

Governor Steve Sisolak  
*Chairman*

Susan Brown  
*Clerk of the Board*



Attorney General Aaron D. Ford  
*Member*

Secretary of State Barbara K. Cegavske  
*Member*

## STATE OF NEVADA BOARD OF EXAMINERS

209 E. Musser Street, Room 200 / Carson City, NV 89701-4298  
Phone: (775) 684-0222 / Fax: (775) 684-0260  
<http://budget.nv.gov/Meetings>

### MEETING MINUTES

**Date and Time:** February 9, 2021, 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](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:**

Tiffany Greenameyer, Clerk of the Board  
Dale Ann Luzzi, Board Secretary  
Rosalie Bordelove, Board Counsel

#### **OTHERS PRESENT (BY PHONE):**

Daren Winkelman, Chief, Environmental Programs,  
Department of Conservation and Natural Resources  
Patricia Adkisson, Member of the Public

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

**Governor Sisolak:** Good morning. I'd like to call today's meeting of the State of Nevada, Board of Examiners to order for February 9, 2021. Can I ask the Clerk to take the roll, please?

**Board Secretary:** Governor Sisolak.

**Governor Sisolak:** Here.

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

**Secretary Cegavske:** Here.

**Board Secretary:** Attorney General Ford.

**Attorney General Ford:** Here.

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

**2. 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 Sisolak:** Item number 2, *Public Comment*. This is the first time set aside for public comment. Anyone wishing to address the Board on any item on today's agenda, please identify yourself for the record. Comments will be limited to three minutes. We don't have anybody in Carson City. We don't have anybody in Las Vegas. Do we have anybody on the phone or written comments?

**Public Comment:** Patricia Adkisson (Attachment A).

**Governor Sisolak:** Thank you for your comments.

Do we have any other public comments? Hearing and seeing none.

**3. Approval of the January 12, 2021 Minutes** (For possible action)

**Governor Sisolak:** We will move on to item number 3 *Approval of the January 12, 2021 Minutes*. Do we have a motion for approval?

**Secretary Cegavske:** Move approval.

**Governor Sisolak:** We have a motion on the floor. Is there any discussion? Hearing and seeing none. All in favor signify by saying aye. The motion passes.

**4. Authorization to Contract with a Current and/or a Former State Employee**  
(For possible action)

Pursuant to NRS 333.705, subsection 1, the Department of Administration, Purchasing Division requests authority to contract with former employee Mary Harmon to perform project management duties for the Department of Employment, Training and Rehabilitation through Master Service Agreement #21167 Guidesoft Inc., dba Knowledge Services.

**Governor Sisolak:** Item number 4, *Authorization to Contract with a Current and/or Former State Employee.*

**Clerk:** Item 4 includes one request, to contract with a former employee pursuant to Nevada Revised Statute (NRS) 333.705, subsection 1. This request is from the Department of Administration, Purchasing Division to contract with a former employee to perform project management duties for the Department of Employment Training and Rehabilitation. This individual will be employed by Knowledge Services through MSA #21167. Are there any questions?

**Governor Sisolak:** Do we have any questions on Item 4? We have none. Do we have a motion?

**Secretary Cegavske:** Move for approval.

**Governor Sisolak:** We have a motion on the floor from Secretary Cegavske. Is there any discussion? Hearing and seeing none. All in favor signify by saying aye. Is anybody opposed? The motion passes.

**5. Request for Approval of Payment from 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 \$990,000.00 from the Statutory Contingency Account to Reginald Mason (aka Reginald Hayes) representing compensation for his wrongful conviction.

**Governor Sisolak:** Item 5, *Request for Approval of Payment from the Statutory Contingency Account.*

**Clerk:** Item 5 includes one request 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 certification of innocence and determine the proper amount of the award.

A certificate of innocence and a stipulation of relief were granted to Mr. Reginald Mason by the Eighth Judicial Court. Pursuant to NRS 41.950, the amount of the award is \$975,000 plus, \$15,000 for attorney's fees.

