

1 BEFORE THE STATE BOARD OF EDUCATION

2
3 JHONE EBERT, SUPERINTENDENT OF)
4 PUBLIC INSTRUCTION, DEPARTMENT)
5 OF EDUCATION, STATE OF NEVADA,)

CASE NO. 2023-4

6 Petitioner,

7 v.

8 BRANDON KALANI KOMATSU,

9 Respondent.

10 **PETITION AND RECOMMENDATION FOR REVOCATION OF LICENSE AND**
11 **NOTICE OF RIGHT TO HEARING**

12 Jhone Ebert, Superintendent of Public Instruction, Department of Education, State of Nevada
13 ("Petitioner"), hereby petitions the State Board of Education for the revocation of the teacher license
14 held by BRANDON KALANI KOMATSU ("Respondent"), issued by the Nevada Department of
15 Education. This Petition and Recommendation for Revocation of License and Notice of Right to
16 Hearing ("Petition and Recommendation") is supported by NRS 391.320, NRS 391.330, and the
17 following allegations:

18
19 **I. Jurisdiction**

20 Respondent was, at the relevant times mentioned in this Petition and Recommendation, the
21 holder of Provisional License No. 118039 issued by the Superintendent of Public Instruction,
22 Department of Education, State of Nevada, pursuant to the provisions of Chapter 391 of the Nevada
23 Revised Statutes (the "License"). Such License is as follows: 7-12 Provisional – Secondary/ 7-A
24 Provisional – Business and Industry. The License expired on September 30, 2020/ June 13, 2022. A
25 true and correct copy of the License is attached as Exhibit A.
26

27 Petitioner hereby files this Petition and Recommendation in her official capacity as
28 Superintendent of Public Instruction, Department of Education, State of Nevada. See NRS 391.322.

1 The State Board of Education may revoke or suspend Respondent's license, if recommended by the
2 Superintendent of Public Instruction or the Board of Trustees of a School District, after notice and
3 opportunity for hearing, based upon the NRS 391.330 grounds for suspension and revocation. See NRS
4 391.320; NRS 391.322; NRS 391.330.

5 **II. Factual Allegations**

6 According to the Indictment filed in the Eighth Judicial Court of the State of Nevada, in and for
7 Clark County, (a true and correct copy of which is attached as Exhibit B) on September 23, 2021,
8 Respondent did commit the crime of OPEN OR GROSS LEWDNESS IN THE PRESENCE OF A
9 CHILD OR VULNERABLE PERSON (Category D Felony – NRS 201.210(1)(c) – NOC 60689). This
10 crime was committed by Respondent as he willfully, unlawfully, feloniously commit an act of open or
11 gross lewdness in the presence of a child under the age of 18 years, or a vulnerable person as defined in
12 paragraph (a) of subsection 8 of NRS 200.5092, to wit: by showing A.F. pornographic images.
13

14 On or about September 29, 2021, Respondent entered into a Guilty Plea Agreement (a true and
15 correct copy of which is attached as Exhibit C) pleading guilty to the crime of OPEN OR GROSS
16 LEWDNESS IN THE PRESENCE OF A CHILD OR VULNERABLE PERSON (Category D Felony –
17 NRS 201.210(1)(c) – NOC 60689).
18

19 On or about February 11, 2022, the Eighth Judicial Court of the State of Nevada, in and for
20 Clark County, filed a Judgment of Conviction, convicting Respondent of the crime of OPEN OR
21 GROSS LEWDNESS IN THE PRESENCE OF A CHILD OR VULNERABLE PERSON (Category D
22 Felony – NRS 201.210(1)(c) – NOC 60689). A true and correct copy of the Judgment of Conviction is
23 attached hereto as Exhibit D and is fully incorporated herein.
24

25 According to the Judgment of Conviction, the Court sentenced Respondent to imprisonment in
26 the Nevada Department of Corrections for a minimum of twelve (12) months and a maximum of forty
27 eight(48) months for the crime of OPEN OR GROSS LEWDNESS IN THE PRESENCE OF A CHILD
28

1 OR VULNERABLE PERSON (Category D Felony – NRS 201.210(1)(c) – NOC 60689).

2 In addition, according to the Judgment of Conviction, the Court suspended the prison sentence
3 and admitted Respondent to probation for a period not to exceed five (5) years and included the
4 following special conditions:

- 5 1. Respondent must comply with all standard conditions of probation;
- 6 2. Respondent must have no contact with Matthew Orlando;
- 7 3. Respondent must comply with the special conditions of NRS 176A.410; and
- 8 4. Per NRS 179D.460, Respondent must register as a sex offender within 48 hours of
9 sentencing or release from custody.

11 **III. Legal Allegations**

12 NRS 391.330(1), states as follows in pertinent part:

- 13 (a) Unprofessional conduct.
- 14 (b) Immorality, as defined in NRS 391.650.
- 15 (c) Evident unfitness for service.
- 16 ...
- 17
- 18 (e) Conviction of a felony or crime involving moral turpitude

19 By committing the acts that constituted the crime of OPEN OR GROSS LEWDNESS IN THE
20 PRESENCE OF A CHILD OR VULNERABLE PERSON (Category D Felony – NRS 201.210(1)(c) –
21 NOC 60689) and being convicted of said offense, Respondent has subjected his license to revocation or
22 suspension by violation of the following:

- 24 (1) NRS 391.330(1)(a) Unprofessional conduct;
- 25 (2) NRS 391.330(1)(b) Immorality, as defined in NRS 391.650;
- 26 (3) NRS 391.330(1)(c) evident unfitness for service; and
- 27 (4) NRS 391.330(1)(e) Conviction of a felony or a crime involving moral turpitude.
- 28

1 **IV. Notice of Right to Hearing**

2 Respondent is hereby given notice of the recommendation by the Superintendent of Public
3 Instruction for the revocation of his license. The protocol and procedure for the suspension or
4 revocation of a license are set forth in NRS 391.320 to 391.361, inclusive. Respondent has the right to a
5 hearing on this Petition and Recommendation before a hearing officer, who will be selected pursuant to
6 NRS 391.322, to answer the allegations of the Petition and Recommendation and to present evidence
7 and argument on all issues involved, either personally or through an attorney.
8

9 If Respondent desires a hearing before a hearing officer, he must file a written request within
10 **fifteen (15) days** from the receipt of this Petition and Recommendation as provided in NRS 391.322.
11 Respondent's request should be addressed to the Superintendent of Public Instruction, Nevada
12 Department of Education, 700 East 5th Street, Carson City, Nevada, 89701-5096. If Respondent
13 requests a hearing, a hearing officer will be selected pursuant to NRS 391.322, and that hearing officer
14 will notify Respondent, in writing, of the time and location of the hearing not less than ten (10) days
15 before the hearing. If Respondent requests a hearing and a hearing officer is selected, the procedures for
16 the suspension or revocation of licenses found in NAC 391.500 to 391.555, inclusive, will be followed
17 as appropriate. Pursuant to NAC 391.507, "[n]ot later than ten (10) days after a hearing officer is
18 selected pursuant to NRS 391.322, the holder of the license shall submit to the hearing officer an
19 answer to the allegations set forth" in this Petition and Recommendation. If no request for a hearing is
20 filed within the time specified, the State Board of Education may suspend or revoke Respondent's
21 license or take no action on the recommendation.
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24 WHEREFORE, Petitioner prays that the State Board of Education issue its decision to revoke
25 Respondent's license.

26 DATED: January 31, 2023

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28 AARON D. FORD

Attorney General

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By: /s/ David M. Gardner
DAVID M. GARDNER
Senior Deputy Attorney General
555 E. Washington Ave., Suite 3900
Las Vegas, Nevada 89101
(702) 486-5714
Attorneys for the State of Nevada,
Department of Education

EXHIBIT LIST

Exhibit No.	Title	Pages
A	Respondent's License	1
B	Indictment	2
C	Guilty Plea Agreement	9
D	Judgment of Conviction	6

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EXHIBIT “A”

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EXHIBIT “A”

State of Nevada

License for Educational Personnel

License No. 118039

This License Certifies That

Brandon K Komatsu

Has complied with the prescribed rules and regulations of the Commission on Professional Standards in Education and that the Superintendent of Public Instruction has granted this license which authorizes the holder to provide service in the schools of the State of Nevada in the following areas :

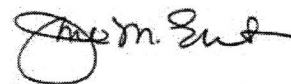
License	Grade Level	Original Endorsement Issue Date	Endorsements	License Issue Date	Expiration Date
Provisional - Secondary	7-12	08/16/2017	English	08/16/2017	09/30/2020
Provisional - Business and Industry	7-A	06/13/2019	Business Management	06/13/2019	06/13/2022

Provisions to be satisfied

Provisions	Required Due Date
Business Management - Three (3) semester credits or equivalent PD in career development and work-based learning.	06/13/2022
Business Management - Three (3) semester credits or equivalent PD in CTE student organization and management.	06/13/2022
Three (3) semester credits in a course on Parent Involvement and Family Engagement that has been approved by the Department and is consistent with NRS 392.457.	09/30/2020

Renewal Requirements

Renewal Requirements	Required Due Date
You may apply for a standard license once all outstanding provisions have been satisfied.	09/30/2020

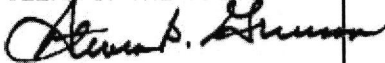


State Superintendent of Public Instruction

EXHIBIT “B”

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EXHIBIT “B”



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INFM
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
WILLIAM CHARLES ROWLES
Chief Deputy District Attorney
Nevada Bar #013577
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**I.A. 09/30/2021
12:00 PM
MICELI**

THE STATE OF NEVADA,

Plaintiff,

-vs-

BRANDON KALANI KOMATSU,
#8523741

Defendant.

CASE NO: **C-21-359271-1**

DEPT NO: **VI**

INFORMATION

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That **BRANDON KALANI KOMATSU**, as Defendant above named, has committed the crime of **OPEN OR GROSS LEWDNESS IN THE PRESENCE OF A CHILD OR VULNERABLE PERSON (Category D Felony - NRS 201.210(1)(c) - NOC 60689)** in the manner following:

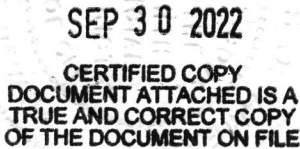
That on or between March 7, 2020 and March 11, 2020, at and within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

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1 Defendant did willfully, unlawfully and feloniously commit an act of open or gross lewdness
2 in the presence of a child under the age of 18 years, or a vulnerable person as defined in
3 paragraph (a) of subsection 8 of NRS 200.5092, to wit: A.F., by showing A.F. pornographic
4 images.

5
6 

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

7
8 

BY /s/ William Charles Rowles
WILLIAM CHARLES ROWLES
Chief Deputy District Attorney
Nevada Bar #013577

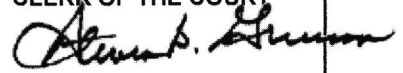
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HPD EV#2005131

EXHIBIT “C”

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EXHIBIT “C”



1 **GPA**
2 **STEVEN B. WOLFSON**
3 Clark County District Attorney
4 Nevada Bar #001565
5 **WILLIAM CHARLES ROWLES**
6 Chief Deputy District Attorney
7 Nevada Bar #013577
8 200 Lewis Avenue
9 Las Vegas, NV 89155-2212
10 (702)671-2500
11 Attorney for Plaintiff

7 **DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**

9 THE STATE OF NEVADA,
10
11 Plaintiff,

12 -vs-

13 **BRANDON KALANI KOMATSU,**
14 **#8523741**

15 Defendant.

CASE NO: C-21-359271-1

DEPT NO: VI

16 **GUILTY PLEA AGREEMENT**

17 I hereby agree to plead guilty, pursuant to North Carolina v. Alford, 400 U.S. 25 (1970),
18 to: **OPEN OR GROSS LEWDNESS IN THE PRESENCE OF A CHILD OR**
19 **VULNERABLE PERSON (Category D Felony - NRS 201.210(1)(c) - NOC 60689)** as more
20 fully alleged in the charging document attached hereto as Exhibit "1".

21 My decision to plead guilty is based upon the Alford plea agreement in this case which
22 is as follows:

23 Provided that I am not deemed a high risk to reoffend pursuant to the psychosexual
24 evaluation, the State will not oppose my being granted probation at the rendition of sentence.
25 All remaining counts contained in the Criminal Complaint which were bound over to District
26 Court shall be dismissed when I am adjudged guilty and sentenced. Both parties waive any
27 and all defects in the pleadings.

