**MEETING MINUTES**

**Date and Time:** November 10, 2020, 10:00 AM

**Location:** *Pursuant to the Governor’s Emergency Directive 006, as extended, there will be no physical location for this meeting. This meeting*

*can be viewed on YouTube. The link will not go live until 10:00 am*

<https://www.youtube.com/channel/UCF8zpKli9VhMDNVq_GsEYuQ/live>

**Members PRESENT:**

Governor Steve Sisolak

Secretary of State Barbara Cegavske – on the phone

Attorney General Ford – on the phone

**STAFF PRESENT:**

Susan Brown, Clerk of the Board

Dale Ann Luzzi, Board Secretary

Rosalie Bordelove, Board Counsel

**Others Present (by phone):**

Patricia Adkisson, Member of the Public

1. **Call to Order / Roll Call**

**Governor:** I would like to call to order today’s meeting of the State of Nevada Board of Examiners for Tuesday, November 10, 2020, to order. If I could ask for a roll call, please?

**Board Secretary:** Governor Sisolak.

**Governor:** Here.

**Board Secretary:** Secretary of State Cegavske.

**Secretary of State:** I’m here.

**Board Secretary:** Attorney General Ford.

**Attorney General:** I’m here as well.

**Board Secretary:** Let the record reflect we have a quorum.

**Governor:** Thank you. We do have a quorum.

1. **Public Comment** **(The first public comment is limited to comments on items on the agenda. No action may be taken upon a matter raised under public comment period unless the matter itself has been specifically included on an agenda as an action item. The Chair of the Board will impose a time limit of three minutes).**

**Governor:** The second item is *Public Comment*. This is the time for public comment. Anyone wishing to address the Board on any item on today’s agenda, items on the agenda, please step forward and identify yourself for the record. Comments will be limited to three minutes.

I see we have no one in Las Vegas. There is no one in the room in Carson City except our incredible staff. Is anybody on the phone?

**Public Comment:** Patricia Adkisson (Attachment A and B)

**Governor:** Thank you very much for your comments. Do we have anyone else wishing to speak during public comment? That concludes public comment.

1. **Approval of the October 13, 2020 Minutes (For possible action)**

**Governor:**  Item 3, *Approval of the October 13, 2020 Minutes*.

**Secretary of State:** There were some recommendations from my staff and I think that your staff took all of them into consideration so, thank you. Move for approval.

**Governor:** We have a motion from Secretary Cegavske. Is there any discussion on the motion? All in favor, signify by saying aye. Are any opposed? The motion passes.

1. **Authorization for an Emergency Contract with a Current and/or a Former State Employee (For possible action)**

**Department of Employment, Training and Rehabilitation**

Pursuant to NRS 333.705, subsection 4, the Department seeks a favorable recommendation regarding the Department’s determination to use the emergency provision to contract with former employee Taci Lawson to perform administrative duties through Master Service Agreement #18404 between the Department of Administration, Purchasing Division and HAT Limited Partnership, dba Manpower.

Pursuant to NRS 333.705, subsection 4, the Department seeks a favorable recommendation regarding the Department’s determination to use the emergency provision to contract with former employee Maria Connie Morales to perform administrative duties through Master Service Agreement #18404 between the Department of Administration, Purchasing Division and HAT Limited Partnership, dba Manpower.

Pursuant to NRS 333.705, subsection 4, the Department seeks a favorable recommendation regarding the Department’s determination to use the emergency provision to contract with former employee Renee Weiland to perform administrative duties through Master Service Agreement #18404 between the Department of Administration, Purchasing Division and HAT Limited Partnership, dba Manpower.

**Governor:**  Item 4, *Authorization for an Emergency Contract with a Current and/or Former State Employee*.

**Clerk of the Board:** Item 4 contains three items from the Department of Employment, Training and Rehabilitation seeking favorable recommendation from the Board on their use of the emergency provisions to contract with three former employees. The Department contracted through Manpower with all three of these employees from October 5, 2020 to February 5, 2021. The former employees all retired within the last 24 months, which is requiring this action item on the agenda today. Are there any questions related to this item?

**Governor:** Do we have any questions on item 4? Is there a motion?

**Attorney General:** I’ll move approval.

**Governor:** We have a motion on the floor for approval. Is there any discussion on the motion? All in favor, signify by saying aye. Are any opposed? The motion passes unanimously.

1. **Approval of Proposed State Administration Manual (SAM) Changes (For possible action)**

Pursuant to NRS 353.040, the Governor’s Finance Office – Budget Division requests modifications to the policies and procedures of the State Board of Examiners adopted and collected in the following sections of the State Administrative Manual.

