

**APPLICATION**

**FIFTH JUDICIAL DISTRICT COURT  
DEPARTMENT 1**

2011 MAR 29 PM 4: 22

**By**

**Kimberly A. Wanker, Esq.**



**COMMISSION ON JUDICIAL SELECTION  
CERTIFICATION, WAIVER OF CONFIDENTIALITY AND RELEASE OF  
INFORMATION**

I hereby certify that the answers and information provided herewith are true and correct to the best of my knowledge. KAW (initial)

I hereby certify that I meet the minimum qualifications to be a district judge as set forth in NRS 3.060. KAW (initial)

I authorize any person or custodian of records, including, without limitation, the Commission on Judicial Discipline; the Department of Public Safety, Records and Identification Services; the Federal Bureau of Investigation; the Supreme Court of Nevada, Office of the Clerk; any credit reporting agency utilized by the Commission, and the State Bar of Nevada to release to the Commission on Judicial Selection any and all information that may be available concerning me. KAW (initial)

I hereby release and discharge the Nevada Commission on Judicial Selection (Commission), its individual members, as now or hereafter constituted, and any other entity and/or individual(s) authorized herein to provide information to the Commission, of and from any and all claims, demands, liability and damages arising out of the release and use of such information concerning me, the undersigned, on file or otherwise available with any of the said entities and/or individuals. KAW (initial)

Should I be favorably considered, I will accept appointment to the Court indicated. KAW (initial)

KAW

Signature of Applicant

March 29, 2011

Date

Kimberly A. Wanker, Esq.

Printed Name of Applicant

STATE OF NEVADA            )  
  ) ss.  
COUNTY OF CLARK )

The undersigned, upon oath, deposes and states as follows: That (s)he is the person whose signature appears herein above on the instrument entitled "Application", that (s)he has read the same and is aware of the contents thereof; that the same is true and correct according to the best knowledge and belief of the undersigned; and that (s)he executed the same freely and voluntarily, and for the purpose of inducing the Nevada Commission on Judicial Selection to give favorable consideration to this Application for judicial office.

KAW

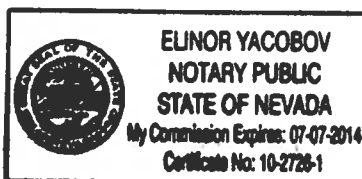
Signature of Applicant

Kimberly A. Wanker, Esq.

Printed Name of Applicant

SUBSCRIBED and SWORN to before me this 29<sup>th</sup> of March, 2011

Elinor Yacobov  
Notary



**SECTION I: PUBLIC INFORMATION  
(QUESTIONS 1 THROUGH 46)**

**Personal Information**

1. Full Name: **Kimberly Ann Wanker**
2. Have you ever used or been known by any other legal name? **No** If so, state name and reason for the name change
3. Work Address: **6950 Via Olivero Avenue, Suite 3C, Las Vegas, Nevada 89117**
4. How long have you been a continuous resident of Nevada? **August 1989**
5. Age: **49**  
(NRS 3.060 states that a district judge must be at least 25 years old.)

**Employment History**

6. Using the format provided in Attachment "A" please start with your current employment or most recent employment, self-employment, and periods of unemployment for the twenty years immediately preceding the filing of this Application.

Current or Last Employer: **Kimberly A. Wanker, Ltd.**

Phone Number: **(702) 562-8650**

Address: **6950 Via Olivero Avenue, Suite 3C, Las Vegas, Nevada 89117**

From: **1/1995** To: **Present**

Supervisor's Name: **Kimberly A. Wanker (Self-Employed)**

Supervisor's Job Title: **Attorney**

Your Title: **Attorney**

**Specific Duties: Responsible for all aspects of a business, employment and administrative law litigation practice with active law licenses in the states of Nevada, Colorado and Arizona.**

**Concentrated litigation experience in complex business matters, and employment law, in various court venues, including, but not limited to, U.S. District Court - Nevada; U.S. District Court - Colorado; U.S. Court of Appeals - Ninth Circuit; U.S. Court of Appeals - Tenth Circuit; Eighth Judicial District Court, Clark County, Nevada; Fifth Judicial District Court, Nye County, Nevada; and, the Nevada Supreme Court.**

**Extensive experience in drafting and arguing motions, briefs and other pleadings in federal and state court, developing discovery plans, taking and defending depositions, preparing exhibits, jury instructions, evidence and witnesses for trial, and negotiating and drafting settlement agreements.**

**Provide day to day legal advice and assistance to clients on various business, contract, employment and labor law issues, including analyzing documents, drafting legal memoranda and opinion letters, preparing correspondence, and drafting employment policies and procedures.**

**Vast experience in all aspects of employment law and litigation, handling matters for public and private employers in Nevada and Colorado from the time of the filing of a Charge of Discrimination with various federal and state administrative agencies including the U.S. Equal Employment Opportunity Commission (EEOC) and Nevada Equal Rights Commission (NERC), through settlement or trial.**

**Broad experience in the area of administrative law, representing clients in administrative matters before the Hearing Officer, Appeals Officer, Appeals Referee, Eighth Judicial District Court, Nevada Supreme Court, and Nevada Insurance Commissioner.**

**Reason for Leaving: Still employed**

**Previous Employer: Pete White Concrete, Inc. d/b/a White Eagle Concrete**

**Phone Number: Out of business. Last phone number: (702) 558-9100**

**Address: Out of business – Last address: 151 Cassia Way, Suite 200, Henderson, Nevada 89014**

**From: 1/1995 To: 12/2002**

**Supervisor's Name: Daniel Packer**

**Supervisor's Job Title: President/Owner**

**Your Title: General Counsel (Part-time position, 10-15 hours/week)**

**Specific Duties: Responsible for the corporation's legal matters. Developed and managed the company's self-insured workers' compensation program. Provided day to day legal advice and assistance on business, contract, workers' compensation and employment matters. Supervised outside legal counsel.**

**Reason for Leaving: My private law practice expanded to the point I needed to concentrate my full attention on my private practice.**

Previous Employer: **helloNetwork.com, Inc.**

Phone Number: **Out of business. Last phone number: (702) 450-1255**

Address: **Out of business – Last address: 3035 East Patrick Lane, Suite 1, Las Vegas, Nevada 89120**

From: 5/2000 To: 2/2002

Supervisor's Name: **Craig Ellins**

Supervisor's Job Title: **Owner**

Your Title: **Director of Human Resources (Part-time position – 10-15 hours/week)**

Specific Duties: **Responsible for the administration and management of the Human Resources Department including recruitment, selection, and evaluation of employees, employee benefit programs, compensation, safety, labor relations, employee records, insurance, workers compensation and employee training. Supervised departmental staff.**

