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**(DRAFT) Minutes of the
Technological Crime Advisory Board**

October 8, 2012

The Technological Crime Advisory Board was called to order at 2:05 p.m. on Monday, October 8, 2012. Attorney General Catherine Cortez Masto presided in Room 4401 of the Grant Sawyer Building, Las Vegas, Nevada and via videoconference in Room 3137 of the Legislative Counsel Bureau, Carson City, NV.

ADVISORY BOARD MEMBERS PRESENT:

Catherine Cortez Masto, Nevada Attorney General (Advisory Board Chair)
Hal Berghel, Professor, University of Nevada, Las Vegas
Irene Bustamante-Adams, Nevada State Assemblywoman
Jim Owens (*meeting designee for Sheriff Doug Gillespie, Las Vegas
Metropolitan Police Department (LVMPD)*)
Tray Abney, Director of Government Relations, Northern Nevada Chamber of
Commerce
Darin Balaam, Captain, Washoe County Sheriff's Office
David Gustafson, State Chief Information Officer, Enterprise IT Services

ADVISORY BOARD MEMBERS ABSENT

Valerie Wiener, Nevada State Senator (Advisory Board Vice-Chair)
Richard Shields, Special Agent in Charge, U.S. Secret Service (USSS)
Eric Vanderstelt, Special Agent (*meeting designee for Special Agent in Charge
Kevin Favreau, Federal Bureau of Investigation (FBI)*)
Daniel Bogdan, U.S. Attorney, Department of Justice (DOJ)
William Uffelman, President & Chief Executive Officer, Nevada Bankers
Association
John Budrewich, Acting Resident Agent in Charge, HSI

STAFF MEMBER PRESENT

Harry Ward, Deputy Attorney General

OTHERS PRESENT:

Eddie Cartwright, Special Programs, Office of the Attorney General

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Agenda Item 1 – Call to Order – Verification of Quorum.

AG CORTEZ MASTO:

The first item is the call to order and the roll call of members. Let's see, Mr. Ward, do you mind going through a roll call for us.

A roll call of the Advisory Board verified the presence of a quorum.

Agenda Item 2 – Public Comments.

AG CORTEZ MASTO:

Alright, thank you Mr. Ward: Next item on the agenda is item number two which is public comment. Now is an opportunity for the public to address the Board. You will have a second opportunity at the end of this meeting just before we adjourn, but would like to open up an opportunity right now for the public to address the Board. Is there anybody here in Southern Nevada...doesn't look like there is. Is there anybody in Northern Nevada, a member of the public, that would like to address the Board at this time?

HARRY WARD:

Madam Chair, there is none.

AG CORTEZ MASTO:

Alright, thank you very much.

Agenda Item 3 – Discussion and Approval of Minutes from the March 20, 2012 Meeting.

AG CORTEZ MASTO:

This is review and approval of the March 20, 2012 minutes. Everybody should have been given a copy of the minutes electronically when we presented the agenda to them. If everybody has had the opportunity to review them, entertain a motion or comments.

JAMES OWENS:

I move to approve the minutes as written.

AG CORTEZ MASTO:

So, we have a motion from Mr. Owens to approve the minutes. Is there a second?

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HAL BERGHEL:

A friendly second. Could you ask that my name be spelled correctly.

AG CORTEZ MASTO:

Yes, we will Mr. Berghel. Thank you for the friendly second. So, we have a motion for approval and a second. Any further discussion on the minutes?

Hearing then, all those in favor for approval signify by saying Aye. Those oppose Nay. Alright the minutes have been unanimously approved. Moving on then to agenda item number 4.

Agenda Item 4- Interview Candidates for the position of Executive Director.

This is the time for us to interview the candidates for the position of Executive Director. We just had one candidate pull out about twenty minutes ago, and that is candidate Ormsby. She unfortunately is unable to come for the interview today, and I think she had other commitments. So, she apologized to the Board and so we are down to two candidates -- Mr. Scot Duncan and Mr. Dylan Zigenis. I hope I'm pronouncing that correctly, but we can ask him when he has a minute to come talk with us. But, before we get started, are the two candidates in the room, because I want them to hear this as we set the ground rules and discuss how this is going to play out today. Can you verify for me in Northern Nevada that the two candidates are there.

HARRY WARD:

Madam Chair, yes, they are.

AG CORTEZ MASTO:

Alright, thank you very much. So, to start off, everybody should have been given a list of questions, and we're going to talk about that. So, be thinking about not only the questions that you see in front of you, it's the questions you're gonna want to ask. We will have this discussion once the interviewees have left the room. But, before we get there, I want to verify in particularly with respect to the quorum that's necessary. Mr. Ward, we do have a quorum today to move forward with the potential appointment of the next Executive Director for the Tech Crime Board; is that correct?

HARRY WARD:

Madam Chair, yes, that is correct; we do have a quorum. There was concern which was brought after reviewing the Statutes under NRS 205A.070, where it says: "Upon approval by two-thirds of the members of the Board..." Upon discussion with my fellow colleagues, it is our position that only six out of the seven votes will be needed today to confirm an Executive Director and that being that our federal appointees usually do not

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participate or do not vote in matters such as this, so it is our position that we will only need six out of seven votes to confirm an Executive Director, and I would ask both of the potential candidates to also understand this and to go on the record to understand there will only be needed six out the seven votes. Mr. Duncan, do you understand that? And that was a yes. Mr. Zigenis and you understand that. And likewise, under our Open Meeting Laws, you can stay in the room, but it is usually the policy, or the request, of a Board to ask both of you or one of you to remain outside while the other one is interviewed, and likewise, when the other one is being interviewed to, likewise, move outside. Under our Open Meeting Laws, you are not required to do that, but we do respectfully request that you do that, and would you both agree to be doing that? And that's a yes response from both of them. Thank you Madam Chair.

AG CORTEZ MASTO:

Thank you, Mr. Ward. Then, one final thing, as we get to the questions. Here's how I would prefer that each candidate gets asked the same question, except at the point in time when it pertains to their background work experience or their resume that's particular to their experience. Obviously, they would be different questions, but generally, the questions that come from the Board would be consistent to both candidates. I just wanted the candidates to know that before we ask them to leave the room. I'm gonna ask if they would be so willing to leave the room now, so that the Board members can discuss the questions that we will be providing to the interviewees, the applicants, when they come in one at a time. Can you please let me know when they have left the room?

HARRY WARD:

Madam Chair, they have left the room.

AG CORTEZ MASTO:

Alright, thank you. So, Board members this is to you now. Continuing with agenda item number 4 – you've been provided a list of questions. There are nine of them. These were questions that we put together just to get discussion on the types of questions that you can ask or not, or what we want to agree to ask the candidates. So, we can go through this list to see which questions you like that we want to ask the candidates, which questions we prefer not to ask the candidates, and then add to the list any questions that you think would be appropriate based on our hiring needs on the questions that we would have wanted to ask. So, I'm going to open it up for discussion. Is there any Board member that has a concern about any of the questions that they would not want to ask out of these nine questions that are presented?

