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5 FIFTH JUDICIAL DISTRICT COURT

6 NYE COUNTY, NEVADA

7 THE PEOPLE OF NYE COUNTY,

8 Plaintiff,

9 vs.

10 COUNTY OF NYE, THE 39 COMPANIES IN
11 THE COUNTY OF NYE CORPORATE
12 FAMILY, NYE COUNTY SHERIFF
13 DEPARTMENT, NYE COUNTY
14 COMMISSIONERS, COMMISSIONER
15 BRUCE JABBOUR, CHAIR
16 COMMISSIONER FRANK CARBONE,
17 COMMISSIONER DONNA COX, VICE
18 CHAIR COMMISSIONER LEO BLUNDO,
19 COMMISSIONER DEBRA STRICKLAND,
20 NYE COUNTY SHERRIFF SHARON
WEHRLY, NYE COUNTY DISTRICT
ATTORNEY AND DOES 1-1000

21 Defendant

Case No.: _____

Hearing Date: _____

REQUEST FOR INJUNCTIVE RELIEF AND
COMPEL COUNTY OF NYE TO COMPLY
WITH CONTRACTURAL OBLIGATIONS
UNDER NYE COUNTY ORDINANCE NO.
571

22 Now comes Elizabeth Kakavulias a person of NYE County on behalf of herself
23 and all People of NYE County, Nevada. Requesting the court to address matters that should be
24 easily handled administratively within and in coordination with the representative governing
25 bodies; it is further understood coming before the court should not be undertaken when other
26 actions can result an appropriate remedy. We unfortunately find ourselves going before the court
27 as the People's next recourse when their governing body has exceeded their authority, enjoyed

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1 others in the illegal activities and has attempted to interfere with and attempted to remove
2 Constitutionally protected rights of the People. It is therefore now we come to the pleading
3 requesting for injunctive relief and compel the County of NYE to fulfill their contractual
4 obligations for and the people of NYE County.
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6 On March 15, 2022, the NYE County Commission (hereinafter referred to as
7 Commission) had on the agenda item number twenty-seven (27) and voted to turn over operation
8 and control of the NYE County Animal Shelter (hereinafter referred to as Shelter) to the NYE
9 County Sherriff's Department (hereinafter referred to as Sherriff's Department). The commission
10 voted unanimously to approve this measure. This action by the Commission was not a power
11 granted to them under Common Law, Dillons Rule nor granted by the State of Nevada
12 Legislation. All incorporated governmental bodies in Nevada are governed by Dillons Rule of
13 Common Law and is long understood and upheld judicially since Nevada became a state. It
14 further Legislatively and Judicially recognized that any fair doubt as to the issuance of a power it
15 is resolved by the courts against the corporation. All powers not expressly granted to the
16 commission is a power vested to the people. This vote was in direct violation of NYE County
17 Ordinance No. 571 and an arbitrary vote cannot reverse this Ordinance.
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19 This position is supported in the simplest of terms. The County held publicly
20 required meeting prior to and on December 30, 2020, to inform and receive the voice of the
21 People of NYE, whereby the Commission action item eight (8) the County approved issuance of
22 a bond not to exceed Four Million, One Hundred Thousand Dollars and Zero Cents
23 (\$4,100,000.00) additionally these monies will be used to acquire, construction, improving and
24 equipping building projects, including animal shelter facilities which will be leased to and
25 operated by Desert Haven Animal Society Inc., a 501c3 nonprofit corporation (hereafter referred
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1 to as Desert Haven). These actions by the County at this meeting were approved and ratified and
2 now is known as NYE County Ordinance No. 571 (hereafter referred to Ordinance).

3 This established a contract between the Commission, Desert Haven, and the
4 People of NYE. Our whole Government and Constitution(s) are based upon a contract granted by
5 the Governed to the Governing. Once adopted any changes, adjustment or modification would
6 require appropriate public notice, public meeting(s) and the ability to the Public to redress their
7 Governing Body and understand the ramifications of any change to this Ordinance.

8 Unfortunately, the Commission did not take these required Common Law representative
9 Governmental actions; instead, the Commission on March 15, 2022, put on the agenda to
10 arbitrarily vote to assign the operation of the Animal Shelter to the NYC County Sherriff which
11 violates the Ordinance. The Commission does not hold this over-reaching authority and thus the
12 vote is void. Furthermore, DH and any part of the County participating with the actions other
13 than required of them by the Ordinance and Contract are in violation of the Ordinance. What ties
14 this whole process together is the Bond issued with an interest free status further creates
15 additional contractual obligation and removal of the ability to adjust without the proper, costly,
16 and arduous task required by Dillons Rule and laws surrounding issuance of bonds.

17 Further actions by several members of the Commission enjoined by the NYE
18 County Sherriff participated in what can only be described as a conspiracy to silence any dissent,
19 abuse their color of authority, lie, misrepresent their authority, intimidate, and retaliate against
20 dissenting voices as well as Desert Haven Animal Society Inc., a 501c3 nonprofit corporation.