**Developed and implemented employee policies and procedures.**

**Provided day to day advice and assistance to management on the handling of personnel related issues.**

Reason for Leaving: **My private law practice expanded to the point I needed to concentrate more attention on my private practice.**

Previous Employer: **Gordon & Silver, Ltd. n/k/a Gordon Silver**

Phone Number: **(702) 796-5555**

Address: **3960 Howard Hughes Parkway, Ninth Floor, Las Vegas, Nevada 89169**

From: 8/1989 To: 1/1995

Supervisor's Name: **Jeffrey Silver, Esq.**

Supervisor's Job Title: **Managing Partner**

Your Title: **Associate Attorney**

Specific Duties: **Responsible for all aspects of a civil litigation and misdemeanor criminal practice, from case inception through settlement or trial, including client interviews, legal and legislative research, drafting and arguing briefs, motions and other pleadings in federal and state court, developing discovery plans, taking and defending depositions, preparing exhibits, jury instructions, evidence and witnesses for trial, and negotiating and drafting settlement agreements.**

**Managed and supervised junior attorneys, analyzed documents, drafted opinion letters, and gave day to day legal advice and assistance to clients on federal and state employment law issues.**

**Concentrated experience in the area of workers' compensation and unemployment, representing clients in matters before the Hearing Officer, Appeals Officer, Appeals Referee, Eighth Judicial District Court, Nevada Supreme Court, Insurance Commissioner, and State Industrial Insurance System General Manager.**

**Reason for Leaving: An opportunity to work as General Counsel for Pete White Concrete and, at the same time, the opportunity to start my own law practice.**

### **Educational Background**

7. List names and addresses of high schools, colleges and graduate schools (other than law school) attended; dates of attendance; certificates or degrees awarded; reason for leaving.

**High School: Scottsbluff Senior High School  
313 E. 27<sup>th</sup> Street  
Scottsbluff, Nebraska 69361**

**Dates of Attendance: August 1976-May 1979**

**Degree: High School Diploma  
GPA: 4.0/4.0**

**Reason for Leaving: Graduated**

**College: Nebraska Western College  
n/k/a Western Nebraska Community College  
1601 E. 27<sup>th</sup> Street  
Scottsbluff, Nebraska 69361**

**Dates of Attendance: August 1979-May 1981**

**Degree: Associate of Arts  
GPA: 4.0/4.0**

**Reason for Leaving: Graduated**

**College: University of Nebraska – Lincoln  
1400 R Street  
Lincoln, Nebraska 68588**

**Dates of Attendance: August 1981- August 1983**

**Degree: Bachelor of Arts – Political Science  
With High Distinction  
GPA: 4.0/4.0**

**Reason for Leaving: Graduated**

8. Describe significant high school and college activities including extracurricular activities, positions of leadership, special projects that contributed to the learning experience.

**High School:** marching, concert, jazz, pep bands; golf team, tennis team; speech team, debate team, National Forensic League Student Congress; German club; National Honor Society; Co-Valedictorian; served as a member of the Nebraska State Department of Education, Title IV Advisory Council (Appointed by the Nebraska Insurance Commissioner); Girls State; Girls Nation; active in church youth group; active in county political party activities.

**College:** band; active in county and state political party activities; traveled with the state political party to the national convention, serving as a Page from the Nebraska delegation at the national political convention. Worked as a Page at the Nebraska State Legislature during the 1982 Nebraska state legislative session; worked as a Legislative Intern in the research department at the Nebraska State Legislature during the 1983 state legislative session; Regents Scholar; served as a member of Nebraska State Department of Education, Title IV Advisory Council (Appointed by the Nebraska Insurance Commissioner); Phi Theta Kappa; Phi Beta Kappa.

9. List names and addresses of law schools attended; degree and date awarded; your rank in your graduating class; if more than one law school attended, explain reason for change.

**Law School:** University of Nebraska College of Law  
1875 North 42nd  
Lincoln, Nebraska 68583

**Degree Awarded:** Juris Doctor with High Distinction

**Class Rank:** Tied 23-24 of 137  
GPA: 3.65/4.0

10. Indicate whether you were employed during law school, whether the employment was full-time or part-time, the nature of your employment, the name(s) of your employer(s), and dates of employment

**Employment:** June 1985-August 1985  
Full-time Summer Law Clerk  
Nebraska Public Power District – Legal Department  
1414 15<sup>th</sup> St  
Columbus, Nebraska 68601

11. Describe significant law school activities including offices held, other leadership positions, clinics participated in, extracurricular activities.

**Moot Court – 1985-1986; Nebraska Law College Civil Clinic Program – Summer 1986**  
Clinic culminated in a divorce and child custody trial at the end of the summer.

**Law Practice**

12. State the year you were admitted to the Nevada Bar.

**Nevada – October 1989**

13. Name states (other than Nevada) where you are or were admitted to practice law and your year of admission.

**Colorado – October 1987**

**Arizona – April 2010**

14. Have you ever been suspended, disbarred, or voluntarily resigned from the practice of law in Nevada or any other state? If so, describe the circumstance, dates, and locations.

**No.**

15. Estimate what percentage of your work over the last five years has involved litigation matters, distinguishing between trial and appellate courts. For judges, answer questions 16-20 for the five years directly preceding your appointment or election to the bench.

**Percentage of Work Involving Litigation: 90%; Trial work: 98%; Appellate work; 2%**

16. Estimate percentage of time spent on (1) domestic/family and juvenile law matters, (2) civil litigation, (3) criminal matters, and (4) administrative litigation.

(1) **Domestic/family/juvenile: 1%**  
(2) **Civil litigation: 75%**  
(3) **Criminal matters: 0%**  
(4) **Administrative litigation: 24%**

17. In the past five years, what percentage of your litigation matters involved cases set for jury trials vs. non-jury trials?

**Jury Trials: 90%**  
**Non-jury trials: 10%**

18. Give the approximate number of jury cases tried to a conclusion during the past five years with you as lead counsel. Give the approximate number of non-jury cases tried to a decision in the same period.