DARIN BALAAM:

I just have a question, what's the purpose of number 4. What do they mean by stressful? This is any kind of stress related to the job, I guess, is that what it is?

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AG CORTEZ MASTO:

Yeah, I think you're right, I think the intent there was a stressful situation related to your job and your work experience and how you handled that type of stress in your everyday work experience. So, thank you for that clarification.

So, the question should be describe a situation in your recent work experience that you felt was stressful, and how did you handle it? So, we can just add that word "work" in front of experience. Any other thoughts, or comments, regarding these nine questions?

HAL BERGHEL:

Just an observation, Madam Chair. Would it be appropriate to have a question of the type...what, in your background and experience do you feel most qualifies you for this position?

AG CORTEZ MASTO:

Yes, and I think what we can do is elaborate...I think item number 8 tried to get to that question that you just asked, but you were a little more articulate. So, let's go ahead and ask it the way that you have presented it. So, Dr. Berghel, if you don't mind, go ahead and say it again.

HAL BERGHEL:

What experience in training, or we could add educational background, if you feel that's appropriate, do you feel qualifies you for this position?

AG CORTEZ MASTO:

Great.

HARRY WARD:

If I may, please, Madam Chair, Board members, just please also remember all speakers to identify themselves for the record, and I would ask that when we do the interviewing that if all members down south sit next to each other so they'll see a full panel being interviewed. Because, right now, we just see individuals that speak. You don't have to move right now, but when we do the full interview, that's what I would request.

AG CORTEZ MASTO:

Alright, thank you, Mr. Ward. Alright, any other thoughts about the questions being asked, or other additional questions we want to ask of the candidates?

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ASSEMBLYWOMAN BUSTAMANTE-ADAMS:

Madam Chair, I'm not sure if one of the questions can be framed to ask this, but I'm really concerned about the individual's ability to communicate to also the average citizen that does not have a tech background, but also be able to communicate effectively to individuals that do. I'm not sure if number two...in your management style...but obviously a critical skill set needed for this position is the ability to provide training and education on various topics. So, I'm not sure if we need to add that question, or if we can massage one of the questions to be able to get to that.

AG CORTEZ MASTO:

So, your thought is that is it particular to the tech aspect, the technological aspect of this Board?

ASSEMBLYWOMAN BUSTAMANTE-ADAMS:

Correct. And the person's ability to be able to educate legislators that may not have a technological background, but also be able to relate to individuals within that industry that do.

So, the skill set that they possess to be able to do that.

AG CORTEZ MASTO:

So, would it be a question similar to, basically that, how do you feel that you qualify, or what skill sets do you have to qualify to address the technological training, or the technological needs. How would you want to say that. I'm trying to think this as well. Any suggestions in the North?

ASSEMBLYWOMAN BUSTAMANTE-ADAMS:

I would frame it that way. I would say, actually, "What experience do you have on educating regarding topics to the average person and also people within the industry."

AG CORTEZ MASTO:

Okay, so the way I've written is, "What experience do you have educating tech crime issues to the average person and/or industry and, if you don't have that experience, how do you manage, or how do you overcome that challenge?"

ASSEMBLYWOMAN BUSTAMANTE-ADAMS:

Correct. Because they might have been successful in doing it in other related work -- taking something very complex and breaking it down. That's the goal that I'm trying to get to.

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AG CORTEZ MASTO:

Okay. So, I will add that as an additional question. We have ten questions now.

TRAY ABNEY:

Madam Chair, piggy-backing on that a little bit, I wonder if we need to ask about their experience working in a legislative setting, or working in the legislative process to move issues forward in a public policy or political setting or working with elected officials. Along that line. I don't know what your thoughts are on that.

AG CORTEZ MASTO:

Okay, no, I think that's a great question because, you know, a lot of what we do involves legislative work. Tray, do you think just the question is, "What experience do you have addressing, or implementing, policy in working with the legislature." Would it be very specific?

TRAY ABNEY:

Yeah, or working with the legislature or other public officials to move policy forward or something more artful than that.

AG CORTEZ MASTO:

Okay. How about, "What experience do you have working with the legislature and/or elected officials to create and implement public policy."

TRAY ABNEY:

I like it, beautiful.

AG CORTEZ MASTO:

Okay. Anyone else?

JAMES OWENS:

I think maybe question number 3 addresses what I'm thinking about as I would just like to hear these candidates describe what they believe this job entails. What's their vision. What do they think the responsibilities of this job are? Let me know what research they've done to prepare themselves. If they could actually speak to what this job entails.

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AG CORTEZ MASTO:

Okay.

JAMES OWENS:

But it won't hurt my feelings if we don't ask.

AG CORTEZ MASTO:

No, cause I think that's a follow-up to that question, and it could be like a sub-question to that. Say that again, Jim, and let me just...maybe it could be like a sub-part to that question.

JAMES OWENS:

It would just be a question to ask them what they believe the responsibilities of this job entails. What do they think this job is?

AG CORTEZ MASTO:

So, maybe something more specific. What do you believe are the job duties of the Executive Director for this Board?

JAMES OWENS:

It's a pretty general announcement. I read the announcement. I still don't know what it is they do.

AG CORTEZ MASTO:

Right.

JAMES OWENS:

So, I was just wondering if these people have taken it upon themselves to find out to speak to the past Director. What are the critical duties that they have. What is it that they're going to do on a day-to-day basis.

AG CORTEZ MASTO:

Well, how about we turn it around and say, "Describe what you believe would be pressing challenges." And the next question, "If you were hired to be the Executive Director, what would your job duties...how would you carry out the functions of the office." "What would you be doing?"

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JAMES OWENS:

Sure.

HAL BERGHEL:

Might I suggest wording like “envision scope of work for this position.”?

AG CORTEZ MASTO:

What do you envision the scope of work. That’s how we have this.

HAL BERGHEL:

Sorry, yeah, yeah.

AG CORTEZ MASTO:

So, what do you envision the scope of work is...

HAL BERGHEL:

...to be for this position.

AG CORTEZ MASTO:

Okay. What I would do is ask question number 3, and then follow that up with that question which is, “What do you envision the scope of work to be for this position?”

HAL BERGHEL:

I might suggest replacing question 3 with that.

AG CORTEZ MASTO:

With that? Okay.

HAL BERGHEL:

The reason being is, I think there’s a lot of material to cover in these questions, and I’m not sure it’s the granularity that’s really gonna help us make an informed decision. It’s more the tenor of the high level view of what they think this position is.

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AG CORTEZ MASTO:

So does anybody disagree with us taking out question number 3 and replacing it with Dr. Berghel's suggestions? Alright, we will do just that.

So, we are going to take out the, "Describe what you believe would be pressing challenges..." question, and replace it with, "What do you envision a scope of work to be for this position?" Alright, anything else?

Northern Nevada any other thoughts or comments?

HAL BERGHEL:

Madam Chair, that's a no response.

