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**FILED**

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JUDICIAL CLERK  
LAS VEGAS, NEVADA

BY JA DEPUTY

8 **IN THE JUSTICE COURT, LAS VEGAS TOWNSHIP**

9 **CLARK COUNTY, STATE OF NEVADA**

10 THE STATE OF NEVADA,

11 Plaintiff,

12 v.

13 MORSE ARBERRY, JR., ID# 0158137,

14 Defendant.

Case No.: 11F11238X

Dept. No.: 12

15  
16 **CRIMINAL COMPLAINT**

17 The undersigned, CATHERINE CORTEZ MASTO, Attorney General of the State of  
18 Nevada, by and through Chief Deputy Attorney General THOM GOVER, complains and charges  
19 the above named defendant, **MORSE ARBERRY, JR. ("ARBERRY")**, with having committed  
20 the following offense(s) within the County of Clark, State of Nevada:

21 **COUNT I**

22 **OFFERING FALSE INSTRUMENT FOR FILING OR RECORD**

23 **(NRS 239.330 and 294A.120 – a Category C Felony)**

24 Defendant ARBERRY, on or about August 5, 2008, did knowingly and feloniously procure  
25 or offer a false or forged instrument to be filed, registered, or recorded in any public office, which  
26 instrument, if genuine, might be filed, registered, or recorded in a public office under any law of  
27 this State or of the United States, to wit: a Campaign Contributions and Expenses Report, filed,  
28 registered, or recorded at the Clark County Election Department, as required by NRS 294A.120,

1 whereby ARBERRY falsely reported only 15 "Contributions in Excess of \$100" toward his  
2 campaign for State Assembly, District 7, when in truth and in fact, ARBERRY received up to 58  
3 additional contributions, itemized in the attached and incorporated Exhibit "1", each in excess of  
4 \$100, that were falsely not included in his report, and thereby resulted in ARBERRY also falsely  
5 reporting the "Total Amount of Monetary Contributions Received" during the reporting period, all  
6 of which is a category C felony in violation of NRS 239.330 and 294A.120.

7 **COUNT II**

8 **PERJURY**

9 **(NRS 199.145 – a Category D Felony)**

10 Defendant ARBERRY, on or about August 5, 2008, did unlawfully and feloniously, in a  
11 declaration made under penalty of perjury, make a willful and false statement in a matter  
12 material to the issue or point in question; or willfully make an unqualified statement of that  
13 which the person does not know to be true, to wit: ARBERRY, in a Campaign Contributions  
14 and Expenses Report, which is declared under penalty of perjury, falsely reported the "Total  
15 Amount of Monetary Contributions Received" by failing to report up to 58 contributions,  
16 itemized in the attached and incorporated Exhibit "1", each in excess of \$100, received during  
17 the reporting period, all of which is a category D felony in violation of NRS 199.145.

18 **COUNT III**

19 **OFFERING FALSE INSTRUMENT FOR FILING OR RECORD**

20 **(NRS 239.330 and 294A.120 – a Category C Felony)**

21 Defendant ARBERRY, on or about October 28, 2008, did knowingly and feloniously  
22 procure or offer a false or forged instrument to be filed, registered, or recorded in any public  
23 office, which instrument, if genuine, might be filed, registered, or recorded in a public office  
24 under any law of this State or of the United States, to wit: a Campaign Contributions and  
25 Expenses Report, filed, registered, or recorded at the Clark County Election Department, as  
26 required by NRS 294A.120, whereby ARBERRY falsely reported only 13 "Contributions in  
27 Excess of \$100" toward his campaign for State Assembly, District 7, when in truth and in fact,  
28 ARBERRY received up to 37 additional contributions, itemized in the attached and

1 incorporated Exhibit "1", each in excess of \$100, that were falsely not included in his report,  
2 and thereby resulted in ARBERRY also falsely reporting the "Total Amount of Monetary  
3 Contributions Received" during the reporting period, all of which is a category C felony in  
4 violation of NRS 239.330 and 294A.120.