**None. All cases, both jury and non-jury matters, have been resolved, either by summary judgment motions or by settlement before trial.**

19. List courts and counties in any state where you have practiced in the past five years.

**Nevada: Eighth Judicial District Court, Clark County, Nevada  
Clark County Justice Court, Clark County, Nevada  
Fifth Judicial District Court, Nye County, Nevada  
Nye County Justice Court, Nye County, Nevada**

**Nevada Supreme Court  
U.S. District Court, Southern District of Nevada  
U.S. Court of Appeals – Ninth Circuit**

**Colorado: U.S. District Court, District of Colorado  
U.S. Court of Appeals – Tenth Circuit**

**Arizona: Yavapai County Superior Court, Yavapai County, Prescott, AZ**

20. List by case name and date the five cases of most significance to you (not including cases pending in which you have been involved), and list or describe:

- a. case name and date,
- b. court and presiding judge and all counsel
- c. the importance of each case to you and the impact of each case on you,
- d. your role in the case.

1a. Case Name: **Tarango v. State Industrial Insurance System  
117 Nev. 444, 25 P.3d 175 (2001)**

Date: **June 13, 2001**

b. Court: **Nevada Supreme Court – En Banc**

Presiding Judge: **Case heard en banc; Opinion written by Justice  
Leavitt**

Counsel:  
For Appellant **Ester Rodriguez, Esq.; Lisa Anderson, Esq.,  
Angel Tarango: Greenman, Goldberg, Raby & Martinez**

For Respondent SIIS **Javier A. Arguello, Esq.**  
n/k/a Employers Ins.  
Co. of Nevada:

For Respondent **Kimberly A. Wanker, Esq.,  
Champion Drywall: Kimberly A. Wanker, Ltd.**

For Amicus Curiae **John P. Lavery, Esq.,  
Nevada Contractors **Gugino & Schwartz**  
Network Self-Ins. Group:**

c. Importance/Impact of Case: **This case was important and had an impact on me because the issues in this case were complex and challenging. This case was a case of first impression in Nevada and throughout the United States on the issue of workers' compensation vocational rehabilitation benefits for undocumented workers. This case involved research and analysis of federal and state constitutional law, as well as research and analysis of the legislative history behind the Immigration Reform and Control Act and the Nevada Industrial Insurance Act. As general counsel for a construction company, and as a private attorney that represented numerous companies in workers' compensation matters in the field of**

construction, this case was precedent setting to my law practice, as it was not uncommon in the field of construction, for an employer, upon receiving a workers' compensation injury claim from an employee, to discover the injured employee was an undocumented worker. This case was first heard by the Northern Panel of the Nevada Supreme Court; the matter was then heard by the full Nevada Supreme Court. As an issue of first impression, there was no previous authority to rely upon. I knew I was involved in a case that would significantly impact the law in this area for future generations.

d. Role in Case: I served as counsel for the employer, Champion Drywall, throughout this case. I was involved in this matter throughout the entire process from the time of the original Hearing Officer hearing, to the Appeals Officer hearing, the Petition For Judicial Review at the Eighth Judicial District Court; and, the appeal at the Nevada Supreme Court.

2a. Case Name: **Floyd Foster v. Riviera Operating Corporation,  
Riviera Hotel & Casino**

Date: **Filed November 22, 1995**

b. Court: **Eighth Judicial District Court, Clark County, Nevada**

Presiding Judge: **Judge Valerie Vega**

Counsel:

For Plaintiff: **Ian Christopherson, Esq.**

For Defendants: **Kimberly A. Wanker, Esq.  
Kimberly A. Wanker, Ltd.**

c. Importance/Impact of Case: **Mr. Foster claimed that the Riviera Hotel & Casino had discriminated against him under the Americans With Disabilities Act of 1991 ("ADA"). At the time of this case, the ADA was in its infancy. This case first went through the mandatory arbitration program. The Riviera prevailed. Mr. Foster appealed from the arbitration decision, and the Eighth Judicial District Court granted summary judgment. The summary judgment was appealed to the Nevada Supreme Court, Case No. 34504, which issued an Order of Affirmance on August 10, 2001. During the course of this litigation, my legal argument changed as to why Mr. Foster did not have a disability within the meaning of the ADA. My argument changed based upon the case law that was being decided in federal and state courts as courts around the country began interpreting the ADA. The impact and importance of the case for me, was the lesson that the law is ever changing, and the realization that counsel must remain vigilant and apprised of case law changes when representing a client.**

**This case brought by Mr. Foster was the second of two cases brought by Mr. Foster. Mr. Foster first filed a workers' compensation claim alleging that due to excessive overtime at work, he suffered a heart attack, and he argued that under the circumstances presented, his claim was compensable under the Nevada**

**Industrial Insurance Act. The industrial injury claim was denied. On appeal, the Appeals Officer reversed the claims denial and awarded benefits. A Petition For Judicial Review to the Eighth Judicial District Court followed. The District Court affirmed the Appeals Officer. An appeal was taken to the Nevada Supreme Court. The Nevada Supreme Court reversed the Appeals Officer and denied benefits. *State Industrial Insurance System v. Foster*, 110 Nev. 521, 874 P.2d 766 (1994).**

d. **Role in Case: I served as counsel for the employer, Riviera Operating Corporation d/b/a the Riviera Hotel & Casino, throughout this case. I was involved in this case from the time of the original case filing through the Nevada Supreme Court appeal.**

3a. **Case Name: Ron DeMarco v. Riviera Black Hawk, Inc.  
Riviera Holdings Corporation**

**Date: Filed: June 1, 2007**

b. **Court: U.S. District Court, District of Colorado  
(Denver)**

**Presiding Judge: Judge Richard P. Matsch**

**Counsel:**

**For Plaintiff:**

**Kimberlie K. Ryan, Esq.  
King & Greisen, LLP**

**Brian K. Matise, Esq.  
Burg, Simpson, Eldredge, Hersh & Jardine,  
P.C.**

**Rosemary Orsini, Esq.  
Berenbaum Weinshienk, PC**

**For Defendant:**

**Kimberly A. Wanker, Esq.  
Kimberly A. Wanker, Ltd.**

c. **Importance/Impact of Case: Prior to the commencement of the U.S. District Court litigation, the U.S. Equal Employment Opportunity Commission (“EEOC”) issued a “for cause” finding, indicating that in the opinion of the EEOC, there was sufficient evidence to establish a violation by my clients of Title VII of the Civil Rights Act of 1964, as amended (“Title VII”); and, a violation of the Age Discrimination and Employment Act (“ADEA”). By conducting extensive research and discovery, I was able to defend this lawsuit through a Motion For Summary Judgment. The importance and impact of this case for me was to keep an open mind in handling matters, and to carefully and thoroughly investigate and research all facets of a case.**

d. **Role in Case: I served as counsel for Defendants from the filing of the initial charge of discrimination with the U.S. Equal Employment Opportunity Commission (“EEOC”), through the disposition of the case by the U.S. District Court.**

4a. **Case Name: Las Vegas-Clark County Library District v. Friends of Southern Nevada Libraries, Inc.**