AG CORTEZ MASTO:

Okay. So, we will have, and it looks like, 11 questions. Let me throw this out there. Your preference...I can ask all the questions, you want to break it up, so you guys are not just sitting there, and we break it up so some of you, as well, will ask the questions. I'm always happy to do that. In other words, I would take a question, somebody else, another Board member take a question, that type of thing.

ASSEMBLYWOMAN BUSTAMANTE-ADAMS:

Since the candidates are up in the North, I think it makes it more difficult, I think, for us. My preference, honestly, would be that you could ask the questions, so that we can move faster through the process.

AG CORTEZ MASTO:

Anyone else? Okay, fair enough. Let's see. I want to make sure we cover anything. Anything else that Board members have before we start bringing them in and interviewing? Any questions on this process and how we follow up?

ASSEMBLYWOMAN BUSTAMANTE-ADAMS:

Yes, would you be the person, then, to tell them the next steps after the interview and what happens. Is that the procedure?

AG CORTEZ MASTO:

Yes, so let me clarify. We will bring them in one-by-one. While one is in interviewing, we've asked the other one if they would be willing to stay out. Then we will go through the questions. Once we're done with the questions, we would then have the other one step out, and the other one come in, ask the questions. Once we're done with both of

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the candidates, then the next step is for us to discuss and review the evaluation and process. Here's another point of discussion we can ask of the candidates. Because, technically, this is the Open Meeting Law, we cannot ask them to not sit in. They have every right to be sitting and listening to what we're doing. When it comes to question number 5, that's our discussion review and evaluation of the candidates, they technically can be in the room. I want to make sure the Board members know that. If you have concerns with them being in the room, we can always ask them if they would be willing to step out, but I would imagine that they'd want to hear our discussion about them. So, that's one thing to keep in mind and then, two, is the analysis and evaluation process. We don't have a scoring sheet. There are only two candidates. If you would prefer some sort of scoring sheet, we'd have to kind of sit down and talk about how we would score them. It's gonna be a candid discussion about the candidates, but at the end of the day, it's gonna require six of us to vote to support one of the candidates. Now, with that said, we may not agree on the candidates, and we may not agree to even support any of the candidates, and that's fine too. I want the Board members to know that they don't have to actually have the candidate here, vote on the candidate, and there's no other opportunity. What would happen is, if we don't have that quorum or that two-thirds vote to support one of the candidates today, then we would go back to the drawing board. We would post it again, invite everyone, hopefully to apply. These two candidates could apply again, and then we'd go through this process once more. So, I want to make sure the Board members understand that.

TRAY ABNEY:

Madam Chair. Just so I'm clear, during the interview process, since we've decided that you are asking all the questions, and we want to stay consistent between the two candidates, we're not really in a position to then ask one of them to elaborate on something they said. You're gonna ask the questions, they're gonna respond, and we're gonna move forward that way. Is that how you envision it?

AG CORTEZ MASTO:

No, Tray, I don't. That's a great point. No, I would just ask the initial question. When it comes to follow-up to the answers, when it comes to further questioning on the answer that was provided to the candidate, I think the Board members are open and welcome to go ahead and ask further questions of the candidate. And, that's why I said, there may be something particular to their resume, their work experience, or the answer that they provided that that actually sparks some additional questions that one of us may have of their background and experience for this job. You are welcome to ask that question.

TRAY ABNEY:

Thank you.

AG CORTEZ MASTO:

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I will not move on to the next question until I'm sure that we're done with that previous question, okay?

TRAY ABNEY:

Thank you.

ASSEMBLYWOMAN BUSTAMANTE-ADAMS:

How has the...I don't know if it's a team, or who reports to this individual, but how, since the absence of the other Executive Director, how have they been functioning? Is it just been dormant and nothing has happened?

AG CORTEZ MASTO:

Yes, since the last meeting...and let me qualify this so that everybody understands...at our last meeting we had decided to move forward with the interview process for that Executive Director because there's only one Executive Director who manages this, and they're basically the only staffer. We actually went out and posted. We received 14 applicants. Out of those 14, five of them fit the minimum qualifications that were necessary under the posting. As you can see, when we started trying to bring a Board back together, we've tried a couple of times, but we lacked a quorum to actually move forward with the selection interview process. This is the first time we've actually had the quorum. There has been a delay in this process from the posting until now, and you can see that it has some impact, because now we're down to the...out of the five candidates we had, we're down to the two. So the others have either withdrawn, taking a job somewhere else. That's the kind of situation we're in right now. But, with respect to your question, Assemblywoman, no there has been no activity with respect to this Board because there's no staff. That's kind of where we are right now. It is important and incumbent upon us to move through this process, and if we can't find a candidate selection today, then we need to continue this process, and try to work hard to come together as a quorum so we can get our Executive Director back. Any questions from Northern Nevada?

HARRY WARD:

No.

AG CORTEZ MASTO:

Okay, I think we are ready, then, to get started. Mr. Ward I'm gonna ask that we start with Mr. Duncan, Scot Duncan, if you would have somebody ask him to come into the room.

HARRY WARD:

Yes, Madam Chair.

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AG CORTEZ MASTO:

Thank you. And, are we ready?

HARRY WARD:

Just about, Madam Chair.

AG CORTEZ MASTO:

Okay, thank you.

HARRY WARD:

We are ready. Sir, please turn on your mike and identify yourself.

SCOT DUNCAN:

Good afternoon. My name is Scot Duncan.

AG CORTEZ MASTO:

Mr. Duncan, welcome. Hi, I'm Attorney General Catherine Cortez Masto, and I chair the Technological Crime Board. Thank you so much for applying for this position. And, thank you, again, for agreeing to participate in this open process. As you may, or may not, know we are subject to the open meeting laws. In keeping with the law, our interview and selection of the next Executive Director for the Board is done in the open. It's a little unnerving, I know, at first, but I'm hoping we make it easy for you and very informal so that you're not too nervous. Let me also say that if we ask a question and you forget it or you need us to repeat it again because we just, for some reason, got off on some other response, don't hesitate to ask us. We are not trying to hide the ball here. We want to make you just as successful as you want to be. We have a list of questions for you and we are going to get started. Before we do, Mr. Duncan, do you have any initial questions for us?

SCOT DUNCAN:

Not right now.

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AG CORTEZ MASTO:

Alright, thank you. Mr. Duncan, what research have you done to prepare yourself for this interview?

SCOT DUNCAN:

Well, actually, I did quite a bit of research trying to understand better what, I guess, the Board is involved in. I looked through some of the past meeting minutes that, I guess, were available online to get a better understanding of what types of activities, I think, when you use a phrase like technological crime, you can cover a pretty broad slough of possibilities there. That was certainly helpful as a starting point. Also, too, I try to get a better sense of, I guess, how technological crime would fit in, potentially, both, I think, an educational and an enforcement goal within the State of Nevada. Certainly, I think, from an enforcement standpoint, you can see that, just through the newspaper itself for like, say, through some of the meeting minutes. I was trying to understand better, especially the educational aspect of it that was intriguing to me, trying to appreciate, I think, what the goals of the Board are. Most of my research was oriented towards trying to understand what the position might entail beyond what was described in the, I guess, the paragraph, or so, that was in the middle of the first page for the job posted.