SAM Section 1300 – State Vehicles

SAM Section 1400 – Fleet Services Division

**Governor:** Item number 5, *Approval of Proposed State Administration Manual Changes*.

**Clerk of the Board:** Item number 5 is a request for approval to revise the State Administrative Manual, Section 1300, State Vehicles and Section 1400, Fleet Services Division. This request was put forward by the Department of Administration, Fleet Services Division as a result of a Legislative Counsel Bureau audit. The reason for these changes is to strengthen controls on agency usage of monthly rentals. The proposed change to Section 1400 is intended to clearly establish the roles and responsibilities of both Fleet Services and the using agencies. These changes also provide enforcement authority for Fleet services to improve compliance with required tracking and necessary maintenance. Additionally, Section 1300 is clarified to establish that it contains policies that pertain to all State vehicles, while SAM 1400 pertains to Fleet Services vehicles. Are there any questions on this item?

**Governor:** Do we have any questions on this item?

**Attorney General:** None here.

**Governor:** Do we have a motion?

**Attorney General:** Move approval.

**Governor:** We have a motion for approval on item number 5. Is there any discussion on the motion? All in favor, signify by saying aye. Are any opposed? The motion passes.

1. **Request for Approval of Payment for the Statutory Contingency Account (For possible action)**

Pursuant to NRS 41.950 and NRS 41.970, the Governor’s Finance Office requests the Board of Examiners to approve a payment of $2,850,000 from the Statutory Contingency Account, to Cathy Woods representing compensation for her wrongful conviction.

**Governor:**  Item number 6, *Request for Approval of Payment for the Statutory Contingency Account*.

**Clerk of the Board:** Item number 6 includes one request for compensation for wrongful conviction from the Statutory Contingency Account. The 2019 Legislature approved Assembly Bill 267 which provides compensation and other properly related matters to certain persons who were wrongfully convicted. The legislation requires a court to enter a Certification of Innocence and determine the proper amount of the award. On October 9, 2020 a Certificate of Innocence and an order granting monetary relief were granted to Ms. Cathy Woods by the Second Judicial Court. Pursuant to NRS 41.950 the amount of the award is $2,850,000. The current balance in the account is approximately $5.5 million. If this item is approved, the remaining amount would be approximately $2.7 million. Are there any questions on this item?

**Governor:** Do we have any questions on this item? This is a result of the last session.

**Secretary of State:** This is Barbara Cegavske. The only thing that I would ask is, I’m just concerned about not having enough money remaining in the fund for these large amounts that are granted. So, that’s my only concern about all of this.

**Governor:** No, that’s a good point. General Ford, do you know how many more are pending?

**Attorney General:** Yes, sir. I don’t know exactly how many are pending but I can say this, the calculation was made during the legislative session and my recollection is the intent was, to have in the Statutory Contingency Account, a sufficient amount to take us through a certain number of these and I think we are fine for now. Maybe next legislative session, if other exonerations come to light, then we may have to revisit this but I do believe, and I shouldn’t speak on behalf of GFO or other finance-related folks but I do believe we are in a good place right now to be able to pay future claims that are coming out of this, based on the claims that were outstanding.

**Governor:** Alright. Susan.

**Clerk of the Board:** Just for the Board’s information, we worked closely with the Attorney General’s Office and went to the Interim Finance Contingency Fund to replenish this account for any of these items that were expected to be paid out through the end of the legislative session and we will have a request to replenish this account based on what we know during the legislative session for future claims. We believe that we have enough to get us through the end of the legislative session at this point unless something else comes up that we weren’t expecting.

**Secretary of State:** My concern is that we’re in a real pickle with our budget the way it is right now and if you’re putting a bill requesting more money, that has me concerned as well. I just wanted it on the record that I am concerned about this money and just where are we getting it from?

**Clerk of the Board:** These funds come from the General Fund and when we replenish the Interim Finance Committee Contingency Account, the Statutory Contingency Account and the Stale Claims Account, that comes from savings that have been realized in prior fiscal years.

**Secretary of State:** I’ll be watching. Alright. Thanks.

**Governor:** Alright. Do we have a motion on this item?

**Attorney General:** I’ll move approval.

**Governor:** We have a motion for approval. Is there any discussion on that motion?

**Attorney General:** I just want to say, Mr. Governor, that this is yet another example of our State doing justice. It doesn’t always manifest itself in the conviction. Sometimes it manifests itself in an exoneration. The State was wrong in this instance and I’m glad to see that we’re able to offer some level of recompense to Ms. Woods for wrongful conviction and imprisonment.

