

2016 APR -5 AH 8: 41

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CODE 3645
HERBERT B. KAPLAN
Deputy District Attorney
Nevada State Bar 7395
P.O. Box 11130
Reno, NV 89520-0027
(775) 337-5700
ATTORNEYS FOR PETITIONER

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE,

IN THE MATTER OF THE CANDIDACY OF:

JASON DAVID GUINASSO,

Case No. CV16 00780

Respondent.

Dept. No.

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VERIFIED PETITION FOR ORDER TO APPEAR AND SHOW CAUSE

COMES NOW, Petitioner, Washoe County, through Luanne Cutler, Registrar of Voters, by Christopher Hicks, Washoe County District Attorney, and Herbert B. Kaplan, Deputy District Attorney, and hereby petitions this Court for an Order directing Respondent, Jason David Guinasso, to appear before the Court and show cause why the challenge to his declaration of candidacy is not valid.

Probable cause exists to support the challenge based on the following facts:

- 1. On March 8, 2016, Jason David Guinasso filed a State of Nevada Declaration of Candidacy for the office of State Assembly District 26. A copy of the declaration is attached hereto, and incorporated herein, as Exhibit "1."
- 2. In his Declaration of Candidacy, Mr. Guinasso swore under penalty of perjury that he was qualified for the office for which he was declaring.
- 3. Pursuant to NRS 218.010 and 293.1755, a candidate must be a citizen resident of the State of Nevada for one year preceding the election and has actually, as opposed to

constructively, resided in the district for which he has declared for a period of 30 days next preceding closing date for filing as a candidate.

- 4. On April 4, 2016, Frank Wright filed a written challenge to the candidacy of Jason D. Guinasso pursuant to NRS 293.182, in which it was alleged that Mr. Guinasso does not qualify for the position for which he declared candidacy based on him not actually residing for the preceding 30 days in the district for which he declared. A copy of the challenge and supporting documents submitted therewith is attached hereto, and incorporated herein, as Exhibit "2."
- 5. The challenge was received by the Washoe County District Attorney's Office on April 4, 2016.
- 6. Pursuant to NRS 293.182, the Washoe County District Attorney's Office reviewed the challenge and found that probable cause exists to support the challenge as to the disqualification of Jason David Guinasso for the office of State Assembly District 26.

WHEREFORE, Petitioner prays for this Court's Order directing Jason David Guinasso To appear before this Court and show cause why the challenge to his candidacy for the office of State Assembly District 26, is not valid.

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

Dated this 6th day of April, 2016.

CHRISTOPHER J. HICKS

District Attorne

HERBERT B. KAPLAN
Deputy District Attorney

P.O. Box 11130

Reno, NV 89520-0027

(775) 337-5700

ATTORNEYS FOR PETITIONER

EXHIBIT INDEX No. of Pages State of Nevada Declaration of Candidacy of Jason David Guinasso 2 pages Exhibit 1 13 pages Affidavit of Frank Wright and Supporting Documentation Exhibit 2 **EXHIBIT INDEX**



EXHIBIT 1

RECEIVE

State of Nevada Declaration of Candidacy of

Jason David Guinasso

2016 MAR -8 AM 11: 06

For the Office of

State Assembly District 26

REGISTRAR OF VOTERS

STATE OF NEVADA

Major Political Party - Partisan Office

Secretary of State Barbara K. Cegavske

COUNTY OF Washoe
For the purpose of having my name place

For the purpose of having my name placed on the official ballot as a candidate for the

Republican

Party nomination for the office of

State Assembly District 26

, I the undersigned

Jason David Guinasso

, do swear or affirm under penalty of perjury that I actually, as opposed to

constructively, reside at

11210 Vincent Ln

, in the City or Town of

Reno

, County of

Washoe

, State of Nevada; that my actual, as opposed to constructive,

residence in the state, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office, in addition

to any other requirements required by law; that my telephone number is

775-527-4202

, and the address at

which I receive mail, if different than my residence, is

190 W. Huffaker Ln #402 Reno, NV 89511

; that I am

registered as a member of the

Republican

Party: that I am a qualified elector pursuant to Section 1 of

Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that I have not, in violation of the provision of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since December 31st before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the

Republican Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this state; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and that I understand my name will appear on all ballots as designated in this declaration.