AG CORTEZ MASTO:

Thank you. Any follow up questions from the Board members? Alright, Mr. Duncan, describe your management style and why you think it is effective.

SCOT DUNCAN:

Well, I think, my management style is, I would say, very interpersonal and flexible. I come, as I mentioned in both my cover letter and you can see from the resume, from an entrepreneurial background primarily, and I think that helps me to be self-motivated and able to set goals and accomplish them – not need a lot of direction. But, I think, from a management style it also definitely fosters the ability to work with people, to understand their needs, to be able to just manage the various personalities. I think, in a small business, you find that there is not as much separation and division, that there might be in a larger organization and so I think in the years that's probably been both my best skill, but also the best strategy in trying to manage those situations. The understanding that each individual had to be recognized and had to find a way often times to communicate between two different parties when they had a disagreement, you know, to the extent that perhaps there was room for agreement between them, but perhaps they were unable to find it themselves.

AG CORTEZ MASTO:

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Alright, thank you. Any follow up questions for Mr. Duncan from the Board members for question number 2? Alright, Mr. Duncan, what do you envision the scope of work to be for this position.

SCOT DUNCAN:

Well, to be honest, one of the things that really attracted me to this position...I said it's kind of a brief paragraph there, but it covers a broad range of activities, you know, it sounds like there's certainly a support and kind of helping facilitate, I guess, you know, the various parties that are already involved in attempting to prevent and educate in regards to technological crime. They said it was a specific educational component in terms of either just coordinating or actually presenting educational material. It talks obviously about an executive part, an administrative part, in terms of handling funds, things of that nature. I guess, personally, as I read through that, again, coming from a non-criminal background, that sort of variation the fact that the job would have multiple tasks that needed to be taken care of, is a much more interesting position then, perhaps, a job that would focus on just one thing, exclusively. I like the fact that it covers a lot of ground and requires different skills, and I guess I feel that my background has provided me with those skills. Certainly, I could say, in terms of project management and managing teams, I've had experience in that, going back to insurance services company that I had, certainly, as you might imagine with engineering especially large commercial engineering projects, very project, you know, oriented, and meeting the ability to manage first sets of teams. My educational background, including my M.B.A., I think, certainly qualifies me for the handling of funds and the ability to administrate both in terms of paperwork, buDAVID GUSTAFSON:eting, but also in terms of interpersonal and human resources, management people. I think from a technology standpoint, that's not only a personal interest of mine, I guess, just going back in terms of, you know, hobbies, and so forth, back to childhood, but certainly from the work I've been doing over the past decade or so in insurance. The handling of personal information, the ability to manage that information and protect that information is very important within an industry. It's a personal interest of mine, perhaps, with a young daughter myself, you know, understanding, I think, some of the things that, you know, you've even been involved in that I've seen in terms of education about facebook and things of that nature. Those types of topics hold both personal interest, but something I've been involved in professionally as well. I think, overall the range of abilities and skills that were required were very much of interest to me because I like to be able to, you know, bring to bear the skills that I've gathered in my professional career to a job that requires them.

AG CORTEZ MASTO:

Any follow up from Board members? So, Mr. Duncan, and you basically talked a little bit about this, and you recognize that a good part of this job involves educating the average person and industry on when it comes to tech crime issues, but what experience do you have specifically in the world of technology, and how would you bring that to your work here?

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SCOT DUNCAN:

With respect to technology, I'd say beyond my personal interests, you know, going back to the first computer I had when I was eight years old and learning how to program in basic, I think professionally it's been probably be divided into two areas. I've been involved with the risk management aspect of technologies for the various policy holders that we represented. It's been provided on both the bundled, and unbundled basis, through the insurance services that we provide. Within the realm of risk management, which is something that I have training in, separate from the information technology, but certainly I've had to apply that. We find that, you know, within those policy holders even ones that have seemly know or very thin connection to the world of technology have a much greater exposure than they possibly realize. A good example would be, I work with a number of risks in the transportation industry – trucking and motor carrier-type operations. You might think that's not necessarily a high value target, but part of what they do nowadays is to track those trucks and, of course, they track them more for logistical reasons, but those databases, especially from one of the larger carrier companies, if someone knows where a trucks going to be at a given time, and they know what the cargo is inside that truck, that makes it a high target item and, therefore, you know, their information systems become high target items for hackers and other people who might misuse that information and so in the course of providing risk management services to those companies, those are some of the issues that we go through. That involves an educational component as well because, again, for many of them...even for larger companies...often times they don't necessarily see themselves as a target because they don't see their information systems as holding value of the way that maybe a credit card company or something might. I think there's an educational aspect there. Also, I participated within the insurance industry, you know, educational forms and conducted presentations. I think I have experience both in terms of educating individuals, but also addressing larger groups in making presentations.

AG CORTEZ MASTO:

Thank you. Describe a situation in your recent work experience that you felt was stressful, and how did you handle it.

SCOT DUNCAN:

For me it would probably be more on the insurance side, you know, my involvements been in commercial lines insurance underwriting. I had a situation where there was a request made by one of our insureds. It was a reasonable request, but I knew it was outside the guidelines of the insurance carrier that we were representing on that particular policy and, you know, my approach, kind of going back to what I said earlier on, was really to try to address the needs of both of the parties – in this case, the insured, and the other side the underwriter at the insurance company that we were representing, and try to determine as best I could what their concerns were, where there might be possibility for some sort of negotiated settlement that would be agreeable to

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both of them. For me, it was really more about, I think figuring out what was necessary and then having the patience to go through, it was about 3 month's worth of back and forth emails and conversations to get it to a point where we came up with an agreement that both sides could accept. Again, it's mostly trying to make sure you understand the problem before you act and then having the patience to work with the parties until we get to a point that's agreeable.

AG CORTEZ MASTO:

Thank you, Mr. Duncan. What appeals to you about this position.

SCOT DUNCAN:

For me, quite honestly, it's a transition, again, information technology has definitely been a part of what I've doing both within my own business in terms of protecting the information that my own business would collect and have, via its insurance operations, that I mentioned previously, also in consulting about various exposure that our clients had in helping them to hope we address those exposures and, you know, prevent a loss of information or other attacks. That, I think for me, has kind of provided a basis for transition. As I said, you know, although we started as an insurance company, about 5 or 6 years ago we moved more into providing risk management services. That began to involve heavily an understanding of information technology and where that fit into their overall universe, or scheme, of risk. For me, quite honestly, I found that more appealing and more relevant to many of the companies I work with. It's not that there insurance wasn't important but, in looking at their overall operations, seeing where they were most vulnerable often times, again, while insurance may have been a necessary component of protecting themselves, there were many things they could and should have been doing to protect themselves with regards to information technology, or otherwise, that they weren't doing and steps they could have taken. For me, that component of consulting and educating proved to be more fulfilling in many cases than the underwriting component of my job. Personally, for me, in reading through the description of this job, it seemed to fit in very well with what I had been doing and enjoying, and I saw it as a good opportunity to move in that direction, more specifically, than the somewhat bifurcated work I'd been doing where it's a little bit of insurance underwriting, a little bit of risk management consulting that would allow me to move strongly in the direction of, again, understanding and educating people about the threats that exist.