21 Commissioner Chair Carbone, Commissioner Cox, Sherriff Wehrly and now past
22 Desert Haven Board President Beth Borysewich met on March 22, 2022, to discuss these actions
23 by the Commission in reference to the Commission turning over operation of the Animal Shelter

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1 to the Sherriff. This meeting was recorded and voluntarily provided by Commissioner Carbone
2 to Desert Haven (attached and contained on a digital storage device an audio recording exhibit 1)
3 During this conversation the Commissioners and Sherriff enjoined Beth Borysewich in this
4 conspiracy. Commissioner Carbone admits to working with Commissioner Cox in arbitrarily
5 assigning the Animal Shelter operations to the Sherriff. Commissioner Carbone knew and had an
6 affirmative duty to recuse himself from any action or votes when it came to the Animal Shelter
7 due to a significant and unsurmountable "Conflict of Interest" to wit: his spouse has operated the
8 Animal Shelter for two to three (2-3) years and also served on Desert Havens Board until
9 December 14, 2021. Commissioner Carbone did neither of his required actions of recusal and
10 was instrumental in the attempt to change the Ordinance and Contract. During the meeting it was
11 discussed that Desert Haven is not considered a responsible business and would not receive a
12 contract at this time as well as further discussions to silence and restrict the right of the People to
13 exercise their Constitutionally protected "Free Speech" and to redress their governing body.
14 Also, and unfortunately, it appears that a bribe for a favorable job reference/influence for Beth
15 Borysewich was discussed during the transition of the Animal Shelter operations to the Sherriff's
16 Department was offered for assisting the Commission in suppressing "The Voice of the People".
17 It is obvious that this meeting and subject matter discussed was an abuse of their "Color of
18 Authority".
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22 Further on April 10, 2022, the Indivisible Prickly Pears organization held a
23 Constitutionally Protected right to have a demonstration and rally in support of Desert Haven,
24 during this rally Commissioner Carbone was in attendance with about twenty (20) other persons
25 to show their support of Commissioner Carbone. While this is their Constitutional Right there
26 was a malicious intent to the counter rally which became obvious. Firstly, Commissioner
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1 Carbone seat on the Commission is not currently up for election this year, yet however
2 Commissioner Carbone and his supporters were holding re-elect Commissioner Carbone signs
3 outside of the Legislatively approved campaign schedule. Secondly several People rallying in
4 support of Desert Haven were threatened directly by Commissioner Carbone whereby they were
5 told “you have better watch yourself”. This is paramount to the Government threatening the
6 People who are attempting to have their voices heard and further shows their attempt to suppress
7 these facts from the people.
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9 The County further restricts the People and violates the “Open Government”
10 requirements for failing to be appropriately responsive to Freedom of Information Act Request(s)
11 (Attached at Exhibit 2 consisting in totality twenty-three 23 pages) The responses from the
12 Sherriff department (Attached as Exhibit 3) refers to email communications only, when in fact
13 the FOIA was for all communications not just emails. The County Public Records further states
14 in an email (Attached as Exhibit 4) from Arnold Knightly, Public Records Officer also is being
15 unresponsive in nature. It is submitted that due to the nature of these actions along with the
16 knowledge of many persons within the Governing body involved with this process, required
17 records retention proper organization and the fact that the process involving the Animal Shelter
18 is currently ongoing, these documents should be very easily obtained and provided. The County
19 actions can only be viewed as attempts to stall and not comply with the requirements of FOIA
20 requests further attempting to silence the People and suppress the truth.
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24 The latest attempt to stop the People from calling the Commission out of order on
25 their obvious violations and exceeding their authority appears to be enjoined by the entire
26 Commission as well as the assistant Attorney General for NYE County. One way some
27 Commissioners have enjoined is the simple fact that three (3) current Commissioners voted on
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1 and ratified the resolution which became the Ordinance. Those Commissioners are
2 Commissioner Cox, Commissioner Strickland, and Commissioner Blundo. During the
3 Commission meeting held on April 19, 2022. I had prepared a statement (attached as exhibit 5)
4 to say before the Commission. I was denied the ability to speak specifically when the agenda
5 item thirty (30) which reflected the discussion of the staffing of the Animal Shelter.
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7 Commissioner Carbone called me out of order as he stated what I wanted to speak to was not the
8 agenda item in question. Commissioner Carbone had no idea what I was going to say and again
9 abused his “Color of Authority” in removing the voice of the People to redress the Governing
10 Body. Commissioner Carbone further inferred that if he did not get me to stop that the Assistant
11 District Attorney looked like they were going to act and stop me. Sadly, is also appeared that
12 Commissioner Blundo was taking an aggressive stance towards me as he stood up very abruptly
13 and in a aggressive posture during Commissioner Carbone tirade towards me.
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17 The People now ask the court for the following relief:
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19 The Ordinance and Resolution establishing the bond and subsequent contract be
20 preserved and the County must in good faith sit down and negotiate and complete
21 the contractually required process.
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24 The Term length of the lease and contract is at least the life of the bond which
25 must be no shorter than 20 years.
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1 The Court should appoint the appropriate mediator to oversee that all parties
2 negotiate in good faith and in compliance with the Ordinance and Resolution. The
3 importance of this matter is critical as the contract should have been completed at
4 least 12 months ago as DH contract is expiring June 30, 2022. The People of NYE
5 can potentially see a lapse in this critical service to the community if all parties do
6 not cooperate.
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9 The County is instructed to comply with all the Freedom of Information Requests
10 within fifteen (15) calendar days and at no costs as this matter is imperative and
11 critical to the People of NYE and to send a message that behavior of this type will
12 not be tolerated.
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17 Additional Notice

18 While it is obvious that criminal activity has taken place “WE THE PEOPLE”
19 feel that appropriate law enforcement agencies of superior authority to the County
20 of NYE should investigate and hold the violating parties accountable.
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23 It is imperative that the court grant the relief to protect the People and ensure that
24 the Ordinance, Resolution and Contract Ratified in December 2020 is realized, and the rights of
25 the People are preserved to choose for themselves which direction the Commission Represents
26 them. It is not the authority nor power granted to the Commission to discard the People’s choice,
27 modify without consent Ordinances and Ratified Resolutions, change terms of obligated

1 Contracts, Self-modify bond instruments and tax the People without their knowledge and
2 consent. WE THE PEOPLE PRAY BEFORE THE COURT OUR REQUESTED RELIEF BE
3 GRANTED.
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7 Dated this day of April 29, 2022.
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Elizabeth Kakavulias
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