28 //

1 I agree to the forfeiture of any and all electronic storage devices, computers, and/or
2 related equipment and/or weapons or any interest in any electronic storage devices, computers
3 and/or related equipment and/or weapons seized and/or impounded in connection with the
4 instant case and/or any other case negotiated in whole or in part in conjunction with this plea
5 agreement.

6 I understand and agree that, if I fail to interview with the Department of Parole and
7 Probation (P&P), fail to appear at any subsequent hearings in this case, or an independent
8 magistrate, by affidavit review, confirms probable cause against me for new criminal charges
9 including reckless driving or DUI, but excluding minor traffic violations, the State will have
10 the unqualified right to argue for any legal sentence and term of confinement allowable for the
11 crime(s) to which I am pleading guilty, including the use of any prior convictions I may have
12 to increase my sentence as an habitual criminal to five (5) to twenty (20) years, Life without
13 the possibility of parole, Life with the possibility of parole after ten (10) years, or a definite
14 twenty-five (25) year term with the possibility of parole after ten (10) years.

15 Otherwise I am entitled to receive the benefits of these negotiations as stated in this
16 plea agreement.

17 CONSEQUENCES OF THE PLEA

18 By pleading guilty pursuant to the Alford decision, it is my desire to avoid the
19 possibility of being convicted of more offenses or of a greater offense if I were to proceed to
20 trial on the original charge(s) and of also receiving a greater penalty. I understand that my
21 decision to plead guilty by way of the Alford decision does not require me to admit guilt, but
22 is based upon my belief that the State would present sufficient evidence at trial that a jury
23 would return a verdict of guilty of a greater offense or of more offenses than that to which I
24 am pleading guilty.

25 I understand that in pleading guilty by way of the Alford decision, I am not contesting
26 the facts which support all the elements of the offense(s) to which I now plead as set forth in
27 Exhibit "1."

28 //

1 I understand that as a consequence of my plea of guilty by way of the Alford decision
2 the Court must sentence me to imprisonment in the Nevada Department of Corrections for a
3 minimum term of not less than one (1) year and a maximum term of not more than four (4)
4 years. The minimum term of imprisonment may not exceed forty percent (40%) of the
5 maximum term of imprisonment. I understand that I may also be fined up to \$5,000.00. I
6 understand that the law requires me to pay an Administrative Assessment Fee.

7 I understand that pursuant to NRS 176.139 and my plea of guilty to a sexual offense for
8 which the suspension of sentence or the granting of probation is permitted, P&P shall arrange
9 for a psychosexual evaluation as part of the Division's presentence investigation and report
10 (PSI) to the court.

11 I understand that I am not eligible for probation pursuant to NRS 176A.110 unless the
12 psychosexual evaluation certifies that I do not represent a high risk to reoffend based upon a
13 currently accepted standard of assessment. I understand that, except as otherwise provided by
14 statute, the question of whether I receive probation is in the discretion of the sentencing judge.

15 I understand that, before I am eligible for parole a panel consisting of the Administrator
16 of the Mental Health and Developmental Services of the Department of Human Resources or
17 his designee; the Director of the Department of Corrections or his designee; and a psychologist
18 licensed to practice in this state or a psychiatrist licensed to practice medicine in this state
19 certifies that I was under observation while confined in an institution of the department of
20 corrections and that I do not represent a high risk to reoffend based upon a currently accepted
21 standard of assessment.

22 I understand that the Court will include as part of my sentence, in addition to any other
23 penalties provided by law, pursuant to NRS 179D.441 to 179D.550, inclusive, I must register
24 as a sex offender within forty-eight (48) hours of release from custody onto probation or parole.

25 I understand that I must submit to blood and/or saliva tests under the direction of P&P
26 to determine genetic markers and/or secretor status.

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1 I understand that, if appropriate, I will be ordered to make restitution to the victim of
2 the offense(s) to which I am pleading guilty and to the victim of any related offense which is
3 being dismissed or not prosecuted pursuant to this agreement.

4 I understand that information regarding charges not filed, dismissed charges, or charges
5 to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

6 I have not been promised or guaranteed any particular sentence by anyone. I know that
7 my sentence is to be determined by the Court within the limits prescribed by statute.

8 I understand that if my attorney or the State of Nevada or both recommend any specific
9 punishment to the Court, the Court is not obligated to accept the recommendation.

10 I understand that if the State of Nevada has agreed to recommend or stipulate a
11 particular sentence or has agreed not to present argument regarding the sentence, or agreed not
12 to oppose a particular sentence, such agreement is contingent upon my appearance in court on
13 the initial sentencing date (and any subsequent dates if the sentencing is continued). I
14 understand that if I fail to appear for the scheduled sentencing date or I commit a new criminal
15 offense prior to sentencing the State of Nevada would regain the full right to argue for any
16 lawful sentence.

17 I understand if the offense(s) to which I am pleading guilty to was committed while I
18 was incarcerated on another charge or while I was on probation or parole that I am not eligible
19 for credit for time served toward the instant offense(s).

20 I understand that P&P will prepare a report for the sentencing judge prior to sentencing.
21 This report will include matters relevant to the issue of sentencing, including my criminal
22 history. This report may contain hearsay information regarding my background and criminal
23 history. My attorney and I will each have the opportunity to comment on the information
24 contained in the report at the time of sentencing. Unless the District Attorney has specifically
25 agreed otherwise, then the District Attorney may also comment on this report.

26 WAIVER OF RIGHTS

27 By entering my plea of guilty, I understand that I am waiving and forever giving up the
28 following rights and privileges:

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1. The constitutional privilege against self-incrimination, including the right to refuse to testify at trial, in which event the prosecution would not be allowed to comment to the jury about my refusal to testify.
2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an attorney, either appointed or retained. At trial the State would bear the burden of proving beyond a reasonable doubt each element of the offense(s) charged.
3. The constitutional right to confront and cross-examine any witnesses who would testify against me.
4. The constitutional right to subpoena witnesses to testify on my behalf.
5. The constitutional right to testify in my own defense.
6. The right to appeal the conviction with the assistance of an attorney, either appointed or retained, unless specifically reserved in writing and agreed upon as provided in NRS 174.035(3). I understand this means I am unconditionally waiving my right to a direct appeal of this conviction, including any challenge based upon reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings as stated in NRS 177.015(4). However, I remain free to challenge my conviction through other post-conviction remedies including a habeas corpus petition pursuant to NRS Chapter 34.

VOLUNTARINESS OF PLEA

I have discussed the elements of all of the original charge(s) against me with my attorney and I understand the nature of the charge(s) against me.

I understand that the State would have to prove each element of the charge(s) against me at trial.

I have discussed with my attorney any possible defenses, defense strategies and circumstances which might be in my favor.

All of the foregoing elements, consequences, rights, and waiver of rights have been thoroughly explained to me by my attorney.

I believe that pleading guilty and accepting this plea bargain is in my best interest, and that a trial would be contrary to my best interest.

I am signing this agreement voluntarily, after consultation with my attorney, and I am not acting under duress or coercion or by virtue of any promises of leniency, except for those set forth in this agreement.

1 I am not now under the influence of any intoxicating liquor, a controlled substance or
2 other drug which would in any manner impair my ability to comprehend or understand this
3 agreement or the proceedings surrounding my entry of this plea.

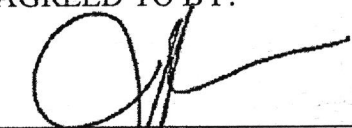
4 My attorney has answered all my questions regarding this guilty plea agreement and its
5 consequences to my satisfaction and I am satisfied with the services provided by my attorney.

6 DATED this 29 day of September, 2021.

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BRANDON KALANI KOMATSU
Defendant

AGREED TO BY:



WILLIAM CHARLES ROWLES
Chief Deputy District Attorney
Nevada Bar #013577

1 CERTIFICATE OF COUNSEL:


2 I, the undersigned, as the attorney for the Defendant named herein and as an officer of
3 the court hereby certify that:

- 4 1. I have fully explained to the Defendant the allegations contained in the
5 charge(s) to which guilty pleas are being entered.
6 2. I have advised the Defendant of the penalties for each charge and the
7 restitution that the Defendant may be ordered to pay.
8 3. I have inquired of Defendant facts concerning Defendant's immigration
9 status and explained to Defendant that if Defendant is not a United States
10 citizen any criminal conviction will most likely result in serious negative
11 immigration consequences including but not limited to:
12 a. The removal from the United States through deportation;
13 b. An inability to reenter the United States;
14 c. The inability to gain United States citizenship or legal residency;
15 d. An inability to renew and/or retain any legal residency status;
16 and/or
17 e. An indeterminate term of confinement, by with United States
18 Federal Government based on the conviction and immigration
19 status.

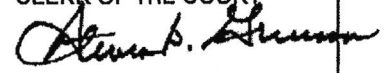
20 Moreover, I have explained that regardless of what Defendant may have
21 been told by any attorney, no one can promise Defendant that this
22 conviction will not result in negative immigration consequences and/or
23 impact Defendant's ability to become a United States citizen and/or legal
24 resident.

- 25 4. All pleas of guilty offered by the Defendant pursuant to this agreement
26 are consistent with the facts known to me and are made with my advice
27 to the Defendant.
28 5. To the best of my knowledge and belief, the Defendant:
a. Is competent and understands the charges and the consequences
of pleading guilty as provided in this agreement,
b. Executed this agreement and will enter all guilty pleas pursuant
hereto voluntarily, and
c. Was not under the influence of intoxicating liquor, a controlled
substance or other drug at the time I consulted with the Defendant
as certified in paragraphs 1 and 2 above.

Dated: This 29 day of September, 2021.


MICHAEL MICELI, ESQ.

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INFM
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
WILLIAM CHARLES ROWLES
Chief Deputy District Attorney
Nevada Bar #013577
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

I.A. 09/30/2021
12:00 PM
MICELI

THE STATE OF NEVADA,

Plaintiff,

-vs-

BRANDON KALANI KOMATSU,
#8523741

Defendant.

CASE NO: C-21-359271-1
DEPT NO: VI

INFORMATION

STATE OF NEVADA }
COUNTY OF CLARK } ss.

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That **BRANDON KALANI KOMATSU**, as Defendant above named, has committed the crime of **OPEN OR GROSS LEWDNESS IN THE PRESENCE OF A CHILD OR VULNERABLE PERSON (Category D Felony - NRS 201.210(1)(c) - NOC 60689)** in the manner following:

That on or between March 7, 2020 and March 11, 2020, at and within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

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EXHIBIT "1"

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Defendant did willfully, unlawfully and feloniously commit an act of open or gross lewdness in the presence of a child under the age of 18 years, or a vulnerable person as defined in paragraph (a) of subsection 8 of NRS 200.5092, to wit: A.F., by showing A.F. pornographic images.

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY /s/ William Charles Rowles
WILLIAM CHARLES ROWLES
Chief Deputy District Attorney
Nevada Bar #013577

21CRH000474/hjc/SVU
HPD EV#2005131

EXHIBIT “D”

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EXHIBIT “D”

Steven B. Wolfson
CLERK OF THE COURT

1 **JOC**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 200 Lewis Avenue
6 Las Vegas, Nevada 89155-2212
7 (702) 671-2500
8 Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

7 THE STATE OF NEVADA,
8
9 Plaintiff,

-vs-

CASE NO: **C-21-359271-1**

10 **BRANDON KALANI KOMATSU,**
11 **#8523741**

DEPT NO: **VI**

12 Defendant.

**JUDGMENT OF CONVICTION
(PLEA OF GUILTY)**

13
14
15 WHEREAS Defendant previously appeared before the Court with counsel and entered
16 a plea of guilty to the crime of **OPEN OR GROSS LEWDNESS IN THE PRESENCE OF**
17 **A CHILD OR VULNERABLE PERSON (Category D Felony - NRS 201.210(1)(c) - NOC**
18 **60689)**; thereafter, on the 27TH day of JANUARY, 2022, Defendant was present in court for
19 sentencing with counsel, KENDALL STONE, ESQ., and with good cause appearing,

20 **DEFENDANT WAS HEREBY ADJUDGED GUILTY** of said offense, and in
21 addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA analysis fee, including
22 testing to determine genetic markers, \$3.00 DNA Collection fee, Defendant SENTENCED to
23 a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of FORTY-EIGHT (48)
24 MONTHS in the Nevada Department of Corrections (NDC), SUSPENDED; placed on
25 PROBATION for an indeterminate period not to exceed FIVE (5) YEARS, the following
26 SPECIAL CONDITIONS are IMPOSED:

27 //

28 //

- 1 1. Defendant is to comply with all STANDARD conditions of probation;
2 2. Have no contact with Matthew Orlando;
3 3. NRS 176A.410 Required terms and conditions for sex offenders; powers and duties
4 of court; exceptions:

5 1. Except as otherwise provided in subsection 6, if a defendant is convicted of a
6 sexual offense and the court grants probation or suspends the sentence, the court shall, in
7 addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of
8 probation or suspension of sentence that the defendant:

9 (a) Submit to a search and seizure of the defendant s person, residence or
10 vehicle or any property under the defendant s control, at any time of the day or night, without
11 a warrant, by any parole and probation officer or any peace officer, for the purpose of
12 determining whether the defendant has violated any condition of probation or suspension of
13 sentence or committed any crime.