5 **COUNT IV**

6 **PERJURY**

7 **(NRS 199.145 – a Category D Felony)**

8 Defendant ARBERRY, on or about October 28, 2008, did unlawfully and feloniously, in  
9 a declaration made under penalty of perjury, make a willful and false statement in a matter  
10 material to the issue or point in question; or willfully make an unqualified statement of that  
11 which the person does not know to be true, to wit: ARBERRY, in a Campaign Contributions  
12 and Expenses Report, which is declared under penalty of perjury, falsely reported the "Total  
13 Amount of Monetary Contributions Received" by failing to report up to 37 contributions,  
14 itemized in the attached and incorporated Exhibit "1", each in excess of \$100, received during  
15 the reporting period, all of which is a category D felony in violation of NRS 199.145.

16 **COUNT V**

17 **OFFERING FALSE INSTRUMENT FOR FILING OR RECORD**

18 **(NRS 239.330 and 294A.120 – a Category C Felony)**

19 Defendant ARBERRY, on or about January 15, 2009, did knowingly and feloniously  
20 procure or offer a false or forged instrument to be filed, registered, or recorded in any public  
21 office, which instrument, if genuine, might be filed, registered, or recorded in a public office  
22 under any law of this State or of the United States, to wit: a Campaign Contributions and  
23 Expenses Report, filed, registered, or recorded at the Clark County Election Department, as  
24 required by NRS 294A.120, whereby ARBERRY falsely reported only 10 "Contributions in  
25 Excess of \$100" toward his campaign for State Assembly, District 7, when in truth and in fact,  
26 ARBERRY received up to 5 additional contributions, itemized in the attached and incorporated  
27 Exhibit "1", each in excess of \$100, that were falsely not included in his report, and thereby  
28 resulted in ARBERRY also falsely reporting the "Total Amount of Monetary Contributions

1 Received" during the reporting period, all of which is a category C felony in violation of NRS  
2 239.330 and 294A.120.

3 **COUNT VI**

4 **PERJURY**

5 **(NRS 199.145 – a Category D Felony)**

6 Defendant ARBERRY, on or about January 15, 2009, did unlawfully and feloniously, in  
7 a declaration made under penalty of perjury, make a willful and false statement in a matter  
8 material to the issue or point in question; or willfully make an unqualified statement of that  
9 which the person does not know to be true, to wit: ARBERRY, in a Campaign Contributions  
10 and Expenses Report, which is declared under penalty of perjury, falsely reported the "Total  
11 Amount of Monetary Contributions Received" by failing to report up to 5 contributions,  
12 itemized in the attached and incorporated Exhibit "1", each in excess of \$100, received during  
13 the reporting period, all of which is a category D felony in violation of NRS 199.145.

14 Counts I through VI are contrary to the form, force and effects of the statutes in such  
15 cases made and provided against the peace and dignity of the State of Nevada. Complainant  
16 therefore requests a SUMMONS IN LIEU OF ARREST be issued, as supported by the instant  
17 complaint and attached affidavit, so that he may be held accountable according to the law. Said  
18 complainant makes this declaration subject to the penalty of perjury.