AG CORTEZ MASTO:

We have a follow up question for you.

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ASSEMBLYWOMAN BUSTAMANTE-ADAMS:

Yes, Mr. Duncan, Assemblywoman Irene Bustamante-Adams...so for the last 10 plus years you have been an owner and a President of your company and before that your past experience also was an owner. Can you elaborate a little bit about the transition to moving from being an entrepreneur to back into a different type of team atmosphere that this position would require.

SCOT DUNCAN:

Absolutely, to be honest with you, I appreciate the question because it's a question that I absolutely understand where it's coming from. I don't know if it's a misconception about entrepreneurs generally, maybe, you know, for people who literally run their own cabinet-making operation or something like that maybe they really can be that independent. I can tell you in the type of business that I've been doing both at the engineering consulting services and within insurance; I've had to work with a large change of stakeholders throughout. I'm _____ projects, we got all the way down to the individual site which often the same team that was doing the engineering work for that site they were doing an update, you know, then the owner of the equipment itself, so there was a number of people involved, the actual engineers at the engineering company that was attempting to do an upgrade or retrofit on a given...you know, typically it was petrochemical processing ____ separation...the type of engineering that it involved. There were a number of parties involved and all of them, again, had different interests and needs that were going to come out of that. Certainly, with an insurance...the type of insurance that we're involved in is not personal lines, it's not the main street type of insurance that you might be familiar with, again, maybe that gives you a certain sort of independence. Ours was specifically commercial lines insurance and typically what they call program management which means we had a program authority that was given to us by a given insurance carrier. So, if you think about the value chain that involves, you're talking about the large insurance carrier who gives authority to us then we work through a retailer because we're basically a wholesale operation who, then, has an insured. There's at least four pieces there. Then, beyond that, you know, we have to work...insurance is a pretty well regulated industry...so we have to work with regulatory components in terms of licensing, in terms of taxes, premium taxes, _____ lines taxes. There was a number of parties that I had to answer to in one form or another and had to form alliances with and create teams, both within my own company but also with other entities outside my company. So, for me, personally the idea that I was able to operate in a vacuum, perhaps, the way that the sole proprietor might, you know, somebody who's involved in that type of operation. I really don't _____ the case. I really feel the type of work I was doing, even though it was entrepreneur, perhaps even more in some cases than working with the company itself, required team building and management of multiple personalities and multiple different time lines, and multiple different needs, I guess, in terms of what they expect at a given project to accomplish.

AG CORTEZ MASTO:

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Thank you. Mr. Duncan what motivates you?

SCOT DUNCAN:

Well, I think for me, personally, the biggest motivation is trying to get it right. I find that whatever I'm involved in, whether it's my work, whether it's things that I'm working on as a volunteer, whether at school, or as a coach, or something else. It's the understanding that it's not necessarily right the first time, but there's a lot of value in trying to find the right path ultimately. As I often try to...I coach a ____ robotics team and, in coaching these 5th graders, of course, there's a lot of trial-and-error involved, but I try to convey to them...and actually in one exercise we were doing this past weekend at our meeting...I was trying to convey the idea that there's a lot that can be gained through trying to understand a problem, to do the work ahead of time, on paper, in this case. In this case, it's a program exercise. Before they actually sat down and tried to write the program to make the robot do something to try to actually understand what they wanted to accomplish and, as best they could, work out the solution outside of just fiddling with it, if you will, until they got it right. So, for me, I guess, I would say what motivates me the most is trying to find...and part of my company's name, as you can see on the resume, Innovative Insurance Solutions. You know, I really like solutions. I like it when it's a win-win situation. I like it when I can find something that makes everybody happy, that accomplishes something useful and it's best, if I am able to do so, I guess get it right the first time.

AG CORTEZ MASTO:

We have a follow up question for you.

ASSEMBLYWOMAN BUSTAMANTE-ADAMS:

Mr. Duncan, can you tell me what motivated you to go from being a Japan Ministry of Education to switching to engineering?

SCOT DUNCAN:

Well, I'd say at that point in my life, it was probably interest and a little bit of exploring, although even going back to what I did immediately before that was my undergraduate degree. You can look back at that and it was basically a major and a quantitative form of economics with minors in both mechanical engineering and Japanese studies. To me, I would hope that says something positive to you about my varied interest cause I see that a great positive and as an asset that I can bring to bear on whatever job, or task, I'm trying to accomplish. I really, at least personally, appreciate the ability to synthesize various pieces of information to bring to bear on a given task, and I know that in our current society, it seems like maybe more and more emphasis is being paid on people who are specialists and, you know, certainly there is a role for that. I would say that there should be a role to for people who are able to bring together various

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disparate parties in to some sort of common solution. And, actually you know, I think this job, I knew was attractive to me this job, in particular, seems to kind of scream out for that type of role. I mean you're asking for someone who's not necessarily an IT expert but someone who would, presumably or hopefully, be able to understand IT issues, be able to discuss them, feel conversant about IT and not afraid of it, be able to talk to the technician about something, but be able to turn around and talk to someone in law enforcement about it at the same time and be on the same page and not necessarily feel like one side or the other is where your expertise is that you basically sufficient expertise in both those areas, maybe not _____ expertise, but sufficient expertise in both areas to be able to have good, meaningful conversations and ultimately bring those parties together. For me, I didn't see those as strange transitions. I saw those as trying to move on to the next best opportunity that was available, something that would allow me to use a variety of skills. I can tell you, working in Japan certainly put emphasis on my ability to speak Japanese while I was there, but it really pushed a lot of other buttons at the same time in terms of managing personalities, in this case, cultural differences, things like that. There's a lot of other things that went into that and, I guess to me, that's what I really appreciated more than just simply saying it's an opportunity to speak Japanese, and I think the same thing when I moved on. Actually in my MBA, going into engineering, that wasn't necessarily...when I was getting my MBA I wasn't necessarily targeting that, that was an opportunity that became available, something that I had done while I was getting my MBA to earn some money, and it peaked my interests, and I saw that I could apply my background of skills, in this case, some engineering skills and some business skills simultaneously, and you know, I really appreciated that. In fact, I was able to integrate some of those, I think, cross-cultural skills too, because the companies who we were working for were French, Swiss, before that actually, Britain, as well. To me, I really appreciated those opportunities to bring to bear a multitude of skills simultaneously versus just picking one thing out and specializing in that.

AG CORTEZ MASTO:

Thank you. Mr. Duncan, what experience do you have working with the State Legislature and/or elected officials to create, and implement, public policy?