14 (b) Reside at a location only if:

15 (1) The residence has been approved by the parole and probation
16 officer assigned to the defendant.

17 (2) If the residence is a facility that houses more than three persons
18 who have been released from prison, the facility is a facility for transitional living for released
19 offenders that is licensed pursuant to chapter 449 of NRS.

20 (3) The defendant keeps the parole and probation officer assigned
21 to the defendant informed of the defendant s current address.

22 (c) Accept a position of employment or a position as a volunteer only if
23 it has been approved by the parole and probation officer assigned to the defendant and keep
24 the parole and probation officer informed of the location of the defendant s position of
25 employment or position as a volunteer.

26 (d) Abide by any curfew imposed by the parole and probation officer
27 assigned to the defendant.

28 //

1 (e) Participate in and complete a program of professional counseling
2 approved by the Division.

3 (f) Submit to periodic tests, as requested by the parole and probation
4 officer assigned to the defendant, to determine whether the defendant is using a controlled
5 substance.

6 (g) Submit to periodic polygraph examinations, as requested by the parole
7 and probation officer assigned to the defendant.

8 (h) Abstain from consuming, possessing or having under the defendant's
9 control any alcohol.

10 (i) Not have contact or communicate with a victim of the sexual offense
11 or a witness who testified against the defendant or solicit another person to engage in such
12 contact or communication on behalf of the defendant, unless approved by the Chief Parole and
13 Probation Officer or the Chief Parole and Probation Officer's designee and a written agreement
14 is entered into and signed in the manner set forth in subsection 5.

15 (j) Not use aliases or fictitious names.

16 (k) Not obtain a post office box unless the defendant receives permission
17 from the parole and probation officer assigned to the defendant.

18 (l) Not have contact with a person less than 18 years of age in a secluded
19 environment unless another adult who has never been convicted of a sexual offense is present
20 and permission has been obtained from the parole and probation officer assigned to the
21 defendant in advance of each such contact.

22 (m) Unless approved by the parole and probation officer assigned to the
23 defendant and by a psychiatrist, psychologist or counselor treating the defendant, if any, not
24 knowingly be within 500 feet of any place, or if the place is a structure, within 500 feet of the
25 actual structure, that is designed primarily for use by or for children, including, without
26 limitation, a public or private school, a school bus stop, a center or facility that provides day
27 care services, a video arcade, an amusement park, a playground, a park, an athletic field or a
28 facility for youth sports, or a motion picture theater. The provisions of this paragraph apply

1 only to a defendant who is a Tier III offender.

2 (n) Comply with any protocol concerning the use of prescription
3 medication prescribed by a treating physician, including, without limitation, any protocol
4 concerning the use of psychotropic medication.

5 (o) Not possess any sexually explicit material that is deemed
6 inappropriate by the parole and probation officer assigned to the defendant.

7 (p) Not patronize a business which offers a sexually related form of
8 entertainment and which is deemed inappropriate by the parole and probation officer assigned
9 to the defendant.

10 (q) Not possess any electronic device capable of accessing the Internet
11 and not access the Internet through any such device or any other means, unless possession of
12 such a device or such access is approved by the parole and probation officer assigned to the
13 defendant.

14 (r) Inform the parole and probation officer assigned to the defendant if
15 the defendant expects to be or becomes enrolled as a student at an institution of higher
16 education or changes the date of commencement or termination of the defendant's enrollment
17 at an institution of higher education. As used in this paragraph, institution of higher education
18 has the meaning ascribed to it in NRS 179D.045.

19 2. Except as otherwise provided in subsection 6, if a defendant is convicted of
20 an offense listed in subsection 6 of NRS 213.1255 against a child under the age of 14 years,
21 the defendant is a Tier III offender and the court grants probation or suspends the sentence of
22 the defendant, the court shall, in addition to any other condition ordered pursuant to subsection
23 1, order as a condition of probation or suspension of sentence that the defendant:

24 (a) Reside at a location only if the residence is not located within 1,000 feet of any place, or if
25 the place is a structure, within 1,000 feet of the actual structure, that is designed primarily for
26 use by or for children, including, without limitation, a public or private school, a school bus
27 stop, a center or facility that provides day care services, a video arcade, an amusement park, a
28 playground, a park, an athletic field or a facility for youth sports, or a motion picture theater.

1 (b) As deemed appropriate by the Chief Parole and Probation Officer, be
2 placed under a system of active electronic monitoring that is capable of identifying the
3 defendant s location and producing, upon request, reports or records of the defendant s
4 presence near or within a crime scene or prohibited area or the defendant s departure from a
5 specified geographic location.

6 (c) Pay any costs associated with the defendant s participation under the
7 system of active electronic monitoring, to the extent of the defendant s ability to pay.

8 3. A defendant placed under the system of active electronic monitoring pursuant
9 to subsection 2 shall:

10 (a) Follow the instructions provided by the Division to maintain the
11 electronic monitoring device in working order.

12 (b) Report any incidental damage or defacement of the electronic
13 monitoring device to the Division within 2 hours after the occurrence of the damage or
14 defacement.

15 (c) Abide by any other conditions set forth by the Division with regard to
16 the defendant s participation under the system of active electronic monitoring.

17 4. Except as otherwise provided in this subsection, a person who intentionally
18 removes or disables or attempts to remove or disable an electronic monitoring device placed
19 on a defendant pursuant to this section is guilty of a gross misdemeanor. The provisions of this
20 subsection do not prohibit a person authorized by the Division from performing maintenance
21 or repairs to an electronic monitoring device.

22 5. A written agreement entered into pursuant to paragraph (i) of subsection 1
23 must state that the contact or communication is in the best interest of the victim or witness,
24 and specify the type of contact or communication authorized. The written agreement must be
25 signed and agreed to by:

26 (a) The victim or the witness;

27 (b) The defendant;

28 (c) The parole and probation officer assigned to the defendant;

1 (d) The psychiatrist, psychologist or counselor treating the defendant,
2 victim or witness, if any;

3 (e) If the victim or witness is a child under 18 years of age, each parent,
4 guardian or custodian of the child; and

5 (f) The Chief Parole and Probation Officer or the Chief Parole and
6 Probation Officer s designee.

7 6. The court is not required to impose a condition of probation or suspension of
8 sentence listed in subsections 1 and 2 if the court finds that extraordinary circumstances are
9 present and the court enters those extraordinary circumstances in the record.

10 7. As used in this section, sexual offense has the meaning ascribed to it in NRS
11 179D.097. (Added to NRS by 1997, 1667; A 2001, 2051; 2003, 566; 2005, 2862; 2007, 1916,
12 2749, 3246; 2009, 1293)

13 **COURT FURTHER ORDERED** to REGISTER as a sex offender in accordance with
14 NRS 179D.460 with in FORTY-EIGHT (48) HOURS after any release from custody.

15 BOND, if any, EXONERATED.

16 Dated this 11th day of February, 2022

17 

18
19 DISTRICT COURT JUDGE
For SENIOR DISTRICT JUDGE
20 DAYD BARKER
Jacqueline M. Bluth
District Court Judge

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22 

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24 SEP 30 2022

25 CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE DOCUMENT ON FILE

26 hjc/SVU

**NOTICE OF INTENT TO CONSIDER CHARACTER, MISCONDUCT,
COMPETENCE OR HEALTH OF A PERSON. NRS 241.033**

STATE BOARD OF EDUCATION

700 E. Fifth Street
Carson City, NV 89701
Phone: (775) 687-9115

February 22, 2023

Via U.S. and Certified Mail

Brandon Komatsu
3150 Via Da Vinci
Henderson, NV 89044

**Re: Notice of meeting of the State Board of Education to consider
your character, alleged misconduct, competence, or health.**

Dear Mr. Komatsu:

In connection with your teacher license, on January 31, 2023, a Petition and Recommendation for Revocation of License and Notice of Right to Hearing (“Petition and Notice”) was filed with the State Board of Education (“Board”) and mailed to you via certificated mail. The Petition and Notice informed you of your right to request a hearing before a hearing officer by filing a written request within fifteen days from receipt of the Petition and Notice. Enclosed for your convenience is a copy of the Petition and Recommendation for Revocation of License.

As you have failed to request such a hearing, the Board will be requested to move forward with revocation of your license and may consider your character, alleged misconduct, competence, or health at its meeting on April 6, 2023. **The meeting will begin at 2:00 p.m. at 700 E. Fifth Street in Carson City, Nevada and 2080 E. Flamingo Rd, Suite 210, Las Vegas, Nevada.** The meeting is a public meeting, and you and/or your legal counsel are welcome to attend at either location. The Board may go into closed session or remain in an open meeting to consider the following general topics: your teacher license; the Petition and Notice; the Judgment of Conviction; and matters properly related thereto. You are welcome to attend the closed session and/or open meeting, have an attorney or other representative of your choosing present during the closed session and/or open meeting and present written evidence, provide testimony, and present witnesses relating to your character, alleged misconduct, professional competence, or physical or mental health.

Brandon Komatsu
February 22, 2023
Page 2

If the Board determines it necessary, after considering your character, alleged misconduct, professional competence, or physical or mental health, whether in a closed meeting or open meeting, it may also take administrative action against you at this meeting, which could include suspending or revoking your teacher license. This informational statement is in lieu of any notice that may be required pursuant to NRS 241.034.

This notice is provided to you under NRS 241.033 and NRS 241.034.

Sincerely,

/s/ Martha Warachowski
Martha Warachowski
Board Secretary

Enc.

1 BEFORE THE STATE BOARD OF EDUCATION

2
3 JHONE EBERT, SUPERINTENDENT OF)
4 PUBLIC INSTRUCTION, DEPARTMENT)
OF EDUCATION, STATE OF NEVADA,)

CASE NO. 2023-4

5 Petitioner,)

6 v.)

7 BRANDON KALANI KOMATSU,)

8 Respondent.)
9

10 **DECLARATION OF MICHAEL ARAKAWA**

11 I, MICHAEL ARAKAWA, declare that the following is true.

12 1. I am over the age of twenty-one (21) and competent to testify to the facts in this
13 Declaration.

14 2. I am employed by the State of Nevada, Department of Education, as a Chief
15 Compliance Investigator. I have been employed by the Department of Education since
16 July, 2014.

17 3. Attached hereto as Exhibit "2A" is a true and correct copy of Respondent's
18 License.

19 4. Attached hereto as Exhibit "2B" is a true and correct copy of the Information.

20 5. Attached hereto as Exhibit "2C" is a true and correct copy of the Guilty
21 Plea Agreement.

22 6. Attached hereto as Exhibit "2D" is a true and correct copy of the Judgment
23 of Conviction.

24 7. These documents are kept by the Department of Education in the normal course
25 of business.

26 ///

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1 I declare under penalty of perjury that the foregoing is true and correct.