19 DATED this 24<sup>th</sup> day of June, 2011.

20 CATHERINE CORTEZ MASTO  
21 Attorney General

22 By: 

23 THOM GOVER  
24 Chief Deputy Attorney General  
25 Special Prosecutions Division  
26  
27  
28

# EXHIBIT 1

Date of Deposit	2008 Contribution and Expense Report #1	Non-Reported Contributions	AMOUNT
1/16/2008	NMTA Activities, Inc.		\$2,000.00
1/18/2008	Associated General Contractors (AGC/PAC)		\$2,500.00
2/29/2008	Embarq		\$1,000.00
2/29/2008	Nevada Insurance Individuals Political Action Committee		\$750.00
2/29/2008	Eli Lilly and Company		\$500.00
3/7/2008	Employer's Insurance		\$1,000.00
3/14/2008	Southwest Gas Corporation		\$1,500.00
4/18/2008	Bachelor & Associates, Inc.		\$1,250.00
4/18/2008	US Bank (Cashier's check from Rudi Johnson)		\$1,250.00
4/18/2008	Southern Nevada Chapter NECA		\$500.00
4/22/2008	Nevada State AFL-CIO		\$1,000.00
5/1/2008	Station Casinos		\$1,500.00
5/9/2008	Southern Nevada Chapter NECA		\$200.00
5/9/2008	Palm Mortuaries		\$2,000.00
5/9/2008	Lionel Sawyer & Collins		\$1,000.00
5/9/2008	William Vassiliadis		\$1,000.00
5/9/2008	Sierra Health & Life Insurance Co., Inc.		\$1,000.00
5/9/2008	Sierra Health Services, Inc.		\$1,000.00
5/9/2008	R & R Partners, Inc.		\$1,000.00
5/9/2008	NHCA Quality First PAC Account		\$2,500.00
5/9/2008	CREPAC		\$1,000.00
5/9/2008	Hale Lane Peek Dennison and Howard		\$1,000.00
5/9/2008	Dielco		\$500.00
5/9/2008	Bank of America		\$1,500.00
5/9/2008	Peppermill		\$1,000.00
5/9/2008	Nevada Soft Drink Association PAC		\$500.00
5/9/2008	Nevada Beer Wholesalers AS PAC		\$750.00
5/9/2008	Lewis and Roca		\$1,000.00
5/9/2008	Nevada Bankers Association (NBA)		\$1,000.00
5/9/2008	Cantor G & W Nevada LP		\$1,000.00
5/9/2008	R & S Investment Properties		\$1,500.00
5/9/2008	Mechanical Contractors Association, Inc.		\$500.00
5/15/2008	Anheuser-Busch, Inc.		\$1,000.00
5/23/2008	Barrick Goldstrike Mines Inc.		\$2,500.00

Wells Fargo 8285 Summary Report of Morse Arberry 2008 Non-Reported Re-Elect Campaign Contributions  
 Arberry Personal Acct.

6/6/2008	The Hughes Corporation	\$1,000.00
6/6/2008	Leon Benzer	\$1,000.00
6/12/2008	Clifton A. Marshall Architect, Ltd.	\$250.00
6/12/2008	Nevada Auto Dealers NADEAC	\$1,000.00
6/18/2008	Jenna & Michael Morton	\$1,000.00
6/18/2008	Walmart Stores, Inc.	\$750.00
6/18/2008	N M Ventures, LLC	\$1,000.00
6/18/2008	Nevada Realtors PAC	\$3,000.00
6/20/2008	MGM Mirage	\$7,500.00
6/20/2008	HSBC North America	\$500.00
6/20/2008	ABC Union Cab Company	\$1,000.00
6/20/2008	ACE Cab Company	\$1,000.00
6/20/2008	Virgin Valley Cab Company	\$1,000.00
6/20/2008	Vegas Western Cab Company	\$1,000.00
6/20/2008	Snell & Wilmer	\$1,000.00
6/20/2008	A NLV Cab Company	\$1,000.00
6/23/2008	Judith Steele	\$500.00
6/23/2008	Marie H. Soldo	\$500.00
6/23/2008	Debra & David Hegna	\$100.00
6/23/2008	Jeremia M. & Elyse M. Tyrell	\$250.00
6/23/2008	Curtis Jones	\$100.00
6/23/2008	Professional Fire Fighters of Nevada	\$500.00
6/23/2008	Med Care Solutions, LLC	\$500.00
7/29/2008	Lawrence Paul Mathels	\$100.00
7/29/2008	Sierra Pacific Resources Nevada Power Company	\$1,000.00
		\$65,750.00
	<b>2008 Contribution and Expense Report #1</b>	<b>Non-Reported Contributions</b>
	<b>Counts III and IV</b>	
	<b>Date of Deposit</b>	<b>What Records Under Submission Reflect</b>
8/11/2008	Employers Insurance Co. of NV	\$1,000.00
8/11/2008	Laborers Political League	\$500.00
8/11/2008	Silver State 21st Century PAC	\$250.00
8/12/2008	Manufacturers Home Community	\$750.00
8/14/2008	Builders Association of Northern Nevada	\$500.00
8/14/2008	Boyd Gaming Corporation	\$5,000.00





