – October 1995:

Law clerk, Ninth Judicial District Court, Hon. Judge David R. Gamble and Hon. Judge Norman C. Robison.

July 1990 – March 1993:

Engaged in private practice of law in Yerington and Reno, Lyon Co. Public Defender, family law and bankruptcy.

February 1989 – June 1990:

Deputy District Attorney, Douglas County, Nevada, civil and criminal divisions.

August 1987 – February 1989:

Law clerk, Ninth Judicial District Court, Hon. Judge David R. Gamble.

March 1981 – May 1985:

Registered Nurse employed at Washoe Medical Center and Nye General Hospital.

November 1976 – March 1980:

U.S. Army Nurse Corp., Madigan Army Medical Center, Washington. Honorable Discharge with rank of Captain.

EDUCATION

B.S.N. May 1976: University of Nevada, Reno, Orvis School of Nursing, Graduated with distinction.

J.D. May 1987: Old College School of Law. Graduated magna cum laude, class rank: 1.

Admitted to Nevada State Bar: December 1987.

PERSONAL DATA

Married to Kenneth V. Ward since 1975

Three sons: Christopher, Jonathan, and Nicholas

Nevada resident since 1972

CAROLYN MARIE BROUSSARD
ATTORNEY AT LAW
332 MARBLE FALLS STREET
LAS VEGAS, NEVADA 89138
(702) 217-5109

EDUCATION: **SOUTHWESTERN UNIVERSITY SCHOOL OF LAW**
Los Angeles, California – Juris Doctor

PEPPERDINE UNIVERSITY
Malibu, California – Bachelor of Arts in Political Science

NEVADA STATE BAR – State Bar Number 4545

**LEGAL
EXPERIENCE
(MOST RECENT):**

LAW OFFICES OF S. DENISE MCCURRY - Las Vegas, NV (2004-Present)
INSURANCE DEFENSE. Responsible for successfully creating, establishing and organizing construction defect litigation department for mid-sized insurance defense firm which previously handled primarily personal injury defense cases. Department remains in successful operation for over seventeen years after its creation. Responsible for large case load, including drafting of pleadings, discovery, and memoranda and negotiating settlement of cases with varying degrees of exposure. Lead trial counsel on numerous cases to jury verdict.

NEVADA STATE CONTRACTORS BOARD - Las Vegas, NV (2002-2004)
PROSECUTING ATTORNEY. Responsible for establishing and organizing in-house legal department for the Nevada State Contractors Board. Responsible for large case load, including drafting briefs, motions and pleadings. Prepared and argued cases before administrative law tribunals and District Courts in Las Vegas, Reno and Elko, Nevada.

LORBER * PENGILLY - Las Vegas, NV (2001-2002)
INSURANCE DEFENSE. Handled personal injury defense litigation on behalf of law firm. Responsible for large case load involving general contractors as clients in complex litigation. Prepared, briefs, motions, pleadings and memoranda. Conducted depositions and client meetings

EMPLOYERS INSURANCE COMPANY OF NV - Las Vegas, NV (1995-2001)
INSURANCE DEFENSE/WORKERS COMPENSATION. Responsible for large case load. **Litigated in excess of 3,000 cases.** Drafted briefs, motions, pleadings and memoranda. Liaison between claims and legal departments regarding workers compensation subrogation matters. Prepared and argued cases before administrative law courts, District Courts, and State of Nevada Supreme Court.

SKILLS: Nevada District Court Arbitrator – Served as Court appointed Arbitrator in over 100 civil litigation cases.
Nevada Supreme Court Foreclosure Mediator – Served as Court appointed Mediator in over 100 cases.

Graduate – National Judicial College, University of Nevada, Reno.

ROBERT ZENTZ, ESQ.

PROFILE

I have resided in Henderson, NV since 1990. It is my goal to help make my community a better place through volunteer service and professional activities.

EMPLOYMENT

MUNICIPAL COURT IN THE CITY OF HENDERSON, NV

JUDGE PRO TEM - 2016 to Present

Adjudicate cases involving alleged Nevada criminal misdemeanor offenses, Municipal Code Violations, traffic violations and/or civil matters involving the City of Henderson. Make evidentiary rulings and evaluate credibility of witnesses.

STATE OF NEVADA, DEPARTMENT OF ADMINISTRATION

SPECIAL APPEALS OFFICER/HEARING OFFICER - 2015 to present

In this quasi-judicial role I conduct hearings related to primarily in disciplinary actions, but also regarding the denial of benefits by the Department of Employment, Training and Rehabilitation and the revocation of a teacher's license by the Nevada Department of Education. I make evidentiary rulings, issue subpoenas, order discovery and issue written decisions related to the matters in controversy.

ZENTZ & ZENTZ, L.L.C. LAS VEGAS, NV

MANAGING MEMBER/ATTORNEY - 2015 to Present

My practice includes assisting military veterans with issues related to appealing a denial or perceived inappropriate evaluation of disability for injuries and/or illnesses related to their military service in accordance with the provisions of Chapter 38 of the United States Code and Chapter 38 of the Code of Federal Regulations.

CITY ATTORNEY'S OFFICE, CITY OF HENDERSON, NV

SENIOR ASSISTANT CITY ATTORNEY - 2012 to 2014

I was responsible for the day-to-day operation of the Criminal Division. The position required supervision of 7 attorneys and 29 support employees. I left the position for retirement.

ASSISTANT CITY ATTORNEY I, II & III - 2001 to 2012

As an Assistant City Attorney I & II, I continued to prosecute misdemeanors and was responsible for training and supervision of Deputy City Attorneys. As an Assistant City Attorney III, I was assigned as the liaison to the Henderson Police Department.

DEPUTY CITY ATTORNEY I & II - 1995 to 2001

I prosecuted misdemeanor offenses committed in the City of Henderson. I also represented the Human Resources Department in labor arbitrations and disciplinary investigations. I was assigned as

KIRSHMAN, HARRIS & COOPER, LAS VEGAS, NV

LAW CLERK AND ASSOCIATE ATTORNEY - 1990 to 1995

I was employed as both a law clerk and an associate attorney in a labor relations practice representing management. I appeared before federal and state courts, the NLRB and defended employers in labor arbitrations. The firm has since folded.

BOROUGH OF FANWOOD POLICE DEPARTMENT, NJ

PATROLMAN - 1981 to 1986

As a patrol officer performed general law enforcement activities. I assisted the public in civil matters and investigated all crimes reported or uncovered during my tour of duty. I left this position to complete my undergraduate degree and attend law school.

U.S. AIR FORCE

LAW ENFORCEMENT SPECIALIST/CRIMINAL INVESTIGATOR - 1974 to 1979

I completed basic training and basic law enforcement training at Lackland AFB, Texas. I performed general law enforcement and security duties at Avon Park AFB, Florida, Kunsan AB, South Korea, and McGuire AFB, NJ. Following those assignments, I was stationed at Clark AFB, the Philippines and was assigned to the Security Police Investigations Unit. In that position I conducted investigations into property crimes as well as conducting and directing surveillance operations. I was honorably discharged.