**Governor:** Thank you, General Ford, and I agree. It can’t get her the time back, the 20 years, but it can certainly help her a little bit in the starting of a new life, so glad we’re able to do that.

Is there any further discussion on the motion? All in favor, signify by saying aye. Are any opposed? The motion passes unanimously.

1. [**Approval of Proposed Leases (For possible action)**](http://budget.nv.gov/uploadedFiles/budgetnvgov/content/Meetings/Board_of_Examiners/2020/11-10-2020_Agenda_Item_7_Leases_Summary.pdf)

**Governor:**  Item number 7, *Approval of Leases*.

**Clerk of the Board:** There are four leases on item 7 for approval by the Board today. Are there any questions on any of these items?

**Governor:** No, not from me but I want to again thank you for my briefings where all my questions are answered so we don’t have any at this meeting. It’s very helpful to me and I’m sure that the other Board Members feel the same way. Do we have any discussion on item number seven?

**Secretary of State:** No, but I want to echo what you said, Governor. Your staff is very, very, good at responding to us and we’re appreciative.

**Governor:** Thank you. Do we have a motion?

**Attorney General:** Move approval.

**Governor:** We have a motion on the floor. Is there any discussion on the motion? All in favor, signify by saying aye. Are any opposed? The motion passes.

1. [**Approval of Proposed Contracts (For possible action)**](http://budget.nv.gov/uploadedFiles/budgetnvgov/content/Meetings/Board_of_Examiners/2020/11-10-2020_Agenda_Item_8_Contracts_Summary.pdf)

**Governor:**  Item number 8, *Approval of Proposed Contracts*.

**Clerk of the Board:** There are 42 contracts in agenda item 8 for approval by the Board this morning. I would just note that Contract #7 with the Department of Veterans Services and Broadbent & Associates Inc. is contingent upon approval of an IFC work program; and the amount for contract #27, which is the Department of Public Safety, Fire Marshal’s Office and TS Hazmat Consulting Services LLC, was missing from the agenda. That amount is $627,028. Are there any questions on any of these items?

**Governor:** I do not have any. Does anybody have any questions on this?

**Attorney General:** None here.

**Governor:** Do we have a motion?

**Attorney General:** I move approval.

**Governor:** We have a motion on the floor. Is there any discussion on the motion? All in favor, signify by saying aye. Are any opposed? The motion passes.

1. [**Approval of Proposed Master Service Agreements (For possible action)**](http://budget.nv.gov/uploadedFiles/budgetnvgov/content/Meetings/Board_of_Examiners/2020/11-10-2020_Agenda_Item_9_MSA_Summary.pdf)

**Governor:**  Item number 9, *Approval of Proposed Master Service Agreements*.

**Clerk of the Board:** There are four Master Service Agreements in agenda item 9 for approval by the Board this morning. Are there any questions on any of these?

**Attorney General:** None here.

**Governor:** I have a question on MSA #2 with Allegiant Air. At one time, Barbara, you might remember this, I wasn’t here, there was also a contract with Southwest Airlines. Do you recall that?

**Secretary of State:** Yes, I do, sir.

**Governor:** Was that stopped for a reason or did they not want to renew it or what?

**Secretary of State:** Well, unfortunately, we had people that weren’t ethical in obtaining tickets for family members and friends and Southwest stopped doing that with us because of that activity and so that’s why they stopped it. It wasn’t anything other than we just had a problem. So, I’m hoping that people will understand that this is just for the elected people and I don’t know if there’s anything else in this statement that says anything else but I was happy to see that Allegiant Air went on because Southwest seems to be higher some days than others and so we’ve looked at both so, we’re happy that they’re both here and I hope that these agreements will go.

**Governor:** Susan.

**Clerk of the Board:** I would just like to clarify for the record that we do currently have a contract with Southwest Airlines. This is not an exclusive contract and we can now select either airline.

**Governor:** Okay, we have two now.

**Clerk of the Board:** That is correct.

**Governor:** Okay, great. Do we have a motion?

**Attorney General:** Move approval.

**Governor:** We have a motion for approval. Is there any discussion on the motion? All in favor, signify by saying aye. Are any opposed? The motion passes.

1. [**Information Item – Clerk of the Board Contracts**](http://budget.nv.gov/uploadedFiles/budgetnvgov/content/Meetings/Board_of_Examiners/2020/11-10-2020_Agenda_Item_10_Info_Contracts_Summary.pdf)

Pursuant to NRS 333.700, the Clerk of the Board may approve all contract transactions for amounts less than $50,000. Per direction from the August 13, 2013 meeting of the Board of Examiners, the Board wished to receive an informational item listing all approvals applicable to the new threshold ($10,000 - $49,999). Attached is a list of all applicable approvals for contracts and amendments approved from September 22, 2020 through October 19, 2020.