Signature of candidate for office

Guinasso, Jason
Designation of name to appear on ballot

Jason D. Guinasso

Designation of name to appear on certificate of election

guinassofor26@gmail.com E-mail address (optional) Subscribed and sworn or affirmed to before me this

8th

day of the month of

March

of the year 20 16

Jason Guinasso Name of Candidate

Notary Public or other person authorized to administer an oath

EL101 NR\$ 293.176, 293.177 Revised: 1-5-15

STATE OF NEVADA DECLARATION OF RESIDENCY STATE LEGISLATOR



Secretary of State Barbara K. Cegavske

Each address of a candidate must be the STREET address of the residence where he/she actually, as opposed to constructively, resided or resides, in accordance with NRS 281.050, if one has been assigned. The Declaration of Candidacy must not be accepted for the filing if any of the candidate's addresses are listed as a post office box, unless a street address has not been assigned to the residence. (Attach additional sheet or sheets of residences as necessary.)

Declaration of Residency for Office of State Senator, Assemblyman or Assemblywoman

I, the undersigned, do swear or affirm under penalty of perjury that I have been a citizen resident of this state as required by NRS 218A.200 and have actually, as opposed to constructively, resided at the following residence or residences since November 1 of the preceding year.

					". <u> </u>
11210 Vincent Ln Street Name, Number Dates of Residency:	From: Au	Reno City gust 2015	To: present	NV State	89511 Zip Code
Street Name, Number Dates of Residency:	≂rom:	City	To:	State	Zip Code
Street Name, Number Dates of Residency:	F r om:	City	То:	State	Zip Code
I declare under penalty of perjury the Candidate Signature EL104 NRS 21BA 200, 281.050, 293.181 Revised: 1-22-15	at the fore	egoing is true and correct Jaspm Guinasso Printed Name	zt.		03/08/2016 Date



EXHIBIT 2

AFFIDAVIT CHALLENGING QUALIFICATION OF JASON GUINASSO REQUIRED FOR PUBLIC OFFICE

I, FRANK WRIGHT, declare the following:

- 1. I am a resident of Crystal Bay, Nevada. My residence address is 36 Somers Loop, Crystal Bay, NV. I am informed and believe my residence address is located within the 26th Assembly District for the State of Nevada, and I am an elector registered to vote in 26th Assembly District elections.
- 2. I am informed and believe that Jason Guinasso has filed for candidacy for the Nevada State Assembly, the 26th Assembly District.
- 3. Mr. Guinasso claims to be an attorney licensed to practice law both in Nevada and California. For this reason I am informed and believe that Mr. Guinasso knows or should know what it means to make declarations sworn and affirmed to be truthful.
- 4. I am informed and believe that Mr. Guinasso has certified to the Washoe County Registrar of Voters, on March 8, 2016, that thirty days prior to his filing for candidacy, as well as continuously since August of 2015, as well as on the date he filed for candidacy, that he was and is an actual as opposed to constructive resident of the 26th Assembly District, residing at 11210 Vincent Lane, Reno, NV.
- 5. I am informed and believe that these residency certifications are false and for this reason challenge Mr. Guinasso's claimed residency within the 26th Assembly District, a requirement for public office. My challenge is based upon the reasons which follow.
- 6. I am informed and believe that Mr. Guinasso lives with his wife, Kimberly Marsh Guinasso, and their two children, Robbie age 19, and Adeline age 12, at 3905 Garlan Lane, Reno Nevada. I am informed and believe that Mr. Guinasso has lived at this address since he and his wife's ownership acquisition on September 25, 2003. In support, I have attached as Exhibit "A" to this affidavit, a print out from the Washoe County Assessor's Office for the Garlan Lane property which evidences Mr. and Mrs. Guinasso's ownership interest as well as the Assessor's notation that this property qualifies as Mr. Guinasso's "primary residence." I also note that the mailing address listed for this property with the Assessor and the Treasurer is the Garlan Lane property.
- 7. I am informed and believe that the 11210 Vincent Lane address declared by Mr. Guinasso to be his actual residence address is owned by The Marsh Family Trust. I am informed and believe that Mr. Guinasso's wife, Kimberly Marsh Guinasso, is the Trustee of the Marsh Family Trust. I am also informed and believe that Ms. Marsh's parents, Robert G. and Avis T. Marsh, are deceased, and that she is successor trustee for the Trust. In support, I have attached as Exhibit "B" to this affidavit, a print out from the Washoe County Assessor's Office for the Vincent Lane property. Unlike the mailing address for Mr. Guinasso's Garlan Lane property, I find it noteworth that the mailing address listed for this property with the Assessor and the Treasurer is Mr. Guissano's law office address at 190 W. Huffaker Lane, Suite 402, Reno, NV.
- 8. I am informed and believe that the 11210 Vincent Lane address was uninhabitable when Mr. Guinasso filed his candidacy. In fact, I am informed and believe it was uninhabitable thirty (30) days prior thereto. In support, I have attached as Exhibit "C" to this affidavit, a print out for building permit 15-0197 issued April 24, 2015 from the Washoe County Building and Safety Department. This permit evidences major renovation and additional square foot construction at the 11210 Vincent Lane address. The work evidenced by this permit is so extensive that in my opinion the property cannot actually be inhabited during construction; certainly not by a family of four. In support, I have attached as Exhibit "D" to this affidavit,