**Date: Filed: April 14, 2008**

b. **Court: Eighth Judicial District Court, Clark County, Nevada**

**Presiding Judge: Judge Mark Denton**

**Counsel:**

**For Plaintiff: Todd Touton, Esq.  
Doreen Spears Hartwell, Esq.  
Lionel, Sawyer & Collins**

**For Defendant: Kimberly A. Wanker, Esq.  
Lisa Garofalo, Esq.**

c. **Importance/Impact of Case: This case involved complex factual and legal issues. Prior to the initiation of the litigation, the parties had worked together for over thirty-five (35) years. Therefore, there were significant underlying issues in the litigation. This case was initiated in April 2008. I became legal counsel on June 18, 2008. By the time I became counsel, a preliminary injunction order had been issued against the Defendant. Defendant appealed the preliminary injunction order to the Nevada Supreme Court. At the same time, the case proceeded in District Court. Counsel, and the parties, working together, were able to resolve their outstanding issues within six (6) months.**

**The importance/impact of the case for me was the character and quality of my client. My client, a non-profit 501(c)(3) organization, consisted of a group of volunteers, many of whom were retired from successful careers, that donated significant amounts of time and energy selling books discarded by the public, to raise funds so that they could then donate money to various non-profit organizations to fund various library activities or to purchase supplies and equipment. Throughout the years, my clients raised and donated, hundreds of thousands of dollars to advance reading and literacy in Clark County, Nevada.**

d. **Role in Case: I served as the lead counsel for Defendant in both the Eighth Judicial District Court case and for the Nevada Supreme Court appeal.**

- 5a. Case Name: **Mohammed Akrum Ghafoor v. Four Queens, Inc. et. al.**
- Date: **Appeal Filed: March 27, 2007  
District Court Affirmed: September 29, 2008**
- b. Court: **Court of Appeals Ninth Circuit**
- Presiding Judge: **Tashima, Silverman and Callahan, Circuit Judges**
- Counsel:  
For Plaintiff: **Mohammed Akrum Ghafoor, Pro Per**
- For Defendants: **Kimberly A. Wanker, Esq.  
Kimberly A. Wanker, Ltd.**
- c. Importance/Impact of Case: **This case highlights many of the difficulties and issues that can be encountered in working with parties who represent themselves pro-se. This pro-se plaintiff did not understand the procedural and legal elements of his case.**
- d. Role in Case: **I served as counsel for Defendants, representing them in this case beginning in 2004, when Mr. Ghafoor made internal discrimination complaints to the Four Queens, continuing through Mr. Ghafoor's charge of discrimination with the U.S. Equal Employment Opportunity Commission, his subsequent two cases filed against Defendants with the U.S. District Court, District of Nevada, and Mr. Ghafoor's appeal to the Court of Appeals, Ninth Circuit.**

21. Do you now serve or have you previously served as a mediator, an arbitrator, a part-time or full-time judicial officer, or a quasi-judicial officer? To the extent possible, explain each experience.

**I was selected as a Judge Pro Tem for the 2011-2012 term in the Clark County Justice Courts. I have not yet been called to serve. I am currently studying and reviewing the following publications: *Las Vegas Justice Court Pro Tempore Panel Handbook; Limited Jurisdiction Courts Bench Book; Miranda "Custodial Interrogations" And The Law Of Confessions* prepared for Nevada Law Enforcement Officers and Criminal Law Practitioners; and, *The Law of Search & Seizure For Lawyers*. In addition, on March 21, 2011, I underwent training to be a Hearing Officer in Clark County, Nevada.**

22. Describe any pro bono or public interest work as an attorney.

**I donate my services as an attorney to various churches. I am on a call list, and receive phone calls from individuals needing free legal advice and assistance at Community Lutheran Church. I have provided assistance to the Light In The Desert Via De Cristo Christian religious organization in drafting documents and releases for their religious activities and retreats. I also serve on the Board of Directors of Lutheran Social Services of Nevada, and donate my time in handling all employment related matters for the organization. In addition, I assisted Genesis Fresh Beginnings Church in Prescott, Arizona with their articles, by-laws, and day to day matters requiring an attorney, such**

as filings with the Arizona Corporate Commission; reviewing the church lease; insurance issues, etc. I also donate my time to the Nevada SPCA, assisting them with their employment matters.

23. List all bar associations and professional societies of which you are or have been a member. Give titles and dates of offices held. List chairs or committees in such groups you believe to be of significance. Exclude information regarding your political affiliation.

**State Bar of Nevada**  
**Clark County Bar Association**  
**Southern Nevada Association of Women Attorneys**  
**Colorado Bar Association**  
**State Bar of Arizona**  
**American Bar Association**  
**American Trial Lawyers Association**

**Employers of Nevada**  
**Board member 1990-2002; President 1999-2000**

**Nevada Self-Insurer's Association**  
**Board member 2000-2002**

24. List all courses, seminars, or institutes you have attended relating to continuing legal education during the past five years. Are you in compliance with the continuing legal education requirements applicable to you as a lawyer or judge?

**Courses, seminars, or institutes:**

- **Judge Pro Tem Panel Training, Clark County, Nevada**
- **Clark County, Nevada Hearing Officer Training**
- **Nevada Law Library Training**
- **Clark County Wiznet Training**
- **Hot Topics in Employment Law**
- **2009 Colorado Employment Law Conference (17 hours)**
- **2007 Annual Employment Law Conference**
- **2007 EEOC Technical Assistance Program Seminar (2 days)**
- **Colorado Employment Law Conference (45 hours)**
- **Electronic Employee Surveillance**
- **Planning Discovery: New EDCR 2.35 and NRCP 16.1**
- **Meet Your New Discovery Commissioner**
- **Landlord/Tenant Law Southern Nevada**
- **Homeowner Association Law**
- **Legal Framework of Medical Marijuana**
- **Nuts and Bolts of Business Bankruptcy**
- **How to Draft Effective Wills and Trusts for Your Clients in Nevada**
- **PowerPoint For Lawyers**
- **Ethics Hot Topics**
- **The Ethics of Striking Back**
- **All You Can Eat Ethics for Nevada Attorneys**

- **The Ethics Review**
- **The All New Ethics Revue**
- **The All New Ethics Review 2006**
- **Collecting Your Fee and Dealing With Fee Disputes**
- **Arizona Law for Admission on Motion**
- **State Bar of Arizona Course on Professionalism**
- **E-filing with AZ Turbo Court**

**Yes, I am in compliance with all continuing legal education requirements.**

25. Do you have Professional Liability Insurance or do you work for a governmental agency?

**Yes.**

### Business and Occupational Experience

26. Have you ever been engaged in any occupation, business, or profession other than judicial officer or the practice of law?