2 Executed on this 30th day of March, 2023.

3 

4 _____
5 MICHAEL ARAKAWA
6 Declarant

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EXHIBIT LIST

Exhibit No.	Title	Pages
2A	Respondent's License	1
2B	Indictment	2
2C	Guilty Plea Agreement	9
2D	Judgment of Conviction	6

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EXHIBIT “2A”

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EXHIBIT “2A”

State of Nevada

License for Educational Personnel

License No. 118039

This License Certifies That

Brandon K Komatsu

Has complied with the prescribed rules and regulations of the Commission on Professional Standards in Education and that the Superintendent of Public Instruction has granted this license which authorizes the holder to provide service in the schools of the State of Nevada in the following areas :

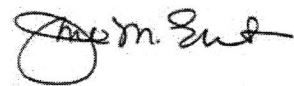
License	Grade Level	Original Endorsement Issue Date	Endorsements	License Issue Date	Expiration Date
Provisional - Secondary	7-12	08/16/2017	English	08/16/2017	09/30/2020
Provisional - Business and Industry	7-A	06/13/2019	Business Management	06/13/2019	06/13/2022

Provisions to be satisfied

Provisions	Required Due Date
Business Management - Three (3) semester credits or equivalent PD in career development and work-based learning.	06/13/2022
Business Management - Three (3) semester credits or equivalent PD in CTE student organization and management.	06/13/2022
Three (3) semester credits in a course on Parent Involvement and Family Engagement that has been approved by the Department and is consistent with NRS 392.457.	09/30/2020

Renewal Requirements

Renewal Requirements	Required Due Date
You may apply for a standard license once all outstanding provisions have been satisfied.	09/30/2020

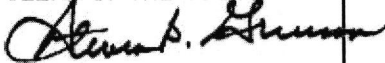


State Superintendent of Public Instruction

EXHIBIT “2B”

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EXHIBIT “2B”



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INFM
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
WILLIAM CHARLES ROWLES
Chief Deputy District Attorney
Nevada Bar #013577
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**I.A. 09/30/2021
12:00 PM
MICELI**

THE STATE OF NEVADA,

Plaintiff,

-vs-

BRANDON KALANI KOMATSU,
#8523741

Defendant.

CASE NO: **C-21-359271-1**

DEPT NO: **VI**

INFORMATION

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

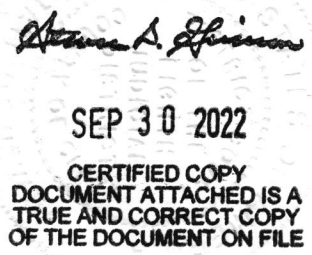
STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That **BRANDON KALANI KOMATSU**, as Defendant above named, has committed the crime of **OPEN OR GROSS LEWDNESS IN THE PRESENCE OF A CHILD OR VULNERABLE PERSON (Category D Felony - NRS 201.210(1)(c) - NOC 60689)** in the manner following:

That on or between March 7, 2020 and March 11, 2020, at and within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

//
//
//

1 Defendant did willfully, unlawfully and feloniously commit an act of open or gross lewdness
2 in the presence of a child under the age of 18 years, or a vulnerable person as defined in
3 paragraph (a) of subsection 8 of NRS 200.5092, to wit: A.F., by showing A.F. pornographic
4 images.



5 STEVEN B. WOLFSON
6 Clark County District Attorney
7 Nevada Bar #001565

8 BY /s/ William Charles Rowles
9 WILLIAM CHARLES ROWLES
10 Chief Deputy District Attorney
11 Nevada Bar #013577

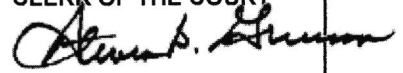
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21CRH000474/hjc/SVU
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EXHIBIT “2C”

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EXHIBIT “2C”



1 **GPA**
2 **STEVEN B. WOLFSON**
3 Clark County District Attorney
4 Nevada Bar #001565
5 **WILLIAM CHARLES ROWLES**
6 Chief Deputy District Attorney
7 Nevada Bar #013577
8 200 Lewis Avenue
9 Las Vegas, NV 89155-2212
10 (702)671-2500
11 Attorney for Plaintiff

7 **DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**

9 THE STATE OF NEVADA,
10
11 Plaintiff,

12 -vs-

13 **BRANDON KALANI KOMATSU,**
14 **#8523741**

15 Defendant.

CASE NO: C-21-359271-1

DEPT NO: VI

16 **GUILTY PLEA AGREEMENT**

17 I hereby agree to plead guilty, pursuant to North Carolina v. Alford, 400 U.S. 25 (1970),
18 to: **OPEN OR GROSS LEWDNESS IN THE PRESENCE OF A CHILD OR**
19 **VULNERABLE PERSON (Category D Felony - NRS 201.210(1)(c) - NOC 60689)** as more
20 fully alleged in the charging document attached hereto as Exhibit "1".

21 My decision to plead guilty is based upon the Alford plea agreement in this case which
22 is as follows:

23 Provided that I am not deemed a high risk to reoffend pursuant to the psychosexual
24 evaluation, the State will not oppose my being granted probation at the rendition of sentence.
25 All remaining counts contained in the Criminal Complaint which were bound over to District
26 Court shall be dismissed when I am adjudged guilty and sentenced. Both parties waive any
27 and all defects in the pleadings.

28 //

1 I agree to the forfeiture of any and all electronic storage devices, computers, and/or
2 related equipment and/or weapons or any interest in any electronic storage devices, computers
3 and/or related equipment and/or weapons seized and/or impounded in connection with the
4 instant case and/or any other case negotiated in whole or in part in conjunction with this plea
5 agreement.

6 I understand and agree that, if I fail to interview with the Department of Parole and
7 Probation (P&P), fail to appear at any subsequent hearings in this case, or an independent
8 magistrate, by affidavit review, confirms probable cause against me for new criminal charges
9 including reckless driving or DUI, but excluding minor traffic violations, the State will have
10 the unqualified right to argue for any legal sentence and term of confinement allowable for the
11 crime(s) to which I am pleading guilty, including the use of any prior convictions I may have
12 to increase my sentence as an habitual criminal to five (5) to twenty (20) years, Life without
13 the possibility of parole, Life with the possibility of parole after ten (10) years, or a definite
14 twenty-five (25) year term with the possibility of parole after ten (10) years.

15 Otherwise I am entitled to receive the benefits of these negotiations as stated in this
16 plea agreement.

17 CONSEQUENCES OF THE PLEA

18 By pleading guilty pursuant to the Alford decision, it is my desire to avoid the
19 possibility of being convicted of more offenses or of a greater offense if I were to proceed to
20 trial on the original charge(s) and of also receiving a greater penalty. I understand that my
21 decision to plead guilty by way of the Alford decision does not require me to admit guilt, but
22 is based upon my belief that the State would present sufficient evidence at trial that a jury
23 would return a verdict of guilty of a greater offense or of more offenses than that to which I
24 am pleading guilty.

25 I understand that in pleading guilty by way of the Alford decision, I am not contesting
26 the facts which support all the elements of the offense(s) to which I now plead as set forth in
27 Exhibit "1."

28 //

1 I understand that as a consequence of my plea of guilty by way of the Alford decision
2 the Court must sentence me to imprisonment in the Nevada Department of Corrections for a
3 minimum term of not less than one (1) year and a maximum term of not more than four (4)
4 years. The minimum term of imprisonment may not exceed forty percent (40%) of the
5 maximum term of imprisonment. I understand that I may also be fined up to \$5,000.00. I
6 understand that the law requires me to pay an Administrative Assessment Fee.

7 I understand that pursuant to NRS 176.139 and my plea of guilty to a sexual offense for
8 which the suspension of sentence or the granting of probation is permitted, P&P shall arrange
9 for a psychosexual evaluation as part of the Division's presentence investigation and report
10 (PSI) to the court.

11 I understand that I am not eligible for probation pursuant to NRS 176A.110 unless the
12 psychosexual evaluation certifies that I do not represent a high risk to reoffend based upon a
13 currently accepted standard of assessment. I understand that, except as otherwise provided by
14 statute, the question of whether I receive probation is in the discretion of the sentencing judge.

15 I understand that, before I am eligible for parole a panel consisting of the Administrator
16 of the Mental Health and Developmental Services of the Department of Human Resources or
17 his designee; the Director of the Department of Corrections or his designee; and a psychologist
18 licensed to practice in this state or a psychiatrist licensed to practice medicine in this state
19 certifies that I was under observation while confined in an institution of the department of
20 corrections and that I do not represent a high risk to reoffend based upon a currently accepted
21 standard of assessment.

22 I understand that the Court will include as part of my sentence, in addition to any other
23 penalties provided by law, pursuant to NRS 179D.441 to 179D.550, inclusive, I must register
24 as a sex offender within forty-eight (48) hours of release from custody onto probation or parole.

25 I understand that I must submit to blood and/or saliva tests under the direction of P&P
26 to determine genetic markers and/or secretor status.

27 //

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1 I understand that, if appropriate, I will be ordered to make restitution to the victim of
2 the offense(s) to which I am pleading guilty and to the victim of any related offense which is
3 being dismissed or not prosecuted pursuant to this agreement.

4 I understand that information regarding charges not filed, dismissed charges, or charges
5 to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

6 I have not been promised or guaranteed any particular sentence by anyone. I know that
7 my sentence is to be determined by the Court within the limits prescribed by statute.

8 I understand that if my attorney or the State of Nevada or both recommend any specific
9 punishment to the Court, the Court is not obligated to accept the recommendation.

10 I understand that if the State of Nevada has agreed to recommend or stipulate a
11 particular sentence or has agreed not to present argument regarding the sentence, or agreed not
12 to oppose a particular sentence, such agreement is contingent upon my appearance in court on
13 the initial sentencing date (and any subsequent dates if the sentencing is continued). I
14 understand that if I fail to appear for the scheduled sentencing date or I commit a new criminal
15 offense prior to sentencing the State of Nevada would regain the full right to argue for any
16 lawful sentence.

17 I understand if the offense(s) to which I am pleading guilty to was committed while I
18 was incarcerated on another charge or while I was on probation or parole that I am not eligible
19 for credit for time served toward the instant offense(s).

20 I understand that P&P will prepare a report for the sentencing judge prior to sentencing.
21 This report will include matters relevant to the issue of sentencing, including my criminal
22 history. This report may contain hearsay information regarding my background and criminal
23 history. My attorney and I will each have the opportunity to comment on the information
24 contained in the report at the time of sentencing. Unless the District Attorney has specifically
25 agreed otherwise, then the District Attorney may also comment on this report.

26 WAIVER OF RIGHTS

27 By entering my plea of guilty, I understand that I am waiving and forever giving up the
28 following rights and privileges:

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1. The constitutional privilege against self-incrimination, including the right to refuse to testify at trial, in which event the prosecution would not be allowed to comment to the jury about my refusal to testify.
2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an attorney, either appointed or retained. At trial the State would bear the burden of proving beyond a reasonable doubt each element of the offense(s) charged.
3. The constitutional right to confront and cross-examine any witnesses who would testify against me.
4. The constitutional right to subpoena witnesses to testify on my behalf.
5. The constitutional right to testify in my own defense.
6. The right to appeal the conviction with the assistance of an attorney, either appointed or retained, unless specifically reserved in writing and agreed upon as provided in NRS 174.035(3). I understand this means I am unconditionally waiving my right to a direct appeal of this conviction, including any challenge based upon reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings as stated in NRS 177.015(4). However, I remain free to challenge my conviction through other post-conviction remedies including a habeas corpus petition pursuant to NRS Chapter 34.

VOLUNTARINESS OF PLEA

I have discussed the elements of all of the original charge(s) against me with my attorney and I understand the nature of the charge(s) against me.

I understand that the State would have to prove each element of the charge(s) against me at trial.

I have discussed with my attorney any possible defenses, defense strategies and circumstances which might be in my favor.

All of the foregoing elements, consequences, rights, and waiver of rights have been thoroughly explained to me by my attorney.

I believe that pleading guilty and accepting this plea bargain is in my best interest, and that a trial would be contrary to my best interest.

I am signing this agreement voluntarily, after consultation with my attorney, and I am not acting under duress or coercion or by virtue of any promises of leniency, except for those set forth in this agreement.

1 I am not now under the influence of any intoxicating liquor, a controlled substance or
2 other drug which would in any manner impair my ability to comprehend or understand this
3 agreement or the proceedings surrounding my entry of this plea.

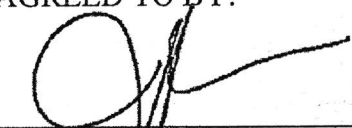
4 My attorney has answered all my questions regarding this guilty plea agreement and its
5 consequences to my satisfaction and I am satisfied with the services provided by my attorney.