The current balance in the statutory contingency account is \$2,669,000. If this item is approved, the remaining amount would be \$1,679,000. Are there any questions on this item?

**Governor Sisolak:** Do we have any questions on Item 5?

**Secretary Cegavske:** Governor, this is Barbara Cegavske, Secretary of State.

**Governor Sisolak:** Yes, please, go ahead.

**Secretary Cegavske:** Thank you. While, I realize there was a bill passed, my concern is what money we have left and what would be able to be used. But I'm just concerned about where we get the additional money if there's more found. That's my concern.

**Clerk:** There is a bill before the Legislature to replenish the account and there should be plenty of money to cover any unexpected expenditures through year-end.

**Attorney General Ford:** My recollection, likewise, is that we allocated funds, maybe sometime during last year, to ensure that we would have enough funds to take us through the replenishing of the account, based on the number of cases that we had pending at the time and that we were contemplating.

When this bill passed the Legislature knew or had an idea of how many exonerees would come forward and made that much money available to us and so I don't have a fear that we'll run out of money in time before the year-end.

**Secretary Cegavske:** Thank you very much, Mr. Ford, I appreciate that. My concern is that if there is a litigation and we don't have enough money, in the account now and we're not able to fill those, what happens?

**Governor Sisolak:** Well, my understanding is that there is a bill that there is not any opposition to and it's the intent that that be replenished. If it's not, I guess we'd have to face that issue when we come to it but there is enough money to do this one and have a million dollars left and hopefully it'll be replenished before we have another claim.

**Secretary Cegavske:** Okay and we can't lose sight of the fact that this is taxpayer dollars, so that's what I'm concerned about is just having enough money when we don't have it in the budget right now.

**Governor Sisolak:** Right.

**Secretary Cegavske:** Thank you.

**Governor Sisolak:** Thank you very much.

**Attorney General Ford:** If I may, Mr. Governor?

**Governor Sisolak:** Yes, please, General Ford.

**Attorney General Ford:** I have on the line one of our senior deputies whose division oversees these prosecutions and to the extent, she's able if she would speak to how many cases are still pending and how much money is at stake and to the history; but I also want to acknowledge this- You are correct, Secretary Cegavske, this is taxpayer money and this was also an issue of the state committing a wrong and at the end of the day, the taxpayers will be on the hook for compensating a wrongly convicted individual, I think that's fair and

just. I think the legislature passing that was in the right direction and I think the Governor signing it was entirely appropriate and I look forward to compensating, albeit, in a way that doesn't completely replenish this person's time gone but at some level, showing that this state recognizes that justice oftentimes has to manifest itself with an apology and an exoneration.

**Secretary Cegavske:** And I understand where you're coming from as well, Attorney General Ford. And Governor Sisolak, your staff was wonderful in telling us that there are currently four cases in litigation or negotiations and there are eight potential ones that have not filed so, that's what I was looking at, the information that was given to me. Thank you.

**Governor Sisolak:** Thank you, Secretary and I agree with both of you. The intent was that we do compensate these individuals. My staff has informed me that we have a few more potentially pending and hopefully, we'll have the resources at that time to cover it. So, as it relates to this one, Item 5, do we have a motion?

**Attorney General Ford:** Yes, I move to approve.

**Governor Sisolak:** We have a motion on the floor. Is there any discussion? Hearing and seeing none. All in favor signify by saying aye. Are any opposed? The motion passes.

## **6. Approval of Proposed Leases** (For possible action)

**Governor Sisolak:** Item 6, *Approval of Proposed Leases*.

**Clerk:** This item includes two leases for approval by the Board today. Are there any questions on any of these items?

**Governor Sisolak:** Do we have any questions on either of the leases?

**Secretary Cegavske:** None, Governor.

**Governor Sisolak:** Do we have a motion on the leases?

**Secretary Cegavske:** Move for approval.

**Governor Sisolak:** We have a motion for approval. Is there any discussion? Hearing and seeing none. All in favor signify by saying aye. Are any opposed? The motion passes.

