



STATE OF NEVADA

**ADVISORY COUNCIL FOR PROSECUTING ATTORNEYS**

CATHERINE CORTEZ MASTO  
*Council Chair*

5420 Kietzke Lane, Suite 202  
Reno, Nevada 89511

BRETT KANDT  
*Executive Director*

Telephone (775) 688-1966 • Facsimile (775) 688-1822  
Website: <http://nvpac.state.nv.us>  
E-Mail: [bkandt@ag.nv.gov](mailto:bkandt@ag.nv.gov)

**MINUTES**  
**ADVISORY COUNCIL for PROSECUTING ATTORNEYS**

Minutes of the January 19, 2011, meeting of the  
State of Nevada Advisory Council for Prosecuting Attorneys -

held at the Office of the Attorney General - Mock Courtroom  
100 N. Carson Street, Carson City, Nevada 89701-4717

with Videoconference access to the Office of the Attorney General  
Grant Sawyer Building, 555 East Washington Avenue, Suite 3315  
Las Vegas, Nevada 89101

**I. Call to Order and Roll Call.** Council Chairman Masto called the January 19, 2011, meeting of the Advisory Council to order at 10:30 AM.

Members Present:

Catherine Cortez Masto, Chairman  
Arthur Mallory, Vice Chairman  
Richard Gammick  
Doug Gillespie (represented by Charlotte Bible pursuant to NRS 241A.050(2))  
Elizabeth Quillin  
David Roger  
Brett Kandt, Executive Director (recording secretary)

Member Absent:

Brad Jerbic

Other Attendees:

See attached sign-in sheet

**II. Approval of Minutes.** Upon a motion by Dick Gammick, seconded by Art Mallory and carried unanimously, the Council approved the July 28, 2010, meeting minutes. Upon a motion by Dick Gammick, seconded by Art Mallory and carried unanimously, the Council approved the September 9, 2010, meeting minutes.

**III. Chairperson's Report.** Chairman Masto asked everyone in attendance to introduce themselves, welcomed the newly-elected district attorneys, and stated that her office was available to assist whenever necessary.

**IV. Discussion with Dick Clark, Executive Director, Nevada Commission on Peace Officer Standards and Training, regarding voluntary relinquishment of a peace officer's basic certificate as part of the plea bargaining process in criminal prosecutions.** Mr. Clark discussed the issue of decertifying officers for a criminal conviction pursuant to NAC 289.290 and proposed the voluntary relinquishment of a peace officer's basic certificate as part of the plea bargaining process.

**V. Executive Director's Report.** Executive Director Brett Kandt reported as follows:

**A. Budget status and expenditures – B/A 1041.** Kandt referred to the most recent budget status report and reported that revenues are falling short of projections.

**B. 2011 NVPAC events calendar.** Kandt reported that events currently scheduled include:

- 2011 Nevada Government Civil Attorneys Conference – May 11-13, South Lake Tahoe
- 2011 Nevada Prosecutors Conference – September 14-16, South Lake Tahoe

**C. Grant funding for training and technical assistance.** Kandt reported that current available grant funding for prosecutor training includes:

- Nevada Office of Traffic Safety Project No. 29-K8-18-13 - \$7,500.00 (prosecutor training)
- Violence Against Women STOP Subgrant No. 2010-STOP-47 - \$12,000.00 (criminal justice training)
- Capital Litigation Improvement Initiative Training and Technical Assistance Award #2005-DD-BX-K182 - \$15,597.88 (residual funding from the 2007 Regional Capital Litigation Seminar)

**VI. Discussion and possible action on the Council's positions on bills and bill draft requests for the 76<sup>th</sup> (2011) Nevada Legislative Session, including without limitation:**

**A. BDR 40-648 - Requires products containing ephedrine, pseudoephedrine and phenylpropanolamine to be dispensed by prescription only unless the product is formulated to prevent conversion to methamphetamine.** The Council listened to a presentation from Caron City District Attorney Neil Rombardo in support of BDR 40-0648, requested by Senator Sheila Leslie. Charlotte Bible indicated there was no evidence of smurfing in Clark County. The Council discussed whether the issues of 1) the availability of comparable non-prescription medications and 2) possible federal preemption.