6 DATED this 29 day of September, 2021.

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BRANDON KALANI KOMATSU
Defendant

AGREED TO BY:



WILLIAM CHARLES ROWLES
Chief Deputy District Attorney
Nevada Bar #013577

1 CERTIFICATE OF COUNSEL:


2 I, the undersigned, as the attorney for the Defendant named herein and as an officer of
3 the court hereby certify that:

- 4 1. I have fully explained to the Defendant the allegations contained in the
5 charge(s) to which guilty pleas are being entered.
6 2. I have advised the Defendant of the penalties for each charge and the
7 restitution that the Defendant may be ordered to pay.
8 3. I have inquired of Defendant facts concerning Defendant's immigration
9 status and explained to Defendant that if Defendant is not a United States
10 citizen any criminal conviction will most likely result in serious negative
11 immigration consequences including but not limited to:
12 a. The removal from the United States through deportation;
13 b. An inability to reenter the United States;
14 c. The inability to gain United States citizenship or legal residency;
15 d. An inability to renew and/or retain any legal residency status;
16 and/or
17 e. An indeterminate term of confinement, by with United States
18 Federal Government based on the conviction and immigration
19 status.

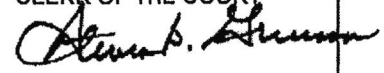
20 Moreover, I have explained that regardless of what Defendant may have
21 been told by any attorney, no one can promise Defendant that this
22 conviction will not result in negative immigration consequences and/or
23 impact Defendant's ability to become a United States citizen and/or legal
24 resident.

- 25 4. All pleas of guilty offered by the Defendant pursuant to this agreement
26 are consistent with the facts known to me and are made with my advice
27 to the Defendant.
28 5. To the best of my knowledge and belief, the Defendant:
a. Is competent and understands the charges and the consequences
of pleading guilty as provided in this agreement,
b. Executed this agreement and will enter all guilty pleas pursuant
hereto voluntarily, and
c. Was not under the influence of intoxicating liquor, a controlled
substance or other drug at the time I consulted with the Defendant
as certified in paragraphs 1 and 2 above.

Dated: This 29 day of September, 2021.


MICHAEL MICELI, ESQ.

hjc/SVU



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INFM
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
WILLIAM CHARLES ROWLES
Chief Deputy District Attorney
Nevada Bar #013577
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

I.A. 09/30/2021
12:00 PM
MICELI

THE STATE OF NEVADA,

Plaintiff,

-vs-

BRANDON KALANI KOMATSU,
#8523741

Defendant.

CASE NO: C-21-359271-1
DEPT NO: VI

INFORMATION

STATE OF NEVADA }
COUNTY OF CLARK } ss.

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That **BRANDON KALANI KOMATSU**, as Defendant above named, has committed the crime of **OPEN OR GROSS LEWDNESS IN THE PRESENCE OF A CHILD OR VULNERABLE PERSON (Category D Felony - NRS 201.210(1)(c) - NOC 60689)** in the manner following:

That on or between March 7, 2020 and March 11, 2020, at and within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

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EXHIBIT "1"

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Defendant did willfully, unlawfully and feloniously commit an act of open or gross lewdness in the presence of a child under the age of 18 years, or a vulnerable person as defined in paragraph (a) of subsection 8 of NRS 200.5092, to wit: A.F., by showing A.F. pornographic images.

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY /s/ William Charles Rowles
WILLIAM CHARLES ROWLES
Chief Deputy District Attorney
Nevada Bar #013577

21CRH000474/hjc/SVU
HPD EV#2005131

EXHIBIT “2D”

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EXHIBIT “2D”

Steven B. Wolfson
CLERK OF THE COURT

1 **JOC**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 200 Lewis Avenue
6 Las Vegas, Nevada 89155-2212
7 (702) 671-2500
8 Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

7 THE STATE OF NEVADA,
8
9 Plaintiff,

-vs-

CASE NO: **C-21-359271-1**

10 **BRANDON KALANI KOMATSU,**
11 **#8523741**

DEPT NO: **VI**

12 Defendant.

**JUDGMENT OF CONVICTION
(PLEA OF GUILTY)**

13
14
15 WHEREAS Defendant previously appeared before the Court with counsel and entered
16 a plea of guilty to the crime of **OPEN OR GROSS LEWDNESS IN THE PRESENCE OF**
17 **A CHILD OR VULNERABLE PERSON (Category D Felony - NRS 201.210(1)(c) - NOC**
18 **60689)**; thereafter, on the 27TH day of JANUARY, 2022, Defendant was present in court for
19 sentencing with counsel, KENDALL STONE, ESQ., and with good cause appearing,

20 **DEFENDANT WAS HEREBY ADJUDGED GUILTY** of said offense, and in
21 addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA analysis fee, including
22 testing to determine genetic markers, \$3.00 DNA Collection fee, Defendant SENTENCED to
23 a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of FORTY-EIGHT (48)
24 MONTHS in the Nevada Department of Corrections (NDC), SUSPENDED; placed on
25 PROBATION for an indeterminate period not to exceed FIVE (5) YEARS, the following
26 SPECIAL CONDITIONS are IMPOSED:

27 //

28 //

- 1 1. Defendant is to comply with all STANDARD conditions of probation;
2 2. Have no contact with Matthew Orlando;
3 3. NRS 176A.410 Required terms and conditions for sex offenders; powers and duties
4 of court; exceptions:

5 1. Except as otherwise provided in subsection 6, if a defendant is convicted of a
6 sexual offense and the court grants probation or suspends the sentence, the court shall, in
7 addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of
8 probation or suspension of sentence that the defendant:

9 (a) Submit to a search and seizure of the defendant s person, residence or
10 vehicle or any property under the defendant s control, at any time of the day or night, without
11 a warrant, by any parole and probation officer or any peace officer, for the purpose of
12 determining whether the defendant has violated any condition of probation or suspension of
13 sentence or committed any crime.

14 (b) Reside at a location only if:

15 (1) The residence has been approved by the parole and probation
16 officer assigned to the defendant.

17 (2) If the residence is a facility that houses more than three persons
18 who have been released from prison, the facility is a facility for transitional living for released
19 offenders that is licensed pursuant to chapter 449 of NRS.

20 (3) The defendant keeps the parole and probation officer assigned
21 to the defendant informed of the defendant s current address.

22 (c) Accept a position of employment or a position as a volunteer only if
23 it has been approved by the parole and probation officer assigned to the defendant and keep
24 the parole and probation officer informed of the location of the defendant s position of
25 employment or position as a volunteer.

26 (d) Abide by any curfew imposed by the parole and probation officer
27 assigned to the defendant.

28 //

1 (e) Participate in and complete a program of professional counseling
2 approved by the Division.

3 (f) Submit to periodic tests, as requested by the parole and probation
4 officer assigned to the defendant, to determine whether the defendant is using a controlled
5 substance.

6 (g) Submit to periodic polygraph examinations, as requested by the parole
7 and probation officer assigned to the defendant.

8 (h) Abstain from consuming, possessing or having under the defendant's
9 control any alcohol.

10 (i) Not have contact or communicate with a victim of the sexual offense
11 or a witness who testified against the defendant or solicit another person to engage in such
12 contact or communication on behalf of the defendant, unless approved by the Chief Parole and
13 Probation Officer or the Chief Parole and Probation Officer's designee and a written agreement
14 is entered into and signed in the manner set forth in subsection 5.

15 (j) Not use aliases or fictitious names.

16 (k) Not obtain a post office box unless the defendant receives permission
17 from the parole and probation officer assigned to the defendant.

18 (l) Not have contact with a person less than 18 years of age in a secluded
19 environment unless another adult who has never been convicted of a sexual offense is present
20 and permission has been obtained from the parole and probation officer assigned to the
21 defendant in advance of each such contact.

22 (m) Unless approved by the parole and probation officer assigned to the
23 defendant and by a psychiatrist, psychologist or counselor treating the defendant, if any, not
24 knowingly be within 500 feet of any place, or if the place is a structure, within 500 feet of the
25 actual structure, that is designed primarily for use by or for children, including, without
26 limitation, a public or private school, a school bus stop, a center or facility that provides day
27 care services, a video arcade, an amusement park, a playground, a park, an athletic field or a
28 facility for youth sports, or a motion picture theater. The provisions of this paragraph apply

1 only to a defendant who is a Tier III offender.

2 (n) Comply with any protocol concerning the use of prescription
3 medication prescribed by a treating physician, including, without limitation, any protocol
4 concerning the use of psychotropic medication.

5 (o) Not possess any sexually explicit material that is deemed
6 inappropriate by the parole and probation officer assigned to the defendant.

7 (p) Not patronize a business which offers a sexually related form of
8 entertainment and which is deemed inappropriate by the parole and probation officer assigned
9 to the defendant.

10 (q) Not possess any electronic device capable of accessing the Internet
11 and not access the Internet through any such device or any other means, unless possession of
12 such a device or such access is approved by the parole and probation officer assigned to the
13 defendant.

14 (r) Inform the parole and probation officer assigned to the defendant if
15 the defendant expects to be or becomes enrolled as a student at an institution of higher
16 education or changes the date of commencement or termination of the defendant's enrollment
17 at an institution of higher education. As used in this paragraph, institution of higher education
18 has the meaning ascribed to it in NRS 179D.045.

19 2. Except as otherwise provided in subsection 6, if a defendant is convicted of
20 an offense listed in subsection 6 of NRS 213.1255 against a child under the age of 14 years,
21 the defendant is a Tier III offender and the court grants probation or suspends the sentence of
22 the defendant, the court shall, in addition to any other condition ordered pursuant to subsection
23 1, order as a condition of probation or suspension of sentence that the defendant:

24 (a) Reside at a location only if the residence is not located within 1,000 feet of any place, or if
25 the place is a structure, within 1,000 feet of the actual structure, that is designed primarily for
26 use by or for children, including, without limitation, a public or private school, a school bus
27 stop, a center or facility that provides day care services, a video arcade, an amusement park, a
28 playground, a park, an athletic field or a facility for youth sports, or a motion picture theater.

1 (b) As deemed appropriate by the Chief Parole and Probation Officer, be
2 placed under a system of active electronic monitoring that is capable of identifying the
3 defendant s location and producing, upon request, reports or records of the defendant s
4 presence near or within a crime scene or prohibited area or the defendant s departure from a
5 specified geographic location.

6 (c) Pay any costs associated with the defendant s participation under the
7 system of active electronic monitoring, to the extent of the defendant s ability to pay.

8 3. A defendant placed under the system of active electronic monitoring pursuant
9 to subsection 2 shall:

10 (a) Follow the instructions provided by the Division to maintain the
11 electronic monitoring device in working order.

12 (b) Report any incidental damage or defacement of the electronic
13 monitoring device to the Division within 2 hours after the occurrence of the damage or
14 defacement.

15 (c) Abide by any other conditions set forth by the Division with regard to
16 the defendant s participation under the system of active electronic monitoring.

17 4. Except as otherwise provided in this subsection, a person who intentionally
18 removes or disables or attempts to remove or disable an electronic monitoring device placed
19 on a defendant pursuant to this section is guilty of a gross misdemeanor. The provisions of this
20 subsection do not prohibit a person authorized by the Division from performing maintenance
21 or repairs to an electronic monitoring device.

22 5. A written agreement entered into pursuant to paragraph (i) of subsection 1
23 must state that the contact or communication is in the best interest of the victim or witness,
24 and specify the type of contact or communication authorized. The written agreement must be
25 signed and agreed to by:

26 (a) The victim or the witness;

27 (b) The defendant;

28 (c) The parole and probation officer assigned to the defendant;

1 (d) The psychiatrist, psychologist or counselor treating the defendant,
2 victim or witness, if any;

3 (e) If the victim or witness is a child under 18 years of age, each parent,
4 guardian or custodian of the child; and

5 (f) The Chief Parole and Probation Officer or the Chief Parole and
6 Probation Officer s designee.

7 6. The court is not required to impose a condition of probation or suspension of
8 sentence listed in subsections 1 and 2 if the court finds that extraordinary circumstances are
9 present and the court enters those extraordinary circumstances in the record.

10 7. As used in this section, sexual offense has the meaning ascribed to it in NRS
11 179D.097. (Added to NRS by 1997, 1667; A 2001, 2051; 2003, 566; 2005, 2862; 2007, 1916,
12 2749, 3246; 2009, 1293)

13 **COURT FURTHER ORDERED** to REGISTER as a sex offender in accordance with
14 NRS 179D.460 with in FORTY-EIGHT (48) HOURS after any release from custody.

15 BOND, if any, EXONERATED.

16 Dated this 11th day of February, 2022

17 

18
19 DISTRICT COURT JUDGE
For SENIOR DISTRICT JUDGE
20 DAYD BARKER
Jacqueline M. Bluth
District Court Judge

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24 SEP 30 2022

25 CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE DOCUMENT ON FILE

26 hjc/SVU

BEFORE THE STATE BOARD OF EDUCATION

JHONE EBERT, SUPERINTENDENT OF)
PUBLIC INSTRUCTION, DEPARTMENT)
OF EDUCATION, STATE OF NEVADA,)
Petitioner,)
v.)
BRANDON KALANI KOMATSU,)
Respondent.)