**No.**

27. List experience as an executor, trustee, or in any other fiduciary capacity. Give name address, position title, nature of your duties, terms of service and, if any, the percentage of your ownership.

**None.**

28. Do you currently serve or have you in the past served as a manager, officer, or director of any business enterprise, including a law practice? If so, please provide details as to:

- a. the nature of the business,
- b. the nature of your duties,
- c. the extent of your involvement in the administration or management of the business,
- d. the terms of your service,
- e. the percentage of your ownership.

**Yes.**

- a. **Kimberly A. Wanker, Ltd. My law practice is a subchapter "s" corporation.**
  - b. **Responsible for all aspects of the law practice. I am the President/Secretary of the corporation.**
  - c. **I am 100% involved in the administration and management of the business.**
  - d. **January 18, 1995 to present.**
  - e. **100%.**
- 
- a. **Dakiro Enterprises, LLC. This entity is organized for any lawful purpose under Chapter 86 of the Nevada Revised Statutes. The company currently provides high**

- performance driving consulting services; in the past the company worked with property management companies to clean-out vacated properties.
- b. Assisted in the filing and set-up of the LLC.
  - c. None.
  - d. April 17, 2009 – May 31, 2009.
  - e. None.

**Civic, Professional and Community Involvement**

29. Have you ever held an elective or appointive public office in this or any other state? Have you been a candidate for such an office? If so, give details, including the offices involved, whether initially appointed or elected, and the length of service. Exclude political affiliation.

No. N/A

30. State significant activities in which you have taken part, giving dates and offices or leadership positions.

**Involved in the formation of Genesis Fresh Beginnings Church, Prescott, AZ in 2009. Served as the President/Secretary and Board member for Genesis Fresh Beginnings Church, Prescott, AZ from July 2010 through December 2010.**

**Participated in Water For the Homeless Program – Community Lutheran Church, Las Vegas NV – 2007, 2008.**

**Serve as a Board Member and Personnel Committee Member (past Chair) for Lutheran Social Services of Nevada, January 2007 to present.**

**Member of Employers of Nevada from 1989 to 2002; Board member 1990-2002; President 1998-1999.**

**Nevada Self Insurer's Association 1998-2002; Board member 2000-2002.**

**Member of the Las Vegas Region of the Sports Car Club of America (SCCA) 1992 to present; Solo Chair 1993-1995; Board member 2004-2006.**

**I have been a member and active participant in the Las Vegas Nebraskan's for several years. I have participated in the food box program for the underprivileged for the past 5 years.**

31. Describe any courses taught at law schools or continuing education programs. Describe any lectures delivered at bar association conferences.

**Prior to 1995, was a lecturer at several LORMAN continuing legal education seminars on workers' compensation.**

32. List educational, military service, service to your country, charitable, fraternal and church activities you deem significant. Indicate leadership positions.

**Involved in the formation of Genesis Fresh Beginnings Church, Prescott, AZ in 2009. Served as the President/Secretary and Board member for Genesis Fresh Beginnings Church, Prescott, AZ from July 2010 through December 2010.**

**Participated in Water For the Homeless Program – Community Lutheran Church, Las Vegas NV - 2007, 2008.**

**Serve as a Board Member and Personnel Committee Member (past Chair) for Lutheran Social Services of Nevada, January 2007 to present.**

**Member of Employers of Nevada from 1989 to 2002; Board member 1990-2002; President, 1998-1999.**

**Nevada Self Insurer's Association 1998-2002; Board member, 2000-2002.**

**Member of the Las Vegas Region of the Sports Car Club of America (SCCA) 1992 to present; Solo Chair 1993-1995; Board member 2004-2006.**

**I have been a member and active participant in the Las Vegas Nebraskan's for several years. I have participated in the food box program for the underprivileged for the past 5 years.**

33. List honors, prizes, awards, or other forms of recognition.

N/A

34. Have you at anytime in the last 12 months belonged to or do you currently belong to any club or organization that in practice or policy restricts (or restricted during the time of your membership) its membership on the basis or race, religion, creed, national origin or sex? If so, detail the name and nature of the club(s) or organization(s), relevant policies and practices, and whether you intend to continue as a member if you are selected for this vacancy.

No.

35. List books, articles, speeches and public statements published, or examples of opinions rendered, with citations and dates.

**I was counsel for one of the parties in the following cases:**

***Tarango v. State Industrial Insurance System*, 117 Nev. 444, 25 P.3d 175 (2001).**

***Las Vegas Housing Authority v. Root*, 116 Nev. 864, 8 P.3d 143 (2000).**

***Briones v. Riviera Hotel & Casino*, 116 F.3d 379 (9th Cir. 1997).**

***State Industrial Insurance System v. Foster*, 110 Nev. 521, 874 P.2d 766 (1994).**

36. During the past ten years, have you been registered to vote? Have you voted in the general elections held in those years?

**I have been registered to vote, and have voted in the general elections in the last 10 years.**

37. List a vocational interests and hobbies.

**Road biking; mountain biking; attending Nebraska football games; tailgating; car restoration; boating; wake boarding; karting; road racing; autocross and Super Summer Theatre.**

**Conduct**

38. Have you ever been convicted of or formally found to be in violation of federal, state or local law, ordinance or regulation? Provide details of circumstances, charges and dispositions.

**No.**

39. Have you ever been sanctioned, disciplined, reprimanded, found to have breached an ethics rule or to have acted unprofessionally by any judicial or bar association discipline Commission, other professional organization or administrative body or military tribunal? If yes, explain.

**No.**

40. Have your ever been dropped, suspended, disqualified, expelled, dismissed from, or placed on probation at any college, university, professional school or law school for any reason including scholastic, criminal, or moral? If yes, explain.

**No.**

41. Have you ever been refused admission to or been released from any of the armed services for reasons other than honorable discharge? If yes, explain.

**No.**

42. Has a lien ever been asserted against you or any property of yours that was not discharged within 30 days? If yes, explain.

**No.**

43. Has any Bankruptcy Court in a case where you are or were the debtor, entered an order providing a creditor automatic relief from the bankruptcy stay (providing in rem relief) in any present or future bankruptcy case, related to property in which you have an interest?

**N/A**

Other

44. If you have previously submitted a questionnaire or Application to this or any other judicial nominating commission, please provide the name of the commission, the approximate date(s) of submission, and the result.