several pictures I took of Vincent Lane's current physical condition. Although it's hard to see, a good portion of the home's roof has been removed. Moreover, the permit evidences inspection approvals taking place on October 27, 2015 and December 21, 2015 (both dates postdating the date when Mr. Guissano certified his actual as opposed to constructive residence was at 11210 Vincent Lane). I am certain that if the building inspector(s) who inspected the Vincent Lane address on those dates were questioned, they would confirm the property was not inhabited at the time.

- 9. Just to make sure I was not making false accusations against Mr. Guinasso, on April 4, 2016 I physically drove to the Vincent Lane addressed and examined it. The property is undergoing major, major construction and in my opinion, it is not capable of habitation unless that definition is stretched to the nth degree. In my opinion the property is certainly not capable of habitation by a family of four. Moreover, during my inspection I found no evidence that the property is currently being inhabited by anyone. Nor is there any evidence the property was being inhabited by anyone on March 8, 2016 as Mr. Guinasso certified.
- 10. Again just to make sure, on April 3, 2016 I physically drove to Mr. Guinasso's Garlan Lane home. That property appears to be inhabited. I observed a red pick up truck in the driveway I have subsequently confirmed to be Mr. Guinasso's.
- 11. I do not have access to Mr. Guinasso's personal financial records, but if I did, I am informed and believe that the Garlan Lane property is and has continuously been occupied by Mr. Guinasso's wife and two children, if not Mr. Guinasso himself, and not rented out to others.
- 12. I am informed and believe that Mr. Guinasso's drivers' license and/or vehicle registration records were changed on September I, 2015 with the Department of Motor Vehicles, from his Garlan Lane address to the Vincent Lane address. At the same time, I am informed and believe he apparently changed his actual residence address with the Washoe County Registrar of Voters.
- 13. I am informed and believe that Mrs. Guinasso's voting registration records were changed on line from the Garlan Lane address to the Vincent Lane address on September 15, 2015.
- 14. I am informed and believe that Robbie Guinasso's voting registration records were changed on line from the Garlan Lane address to the Vincent Lane address on January 5, 2016.
- 15. I am informed and believe that the last time Mr. Guinasso voted in a Washoe County election was in November of 2014, and the residence address he used for voting purposes was the Garlan Lane address. In other words, he has never before voted in elections involving the 26th Assembly District.
- 16. I am informed and believe that the last time Kimberly Guinasso voted in a Washoe County election was in November of 2014, and the residence address he used for voting purposes was the Garlan Lane address. In other words, she has never before voted in elections involving the 26th Assembly District.
- 17. I am informed and believe that the last time Robbie Guinasso, Mr. Guinasso's son, voted in a Washoe County election was in November of 2014, and the residence address he used for voting purposes was the Garlan Lane address. In other words, he has never before voted in elections involving the 26th Assembly District.
- 18. I do not have access to Mr. Guinasso's childrens' school enrollment records, if any, but if I did, I am informed and believe their residence addresses with those schools would be the Garlan Lane address.

- 19. I have examined the online records with the Second Judicial District Court to see if Mr. Guinasso and/or his wife Kimberly, have filed a petition to dissolve their marriage. Although I have discovered both have been involved in many civil actions, as attorneys, I have discovered none pertaining to their marriage. As such, I am informed and believe that Mr. Guinasso and his wife continue to live together and thus continue to make their actual residence address the one where they both reside; Garlan Lane.
- 20. I am informed and believe that Mr. Guinasso has reasons to misrepresent his actual resident address so that it falls within the 26th Assembly District. Those reasons, in part, have everything to do with the fact that Incline Village and Crystal Bay are part of the 26th District. Mr. Guinasso is counsel for the Incline Village Improvement District as well as the North Lake Tahoe Fire Protection District and I believe he has been recruited by IVGID staff, trustees and/or local self-anointed community "movers and shakers" to represent IVGID's interests in the State Assembly. Mr. Guinasso has benefited from an inordinate amount of IVGID trustee and staff support, including financial support, as evidenced by his campaign contribution disclosures filed with the Secretary of State. Moreover in the immediate past, IVGID public employees in their capacity as public employees, have actively supported State Legislation deemed to be in IVGID's interest.
- 21. Moreover, Mr. Guinasso's business partner is attorney Devon Reese. I am informed and believe that Mr. Reese is a candidate for State Senate District 15. I am informed and believe it is no coincidence Mr. Reese is running for the State Legislature as I believe he too has been recruited by IVGID staff, trustees and/or local self-anointed community "movers and shakers" to represent IVGID's interests in the State Senate.