CASE NO. 2023-4

DECLARATION OF MARTHA WARACHOWSKI

I, MARTHA WARACHOWSKI, declare that the following is true.

1. I am over the age of twenty-one (21) and competent to testify to the facts in this Declaration.

2. I am employed by the State of Nevada, Department of Education as an Administrative Assistant IV, and I am assigned as the assistant to the State Board of Education. I have been employed by the Department of Education since December 2019.

3. Attached hereto are true and correct copies of the following Board of Education documents as kept in the normal course of business: the Petition and Recommendation for Revocation of License and Notice of Right to Hearing ("Petition and Notice"), submitted as Exhibit "1A"; the certified mail receipt for service of the Petition and Notice, submitted as Exhibit "1B"; the Notice of Intent to Consider Character, Misconduct, Competence or Health of a Person ("Open Meeting Law Notice"), submitted as Exhibit "1C"; and the certified mail receipt for service of the Open Meeting Law Notice, submitted as Exhibit "1D".

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 30th day of March 2023.

Martha Warachowski
MARTHA WARACHOWSKI
Declarant

EXHIBIT LIST

Exhibit No.	Title	Pages
1A	Petition and Notice	28
1B	Certified Mail Receipt for service of the Petition and Notice	2
1C	Open Meeting Law Notice	2
1D	Certified Mail Receipt for service of the Open Meeting Law Notice	2

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EXHIBIT “1A”

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EXHIBIT “1A”

1 BEFORE THE STATE BOARD OF EDUCATION

2
3 JHONE EBERT, SUPERINTENDENT OF)
PUBLIC INSTRUCTION, DEPARTMENT)
4 OF EDUCATION, STATE OF NEVADA,)

CASE NO. 2023-4

5 Petitioner,)

6 v.)

7 BRANDON KALANI KOMATSU,)

8 Respondent.)
9

10 **PETITION AND RECOMMENDATION FOR REVOCATION OF LICENSE AND**
11 **NOTICE OF RIGHT TO HEARING**

12 Jhone Ebert, Superintendent of Public Instruction, Department of Education, State of Nevada
13 ("Petitioner"), hereby petitions the State Board of Education for the revocation of the teacher license
14 held by BRANDON KALANI KOMATSU ("Respondent"), issued by the Nevada Department of
15 Education. This Petition and Recommendation for Revocation of License and Notice of Right to
16 Hearing ("Petition and Recommendation") is supported by NRS 391.320, NRS 391.330, and the
17 following allegations:

18
19 **I. Jurisdiction**

20 Respondent was, at the relevant times mentioned in this Petition and Recommendation, the
21 holder of Provisional License No. 118039 issued by the Superintendent of Public Instruction,
22 Department of Education, State of Nevada, pursuant to the provisions of Chapter 391 of the Nevada
23 Revised Statutes (the "License"). Such License is as follows: 7-12 Provisional – Secondary/ 7-A
24 Provisional – Business and Industry. The License expired on September 30, 2020/ June 13, 2022. A
25 true and correct copy of the License is attached as Exhibit A.
26

27 Petitioner hereby files this Petition and Recommendation in her official capacity as
28 Superintendent of Public Instruction, Department of Education, State of Nevada. See NRS 391.322.

1 The State Board of Education may revoke or suspend Respondent's license, if recommended by the
2 Superintendent of Public Instruction or the Board of Trustees of a School District, after notice and
3 opportunity for hearing, based upon the NRS 391.330 grounds for suspension and revocation. See NRS
4 391.320; NRS 391.322; NRS 391.330.

5 **II. Factual Allegations**

6 According to the Indictment filed in the Eighth Judicial Court of the State of Nevada, in and for
7 Clark County, (a true and correct copy of which is attached as Exhibit B) on September 23, 2021,
8 Respondent did commit the crime of OPEN OR GROSS LEWDNESS IN THE PRESENCE OF A
9 CHILD OR VULNERABLE PERSON (Category D Felony – NRS 201.210(1)(c) – NOC 60689). This
10 crime was committed by Respondent as he willfully, unlawfully, feloniously commit an act of open or
11 gross lewdness in the presence of a child under the age of 18 years, or a vulnerable person as defined in
12 paragraph (a) of subsection 8 of NRS 200.5092, to wit: by showing A.F. pornographic images.
13

14 On or about September 29, 2021, Respondent entered into a Guilty Plea Agreement (a true and
15 correct copy of which is attached as Exhibit C) pleading guilty to the crime of OPEN OR GROSS
16 LEWDNESS IN THE PRESENCE OF A CHILD OR VULNERABLE PERSON (Category D Felony –
17 NRS 201.210(1)(c) – NOC 60689).
18

19 On or about February 11, 2022, the Eighth Judicial Court of the State of Nevada, in and for
20 Clark County, filed a Judgment of Conviction, convicting Respondent of the crime of OPEN OR
21 GROSS LEWDNESS IN THE PRESENCE OF A CHILD OR VULNERABLE PERSON (Category D
22 Felony – NRS 201.210(1)(c) – NOC 60689). A true and correct copy of the Judgment of Conviction is
23 attached hereto as Exhibit D and is fully incorporated herein.
24

25 According to the Judgment of Conviction, the Court sentenced Respondent to imprisonment in
26 the Nevada Department of Corrections for a minimum of twelve (12) months and a maximum of forty
27 eight(48) months for the crime of OPEN OR GROSS LEWDNESS IN THE PRESENCE OF A CHILD
28

1 OR VULNERABLE PERSON (Category D Felony – NRS 201.210(1)(c) – NOC 60689).

2 In addition, according to the Judgment of Conviction, the Court suspended the prison sentence
3 and admitted Respondent to probation for a period not to exceed five (5) years and included the
4 following special conditions:

- 5 1. Respondent must comply with all standard conditions of probation;
- 6 2. Respondent must have no contact with Matthew Orlando;
- 7 3. Respondent must comply with the special conditions of NRS 176A.410; and
- 8 4. Per NRS 179D.460, Respondent must register as a sex offender within 48 hours of
9 sentencing or release from custody.

11 **III. Legal Allegations**

12 NRS 391.330(1), states as follows in pertinent part:

- 13 (a) Unprofessional conduct.
- 14 (b) Immorality, as defined in NRS 391.650.
- 15 (c) Evident unfitness for service.
- 16 ...
- 17
- 18 (e) Conviction of a felony or crime involving moral turpitude

19 By committing the acts that constituted the crime of OPEN OR GROSS LEWDNESS IN THE
20 PRESENCE OF A CHILD OR VULNERABLE PERSON (Category D Felony – NRS 201.210(1)(c) –
21 NOC 60689) and being convicted of said offense, Respondent has subjected his license to revocation or
22 suspension by violation of the following:

- 23 (1) NRS 391.330(1)(a) Unprofessional conduct;
- 24 (2) NRS 391.330(1)(b) Immorality, as defined in NRS 391.650;
- 25 (3) NRS 391.330(1)(c) evident unfitness for service; and
- 26 (4) NRS 391.330(1)(e) Conviction of a felony or a crime involving moral turpitude.
- 27
- 28

1 **IV. Notice of Right to Hearing**

2 Respondent is hereby given notice of the recommendation by the Superintendent of Public
3 Instruction for the revocation of his license. The protocol and procedure for the suspension or
4 revocation of a license are set forth in NRS 391.320 to 391.361, inclusive. Respondent has the right to a
5 hearing on this Petition and Recommendation before a hearing officer, who will be selected pursuant to
6 NRS 391.322, to answer the allegations of the Petition and Recommendation and to present evidence
7 and argument on all issues involved, either personally or through an attorney.
8

9 If Respondent desires a hearing before a hearing officer, he must file a written request within
10 **fifteen (15) days** from the receipt of this Petition and Recommendation as provided in NRS 391.322.
11 Respondent's request should be addressed to the Superintendent of Public Instruction, Nevada
12 Department of Education, 700 East 5th Street, Carson City, Nevada, 89701-5096. If Respondent
13 requests a hearing, a hearing officer will be selected pursuant to NRS 391.322, and that hearing officer
14 will notify Respondent, in writing, of the time and location of the hearing not less than ten (10) days
15 before the hearing. If Respondent requests a hearing and a hearing officer is selected, the procedures for
16 the suspension or revocation of licenses found in NAC 391.500 to 391.555, inclusive, will be followed
17 as appropriate. Pursuant to NAC 391.507, "[n]ot later than ten (10) days after a hearing officer is
18 selected pursuant to NRS 391.322, the holder of the license shall submit to the hearing officer an
19 answer to the allegations set forth" in this Petition and Recommendation. If no request for a hearing is
20 filed within the time specified, the State Board of Education may suspend or revoke Respondent's
21 license or take no action on the recommendation.
22
23

24 WHEREFORE, Petitioner prays that the State Board of Education issue its decision to revoke
25 Respondent's license.

26 DATED: January 31, 2023

27
28 AARON D. FORD

Attorney General

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By: /s/ David M. Gardner
DAVID M. GARDNER
Senior Deputy Attorney General
555 E. Washington Ave., Suite 3900
Las Vegas, Nevada 89101
(702) 486-5714
Attorneys for the State of Nevada,
Department of Education

EXHIBIT LIST

Exhibit No.	Title	Pages
A	Respondent's License	1
B	Indictment	2
C	Guilty Plea Agreement	9
D	Judgment of Conviction	6

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EXHIBIT “A”

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EXHIBIT “A”

State of Nevada

License for Educational Personnel

License No. 118039

This License Certifies That

Brandon K Komatsu

Has complied with the prescribed rules and regulations of the Commission on Professional Standards in Education and that the Superintendent of Public Instruction has granted this license which authorizes the holder to provide service in the schools of the State of Nevada in the following areas :

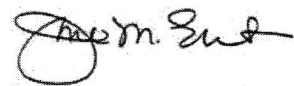
License	Grade Level	Original Endorsement Issue Date	Endorsements	License Issue Date	Expiration Date
Provisional - Secondary	7-12	08/16/2017	English	08/16/2017	09/30/2020
Provisional - Business and Industry	7-A	06/13/2019	Business Management	06/13/2019	06/13/2022

Provisions to be satisfied

Provisions	Required Due Date
Business Management - Three (3) semester credits or equivalent PD in career development and work-based learning.	06/13/2022
Business Management - Three (3) semester credits or equivalent PD in CTE student organization and management.	06/13/2022
Three (3) semester credits in a course on Parent Involvement and Family Engagement that has been approved by the Department and is consistent with NRS 392.457.	09/30/2020

Renewal Requirements

Renewal Requirements	Required Due Date
You may apply for a standard license once all outstanding provisions have been satisfied.	09/30/2020

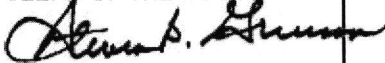


State Superintendent of Public Instruction

EXHIBIT “B”

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EXHIBIT “B”



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INFM
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
WILLIAM CHARLES ROWLES
Chief Deputy District Attorney
Nevada Bar #013577
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**I.A. 09/30/2021
12:00 PM
MICELI**

THE STATE OF NEVADA,

Plaintiff,

-vs-

BRANDON KALANI KOMATSU,
#8523741

Defendant.

CASE NO: **C-21-359271-1**

DEPT NO: **VI**

INFORMATION

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That **BRANDON KALANI KOMATSU**, as Defendant above named, has committed the crime of **OPEN OR GROSS LEWDNESS IN THE PRESENCE OF A CHILD OR VULNERABLE PERSON (Category D Felony - NRS 201.210(1)(c) - NOC 60689)** in the manner following:

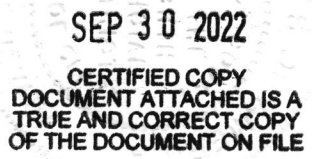
That on or between March 7, 2020 and March 11, 2020, at and within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

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1 Defendant did willfully, unlawfully and feloniously commit an act of open or gross lewdness
2 in the presence of a child under the age of 18 years, or a vulnerable person as defined in
3 paragraph (a) of subsection 8 of NRS 200.5092, to wit: A.F., by showing A.F. pornographic
4 images.