N/A

45. In no more than three pages (double spaced) attached to this Application, provide a statement describing what you believe sets you apart from your peers, and explains what particular education, experience, personality or character traits you possess or have acquired that you feel qualify you as a good district court judge. In so doing, address both the civil (including family law matters) and criminal processes (including criminal sentencing.)

**Please see attached.**

46. Detail any further information relative to your judicial candidacy that you desire to call to the attention of the members of the Commission on Judicial Selection.

N/A

47. Attach a sample of no more than ten pages of your original writing in the form of a decision, "points and authorities", or appellate brief generated within the past five years, which demonstrates your ability to write in a logical, cohesive, concise, organized, and persuasive fashion.

**Please see attached.**

- - INSERT PAGE BREAK HERE TO START SECTION II  
(CONFIDENTIAL INFORMATION) ON NEW PAGE - -

45. In no more than three pages (double spaced) attached to this Application, provide a statement describing what you believe sets you apart from your peers, and explains what particular education, experience, personality or character traits you possess or have acquired that you feel qualify you as a good district court judge. In so doing, address both the civil (including family law matters) and criminal processes (including criminal sentencing.)

*What Do You Believe Sets You Apart From Your Peers?*

**I am passionate about the practice of law and the citizens of the Fifth Judicial District. For the past five (5) years, I have balanced my time between my home in Las Vegas and my home in Pahrump. Having been raised in rural Nebraska, I thoroughly enjoy the people and the rural lifestyle of the Fifth Judicial District. I passed the bar in Nevada in 1989, and my first state court trial in Nevada was a few months later in the Fifth Judicial District Court in Tonopah. In 2010, I set a goal to run for this position in 2015. When this opportunity arose, I felt it was the right time to make this commitment.**

*What particular education, experience, personality or character traits [do] you possess or have acquired that you feel qualify you as a good district court judge.*

**I have practiced law for the past twenty-three years. I believe my three strongest character traits that qualify me to be a good district court judge are: professional competence; a judicial temperament; and integrity. With respect to professional competence, I have handled hundreds of court and administrative cases in the state of Nevada. I have gained respect for the separation of powers doctrine set forth in Article 3, Section 1 of the Nevada Constitution and the authority granted to a district court judge by Article 6, Section 6 of the Nevada Constitution. I understand and abide by the mandates of the Rules of Professional Conduct. Through my training for the Clark County Justice Court Pro Tem program, I am familiar with the duties and responsibilities imposed by the Code of Judicial Conduct.**

**As a judge for the Fifth Judicial District Court, my approach to any matter before the court – civil, criminal or family - will be the same three step approach I utilize in my private practice. First, I will identify the issue(s) requiring determination; next, I will analyze the facts relevant to the issue(s); and finally, I will apply the law and make a decision. Decisions should only be rendered after a thorough and objective examination of the law and all information and circumstances.**

**An undergraduate college course in basic logic has proved to be an invaluable tool in identifying issues in the practice of law.**

**I have found that evaluating the facts of a case often requires making credibility determinations. Having conducted hundreds of harassment investigations, many situations arise where there are no witnesses other than the alleged victim and the alleged perpetrator. In those instances, I have demonstrated my ability to decisively make credibility determinations regarding the truthfulness of the parties, and the proper weight to be given the evidence. This past experience gives me the ability, as a judge, to evaluate the facts, weigh the evidence, and judge the credibility of witnesses.**

**Finally, I will apply the law. Through my many years of practice, I understand the role of a judge is limited. Where the language of a statute is plain and unambiguous, I am to apply the law as written, whether I agree with the law or not, and without concern as to whether the decision will be popular or unpopular. I have been involved in numerous cases where the law is ambiguous. I understand that it is necessary in a case where the law is ambiguous, to determine the legislative intent of the statute. I have years of experience in researching the history of statutes, to ascertain the statute's purpose and legislative intent.**

**In situations where the jury becomes the trier of fact, my role as a judge is to organize, facilitate, and oversee a process that will render an outcome based on a fair and impartial assessment of the evidence in the case. It will be my role in ruling on the evidence before and during the trial, and in giving instructions to the jury, to guide the jury in the process of fairly considering the testimony, documents and other evidence in the case.**

**With regard to criminal sentencing, I will weigh the specific facts and circumstances of the offender's offense before imposing a sentence, and will consider the following in making my decision: the mandates of the applicable statutes; the pre-sentence report; the circumstances of the crime and the nature of the offense, including any aggravating and mitigating circumstances; the savagery of the offense; the injury suffered by the victim; the criminal sophistication demonstrated by the offender's actions before, during and after the commission of the offense; whether the offender is a first time or repeat offender; and, whether the offender is truly contrite or remorseful.**

**From my litigation experience, and in my opinion, the best judges are those familiar with the matters that come before the court. Therefore, as a judge, I think it is my responsibility and obligation to review the materials presented by counsel and the parties before the matter is heard, and if necessary, to conduct my own legal research, so that I can ask intelligent questions at the hearing. In this regard, I have been using electronic legal research for over two decades. I am also trained in, and can competently use, the law library to conduct manual or book research.**

**As a litigation attorney, my day does not end at a specific time – rather my day concludes when the daily tasks are completed. I will bring this work ethic with me as a judge. I will devote the time necessary to ensure that I am fully prepared when I enter the courtroom.**

**Finally, I believe that my communication skills are strong. I have the ability to render clear and cogent oral and written decisions. Over the past twenty-one years, I have written numerous administrative law decisions for workers' compensation appeals officers. In addition, I have prepared numerous written decisions for judges on various pretrial motions brought before the court.**

**I believe that to be a good judge, a person must exhibit the proper temperament. In my practice, I find that litigation often results because one party feels that they were not treated with courtesy, dignity, and respect. I have learned that to be a successful lawyer, it is necessary to be a good listener and to be open minded, unassuming, courteous, patient, compassionate and respectful. I think it is of utmost importance, that a party, whether they win or lose, feels that they have had their day in court. I also think a good sense of humor is vital to both the practice of law and to life. I will bring these qualities with me should I be selected judge. In Colorado and Arizona where I am also licensed to practice law, I practice under a code of professionalism, separate and apart from a code of professional conduct. If I am selected as judge, I will demand that professionalism be shown between counsel and between the parties throughout the case.**

**Finally, I believe that a good district court judge should have integrity, and their conduct, both personally and professionally, should be above reproach. If you were to ask others, I think you would find that I exhibit this quality.**

47. Attach a sample of no more than ten pages of your original writing in the form of a decision, "points and authorities", or appellate brief generated within the past five years, which demonstrates your ability to write in a logical, cohesive, concise, organized, and persuasive fashion.