**Governor:**  Item number 10, *Clerk of the Board Contracts*, an information item.

**Clerk of the Board:** There are 49 contracts that were under the $50,000 threshold that were approved by the Clerk between September 22, 2020 and October 19, 2020. Are there any questions on any of these items?

**Governor:** None from me. Do we have any questions on this one? Hearing none.

1. **Public Comment (This public comment period is for any matter that is within the jurisdiction of the public body. No action may be taken upon a matter raised under public comment period unless the matter itself has been specifically included on an agenda as an action item. The Chair of the Board will impose a time limit of three minutes).**

**Governor:**  I’ll move on to item number 11, *Public Comment*. This is the second time set aside for public comment. Anyone wishing to address the Board on any item, please step forward and identify yourself for the record. Comments will be limited to three minutes. Do we have anybody in Las Vegas or Carson City? Do we have anyone on the phone or any written comments? Seeing and hearing none.

1. **Adjournment (For possible action)**

**Governor:**  Do I have a motion to adjourn?

**Attorney General:** So, moved.

**Governor:** We have a motion on the floor. Is there any discussion? All in favor, signify by saying aye. We are adjourned. Thanks, everybody.

**Attachment A**

**Patricia Adkisson:** I would like to read the following comments into the record as well as my written submission made to the board and submitted on Monday, November 9. Good morning, board members. My name is Patricia Adkisson and first I’d like to acknowledge this body’s tireless efforts during these historical trials we face in our great state. I’m commenting today on two matters related to eminent lawsuits stemming from NDOC’s circumvention of the law-lawful standards approved and [inaudible 00:04:39] by this body, acting as the Board of Prison Commissioners where the public’s trust is at stake. Governor, I met you a few years ago in Centennial Hills at what we call the Butterfly Park. I believed then that you were sincere and were going to do good things. My family and friends are mostly Republicans but we rallied support and voted for both you and Attorney General Aaron Ford. We have followed your careers and believe that you will bring about good change. We’ve built-in bias in our government. It’s sometimes hard to proceed but once noticed, action must be taken. One of the biggest problems that plague this effort is that it’s nearly impossible to reach out to our elected officials. Governor, on October 8 I reported two unlawful actions by NDOC seizing inmate funds related to abuse of ARs. You ordered NDOC to immediately suspend their unlawful actions release. However, to this day, NDOC has failed to comply, to wholly comply, and refusing to restore the gift coupons and continuing to [inaudible 00:05:39] inmate’s funds by increasing their savings from $400 to $550, relying on John Voreman’s [ph 00:05:46] signature alone. The point of relevance is that the public needs better and more meaningful access to our elected officials. The public will be better served if the Board of Prison Commissioners would convene on a monthly basis and allow the public to create agenda items. In of view of Attorney General Opinion 96-24 dated February 14, 1997, regarding question number six, concludes joint meeting of the Board of Examiners and the Board of Prison Commissioners are permissible. This seems to be a clear path to a possible solution for regular oversight. Governor, it is in the best, it is in the public civic duty to tell you that we have identified abuse by the NDOC in the internal practice related to custody matters and they’re costing the public approximately $200 million a year. I am appealing to [inaudible 00:06:35] and the Attorney General Opinion related to NDOC’s abuse of the inmate classification system. Please provide me some access to the appropriate officials for follow-up on this matter as I know this is not the correct forum. One last thing, Governor, is, is there a contact person, email or, uh, somebody at your office that I can speak to because the number that I have goes unanswered? Thank you for your time and my contact is included in, is included and I sit in anticipation waiting, uh, to hear from someone at your, your direction. Thank you again.

**Attachment B**

Patricia Adkisson

citizens4participatoryjustice@gmail.com

702-5052861

 November.8, 2020

**Public comments implicating NDOC’S unlawful conduct and possible nonfeasance by the Board of Prison Commissioners and related possible nonfeasance related to the implicated budgetary cost, not acted on by the Board of Examiners**

Good morning esteemed members of the board, my name is Patricia Adkisson I reported NDOC’s violation of certain Administrative Regulations budgetary and civil issues to this boards October.13, 2020 meeting, and the Board of Prison Commissioners meeting on October.8,2020. My comments today relate to the supervision and other duties of this board and the Board of Prison Commissioners, both having its roots in the Nevada Constitution Article 5 subsection 21.