SCOT DUNCAN:

I'd say that, quite honestly, I don't have any significant experience in that area. My company was involved in helping to craft and, I guess, bring to bear the Nevada captive insurance law back in around 2000, but other than that, none to speak to. It's not something that I'm particularly involved in on a day-to-day basis in the past few years.

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AG CORTEZ MASTO:

Would you have concerns then if you knew this job entailed involvement in that process about taking the job?

SCOT DUNCAN:

No. I would not have any concerns about that.

AG CORTEZ MASTO:

Can you...and you may have already done this through your analysis or discussion with us Mr. Duncan, but can you describe a situation where you had to work with multiple agencies, business, and/or partners? I think you've pretty much done that. Anything else you want to add to that question?

SCOT DUNCAN:

Yeah, I think, you know, those opportunities came up frequently because of the number of parties that were involved even in the day-to-day, mundane, insurance transactions that we were doing. Again, there was definitely a value chain that existed and, again, all those parties' needs had to be met. I don't know if I have anything significant to add that...and I don't want necessarily want to waste your time, but I mean, there are a number of examples where that would have come to bear, attempting to manage the various needs of the parties that were involved in that transaction.

AG CORTEZ MASTO:

Okay, and also, similarly, I think you've touched on this as well. What experience, or educational background do you have that you feel qualifies you for this position?

SCOT DUNCAN:

Again, I detected this position had multiple parts to it, it seems like it certainly has, I would say, an administrative, managerial part to it. I think my entrepreneur experience, and also my MBA, I feel very qualified to handle any aspects of that part of the job. With regards to the information technology aspect again, beyond my personal interest, it's something that I've had to deal with on a day-to-day basis over the past decade and before that even, especially the past decade...the insurance team with personal information, my own personal and my companies, I guess, information systems and data bases, but also then, ultimately, in the last five to six years, the clients that we consulted with in helping them manage their systems and their technology as well. In terms of the educational component, not necessarily relevant to technology, but I was an educator in Japan for two years. I've had that experience of being up in front of people and speaking from an education standpoint, of being the teacher, if you will. Again, probably in a way that's more relevant to this particular job, getting presentations

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and seminars within an insurance agency, speaking to peers about their needs. We've also held seminars for clients; seminars for groups of policy holders in addressing them, certainly, on a consulting basis, but one at a time, but in those circumstances, you know, a roomful of policy holders bringing them together and discussing about their general needs. So, I think, if I look at the main components of the job description and, both my educational background, but also my professional background seems to address those in all those areas.

AG CORTEZ MASTO:

And then, Mr. Duncan, looking at your resume, you, no doubt, very impressive, but I see here you were the owner and Vice President of Applied UA, Inc. which was a very different company than the one you currently own which is Innovative Insurance Solutions. How did that happen? How did you transfer from the two companies as owner of those companies? Can you describe that a little bit?

SCOT DUNCAN:

Sure, in a general sense, it goes back to what I said before that I was, in my opinion, I continue to seek out opportunities that allow me to use a wide variety of skills and so that's probably the why. The how of how it happened, the engineer part, actually, goes back to when I was getting my MBA and, as I said, I just mostly to pick up some money to pay for my MBA. I was doing that, just engineering work. The engineering work, at the time I was doing it, while I was getting my MBA, was definitely the ground level-type work of, I guess, the nuts-and-bolts, the guts, of you know, doing the drafting designs and things of that nature, designing, doing the technical design of heat exchangers and things like that, the basic engineering for this equipment. While doing that, one of the partners at that...it was a relatively small company...and there was basically three partners...one of those partners expressed a desire to go off on his own and, I guess, I saw that as an opportunity. I knew that my engineering skills were not...going back to what I said before about expertise...I knew my engineering skills by themselves were not enough to go off on my own and form an engineering services consulting, I guess, company. But, I knew that together, we both could bring something to bear to a small business like that and, in my case, you know, I was able to bring an engineering background sufficient to be a good assistant on that side of it, but a business background such that I could run the business side of the company. That was a very good partnership, but it was also where we, eventually, I guess, went our own ways. It was very amicable. I sold my shares off to my partner. Another opportunity presented itself with regards to insurance and...the way it was presented to me at the time, and the part that I guess, it may seem strange, but the part that was a connection in my mind was certainly, within engineering, you know, you're given a challenge and it requires both I'd say a qualitative aspect to forging a solution but certainly a quantitative aspect to that as well...number crunching and actually trying to figure out, in this case, since it's a thermodynamic design, you know, if it's actually gonna work. While insurance may seem very different, they type of insurance that we're doing is not Main Street insurance where you're putting data into a computer and getting an answer back

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from the carrier via the internet and giving that to the client as a price. It's not set up that way. Basically, we're given program-level authority by commercial lines insurance carriers to execute the underwriting which includes all the way from collecting the information, determining if it fits within the underwriting guidelines, then underwriting it to form a price to the point of then actually issuing the policy and endorsements and servicing the policy. It covers a broad range of skills, and going back to the underwriting part of it, in the way we do it, it's done with computers, of course, but it's done by a human being and it's done very numerically. In this case, it was done by the losses, the loss stratification and the historical lost data of a given risk or insured. For me, there was a strong connection between the analysis that had to be done for engineering brazelume heat exchangers which is more of a kind of science and thermodynamic analysis and an analysis that had to be done for the losses on a given insurance risk in terms of determining or creating a premium that would, in theory, be appropriate for the risk that they exhibited in the past. Again, in both cases, they were numerical, analytical type of approaches and so, for me, there was a connection between those two, and again I saw as the next opportunity to again synthesize skills, and also it was an opportunity to perhaps I guess move in a direction where I would have... I guess move into an area where there would be a little bit larger organization and be able to accomplish things that I wasn't as just a two-person operation which what the engineering firm was.

AG CORTEZ MASTO:

Great, thank you, Mr. Duncan. Do the Board members have any additional questions? Alright, finally, Mr. Duncan, do you have any questions for us?

SCOT DUNCAN:

No Ma'am I don't believe that I do except I really appreciate the opportunity. I wanted to, at least, before I finish, take this opportunity to thank you, as well as the rest of the Board, for allowing me to come into today and speak to you. I understand you have, I guess, other qualified candidates but I appreciate the opportunity to come here and present my skills and my interests and, again, thank you for your time today.

AG CORTEZ MASTO:

Thank you, and thank you for participating in this process. I know it can be a little awkward and, more importantly, you've got two different locations and a TV monitor to respond to, and I think you've done a great job with that, so we appreciate that. Thank you very much.

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SCOT DUNCAN:

Alright, thank you very much.

HARRY WARD:

If I might, please Madam Chair, Board members, at this time, we're asking you to leave. This is an open meeting. You can stay if you want, but we're just asking you in fairness to leave so we can interview the other candidate. Is that okay sir?

SCOT DUNCAN:

Yes, sir, I understand, that's fine, I'd be happy to leave.