**Please see attached.**

Wanker

FILED

JUN 08 2009

STATE OF NEVADA  
DEPARTMENT OF ADMINISTRATION  
BEFORE THE APPEALS OFFICER **APPEALS OFFICE**

1  
2  
3  
4  
5  
6  
7  
8

In the Matter of the Contested	)	Claim No.: RV-0300064
Industrial Insurance Claim of:	)	Appeal No.: 59710-GS
	)	
AMADA SANCHEZ	)	Employer:
	)	Riviera Hotel & Casino
	)	2901 Las Vegas Boulevard
Claimant.	)	Las Vegas, Nevada 89109

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION**

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

On April 27, 2009, a hearing was held before Appeals Officer Geraldine Schwartz, Esq. The issues before the Appeals Officer were whether Claimant Amada Sanchez ("Claimant" or "Ms. Sanchez") appeal of the Insurer's November 29, 2004 determination denying vocational rehabilitation benefits is timely; and, whether the Claimant is entitled to vocational rehabilitation benefits. Ms. Sanchez was represented at the Appeals Officer Hearing by attorney Javier Arguello, Esq. of the law office of Benson, Bertoldo, Baker & Carter. Appearing at the hearing in this matter on behalf of the Riviera was La Cretia Evans, Risk Manager, and the Riviera's attorney, Kimberly A. Wanker, Esq. of the law office of Kimberly A. Wanker, Ltd.

The Appeals Officer admitted the following documents into evidence at the hearing: Claimant's Exhibit 1, consisting of thirty-six (36) pages; Claimant's Exhibit 2, consisting of ten (10) pages; Employer's Exhibit A, consisting of fifty-six (56) pages; and, Employer's Exhibit B consisting of six (6) pages. Pursuant to the request of the Appeals Officer, counsel for the Claimant and counsel for the Employer each filed a supplemental documentary evidence packet containing the Appeals Officer's Decision and Order issued on April 20, 2005.

Following a review of the evidence and consideration of the testimony of Ms. Sanchez, and the arguments of counsel, the Appeals Officer makes the following findings of fact and conclusions of law:

**I. FINDINGS OF FACT**

1. On August 14, 2003, Amada Sanchez sustained a right shoulder strain while working

1 as a Guest Room Attendant at the Riviera.

2 2. Ms. Sanchez hired the law firm of Edward M. Bernstein & Associates to represent her  
3 in connection with the August 14, 2003 shoulder injury. (Employer's A, pp. 13-15)

4 3. On December 15, 2003, Ms. Sanchez signed a worker's compensation power of  
5 attorney, wherein she agreed to: "hereby designate the law firm of EDWARD M. BERNSTEIN  
6 AND ASSOCIATES, to be my attorneys in fact for the purpose of receiving any and all documents,  
7 checks, forms and communications of any nature from any industrial insurance company, self-  
8 insured employer or third party administrator which relates to my industrial insurance claim."  
9 (Employer's A, p. 14)

10 4. Ms. Sanchez originally sought medical treatment at Industrial Medical Group.  
11 (Claimant's 2, p.5, ¶¶ 2-3)

12 5. On October 29, 2003, Industrial Medical Group referred Ms. Sanchez to a physiatrist,  
13 Dr. Tony Chin, M.D. (Claimant's 2, p.5, ¶ 4)

14 6. Ms. Sanchez was first examined by Dr. Chin on November 7, 2003. Dr. Chin  
15 recommended physical therapy and returned Ms. Sanchez to work with temporary restrictions.  
16 (Claimant's 2, p.5, ¶ 6)

17 7. Ms. Sanchez was seen for follow-up treatment by Dr. Chin on November 14, 2003;  
18 November 21, 2003; December 2, 2003; and December 9, 2003. (Claimant's 2, p.5, ¶ 7)

19 8. On December 11, 2003, Dr. Chin, after reviewing the job duties and responsibilities  
20 of a Riviera Guest Room Attendant, released Ms. Sanchez to return to work to her pre-accident  
21 employment. (Claimant's 2, p.5, ¶ 8; Employer's A, p. 16)

22 9. Ms. Sanchez requested and received, a personal leave of absence from the Riviera  
23 beginning on December 14, 2003. Ms. Sanchez was expected to return to work from her personal  
24 leave of absence on June 12, 2004. (Employer's A, p. 17)

25 10. Pursuant to a Hearing Officer Decision and Order dated March 8, 2004, and an  
26 agreement between Nevada Compfirst and former attorney John Coleman, Esq., Ms. Sanchez was  
27 sent for an independent medical evaluation with Dr. Timothy Sutherland on April 27, 2004.  
28 (Claimant's 2, p.5, ¶ 10)

1 11. Thereafter, Dr. Sutherland provided conservative treatment to Ms. Sanchez.  
2 (Claimant's 2, p.5, ¶ 10)

3 12. On December 13, 2004, the Riviera terminated Ms. Sanchez' employment after she  
4 failed to return to work on June 12, 2004, from her leave of absence. (Employer's A, p. 17;  
5 Employer's B, p. 56)

6 13. On June 23, 2004, Dr. Chin again released Ms. Sanchez to return to work, full duty.  
7 (Employer's A, p. 24)

8 14. On September 22, 2004, a functional capacity evaluation test was conducted by Kelly  
9 Hawkins Physical Therapy Works. The functional capacity evaluation was performed to assess Ms.  
10 Sanchez' capabilities to determine if she could safely perform her pre-accident job as a Guest Room  
11 Attendant at the Riviera. (Employer's Exhibit A, pp. 25-44) Unfortunately, the results of the  
12 functional capacity evaluation were invalid. (Employer's Exhibit A, pp. 25-29)

13 15. On October 14, 2004, Nevada Compfirst, the Riviera's third party administrator, sent  
14 a letter to Dr. Sutherland with a copy of Ms. Sanchez' pre-injury job description, asking Dr.  
15 Sutherland whether Ms. Sanchez could return to her pre-accident employment at the Riviera.  
16 (Employer's A, pp. 45-48)

17 16. On November 2, 2004, Dr. Sutherland responded, stating that the Claimant could  
18 return to work in her pre-accident employment with modifications to avoid overhead work and  
19 lifting greater than 20 pounds with her right arm. (Employer's Exhibit A, p. 49)

20 17. Nevada Compfirst issued a letter dated November 29, 2004, advising Ms. Sanchez  
21 that she was ineligible for vocational rehabilitation benefits because the permanent restrictions  
22 placed upon Ms. Sanchez by Dr. Sutherland fell within her pre-injury job description. The letter was  
23 sent to Ms. Sanchez, in care of her attorney, John Coleman, Esq. of the law firm of Edward M.  
24 Bernstein & Associates. (Employer's A, p. 1)