5
6 

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565



9 BY /s/ William Charles Rowles
WILLIAM CHARLES ROWLES
Chief Deputy District Attorney
Nevada Bar #013577

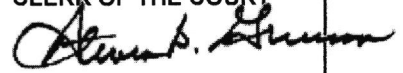
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EXHIBIT “C”

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EXHIBIT “C”



1 **GPA**
2 **STEVEN B. WOLFSON**
3 Clark County District Attorney
4 Nevada Bar #001565
5 **WILLIAM CHARLES ROWLES**
6 Chief Deputy District Attorney
7 Nevada Bar #013577
8 200 Lewis Avenue
9 Las Vegas, NV 89155-2212
10 (702)671-2500
11 Attorney for Plaintiff

7 **DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**

9 THE STATE OF NEVADA,
10
11 Plaintiff,

12 -vs-

13 **BRANDON KALANI KOMATSU,**
14 **#8523741**

15 Defendant.

CASE NO: C-21-359271-1

DEPT NO: VI

16 **GUILTY PLEA AGREEMENT**

17 I hereby agree to plead guilty, pursuant to North Carolina v. Alford, 400 U.S. 25 (1970),
18 to: **OPEN OR GROSS LEWDNESS IN THE PRESENCE OF A CHILD OR**
19 **VULNERABLE PERSON (Category D Felony - NRS 201.210(1)(c) - NOC 60689)** as more
20 fully alleged in the charging document attached hereto as Exhibit "1".

21 My decision to plead guilty is based upon the Alford plea agreement in this case which
22 is as follows:

23 Provided that I am not deemed a high risk to reoffend pursuant to the psychosexual
24 evaluation, the State will not oppose my being granted probation at the rendition of sentence.
25 All remaining counts contained in the Criminal Complaint which were bound over to District
26 Court shall be dismissed when I am adjudged guilty and sentenced. Both parties waive any
27 and all defects in the pleadings.

28 //

1 I agree to the forfeiture of any and all electronic storage devices, computers, and/or
2 related equipment and/or weapons or any interest in any electronic storage devices, computers
3 and/or related equipment and/or weapons seized and/or impounded in connection with the
4 instant case and/or any other case negotiated in whole or in part in conjunction with this plea
5 agreement.

6 I understand and agree that, if I fail to interview with the Department of Parole and
7 Probation (P&P), fail to appear at any subsequent hearings in this case, or an independent
8 magistrate, by affidavit review, confirms probable cause against me for new criminal charges
9 including reckless driving or DUI, but excluding minor traffic violations, the State will have
10 the unqualified right to argue for any legal sentence and term of confinement allowable for the
11 crime(s) to which I am pleading guilty, including the use of any prior convictions I may have
12 to increase my sentence as an habitual criminal to five (5) to twenty (20) years, Life without
13 the possibility of parole, Life with the possibility of parole after ten (10) years, or a definite
14 twenty-five (25) year term with the possibility of parole after ten (10) years.

15 Otherwise I am entitled to receive the benefits of these negotiations as stated in this
16 plea agreement.

17 CONSEQUENCES OF THE PLEA

18 By pleading guilty pursuant to the Alford decision, it is my desire to avoid the
19 possibility of being convicted of more offenses or of a greater offense if I were to proceed to
20 trial on the original charge(s) and of also receiving a greater penalty. I understand that my
21 decision to plead guilty by way of the Alford decision does not require me to admit guilt, but
22 is based upon my belief that the State would present sufficient evidence at trial that a jury
23 would return a verdict of guilty of a greater offense or of more offenses than that to which I
24 am pleading guilty.

25 I understand that in pleading guilty by way of the Alford decision, I am not contesting
26 the facts which support all the elements of the offense(s) to which I now plead as set forth in
27 Exhibit "1."

28 //

1 I understand that as a consequence of my plea of guilty by way of the Alford decision
2 the Court must sentence me to imprisonment in the Nevada Department of Corrections for a
3 minimum term of not less than one (1) year and a maximum term of not more than four (4)
4 years. The minimum term of imprisonment may not exceed forty percent (40%) of the
5 maximum term of imprisonment. I understand that I may also be fined up to \$5,000.00. I
6 understand that the law requires me to pay an Administrative Assessment Fee.

7 I understand that pursuant to NRS 176.139 and my plea of guilty to a sexual offense for
8 which the suspension of sentence or the granting of probation is permitted, P&P shall arrange
9 for a psychosexual evaluation as part of the Division's presentence investigation and report
10 (PSI) to the court.

11 I understand that I am not eligible for probation pursuant to NRS 176A.110 unless the
12 psychosexual evaluation certifies that I do not represent a high risk to reoffend based upon a
13 currently accepted standard of assessment. I understand that, except as otherwise provided by
14 statute, the question of whether I receive probation is in the discretion of the sentencing judge.

15 I understand that, before I am eligible for parole a panel consisting of the Administrator
16 of the Mental Health and Developmental Services of the Department of Human Resources or
17 his designee; the Director of the Department of Corrections or his designee; and a psychologist
18 licensed to practice in this state or a psychiatrist licensed to practice medicine in this state
19 certifies that I was under observation while confined in an institution of the department of
20 corrections and that I do not represent a high risk to reoffend based upon a currently accepted
21 standard of assessment.

22 I understand that the Court will include as part of my sentence, in addition to any other
23 penalties provided by law, pursuant to NRS 179D.441 to 179D.550, inclusive, I must register
24 as a sex offender within forty-eight (48) hours of release from custody onto probation or parole.

25 I understand that I must submit to blood and/or saliva tests under the direction of P&P
26 to determine genetic markers and/or secretor status.

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1 I understand that, if appropriate, I will be ordered to make restitution to the victim of
2 the offense(s) to which I am pleading guilty and to the victim of any related offense which is
3 being dismissed or not prosecuted pursuant to this agreement.

4 I understand that information regarding charges not filed, dismissed charges, or charges
5 to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

6 I have not been promised or guaranteed any particular sentence by anyone. I know that
7 my sentence is to be determined by the Court within the limits prescribed by statute.

8 I understand that if my attorney or the State of Nevada or both recommend any specific
9 punishment to the Court, the Court is not obligated to accept the recommendation.

10 I understand that if the State of Nevada has agreed to recommend or stipulate a
11 particular sentence or has agreed not to present argument regarding the sentence, or agreed not
12 to oppose a particular sentence, such agreement is contingent upon my appearance in court on
13 the initial sentencing date (and any subsequent dates if the sentencing is continued). I
14 understand that if I fail to appear for the scheduled sentencing date or I commit a new criminal
15 offense prior to sentencing the State of Nevada would regain the full right to argue for any
16 lawful sentence.

17 I understand if the offense(s) to which I am pleading guilty to was committed while I
18 was incarcerated on another charge or while I was on probation or parole that I am not eligible
19 for credit for time served toward the instant offense(s).

20 I understand that P&P will prepare a report for the sentencing judge prior to sentencing.
21 This report will include matters relevant to the issue of sentencing, including my criminal
22 history. This report may contain hearsay information regarding my background and criminal
23 history. My attorney and I will each have the opportunity to comment on the information
24 contained in the report at the time of sentencing. Unless the District Attorney has specifically
25 agreed otherwise, then the District Attorney may also comment on this report.

26 WAIVER OF RIGHTS

27 By entering my plea of guilty, I understand that I am waiving and forever giving up the
28 following rights and privileges:

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1. The constitutional privilege against self-incrimination, including the right to refuse to testify at trial, in which event the prosecution would not be allowed to comment to the jury about my refusal to testify.
2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an attorney, either appointed or retained. At trial the State would bear the burden of proving beyond a reasonable doubt each element of the offense(s) charged.
3. The constitutional right to confront and cross-examine any witnesses who would testify against me.
4. The constitutional right to subpoena witnesses to testify on my behalf.
5. The constitutional right to testify in my own defense.
6. The right to appeal the conviction with the assistance of an attorney, either appointed or retained, unless specifically reserved in writing and agreed upon as provided in NRS 174.035(3). I understand this means I am unconditionally waiving my right to a direct appeal of this conviction, including any challenge based upon reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings as stated in NRS 177.015(4). However, I remain free to challenge my conviction through other post-conviction remedies including a habeas corpus petition pursuant to NRS Chapter 34.

VOLUNTARINESS OF PLEA

I have discussed the elements of all of the original charge(s) against me with my attorney and I understand the nature of the charge(s) against me.

I understand that the State would have to prove each element of the charge(s) against me at trial.

I have discussed with my attorney any possible defenses, defense strategies and circumstances which might be in my favor.

All of the foregoing elements, consequences, rights, and waiver of rights have been thoroughly explained to me by my attorney.

I believe that pleading guilty and accepting this plea bargain is in my best interest, and that a trial would be contrary to my best interest.

I am signing this agreement voluntarily, after consultation with my attorney, and I am not acting under duress or coercion or by virtue of any promises of leniency, except for those set forth in this agreement.

1 I am not now under the influence of any intoxicating liquor, a controlled substance or
2 other drug which would in any manner impair my ability to comprehend or understand this
3 agreement or the proceedings surrounding my entry of this plea.

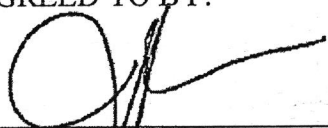
4 My attorney has answered all my questions regarding this guilty plea agreement and its
5 consequences to my satisfaction and I am satisfied with the services provided by my attorney.

6 DATED this 29 day of September, 2021.

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BRANDON KALANI KOMATSU
Defendant

AGREED TO BY:


WILLIAM CHARLES ROWLES
Chief Deputy District Attorney
Nevada Bar #013577

1 CERTIFICATE OF COUNSEL:


2 I, the undersigned, as the attorney for the Defendant named herein and as an officer of
3 the court hereby certify that:

- 4 1. I have fully explained to the Defendant the allegations contained in the
5 charge(s) to which guilty pleas are being entered.
- 6 2. I have advised the Defendant of the penalties for each charge and the
7 restitution that the Defendant may be ordered to pay.
- 8 3. I have inquired of Defendant facts concerning Defendant's immigration
9 status and explained to Defendant that if Defendant is not a United States
10 citizen any criminal conviction will most likely result in serious negative
11 immigration consequences including but not limited to:
- 12 a. The removal from the United States through deportation;
 - 13 b. An inability to reenter the United States;
 - 14 c. The inability to gain United States citizenship or legal residency;
 - 15 d. An inability to renew and/or retain any legal residency status;
and/or
 - 16 e. An indeterminate term of confinement, by with United States
17 Federal Government based on the conviction and immigration
18 status.

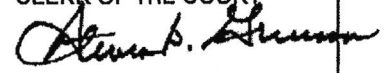
19 Moreover, I have explained that regardless of what Defendant may have
20 been told by any attorney, no one can promise Defendant that this
21 conviction will not result in negative immigration consequences and/or
22 impact Defendant's ability to become a United States citizen and/or legal
23 resident.

- 24 4. All pleas of guilty offered by the Defendant pursuant to this agreement
25 are consistent with the facts known to me and are made with my advice
26 to the Defendant.
- 27 5. To the best of my knowledge and belief, the Defendant:
- 28 a. Is competent and understands the charges and the consequences
of pleading guilty as provided in this agreement,
 - b. Executed this agreement and will enter all guilty pleas pursuant
hereto voluntarily, and
 - c. Was not under the influence of intoxicating liquor, a controlled
substance or other drug at the time I consulted with the Defendant
as certified in paragraphs 1 and 2 above.

Dated: This 29 day of September, 2021.


MICHAEL MICELI, ESQ.

hjc/SVU



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INFM
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
WILLIAM CHARLES ROWLES
Chief Deputy District Attorney
Nevada Bar #013577
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

I.A. 09/30/2021
12:00 PM
MICELI

THE STATE OF NEVADA,

Plaintiff,

-vs-

BRANDON KALANI KOMATSU,
#8523741

Defendant.

CASE NO: C-21-359271-1
DEPT NO: VI

INFORMATION

STATE OF NEVADA }
COUNTY OF CLARK } ss.

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That **BRANDON KALANI KOMATSU**, as Defendant above named, has committed the crime of **OPEN OR GROSS LEWDNESS IN THE PRESENCE OF A CHILD OR VULNERABLE PERSON (Category D Felony - NRS 201.210(1)(c) - NOC 60689)** in the manner following:

That on or between March 7, 2020 and March 11, 2020, at and within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

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EXHIBIT "1"

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Defendant did willfully, unlawfully and feloniously commit an act of open or gross lewdness in the presence of a child under the age of 18 years, or a vulnerable person as defined in paragraph (a) of subsection 8 of NRS 200.5092, to wit: A.F., by showing A.F. pornographic images.