HARRY WARD:

Alright, thank you. If I may, please, sir, please turn on your mike and go ahead and announce yourself for the record.

DYLAN ZIGENIS:

Dylan Zigenis.

AG CORTEZ MASTO:

Mr. Zigenis, hi. I'm Catherine Cortez Masto. I'm the Attorney General and Chair of the Board. Thank you so much for, not only your application applying for the job, but going through this process, it's a little unique. We are subject to the Open Meeting Law and that's why we have to interview you and potentially hire the next Executive Director through this open process. I know it may be a little awkward at times, but we appreciate you participating. If, at any time, we ask you a question and you need us to ask it again, please don't hesitate. There's no trick questions here. Just ask us to ask the question again and we will do so. So, let's get started. And, it's Zigenis?

DYLAN ZIGENIS:

Yes, it is.

AG CORTEZ MASTO:

Alright, Mr. Zigenis, what research have you done to prepare yourself for this interview?

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DYLAN ZIGENIS:

The most in depth research I did was looking back over the minutes of previous meetings of this Board. I feel like I got a good sense of what the Executive Director's role was and the service that person provides to the various law enforcement, as well as, public bodies.

AG CORTEZ MASTO:

Thank you. Would you please describe your management style and why you think it is effective.

DYLAN ZIGENIS:

I take a very consultative approach to management. I have a tendency to manage up, down, and sideways, in the sense that I create working groups. When we're working on a problem titles don't seem to matter as much. So, for example, I have no problem calling a meeting that involves superiors, colleagues, and staff.

AG CORTEZ MASTO:

Okay, thank you. What do you envision the scope of work to be for this position?

DYLAN ZIGENIS:

It seemed to me that the primary role of the Executive Director is to organize the various streams of information that are coming in and to disseminate that back out to the other bodies that you're serving as the Director, to help organize these meetings to bring everyone together in a timely fashion and a regular fashion and to really provide communication on multiple platforms.

AG CORTEZ MASTO:

Okay, thank you. Can you describe a situation in your recent work experience that you felt was stressful and how you handled it?

DYLAN ZIGENIS:

Yes, I think that, as you'll see from my resume, I'm a stockbroker. There's a little bit of stress involved in that job. The way I've found most effective to manage it is working with my manager and also my mentor discussing the problems with him, and also bringing it forward. There's this, at least in my field...I'm sure it's everywhere...this kind of a feeling that you should maybe not let the client know that you're worried about something. That was...I think we broke that paradigm...I mean we just became very open with the clients, let them know that, if there was something that we were concerned about, we'd bring it forward. I think that open communication, admitting what

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you know, and what you don't know, that's always helped me get through the rough patches.

AG CORTEZ MASTO:

Thank you, Mr. Zigenis, what appeals to you about this position?

DYLAN ZIGENIS:

There's a...there's a position within the treasury discovering and solving, and stopping, financial crimes. When I became a stockbroker, I had always been interested in the securities field and in business. But, when I learned about that position, I said, that's what I want to do; I really want to help do something a little bit bigger than managing someone's bonds and equities positions. I was fortunate enough to be able to work with a law enforcement office, who's also a stockbroker in Minden. I really saw the passion that he had for what he did for the law enforcement part of his life and, you know, in some ways I missed that, I wanted that. When I saw this position become available, I thought it was really a great nexus between what I had done, my business experience, my experience with public bodies, as well as stopping bad guys. There's something more out there for me, and I was extremely excited when I saw this position.

AG CORTEZ MASTO:

So, Mr. Zigenis, this position requires experience to be able to educate the average person and the tech industry on technology issues. How would you handle that, and do you have the experience to be able to do just that?

DYLAN ZIGENIS:

Absolutely. Early in my career, I worked for a technology company. My job was to run the software department, but I was also in charge of the sales department. I needed to know how to train my sales people, as well, sell our product, but also to translate what was coming from the software department and turn that into something that the owners could understand. I feel like there should be a sub-heading under my job titles – translator. I feel like I've always been translating one type of language to another in terms of explaining things to the public. I think that's definitely evidenced in my career, but it's one of my strong points – taking a technical issue and explaining it in a way that more manageable and bite-sized.

AG CORTEZ MASTO:

Thank you. Mr. Zigenis, I know I'm gonna screw that up. Zigenis, right?

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DYLAN ZIGENIS:

Zigenis. You're doing great.

AG CORTEZ MASTO:

Alright. Zigenis. What motivates you?

DYLAN ZIGENIS:

Well, definitely my family. I have three wonderful children, a beautiful wife. It fires me up every day to see how wide open and bright their eyes are and being a great Dad to them, being a great provider, is my primary motivation. I'm also motivated to make a change for the future. I can't remember which item it is on my resume, but the community center project in Douglas County was right up my alley. It was a chance to do something that was going to have a lasting long-term positive approach, or positive impact, on the Valley. I was just extremely proud to be able to be a part of that program. I guess what motivates me is being a positive influence towards changes, as well as being a father.

AG CORTEZ MASTO:

Okay, and what experience, or educational background, do you feel qualifies you for this position?

DYLAN ZIGENIS:

Well, I was a student of liberal studies and, again, I think that's where the translation began. We were specifically tasked with learning how to speak the languages of the various different departments around our campus. Through my career, I've always been in that mode where I'm bringing a message, either from management to staff, or staff back to management, disseminating information to clients, or potential clients. In terms of business experience, I think my background in building business, as well as working at an executive level, would give me the ability to reach out and work with the private partners that are, of course, part of this larger technical crimes picture. My experience in serving on a small public board, as well as working with folks that are already elected, or trying to get elected, to county office has also prepared me, seasoned me, for the interactions that would be required in this position.

AG CORTEZ MASTO:

And Mr. Zigenis, what experience do you have working with the Legislature and/or elected officials to create, and implement, public policy?

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DYLAN ZIGENIS:

I think the greatest experience was passing, or getting the commissioners in Douglas County on board with passing what, essentially, amounted to a tax hike to pay for the community center. This was 2011. We were coming off of the 2010 very much anti-tax elections and, when we started off, we said, okay, we know that we need X dollars to build this thing, but how are we gonna fund it. How are we gonna pay for our community center. We set about the task of convincing the commissioners, commissioner-by-commissioner, that, in fact, the best way to pay for it was a raise of the utility operator fee. It amounts to about \$10 a year to each resident of Douglas County, but we felt that it was good policy and, again, instead of trying to, kind of, sugar coat it and call it something else, we came right out to the public and told them what we wanted to do. I took it upon myself to go to the various groups that meet, and they're sometimes very loud and boisterous at our County Commissioner meetings and meet with them. And, just say, hey look, here's what we want to do, and here's why we think it's good for the people. Do you have any questions. They had a lot, but by the end, we were able to make more friends than not. In a really contentious year, we were able to pass the tax hike with very little public resistance.

AG CORTEZ MASTO:

Thank you. Describe a situation where you had to work with multiple agencies, businesses, and/or partners.