That I declare the foregoing to be true and correct to the best of my information and belief under

penalty of perjury.

FRANK WRIGHT

Subscribed and sworn or affirmed to before me this 4th day of April, 2016

H. CARMEN
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 96-5547-2 - Expires August 13, 2017

Notary Public or other person authorized to administer an oath

WASHOE COU	NTY ASSESSOR PROPERTY DATA 04/03/20)16
N; 024-082-09 Card 1 of 1		
Owner Information & Legal Description	Building Information	
Situs 3905 GARLAN LN	Quality R25 Fair- Bldg Type 5gl Fam F Average	łes
Owner 1 GUINASSO, JASON D & KIMBERLY A M	Stories SINGLE STORY Square Feet 1,630	
Mail Address § 3905 GARLAN LN RENO NV 89509	Year Built 1970 Square Feet does not include Basement or Garage Conversion	ι Area.
Rec Doc No 2928320 Rec Date 09/25/200	.=	
Prior Owner CHAVES, ELOY P	Bedrooms : 3 Unfin Bsmt : 0	
Prior Doc 1980994	Full Baths : 2 Bsmt Type	
Keyline Desc BELVEDERE LT 1 BLK A	Half Baths D Gar Conv Sq Foot 10	
Subdivision BELVEDERE	Fixtures 9 Total Gar Area 418	
Lot: 1 Block: A Sub Map#	Fireplaces 1 GarType ATTACHE	D
Record of Survey Map: Parcel	Heat Type FA Det Garage 10	
! Map# !	Sec Heat Type : Bsmt Gar Door 10	
Section: Township: 19 Range: SPC 19	Ext Walls ; HARDBOARD/FR Sub Floor WOOD	
Tax Dist 1000 Add Tax Prior APN	Sec Ext Walls Frame FRAME	
Info	Roof Cover COMP SHINGLE Construction Mod · 0	
Tax Cap : 3 PCT Qualified Primary Residence	Obso/Bldg Adj 0 Units/Bldg 1	
Status	% Incomplete Units/Parcel ! 1	
1	and information	
Land Use 200	Zoning SF9 Sewer Municipal NBC AJD	
Size 15,507 5qFt or = 0.356 Acre	Water Muni Street Paved NBC Map AI NBC Ma	Þ
Valuation Information	Sales/Transfer Information/Recorded Document	•
Valuation History 2015/16 2016/17 V-Code U	UC Doc Date Value/Sale Grantor Grantee	
FV NR	Price Price 80 : 09:25-2003 0 CHAVES, ELOY P : GUINASSO, JASON D & KII	MRESI
TOTAL	1	*1.00.110
Taxable Improvement 61,427 59,558 20 Zi	00 03-29-1996 76,000 CHAVES,ELOYP	
Taxable Total 98,667 190,503		
Assessed Land Value 13,034 14,331		
Assessed improvement 21,499 20,845 Value		
Total Assessed 34,533 35,176		
he 2016/2017 values are preliminary values indicates in subject to change.		

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If the property sketch is not available on-line you can obtain a copy by calling (775) 328-2277 or send an email to exemptions@washoecounty.us with 'Sketch Request' in the subject line. Please include the APN.