# EXHIBIT 2

1 AFFIDAVIT IN SUPPORT OF COMPLAINT

2 STATE OF NEVADA )  
3 ) ss:  
4 COUNTY OF CLARK )

5 SCOTT BALDER, being first duly sworn, deposes and states:

6 I am the Affiant herein and I am the Chief Criminal Investigator with the State of  
7 Nevada, Secretary of State's Office where I have been employed for approximately fifteen  
8 (15) years and two (2) months. I have a B.S. degree in Criminal Justice from Arizona State  
9 University. I am a graduate of Peace Officers Standards and Training Academy Class 1999. I  
10 completed the course titled Nevada Post Category II Basic Training. I have obtained training  
11 regarding the investigation of financial crimes through the North American Securities  
12 Administrators Association, The U.S. Securities and Exchange Commission and the National  
13 White Collar Crime Center. This Affidavit is made of my own personal knowledge, except  
14 where stated on information and belief, as to those matters, I believe them to be true and if  
15 called as a witness, I could competently testify thereto.

16 On or about October 12, 2010, I was assigned to investigate **MORSE ARBERRY JR.**  
17 (hereinafter referred to as "**ARBERRY**") in connection with the filing of false campaign  
18 contribution reports. I have completed the investigation and have learned the following facts,  
19 which lead me to believe that **ARBERRY** has committed the offenses of **OFFERING a FALSE**  
20 **DOCUMENT for FILING**, a category C felony in violation of NRS 239.330 and NRS 294A.120,  
21 (3 Counts) and **PERJURY**, a category D felony in violation of NRS 199.145 (3 counts), within  
22 Las Vegas Township, Clark County, State of Nevada in the following manner:

23 In support of the assertion to constitute the existence of probable cause for the  
24 requested warrant, the following facts are offered on information and belief:

25 On or about October 12, 2010, I attended a meeting with another law enforcement  
26 agency and obtained evidence that **ARBERRY** appeared to have filed false campaign  
27 contribution reports. Based on the outcome of this meeting it was determined that it would be  
28

1 more appropriate for this matter to be investigated by the Secretary of State's Office. On or  
2 about October 12, 2010, I started an investigation.

3 On or about October 25, 2010, I received a Grand Jury Subpoena for **ARBERRY's**  
4 Wells Fargo Bank records relevant to this investigation. The subpoena was served on Well  
5 Fargo Bank the same day.

6 The investigation revealed upon examination of the documentation filed with Clark  
7 County Elections and the Nevada Secretary of State's office, interviews with contributors, and  
8 a forensic analysis of **ARBERRY's** Wells Fargo bank records that **ARBERRY** filed false  
9 campaign contribution reports.

#### 10 **OFFERING A FALSE DOCUMENT FOR FILING**

11 On or about August 5, 2008, **ARBERRY** filed a Campaign Contribution and Expense  
12 Report with the Clark County Elections Department as required by NRS 239.330 and  
13 294A.120 for the first election reporting period of 2008. In said report **ARBERRY** claimed the  
14 total monetary contributions received in excess of \$100 was \$17,450. The records obtained  
15 under subpoena from Wells Fargo bank show that **ARBERRY** failed to claim an additional  
16 \$65,750 which he received as campaign contributions. This was determined by examining  
17 bank records from accounts opened and controlled by **ARBERRY**. These records included  
18 copies of many checks made payable to the "Committee to Elect Morse Arberry", "The Morse  
19 Arberry Campaign" and/or similarly named payees. Said checks had been deposited into  
20 **ARBERRY's** personal checking account. While some of the contributions had been reported,  
21 many had not been reported and in fact were never reported on subsequent campaign  
22 contribution reports.