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY /s/ William Charles Rowles
WILLIAM CHARLES ROWLES
Chief Deputy District Attorney
Nevada Bar #013577

21CRH000474/hjc/SVU
HPD EV#2005131

EXHIBIT “D”

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EXHIBIT “D”

Steven B. Wolfson
CLERK OF THE COURT

1 **JOC**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 200 Lewis Avenue
6 Las Vegas, Nevada 89155-2212
7 (702) 671-2500
8 Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

7 THE STATE OF NEVADA,
8
9 Plaintiff,

9 -vs-

CASE NO: **C-21-359271-1**

10 **BRANDON KALANI KOMATSU,**
11 **#8523741**

DEPT NO: **VI**

12 Defendant.

**JUDGMENT OF CONVICTION
(PLEA OF GUILTY)**

13
14
15 WHEREAS Defendant previously appeared before the Court with counsel and entered
16 a plea of guilty to the crime of **OPEN OR GROSS LEWDNESS IN THE PRESENCE OF**
17 **A CHILD OR VULNERABLE PERSON (Category D Felony - NRS 201.210(1)(c) - NOC**
18 **60689)**; thereafter, on the 27TH day of JANUARY, 2022, Defendant was present in court for
19 sentencing with counsel, KENDALL STONE, ESQ., and with good cause appearing,

20 **DEFENDANT WAS HEREBY ADJUDGED GUILTY** of said offense, and in
21 addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA analysis fee, including
22 testing to determine genetic markers, \$3.00 DNA Collection fee, Defendant SENTENCED to
23 a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of FORTY-EIGHT (48)
24 MONTHS in the Nevada Department of Corrections (NDC), SUSPENDED; placed on
25 PROBATION for an indeterminate period not to exceed FIVE (5) YEARS, the following
26 SPECIAL CONDITIONS are IMPOSED:

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- 1 1. Defendant is to comply with all STANDARD conditions of probation;
2 2. Have no contact with Matthew Orlando;
3 3. NRS 176A.410 Required terms and conditions for sex offenders; powers and duties
4 of court; exceptions:

5 1. Except as otherwise provided in subsection 6, if a defendant is convicted of a
6 sexual offense and the court grants probation or suspends the sentence, the court shall, in
7 addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of
8 probation or suspension of sentence that the defendant:

9 (a) Submit to a search and seizure of the defendant s person, residence or
10 vehicle or any property under the defendant s control, at any time of the day or night, without
11 a warrant, by any parole and probation officer or any peace officer, for the purpose of
12 determining whether the defendant has violated any condition of probation or suspension of
13 sentence or committed any crime.

14 (b) Reside at a location only if:

15 (1) The residence has been approved by the parole and probation
16 officer assigned to the defendant.

17 (2) If the residence is a facility that houses more than three persons
18 who have been released from prison, the facility is a facility for transitional living for released
19 offenders that is licensed pursuant to chapter 449 of NRS.

20 (3) The defendant keeps the parole and probation officer assigned
21 to the defendant informed of the defendant s current address.

22 (c) Accept a position of employment or a position as a volunteer only if
23 it has been approved by the parole and probation officer assigned to the defendant and keep
24 the parole and probation officer informed of the location of the defendant s position of
25 employment or position as a volunteer.

26 (d) Abide by any curfew imposed by the parole and probation officer
27 assigned to the defendant.

28 //

1 (e) Participate in and complete a program of professional counseling
2 approved by the Division.

3 (f) Submit to periodic tests, as requested by the parole and probation
4 officer assigned to the defendant, to determine whether the defendant is using a controlled
5 substance.

6 (g) Submit to periodic polygraph examinations, as requested by the parole
7 and probation officer assigned to the defendant.

8 (h) Abstain from consuming, possessing or having under the defendant's
9 control any alcohol.

10 (i) Not have contact or communicate with a victim of the sexual offense
11 or a witness who testified against the defendant or solicit another person to engage in such
12 contact or communication on behalf of the defendant, unless approved by the Chief Parole and
13 Probation Officer or the Chief Parole and Probation Officer's designee and a written agreement
14 is entered into and signed in the manner set forth in subsection 5.

15 (j) Not use aliases or fictitious names.

16 (k) Not obtain a post office box unless the defendant receives permission
17 from the parole and probation officer assigned to the defendant.

18 (l) Not have contact with a person less than 18 years of age in a secluded
19 environment unless another adult who has never been convicted of a sexual offense is present
20 and permission has been obtained from the parole and probation officer assigned to the
21 defendant in advance of each such contact.

22 (m) Unless approved by the parole and probation officer assigned to the
23 defendant and by a psychiatrist, psychologist or counselor treating the defendant, if any, not
24 knowingly be within 500 feet of any place, or if the place is a structure, within 500 feet of the
25 actual structure, that is designed primarily for use by or for children, including, without
26 limitation, a public or private school, a school bus stop, a center or facility that provides day
27 care services, a video arcade, an amusement park, a playground, a park, an athletic field or a
28 facility for youth sports, or a motion picture theater. The provisions of this paragraph apply

1 only to a defendant who is a Tier III offender.

2 (n) Comply with any protocol concerning the use of prescription
3 medication prescribed by a treating physician, including, without limitation, any protocol
4 concerning the use of psychotropic medication.

5 (o) Not possess any sexually explicit material that is deemed
6 inappropriate by the parole and probation officer assigned to the defendant.

7 (p) Not patronize a business which offers a sexually related form of
8 entertainment and which is deemed inappropriate by the parole and probation officer assigned
9 to the defendant.

10 (q) Not possess any electronic device capable of accessing the Internet
11 and not access the Internet through any such device or any other means, unless possession of
12 such a device or such access is approved by the parole and probation officer assigned to the
13 defendant.

14 (r) Inform the parole and probation officer assigned to the defendant if
15 the defendant expects to be or becomes enrolled as a student at an institution of higher
16 education or changes the date of commencement or termination of the defendant's enrollment
17 at an institution of higher education. As used in this paragraph, institution of higher education
18 has the meaning ascribed to it in NRS 179D.045.

19 2. Except as otherwise provided in subsection 6, if a defendant is convicted of
20 an offense listed in subsection 6 of NRS 213.1255 against a child under the age of 14 years,
21 the defendant is a Tier III offender and the court grants probation or suspends the sentence of
22 the defendant, the court shall, in addition to any other condition ordered pursuant to subsection
23 1, order as a condition of probation or suspension of sentence that the defendant:

24 (a) Reside at a location only if the residence is not located within 1,000 feet of any place, or if
25 the place is a structure, within 1,000 feet of the actual structure, that is designed primarily for
26 use by or for children, including, without limitation, a public or private school, a school bus
27 stop, a center or facility that provides day care services, a video arcade, an amusement park, a
28 playground, a park, an athletic field or a facility for youth sports, or a motion picture theater.

1 (b) As deemed appropriate by the Chief Parole and Probation Officer, be
2 placed under a system of active electronic monitoring that is capable of identifying the
3 defendant s location and producing, upon request, reports or records of the defendant s
4 presence near or within a crime scene or prohibited area or the defendant s departure from a
5 specified geographic location.

6 (c) Pay any costs associated with the defendant s participation under the
7 system of active electronic monitoring, to the extent of the defendant s ability to pay.

8 3. A defendant placed under the system of active electronic monitoring pursuant
9 to subsection 2 shall:

10 (a) Follow the instructions provided by the Division to maintain the
11 electronic monitoring device in working order.

12 (b) Report any incidental damage or defacement of the electronic
13 monitoring device to the Division within 2 hours after the occurrence of the damage or
14 defacement.

15 (c) Abide by any other conditions set forth by the Division with regard to
16 the defendant s participation under the system of active electronic monitoring.

17 4. Except as otherwise provided in this subsection, a person who intentionally
18 removes or disables or attempts to remove or disable an electronic monitoring device placed
19 on a defendant pursuant to this section is guilty of a gross misdemeanor. The provisions of this
20 subsection do not prohibit a person authorized by the Division from performing maintenance
21 or repairs to an electronic monitoring device.

22 5. A written agreement entered into pursuant to paragraph (i) of subsection 1
23 must state that the contact or communication is in the best interest of the victim or witness,
24 and specify the type of contact or communication authorized. The written agreement must be
25 signed and agreed to by:

26 (a) The victim or the witness;

27 (b) The defendant;

28 (c) The parole and probation officer assigned to the defendant;

1 (d) The psychiatrist, psychologist or counselor treating the defendant,
2 victim or witness, if any;

3 (e) If the victim or witness is a child under 18 years of age, each parent,
4 guardian or custodian of the child; and

5 (f) The Chief Parole and Probation Officer or the Chief Parole and
6 Probation Officer s designee.

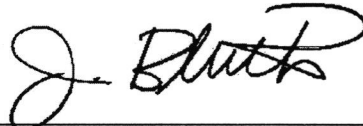
7 6. The court is not required to impose a condition of probation or suspension of
8 sentence listed in subsections 1 and 2 if the court finds that extraordinary circumstances are
9 present and the court enters those extraordinary circumstances in the record.

10 7. As used in this section, sexual offense has the meaning ascribed to it in NRS
11 179D.097. (Added to NRS by 1997, 1667; A 2001, 2051; 2003, 566; 2005, 2862; 2007, 1916,
12 2749, 3246; 2009, 1293)


13 **COURT FURTHER ORDERED** to REGISTER as a sex offender in accordance with
14 NRS 179D.460 with in FORTY-EIGHT (48) HOURS after any release from custody.

15 BOND, if any, EXONERATED.

16 Dated this 11th day of February, 2022

17 

18
19 DISTRICT COURT JUDGE
For SENIOR DISTRICT JUDGE
20 DAYD BARKER
Jacqueline M. Bluth
District Court Judge

21
22 

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24 SEP 30 2022

25 CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE DOCUMENT ON FILE

26 hjc/SVU

EXHIBIT “1B”

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EXHIBIT “1B”

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February 2, 2023, 1:11 am

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LAS VEGAS NV DISTRIBUTION CENTER
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EXHIBIT “1C”

**NOTICE OF INTENT TO CONSIDER CHARACTER, MISCONDUCT,
COMPETENCE OR HEALTH OF A PERSON. NRS 241.033**

STATE BOARD OF EDUCATION

700 E. Fifth Street
Carson City, NV 89701
Phone: (775) 687-9115

February 22, 2023

Via U.S. and Certified Mail

Brandon Komatsu
3150 Via Da Vinci
Henderson, NV 89044

**Re: Notice of meeting of the State Board of Education to consider
your character, alleged misconduct, competence, or health.**

Dear Mr. Komatsu:

In connection with your teacher license, on January 31, 2023, a Petition and Recommendation for Revocation of License and Notice of Right to Hearing (“Petition and Notice”) was filed with the State Board of Education (“Board”) and mailed to you via certificated mail. The Petition and Notice informed you of your right to request a hearing before a hearing officer by filing a written request within fifteen days from receipt of the Petition and Notice. Enclosed for your convenience is a copy of the Petition and Recommendation for Revocation of License.

As you have failed to request such a hearing, the Board will be requested to move forward with revocation of your license and may consider your character, alleged misconduct, competence, or health at its meeting on April 6, 2023. **The meeting will begin at 2:00 p.m. at 700 E. Fifth Street in Carson City, Nevada and 2080 E. Flamingo Rd, Suite 210, Las Vegas, Nevada.** The meeting is a public meeting, and you and/or your legal counsel are welcome to attend at either location. The Board may go into closed session or remain in an open meeting to consider the following general topics: your teacher license; the Petition and Notice; the Judgment of Conviction; and matters properly related thereto. You are welcome to attend the closed session and/or open meeting, have an attorney or other representative of your choosing present during the closed session and/or open meeting and present written evidence, provide testimony, and present witnesses relating to your character, alleged misconduct, professional competence, or physical or mental health.

Brandon Komatsu
February 22, 2023
Page 2

If the Board determines it necessary, after considering your character, alleged misconduct, professional competence, or physical or mental health, whether in a closed meeting or open meeting, it may also take administrative action against you at this meeting, which could include suspending or revoking your teacher license. This informational statement is in lieu of any notice that may be required pursuant to NRS 241.034.

This notice is provided to you under NRS 241.033 and NRS 241.034.

Sincerely,

/s/ Martha Warachowski
Martha Warachowski
Board Secretary

Enc.

EXHIBIT “1D”

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