



CENTER FOR JUSTICE AND CONSTITUTIONAL LITIGATION

At the Nevada Policy Research Institute

FACT SHEET

Pojunis v. State of Nevada, et al.

PARTIES:

- Plaintiff: William Pojunis, Computer Technician
- Defendants: Moises Denis (Computer Technician for the Public Utilities Commission of Nevada), Public Utilities Commission of Nevada, State of Nevada

FACTUAL AND LEGAL ASSERTIONS:

- Plaintiff William Pojunis, computer technician, seeks the position in the Nevada executive branch currently held by Defendant Moises Denis.
- On or before February 7, 2011, Moises Denis began service in the current Nevada Legislature despite concurrently holding a position in the executive branch of the State of Nevada.
- The Nevada Constitution, Art. 3, §1, ¶1, expressly prohibits such executive branch employment of members of the Nevada Legislature and reads, in relevant part: “The powers of the Government of the State of Nevada shall be divided into three separate departments, the Legislative, the Executive and the Judicial; and no persons charged with the exercise of powers properly belonging to one of these departments shall exercise *any functions*, appertaining to either of the others. . .” (Emphasis added.)
- Art. 3, §1, ¶1 reflects the desire of the constitution’s framers to encourage and preserve the independence and integrity of action and decision on the part of individual members of the Nevada state government and to guard against conflicts of interest, concentration of power, self-aggrandizement, and dilution of the separation of powers.
- Defendant Moises Denis’ employment in a position of the Nevada State executive branch expressly violates the Nevada Constitution and undermines liberty by diluting the separation of powers, concentrating power, and creating conflicts of interests and appearances thereof.

RELIEF SOUGHT FROM THE COURT:

- Declare that Moises Denis, in holding the Nevada executive branch position while concurrently sitting in the Seventy-sixth Session of the Nevada Legislature, violates the Nevada Constitution Art. 3, §1, ¶1.
- Declare that Nevada's failure to follow the clear language of its own State Constitution violates Plaintiff Pojunis' right to due process guaranteed to Plaintiff under the 5th Amendment to the U.S. Constitution, as applied to the states under the 14th Amendment to the U.S. Constitution.
- Enjoin Defendant Denis from continuing in his Nevada executive branch employment position and from retaining any monetary or employment benefits derived from said position from such time as he began serving in the Nevada Legislature.
- Award Plaintiff his reasonable costs and attorney fees.
- Other relief as the Court deems appropriate and proper.

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