## **7. Approval of Proposed Contracts** (For possible action)

**Governor Sisolak:** Item number 7, *Approval of Proposed Contracts*.

**Clerk:** There are 33 contracts in Item 7 for approval by the Board this morning. Are there any questions in any of these items?

**Governor Sisolak:** Do we have any questions on any of the items from the contracts?

**Secretary Cegavske:** None.

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

**Attorney General Ford:** Move approval.

**Governor Sisolak:** We have a motion for approval on Item 7. Is there any discussion? Hearing and seeing none. All in favor signify by saying aye. Are any opposed? The motion passes.

**8. Approval of Proposed Master Service Agreements** (For possible action)

**Governor Sisolak:** Item number 8, *Approval of Proposed Master Service Agreements*.

**Clerk:** There are three master service agreements in Agenda Item 8 for approval by the Board this morning. Are there any questions on these items?

**Governor Sisolak:** Do we have any questions on the master service agreements?

**Secretary Cegavske:** None, Governor.

**Attorney General Ford:** None, here.

**Governor Sisolak:** Hearing and seeing none. Do we have a motion on Item 8?

**Attorney General Ford:** Move approval.

**Governor Sisolak:** We have a motion for approval. Is there any discussion? Hearing and seeing none. All in favor signify by saying aye. Are any opposed? The motion passes.

**9. Information Item – Clerk of the Board Contracts**

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 December 17, 2020 through January 15, 2021.

**Governor Sisolak:** Item 9, *Clerk of the Board Contracts*. This is an information item. I did have a question on Item #23. Do we have someone available to answer that question?

**Clerk:** Yes, we do.

**Governor Sisolak:** Alright, how is household mercury generated?

**Daren Winkelman:** Most of the time, what we're seeing is through, so to speak, cleaning out grandma and grandpa's garage – we see the glass shards of debris leftover from way back when in the mining industry. We see people have basic thermometers, those types of things.

**Governor Sisolak:** Alright, and is this only in rural Nevada, or is this all over the state?

**Daren Winkelman:** The calls we receive are from all over the state. It just depends. We started with this particular contract in the rurals and then moved into more urban areas.

**Governor Sisolak:** Alright, that's a federally funded item.

**Daren Winkelman:** That's right, that's a multi-purpose grant that we have through Environmental Protection Agency that's funding this.

**Governor Sisolak:** Alright, thank you.

Do we have any other questions on the information contracts? Seeing none.

## **10. Information Item Reports**

### **A. Department of Conservation and Natural Resources – Division of State Lands**

Pursuant to NRS 321.5954, Subsection 4, the State Land Registrar is required to provide the Board of Examiners quarterly reports regarding lands or interests in lands transferred, sold, exchanged, or leased under the Tahoe Basin Act program. Pursuant to Chapter 355, Statutes of Nevada, 1993, on page 1153, the agency is to report quarterly on the status of real property or interests in real property transferred under the Lake Tahoe Mitigation Program. This submittal reports on program activities for the 2nd quarter of fiscal year 2021.

### **B. GFO – Stale Claims Account, ER Account, Statutory Contingency Account, General Fund Balance.**

Pursuant to NRS Chapter 353, the Governor's Finance Office, Budget Division presents a reconciled fund balance report for the TORT Claim Fund, Statutory Contingency Account, Stale Claims Account, Emergency Account, Disaster Relief Account, Interim Finance Committee (IFC) Unrestricted Contingency Funds and IFC Restricted Contingency Funds as of January 21, 2021.

The TORT Claim Fund is the State Treasury Fund for Insurance Premiums. The Statutory Contingency Account, Stale Claims Account, Emergency Account, Disaster Relief Account, IFC Unrestricted Contingency Funds and IFC Restricted Contingency supplement funding for eligible agencies within statutory authority.

Below is the available balance for each account before any projected outstanding claims.