The previous revelation that the director for NDOC and his subordinate, have unilaterally created and implemented Administrative Regulations without approval of the Board of Prison Commissioners and also unilaterally and affectively rendered other administrative regulations nugatory in their application, regarding classification and custody, has triggered great public concern and alarm, where this discovery implicates violations of both statutory and constitutional dementing, as well as potential fiscal liability for our state directly related to matters concerning the Board of Examiners.

A further review has revealed a practice and custom by the director, that effectively abrogates the lawful standard approved by the Board of Prison Commissioners related to nearly all Administrative Regulations, as well as a portion of the Nevada Administrative Code, related to a cooperative agreement between NDOC and the Board of Parole Commissioners concerning a de facto NDOC Crime Severity Table without ratification by the Board of Prison commissioners and which threatens to effectively undermine the state's efforts related to Prison Reform in Assembly Bill 236.

Significantly, on November. 6, 1990, the Board of Prison Commissioners adopted AR-100. Under AR-100 the director and NDOC staff are responsible for proposing Administrative regulations to the board for approval. Once adopted by the board, a development of the AR is completed and cannot be lawfully altered through the unilateral addition or removal of any text by NDOC. Properly adopted AR’s can only be modified through the revision process and then only after approval of the Board of Prison Commissioners. The threat to our state stems from the built-in bias and oppression tethered to the custom and practice by the director and officials at NDOC to unilaterally alter and therefore abrogate properly adopted Administrative Regulations, rendering the affected AR’s completely nugatory in affecting substantial constitutional issues related to custody, parole consideration, health care, seizure of inmate funds, and the entire NDOC inmate grievance system.

 The director and NDOC officials routinely alter properly adopted AR’s concealing this unlawful act, by intentionally misrepresenting the affected AR by simply retitling the AR as a **temporary AR** not yet considered by the board, in an effort to conceal the otherwise unlawful unilateral “revisions”. The need for regularly scheduled board of prison commissioner meetings has never been greater then at this critical time where the public trust hangs in the balance both as it relates to governmental worthiness, but also the tremendous budgetary demands of the NDOC, where otherwise the cost would be mitigated.

The policy of the Board of Prison Commissioners to rely on NDOC in order to generate the meeting schedule should not carry over to the current administration. Reliance in this way affectively saddled our governor with acts committed by NDOC officials and serves to conceal the bad act. A recent example where the Board of Prison Commissioners October.8, 2020 meeting notice and agenda, agenda item number 7 reveals that NDOC officials admittedly circumvented the lawful standards approved and Codified by the Board of Prison Commissioners, the result of this circumvention constitutes wrongful alteration and therefore a falsification of the true records of the Board of Prison Commissioners and a concealment of the true regulatory records from the public, equally alarming is the fact that the NDOC is removing, modifying, altering, and concealing the lawful standards as in AR-740, after the board approved the administrative law, not through revisions, and not through replacement of a newly developed **temporary** administrative regulation but rather through substituting department policy in place of lawful standards.

The sad truth in this matter is that the board has never known of the adulteration of the records when the board meets to consider the agenda developed by NDOC, and but for the public effort to report this bad act, related to AR258 on October. 8, 2020, through my presentation, it appeared that the board was intent to simply approve the claim by NDOC related to AR-258. Reliance in this way builds a significant potential for abuse. The very reason that NDOC is exempt from the Nevada Administrative Procedure Act NRS.233B. Is solely related to the fact that NDOC has absolutely No rule making authority. The Board of Prison Commissioners is charged with the rule making duties in order to provide all Administrative Regulations for the operation of the Department and the board. Additionally, as the board is a sovereign governing body and does not enjoy exempt status from the Nevada Administrative Procedures Act NRS.233 B. There exists some public confusion as to why the board has not followed the provisions of the Nevada Administrative Procedures Act, when acting to establish regulations. Although there is some discussion in the record indicating a belief that, because the board is the head of the Department, the exempt status is somehow applied to the board. The fact remains, that the board is not expressly identified in this way. The level of public concern is at historic levels related to governmental affairs, it would be in the best interest of all parties, if the governor would direct an Attorney General Opinion on this issue related to the boards status, concerning the Nevada Administrative Procedures Act and to establish a regular Board of Prison Commissioner schedule with consideration of agenda items identified by the public. Finally, it is in the public interest to provide a detailed report concerning the issues identified where the NDOC’s conduct has abrogated the affected Administrative Regulations.

 Thank you for your time,

 Patricia Adkisson