**B. Any bill or bill draft request listed on the Nevada Legislature website.** Kandt identified BDR's of possible interest, including bills in the Attorney General's legislative package and legislative proposals under consideration by the Las Vegas Metro Police Department and the Nevada Sheriffs' and Chiefs' Association. Dick Gammick indicated several BDR's involving CCW. The Council directed Kandt to disseminate his BDR's watch list.

**VII. Discussion of recent court rulings.** No discussion.

**VIII. Discussion and possible action on the Council's position on the Nevada Supreme Court ADKT No. 411 regarding indigent defense.** Dick Gammick reported that a Court order was pending establishing the definition of a "case".

**IX. Discussion and possible action on the Council's positions on recommendations from the Nevada Advisory Commission on the Administration of Justice or its subcommittees.** Chairman Masto reported that the Commission had submitted several BDRs. David Roger reported that the Reclassification of Crimes subcommittee had no recommendations, but that the Chairman of the Commission submitted a BDR to extend the AB 510 credit to certain category B felonies.

**X. Discussion and possible action on the Council's position on recommendations from the Attorney General's Working Group on the Nevada Open Meeting Law.** Chairman Masto reported that this working group's proposals for amending the open meeting law were submitted in AB 59 by her office. Mark Jackson indicated his concerns with agendizing Attorney General opinions of a violation and the lack of definitions for "deliberate" and "corrective action" and the proposed definition of "public body". Daniel Hooge indicated his concern with imputing violations on an entire public body. Chairman Masto indicated that all concerns would be taken into consideration.

**XI. Discussion and possible action on the Council's recommendations for the John R. Justice Grant (JRJ) Program (42 U.S.C. §3797cc-21) providing loan repayment assistance for eligible state and local prosecutors and public defenders.** Kandt reported that the State Public Defender was designated the agency for administration of this program in Nevada, but that no action has been taken on program implementation.

**XII. Discussion and possible action on the Council's position on Nevadans for Sensible Marijuana Laws ballot initiative petition to establish a regulated market for marijuana, including, without limitation, prosecutor collaboration with community coalitions and law enforcement agencies to disseminate information on the consequences of marijuana legalization.** Brett Kandt reported on the State Marijuana Summit sponsored by the state's Community Coalitions on January 14 and will disseminate the resource materials when they become available.

**XIII. Report on Governor's Working Group on Methamphetamine Use.** Chairman Masto reported that a proposal to establish a permanent entity to address substance abuse issues was submitted in AB 61 by her office.

**XIV. Report on Nevada Impaired Driving Advisory Coalition.** Kandt reported that the Coalition's proposal to require BAC testing of all drivers involved in accidents resulting in a fatality was submitted in SB 42 by the Attorney General's office.

**XV. Report on Nevada Domestic Violence Prevention Council.** Chairman Masto reported that Mark Jackson was the newest Council member.

**XVI. Council Comments.** Richard Gammick reported that the future status of the Governor's Crime Commission was yet to be determined. Art Mallory reported that rural counties had serious concerns about unfunded mandates.

**XVII. Time and Location of Next Meeting.** Upon a motion by Richard Gammick, seconded by Art Mallory, and carried unanimously, Council instructed the Executive

Director to coordinate a meeting date in conjunction with the next meeting of the Nevada District Attorneys Association.

**XVIII. Public Comment.** Brian Kunzi requested any information on the various statutory reporting requirements imposed upon district attorneys including any imposed pursuant to NRS 218E.305 or by CJIS. Brett Kandt will disseminate information on statutory reporting requirements.

**XIX. Adjournment.** The Council adjourned without motion at 12:05 PM.

#### **CERTIFICATION OF SECRETARY**

I, Brett Kandt, the duly appointed secretary of the State of Nevada Advisory Council for Prosecuting Attorneys, do hereby certify that the foregoing is a true and correct copy of the minutes of the January 19, 2011, meeting of the Advisory Council, as approved by the Advisory Council on \_\_\_\_\_, 2011.

---

Brett Kandt  
Secretary  
State of Nevada  
Advisory Council for Prosecuting Attorneys