

Life, Liberty and the Pursuit of Infamy

Special to BC Free*

Due process of law, and equal protection under the law, are two concepts that Boulder City's appointed and elected officials (and the people who pull their strings) have a real problem comprehending. It is more than just a matter of the selective application of the law, as in the case of the members of the petitioner's committees, who are being sued by the city because their actions offended some of Boulder City's elite moneyed minority. No, the problem is actually worse than that, because at the other extreme there are individuals who after betraying their office, and the public trust, are allowed to go unchallenged and unpunished.

Next Tuesday, on 8/24/10, Larry Markotay has a hearing date in the Henderson Justice Court. (1) The charges against Markotay include grand larceny of a firearm, burglary while in possession of a deadly weapon, and possession of stolen property. The charges arose from evidence that was recovered during the investigation of Markotay's DUI/crash/fleeing the scene of an accident on the evening of Monday, 2/22/10. Markotay was arrested that evening, and again on the evening of Wednesday, 3/10/10. Search warrants were served at Markotay's residence, storage units he rented, and the Boulder Township Constable's office on 3/11/10.

What I would like to know is why Markotay is not being prosecuted for DUI and fleeing the scene of an accident? This is not the first time that Markotay has been caught by the BCPD while intoxicated and in the act of doing something that should have been treated as a crime. I became suspicious after reading the press releases issued on the Markotay matter by the BCPD. Those press releases are still available on the city's website. They were issued on 2/23, 3/11 and 3/15. Since 5/1/02, when Markotay became the city's Code Enforcement Officer, that employment has taken up most of his time and provided most of his income. None of the city's press releases in any way acknowledge Markotay as a city employee.

On 3/17/10, after confirming with the city that Markotay had been placed on leave from his city job, I called the Boulder City Municipal Court and asked when Markotay's DUI was scheduled for hearing. I was told that the hearing date was 5/13/10. On 5/12/10 I personally visited our muni court and asked for a copy of the court docket on Markotay's DUI. The clerk told me that there was nothing on record in the matter. I had already spoken with the clerks at the Boulder Township Justice Court and they were the ones who referred me to the muni court. I have since contacted City Attorney Olsen who advises me that he is not handling the matter. I have also spoken with the deputy district attorney prosecuting the burglary/stolen property case and he knew nothing of any DUI case against Markotay.

I have attached a copy of the affidavit that was submitted to the court in support of the application for the warrant that resulted in Markotay's arrest on 3/10/10. The blacked out portions contained information that was removed by the court. (The process is known as redacting.) Pay particular attention to the first paragraph and the description of Markotay's actions on the evening of 9/26/09. Contrast Markotay's treatment to that received by Karla Burton, who was arrested for DUI while her vehicle was parked on private property. On 9/29/09, three days after Markotay's misadventure, Mrs. Burton appeared in court for her first post-sentencing hearing. Sandra Reuther posted the RJ article on the BC Forum on 9/30/09. It is still available there and very much worth reading. The question uppermost in my mind is not how something like this happened, but rather, how it has continued for so long? More to follow.

(1) You can follow the progress of Markotay's criminal case by accessing his docket online at the Henderson Justice Court. It sometimes takes the court a few days to update its online records. Cut and past the following address into your browser window to view Markota's information:

http://cvpublicaccess.co.clark.nv.us/pa/pages/CRTVCaseSummary.jsp?case_id=4216009

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