23 On or about October 29, 2008, **ARBERRY** filed a Campaign Contribution and Expense  
24 Report with the Clark County Elections Department as required by NRS 239.330 and  
25 294A.120 for the second election reporting period of 2008. In said report **ARBERRY** claimed  
26 the total monetary contributions received in excess of \$100 was \$14,350. The records  
27 obtained under subpoena from Wells Fargo bank show that **ARBERRY** failed to report an  
28 additional \$46,545 received as campaign contributions.

1 On or about January 15, 2009, **ARBERRY** filed a Campaign Contribution and Expense  
2 Report with the Clark County Elections Department as required by NRS 239.330 and  
3 294A.120 for the third election reporting period of 2008. In said report **ARBERRY** claimed the  
4 total monetary contributions received in excess of \$100 was \$10,500. The records obtained  
5 under subpoena from Wells Fargo bank show that **ARBERRY** failed to report an additional  
6 \$9,250 received as campaign contributions.

7 **PERJURY - NRS 199.145**

8 On or about August 5, 2008, **ARBERRY** filed a Campaign Contribution and Expense  
9 Report with the Clark County Elections Department as required by NRS 294A.120 and NRS  
10 294A.200 for the first election reporting period of 2008. The report includes an affirmation and  
11 declaration under penalty of perjury that the foregoing is true and correct. **ARBERRY** signed  
12 said report without qualification. The investigation of this matter as set forth above, revealed  
13 that the statements contained in said filing were false in that **ARBERRY** had actually received  
14 an additional \$65,750 in campaign contributions, and not the amount that he had reported.

15 On or about October 29, 2008, **ARBERRY** filed a Campaign Contribution and Expense  
16 Report with the Clark County Elections Department as required by NRS 294A.120 and NRS  
17 294A.200 for the second election reporting period of 2008. The report includes an affirmation  
18 and declaration under penalty of perjury that the foregoing is true and correct, which  
19 **ARBERRY** signed without qualification. The investigation of this matter as set forth above,  
20 revealed that the statements contained in said filing were false in that **ARBERRY** had actually  
21 received an additional \$46,545 in campaign contributions, and not the amount that he had  
22 reported.

23 On or about January 15, 2009, **ARBERRY** filed a Campaign Contribution and Expense  
24 Report with the Clark County Elections Department as required by NRS 294A.120 and NRS  
25 294A.200 for the third election reporting period of 2008. The report includes an affirmation  
26 and declaration under penalty of perjury that the foregoing is true and correct, which  
27 **ARBERRY** signed without qualification. The investigation of this matter, as set forth above,  
28 revealed the statements contained in said filing were false in that **ARBERRY** had actually


1 received an additional \$9,250 in campaign contributions and not the amount that he had  
2 reported.

3 It is respectfully submitted that the foregoing establishes probable cause that that  
4 **ARBERRY** has committed the offenses **OFFERING A FALSE DOCUMENT FOR FILING**, a  
5 category C felony in violation of NRS 239.330, (3 Counts), and **PERJURY**, a category D  
6 felony in violation of NRS 199.145 (3 counts), within Las Vegas Township, Clark County, State  
7 of Nevada.

8 Accordingly, I respectfully request that a summons in lieu of arrest for **MORRIS**  
9 **ARBERRY, JR.** be issued.

10  
11   
12 SCOTT R. BALDER  
13 Chief Criminal Investigator  
14 Office of the Secretary of State

14 SUBSCRIBED and SWORN to before me  
15 by Scott R. Balder  
16 this 23<sup>rd</sup> day of June, 2011

17   
18 NOTARY PUBLIC, in and for said  
19 County and State

