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11 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
12 **IN AND FOR CARSON CITY**

13 DOUGLAS E. FRENCH,

14 Plaintiff,

15 vs.

16 HEIDI GANSERT; UNIVERSITY OF NEVADA RENO;  
17 BOARD OF REGENTS; STATE OF NEVADA on Relation to  
18 The University of Nevada, Reno;

19 Defendants.

Case No.: **170C000231B**

Dept. No. **I**

20 **COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF**

21 For his Complaint, Plaintiff alleges:

22 1. On or about February 6, 2017, Defendant, HEIDI GANSERT, began service in the  
23 Nevada Legislature despite concurrently holding a position in the Executive Branch of the State of  
24 Nevada, contrary to The Constitution of Nevada Art. 3, §1, ¶1.

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1    **FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS FOR RELIEF**

2            8.        On or about February 6, 2017, Defendant GANSERT was sworn-in to the Seventy-ninth  
3 Session of the Nevada Legislature, despite holding a position as an employee of the Nevada Executive  
4 Branch.

5  
6            9.        The Nevada Constitution reads, in relevant part: “The powers of the Government of the  
7 State of Nevada shall be divided into three separate departments, the Legislative, the Executive and the  
8 Judicial; and no persons charged with the exercise of powers properly belonging to one of these  
9 departments shall exercise *any functions*, appertaining to either of the others. . .” Nevada Const. Art. 3,  
10 §1, ¶1 (emphasis added).

11  
12           10.       The rationale underlying the Separation of Powers provision can be traced to the desire of  
13 the constitutional framers to encourage and preserve independence and integrity of action and decision  
14 on the part of individual members of the Nevada state government and to guard against conflicts of  
15 interest, self-aggrandizement, concentration of power, and dilution of separation of powers.

16  
17           11.       Defendant GANSERT’s employment in a Nevada State Executive Branch position  
18 expressly violates the Nevada Constitution and undermines liberty by diluting the separation of powers,  
19 concentrating power, creating conflicts of interests and appearances thereof.

20    **FIRST CLAIM FOR RELIEF**

21 (Declaratory and Injunctive Relief – Violation of Nevada Constitution, Art. 3, §1, ¶1)

22           12.       Plaintiff hereby incorporates Paragraphs 1 through 11 as though fully set out herein.

23  
24           13.       Defendant GANSERT holds the Nevada executive branch position of Executive Director  
25 of External Relations for the University of Nevada, Reno while concurrently serving as a Senator in the  
26 Nevada Legislature, thus directly violating Art. 3, §1, ¶1 of the Nevada Constitution.

1 14. This constitutional violation by Defendant harms Plaintiff FRENCH's legally protectable  
 2 interests as he is earnestly seeking and is qualified for the executive branch position currently held by  
 3 Defendant GANSERT.

4  
 5 **PRAYER FOR RELIEF**

6 WHEREFORE, Plaintiff prays that this Court:

7 1. Declare that Defendant GANSERT, who holds a Nevada executive branch position while  
 8 concurrently serving in the Seventy-ninth Session of the Nevada Legislature, violates the Nevada  
 9 Constitution Art. 3, §1, ¶1 in holding said Executive Branch position.

10 2. Enjoin Defendant GANSERT from continuing in her Nevada executive branch  
 11 employment position and from retaining any monetary or employment benefits derived from said  
 12 position from such time as she began serving in the Nevada Legislature.

13 3. Award Plaintiff his reasonable costs and attorney fees.

14 4. Grant such other relief as the Court deems appropriate and proper.

15 DATED this 21<sup>st</sup> day of February, 2017.

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