		WASHOE COUNT	Y ASSESSOR PROF	PERTY DATA	04/03/2016
PN: 040-740-09	Card 1 of 1				
Owner In	formation & Leg	al Description		Building Ir	nformation
Situs	11210 VINCENT LN		Quality	R45 Good-Very	Bidg Type Sgl Fam Res
Owner 1	MARSH FAMILY TR	UST		Good	5 Face 3.713
Mall Address	190 W HUFFAKER I	.N STE 402		. TWO STORY	Square Feet 3,713
	C/O KIMBERLY MA TRUSTEE	rsh Guinasso	Year Built	1993	Square Feet does not include Basement or Garage Conversion Area.
	RENO NV 89511		W.A.Y.	: 1993	Finished Bsmt 0
	MARSH TRUSTEE, F	ROBERT G & AVIS T	Bedrooms	·3	Unfin Bsmt 2,025
Trustee		Y	Full Baths		Bsmt Type : DUGOUT
Rec Doc No ;		Rec Date 1 05/29/1997	Half Baths		Gar Conv Sq Foot 0
Prior Owner			Fixtures	3	Total Gar Area 607
Prior Doc			Fireplaces		Gar Type ATTACHED
	FR W2 NE4 SEC 13	TWP 18 RGE 19	Heat Type	F	Det Garage 10
Subdivision	_UNSPECIFIED		Sec Heat Type		Bsmt Gar Door 0
	Lat: Block:		,	STN VEN/FR	Sub Floor WOOD
Reco	rd of Survey Map:	Parcel (0 Map#		HARDBOARD/FR	Frame FRAME
Section: 13	Township: 18	SPC:		CONCRETE TIL	Construction Mod 10
Section, (5	Range: 19		Obso/Bldg Adj		Units/Bidg 1
Tax Dist	4000 Add'l Tax	Prior APN	% Incomplete	•	Units/Parcel 1
Tax Cap Status	2012 Change Form Applied	n Malled, High Cap	! •		
•	- ' '	La	nd Information		
Land Use 20	0	Zo	ning HDR	Sewer Septic	NBC OCLG
	7 Acre or ~ 117,613			Street Unpaved	NBC Map OC NBC Map
	ion Information		Sales/Transfe	r Information/R	ecorded Document
Valuation Hist	·	2016/17 • V-Code L		Value/Sale Price	Grantor Grantee
- Committee of the comm	FV		05-29-1997	0	MARSH FAMILY TRUST
Taxable Land	Value 200,000	216,000	. • 5.5% .5 •	•	,•
Taxable Improv	ement 443,388 Value	440,838			
Taxable	e Total _ 643,388	656,83B			
Assessed Land	Value 70,000	75,600			
Assessed Improv	ement _? 155,186 Value :	154,293			
Total As	sessed 225,186	229,893			
The 2016/2017 va and subject to ch	lues are prelimina ange.	iry values			
	Building #1	Sketch	1	Pro	perty Photo



Bldg Home Page | The News | Applications | Dept. Policies | Codes | Construction Design Requirements | FAQ":s | Fees | Glossary

Handouts | Incline Village | Manufactured Buildings | Links | Offices | Statistical Data | Call Before You Dig

Detail for Permit 15-0197

Permit Information

Permit Number: 15-0197 Parcel Number: 040-740-09
Type Description of Permit: RESIDENTIAL BLDG PERMIT
Sub-Type Description of Permit: Additions, Sunrooms & Remodels

Address: 11210 VINCENT LN, WCTY

Permit Description: ADDITION OF BEDROOM AND BATHROOM TO GROUND FLOOR / REMODEL OF EXISTING KITCHEN / NEW DECK OFF SECOND FLOOR BEDROOM / NEW LOFT AREA ABOVE EXISTING GARAGE / ALL ASSOCITATED ELECTRICAL, MECHANICAL AND PLUMBING

Permit Status: ISSUED

Date Applied: 01/22/2015 Date Issued: 04/24/2015 Date Finalized, Certificate of Occupancy, or Complete:

Permit Fees

Total Fees \$2,756.48 Total Paid \$2,756.48 Balance Outstanding \$0.00

Permit Parties

Name Relationship
MARSH FAMILY TRUST OWNER
KIM MARSH-GUINASSO CONTACT

Permit Inspections

Date	Inspection ID	Description	Action Entered	Status	Comments
10/20/2015	100	FOOTINGS/SETBACKS/REBAR	CN	Correction Notice	POST ADDRESS AT ROAD PROVIDE SOILS, PERIMETER FOOTIMGS ONLY APPROVD FOR 8' WALL
10/27/2015	100	FOOTINGS/SETBACKS/REBAR	AP	Approved	
10/27/2015	110	STEMWALL/GROUT/REBAR	AP	Approved	RECEIVED S/S LETTERS
12/21/2015	125	HOLD DOWNS	AP	Approved	a
12/21/2015	145	ROOF DECK	AP	Approved	-

01/12/2016	150	ICE DAM	PA	Partial Approval	inspected new addition area only
12/21/2015	155	EXTERIOR SHEARWALL	AP	Approved	
04/03/2015	159	SPECIAL INSPECTION REQUIRED	REQD	Inspection Required	Energy test (Duct sealling test).
12/23/2015	160	ROUGH FRAMING/ELEC/PLMG/HTG	CA	Cancelled	

Search for permits

You may search the database by address, permit number, or parcel.

Search By	Number	Direction	Street Name (required)	
Address 🗸		<u> </u>	vincent	Search