TORT Claim Fund	\$ 5,169,168.62
Statutory Contingency Account	\$ 2,715,387.17
Stale Claims Account	\$ 578,767.30
Emergency Account	\$ 114,972.00
Disaster Relief Account	\$ 5,645,331.95
IFC Unrestricted Contingency Fund General Fund	\$ 7,527,099.95
IFC Unrestricted Contingency Highway Fund	\$ 1,638,068.35
IFC Restricted Contingency Fund General Fund	\$ 10,457,242.00
IFC Restricted Contingency Highway Fund	\$ 2,287,561.00

**Governor Sisolak:** We'll move on to Item 10, *Information Item Reports*.

**Clerk:** There are two informational reports under this item. The first is an informational report regarding lands or interests in lands transferred, sold, exchanged, or leased under the Tahoe Basin Act program as well as a quarterly report on the status of real property or interest in real property transferred under the Lake Tahoe Mitigation Program, which is required pursuant to NRS 321.5954, and Chapter 355, the statutes of Nevada, 1993 respectively. This report is for the quarter ending December 31, 2020. There are no acquisitions of land this quarter. There were two transactions under the Lake Tahoe Mitigation Program resulting in 2,598 square feet of restored land coverage and an increase of \$48,845 for the Nevada land bank.

The second item is an information report on the available balances in the various contingency accounts managed by the Board of Examiners or the Interim Finance Committee. As of January 21, 2021, the funds in these accounts are expected to be sufficient to cover projected expenditures through June 30, 2021. These accounts are available to cover various contingencies through the 2019-2021 biennium. I would be happy to answer any questions you may have on this item.

**Governor Sisolak:** Do we have any questions on these two information items?

**Attorney General Ford:** None here.

**Secretary Cegavske:** None here.

**Governor Sisolak:** Okay, thank you very much.



**11. 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 Sisolak:** Moving 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, identify yourself for the record and comments will be limited to three minutes.

We have no one in Carson and no one in Las Vegas. We have some written comments that will be entered into the record.

**Public Written Comment:** Michael Adkisson (Attachment B)

**Governor Sisolak:** Do we have anyone on the phone? Anyone else for public comment? Hearing and seeing none.

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

**Governor Sisolak:** Do we have a motion to adjourn?

**Attorney General Ford:** So, moved.

**Governor Sisolak:** Thank you, we have a motion to adjourn. Is there any discussion? Hearing and seeing none. All in favor signify by saying aye. Are any opposed? The motion passes. We are adjourned. Thanks, everybody.

## Attachment A

**Patricia Adkisson:** Good morning. My name's Patricia Adkisson. I'm calling from Las Vegas, and although not directly related to a current agenda item for today's meeting, my comments are submitted pursuant to the Nevada Attorney General Opinion 96-24 and the principles of law entrusted to the Governor and in trying in the Nevada Constitution, Article 5, subsection 167 and 21 where the public's trust is implicated. I am submitting, submitting to this Board of Examiners and to each member, mainly the Governor, the Secretary of State, and the Attorney General, in their official capacity as Board of Prison Commissioners and NRS 233B position seeking the repeal of certain administrative regulations submitted by myself, Patricia Adkisson, or Michael Adkisson, where the Board of Prison Commissioners has not prescribed by regulation any form for a petition or procedure for their submission, consideration and disposition. Please acknowledge receipt of this submission of the described petition at this meeting on the record. My repeated efforts to alert the named elected officials of the potential liabilities resulting from the issues described in the petition and in my previous submissions to both the Board of Examiners and the Board of Prison Commissioners, namely the officials described, no action has yet been taken. In fact, on January 25, 2021, the Board of Prison Commissioners convened and took action, not contemplated by the relevant statutory authority where the NDOC is not entirely exempted from the Nevada Administrative Procedures Act. When taking action pursuant to Chapter 209, rendering the Board's actions at the January 25th meeting void. As submitted, 233B petition back in October, I'm sorry – I submitted a 233B petition back in October to the Board of Prison Commissioners that was never responded to. NDOC screening filters or otherwise prevents disclosure to the board. The board must be responsive to the petition within 30 days. When a violation of law is reported, our elected officials have a duty to act. As usual, I am available to provide assistance or answer any questions. Thank you for your time and can someone please acknowledge receipt of this submission of the described petition at this meeting on the record?