25 18. Ms. Sanchez received an eight percent (8%) whole person impairment as a result of  
26 her August 14, 2003 industrial injury, and her claim was closed in April of 2005. (Claimant's 2, p. 5,  
27 ¶ 17)

28 ///



1 III. DISCUSSION

2 The Claimant's appeal of Nevada Compfirst's November 29, 2004 Determination denying  
3 vocational rehabilitation benefits is untimely. Claimant first appealed the November 29, 2004  
4 Determination on November 14, 2008, almost four years after the Determination was issued. N.R.S.  
5 § 616C.315(3) states in relevant part:

6 **616C.315. Request for hearing; forms for request to be provided**  
7 **by insurer; prerequisites to scheduling of hearing; expeditious and**  
8 **informal hearing required; direct submission to appeals officer.**

9 3. ....a person who is aggrieved by:

10 (a) A written determination of an insurer; or

11 (b) The failure of an insurer to respond within 30 days to a  
12 written request mailed to the insurer by the person who is aggrieved,

13 may appeal from the determination or failure to respond by filing a  
14 request for a hearing before a hearing officer. Such a request... must  
15 be filed within 70 days after the date on which the notice of the  
16 insurer's determination was mailed by the insurer or the unanswered  
17 written request was mailed to the insurer, as applicable....

18 The time period for filing an appeal with the Hearing Officer is jurisdictional and mandatory.  
19 State Industrial Insurance System v. Partlow –Hursh, 696 P. 2d 462, 464 (Nev. 1985). In this case, it  
20 is undisputed that the Claimant did not appeal Nevada Compfirst's April 29, 2004 Determination to  
21 the Hearing Officer until November 17, 2008, almost four (4) years after the determination was  
22 issued. The Claimant contends that her appeal period did not commence because Nevada Compfirst  
23 sent its November 29, 2004 letter denying vocational rehabilitation benefits to the Claimant, in care  
24 of her attorney, John Coleman, Esq. of the law firm of Edward M. Bernstein & Associates.  
25 (Employer's A, p.1) However, as evidenced by Employer's A, pp. 13-14, in December 2003, the law  
26 office of Edward M. Bernstein & Associates sent Nevada Compfirst a power of attorney signed by  
27 Amada Sanchez, wherein she advised Nevada Compfirst that she had designated "...the law firm of  
28 EDWARD M. BERNSTEIN AND ASSOCIATES, to be my attorneys in fact for the purpose of  
receiving any and all documents, checks, forms and communications of any nature from any  
industrial insurance company, self-insured employer or third party administrator which relates to my

1 industrial insurance claim.” (Employer’s A, p. 14) In accordance with the Claimant’s own directive  
2 to Nevada Compfirst, Nevada Compfirst sent the November 29, 2004 letter denying vocational  
3 rehabilitation benefits to John Coleman, Esq., her attorney, at the law office of Edward M. Bernstein  
4 & Associates. Since Nevada Compfirst sent the letter to the Claimant’s attorney, per the Claimant’s  
5 own request, the appeal period commenced in 2004 and the November 17, 2008 appeal of the denial  
6 of vocational rehabilitation benefits is untimely.

7 While the Claimant’s appeal of the November 29, 2004 Nevada Compfirst Determination  
8 denying vocational rehabilitation benefits is untimely, assuming, for the sake of argument, that  
9 Claimant’s appeal was timely, Claimant still is not entitled to vocational rehabilitation benefits. In  
10 2004, Claimant was terminated by the Riviera for violation of work rules – specifically, failing to  
11 return to work from an authorized personal leave of absence. Claimant re-opened her August 13,  
12 2004 claim in 2008, and after surgery she was released by her treating physician, Dr. James Dettling,  
13 to return to work, on August 7, 2008 and September 11, 2008 with no restrictions. (Employer’s A,  
14 pp. 6, 7). In such case, the Claimant is not eligible for vocational rehabilitations pursuant to N.R.S. §  
15 616C.590.

16 **V. CONCLUSIONS OF LAW**

17 Under the circumstances presented, the Claimant’s appeal of Nevada Compfirst’s November  
18 29, 2004 Determination is untimely. Assuming for the sake of argument that the appeal was timely,  
19 no evidence has been presented to establish that the Claimant is eligible to receive vocational  
20 rehabilitation benefits.

21 **VI. DECISION**

22 **IT IS HEREBY ORDERED** that the Hearing Officer’s December 17, 2008 Decision and  
23 Order is affirmed.

24 DATED this *8th* day of June, 2009.

25 **APPEALS OFFICER**

26   
27 Geraldine Schwartz, Esq.  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Submitted By:

**KIMBERLY A. WANKER, LTD.**

By: 

\_\_\_\_\_  
Kimberly A. Wanker, Esq.  
Nevada Bar No. 003838  
6950 Via Olivero Avenue, Suite 3C  
Las Vegas, Nevada 89117  
(702) 562-8650

**APPEAL RIGHTS**

**Pursuant to N.R.S. § 233B.130, should any party desire to appeal this final determination of the Appeals Officer, a Petition For Judicial Review must be filed with the District Court within thirty (30) days after service by mail of this Decision.**

1 CERTIFICATE OF MAILING

2 The undersigned, an employee of the State of Nevada, Department of Administration,  
3 Hearings Division, hereby certifies that a true and correct copy of the above and foregoing  
4 **FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION** was placed in the U.S. mail  
5 service, prepaid first class postage fully affixed OR placed in the appropriate addressee folder  
6 maintained at the Department of Administration, Hearings Division, 2200 South Rancho, Second  
7 Floor, Suite 220, Las Vegas, Nevada 89102 addressed to the following interested parties:

8 Amada Sanchez  
9 3303 N. Kidd St.  
10 North Las Vegas, Nevada 89032

11 Benson, Bertoldo Baker & Carter, Chtd.  
12 Attn: Javier Arguello, Esq.  
13 375 Stephanie St, Bldg 8  
14 Henderson, Nevada 89014

15 La Cretia Evans, Risk Manager  
16 Riviera Hotel & Casino  
17 2901 Las Vegas Blvd. So.  
18 Las Vegas, Nevada 89109

19 Kimberly A. Wanker, Esq.  
20 6950 Via Olivero Avenue  
21 Suite # 3C  
22 Las Vegas, Nevada 89117

23 Meadowbrook Insurance Co.  
24 1707 Village Center Circle, Suite 100  
25 Las Vegas, Nevada 89134

26 **DATED** this *8<sup>th</sup>* day of June, 2009.

27   
28 An Employee of the Department of Administration