## **Attachment B**

Michael Adkisson #84280  
N.N.C.C.  
P.O.BOX 7000  
CARSON CITY, NV.89702

February.7, 2021

Board of Prison Commissioners:

To each Governor Steve Sisolak in his official capacity as President of the BOPC;  
Secretary of State Barbara Cegavaska in the official capacity as Secretary of the BOPC;  
Attorney General Aaron Ford in the official capacity as BOPC Member

Re; 233B Petition for Repeal of Administrative Regulations Adopted after July.1, 1965 Pursuant  
to NRS.233B.100 and NRS.233B.0617; 233B.020; 233B.039

Comes now, Michael Adkisson #84280, an interested party pursuant to NRS. 233B.100 seeking the repeal of all Administrative Regulations adopted after July. 1, 1965, by the Board of Prison Commissioners for carrying on the business of the board and the Department of Corrections. Pursuant to NRS.233B.0617 no regulation adopted after July. 1,1965 is VALID, unless adopted in substantial compliance with chapter 233B (Nevada Administrative Procedures Act). NRS.233B.020 Established minimal procedural requirements for the regulation making and adjudication procedure of all agencies of the executive Department of the state government, except those expressly exempted pursuant to the provisions of this chapter. Those exemptions, as set forth by NRS.233B.039, DO NOT expressly exempt the Board of Prison Commissioners.

Attorney General Opinion 96-24 September.5, 1996, distinguishes the board as the ultimate authority over N.D.O.C., solely responsible for the promulgation of regulations governing the prisoners and effectively establishes the distinction for the Department of Corrections exempt status when considering NRS. 233B.039. The Board is not equal to the department in this regard. The creation of the board is enshrined in the Nevada Constitution Article #5 subsection S21 Independent of the department.

The expressed mandatory language by 233B requires the board to comply with the minimum procedural requirements of the Nevada Administrative Procedures Act, the board is not expressly exempted. The board does not comply with this mandate and effectively renders ALL regulations adopted after July. 1, 1965 INVALID.

Because the board does not prescribe by regulation any form for a petition pursuant to NRS.233B.100 or the procedure for their submission, consideration and disposition, petitioner is forced to rely upon his best effort and understanding in order to confront a fundamental miscarriage of justice stemming from the nature of this petition, where no valid Administrative Regulation is lawfully available in order to address matters related to custody, health, fiscal matters and conditions of confinement only, but for the described deliberative privilege that serves to work to the public's detriment where the departmental Administrative Regulations are effectively "RUBBER STAMPED" without the minimum procedural safeguards mandated by the Nevada Administrative Procedure Act as vented against by Ross Miller Secretary of State acting as a Board of Prison Commissioners Member beginning at the January. 8, 2008 board meetings.

Petitioner relies upon Attorney General Opinion 96-24 for presentation of this instant petition at this Board of Examiners meeting. “Joint meetings of the BOE and BOPC are permissible” and “that the BOPC meet at Regularly scheduled meetings OR as part of a regularly scheduled BOE meeting...” and the Nevada Constitution Article 5 subsection 167 and 21 where the Governor shall be vested with the supreme executive power of this state to transact all executive business and shall see that the laws are faithfully executed. Petitioner proposes a temporary remedy by way of emergency regulations, pending the lawful adoption of administrative regulations that comply with NRS.233B. Petitioner proposed emergency regulation to allow continued imprisonment only for inmates with a current felony conviction. Other emergency regulations adopted for the operation of the board and Department, pending the lawful adoption, must be reviewed for compliance with both statutory law, Nevada, and U.S. Constitutional guarantees.

Thank you very much, Michael Adkisson

cc: To File