DYLAN ZIGENIS:

Well, there's a few. I think the most, the funest one, the most interesting one, is putting on Carson Valley Days every year. It's what amounts to our county fair, but in doing that we interface with, of course, the County Commissioners, but we also work with Douglas County Sheriff's Office, the Public Safety Commission, as well as the firefighters and the first responders; there one in the same there in Douglas County. But, we're also dealing with the public and bringing in vendors who are essentially renting space from us, setting up a carnival, using a large public space in Lampe Parke in Douglas County, bringing the event off, which is the largest...well, Cowboy Poetry, might have taken over in Douglas County, but was the largest event. Bringing that event off every year, year-after-year, with a group of volunteers really took some magic and some threading the needle, and I think that we always excelled at that. I've had a...it's been my pleasure to serve on that Board for four years and be a large part of pulling that event together.

AG CORTEZ MASTO:

Thank you. Do the Board members have any questions. Alright, Mr. Zigenis, that's right. Do you have any questions for us?

DYLAN ZIGENIS:

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How long has the Board been without an Executive Director? When did Chris move on?

AG CORTEZ MASTO:

I want to say it's been since this summer. Our Board meetings are quarterly, so we are due for a regular meeting. The last couple have been in the process of trying to hire the Executive Director.

DYLAN ZIGENIS:

And, in the absence of an Executive Director, what has the...how has it continued to function?

AG CORTEZ MASTO:

Yeah, we have not moved forward. There is...there's really no staff other than the supporting staff from the Attorney General's Office. So, literally, we've been on hold until we've had the ability to bring the Executive Director on board. With that said, as a result of our last meeting, we had some issues that are already moving through the pipeline in the form of legislation and things that are happening with some of our Board members who sit as legislators. But, at this point in time, other than coming together to hire the next Executive Director, we have not come together again to talk any substance.

DYLAN ZIGENIS:

Okay, I feel I got, at least, an outsiders perspective of the job the Executive Director was doing, but maybe we can go around and just get high points from some of the Board members in terms of what they would like to see in their Executive Director.

AG CORTEZ MASTO:

Board members...any of the Board members like to comment on that?

JAMES OWENS:

I'd be interested in knowing how you're going to cross this bridge. You're gonna deal heavily with law enforcement that's very involved in this tech crime and then the victims, and then, as well as the legislators that are going to try to enact law to help protect these people. It's quite a different group of folks you're gonna be working with and just how you're gonna...you know, you're gonna be a busy guy. How are you gonna do that?

DYLAN ZIGENIS:

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Well, I am a busy guy. I won't deny that. In terms of how I'm gonna be able to reach out to elected and non-elected officials, I think that's actually kind of a, a special skill set, and I feel like I've exhibited it in my past duties. In terms of working with law enforcement, I work with a Deputy Sheriff on a daily basis...someone who is actually, has served in public office, so we tend to kind of run-the-gamut of what a Peace Officer is doing and then the more political side is life. In terms of how would I approach the legislature and law enforcement, I would say, respectfully, with an open mind and, honestly didn't prepare for that question, because I didn't really think of it as anything extremely different from the current experience that I have. What would you like to see?

JAMES OWENS:

I want you to come to work early, stay late, answer any questions the Board has, provide detail analyses of current positions that we're in. I want you to do it all.

DYLAN ZIGENIS:

And, outside of the meetings, cause I only got to go in on the quarterly meetings, it seems like there would have to be, if not daily interaction, every other day, bringing information up and sending it out. Is that kind of the case of how it's been in the past, or is it just once a quarter, dump the information on you and run.

AG CORTEZ MASTO:

I can answer that based on our interactions. There's ongoing interactions between the various agencies on a regular basis in between the meetings, and I think that was the impetus of the initial question to you. If you look at the members of this Board, there's a vast membership of State, Local, and Federal Agencies that are working together. Any other questions for us?

DYLAN ZIGENIS:

No, Madam Chair.

AG CORTEZ MASTO:

Alright, thank you very much. We really appreciate you participating, again, I know this is a unique process. You did a very good job with the...not only having to deal with North and South interviewers, but a camera in between and looking into the monitor, so thank you very much.

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HARRY WARD:

At this time I'm gonna ask you once again to leave the room. We are in an open meeting. You are more than welcome to stay, but we're asking just out of respect to the Board for you to leave the room until we come and get you. Is that okay?

DYLAN ZIGENIS:

Yes sir. Thank you Madam Chair. Thank you Board members.

AG CORTEZ MASTO:

So, moving on then to agenda number 5.

Agenda Item No. 5 - Discussion, Review, and Evaluation of Candidates for the Position of Executive Director.

AG CORTEZ MASTO:

This is the point in time for the Board to discuss, review, and evaluate the candidates that we just interviewed for the position of Executive Director. I don't know if anybody wants to start that discussion. Let me ask you, is there...between, really, we have two candidates, is there a preference immediately that comes to mind one over the other and if so, why. And if not, that's also an option as well, but does anybody want to start the discussion?

HAL BERGHEL:

I think we're very fortunate having two very qualified applicants. They've got excellent records, and they present themselves very well before the Board. However, I have some discomfort about the degree of match between their skills and their interests and the position. I don't have anything beyond that, but I will express this discomfort.

AG CORTEZ MASTO:

Thank you, anyone else.

JAMES OWENS:

I would agree. I was kind of hoping for someone that would have more direct experience in dealing with some of the topics that we talked about, but certainly they are a couple of smart gentlemen. What I did like about Mr. Zigenis is more direct answers to the questions that were given him. He was able to get this done about half the time as the other one. I like the fact that he had some questions. I thought he had a couple of pretty good questions towards the Board, showed an interest in the job. I thought several of his answers were pretty direct, and I liked the answers.

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AG CORTEZ MASTO:

Thank you. Anyone else?

TRAY ABNEY:

You're definitely talking about two different skills. I had the same concern that was expressed earlier when I just looked at the resumes and didn't see a lot of experience tied to the issues that we discuss on this Board. However, after listening to both gentlemen, I thought Mr. Duncan carried himself very well. I think he was professional in his answers. I think he...his experience and his answers showed a want, a desire, for a challenge, and something new, and something to challenge himself. I think he obviously gets it, if you will, he's definitely more of a technical administrative type personality. To the Assemblywoman's point from earlier, I think Mr. Zigenis would definitely be able to communicate these difficult issues that we talk about here to your average Joe, your average citizen and your average legislator. I think he definitely has more of the political mind-set if you will, and that's not, that can be good and bad, frankly. I didn't think Mr. Zigenis carried himself as well through the interview, and his answers were short and blunt, and I'm a...I like short and blunt answers, but some of them were, I thought, a little too short. I feel that Mr. Duncan had given a lot more thought to this interview and this process, but that's my two sense. Thank you.

AG CORTEZ MASTO:

Thank you Mr. Adney. Any other Board members have any comments?

ASSEMBLYWOMAN BUSTAMANTE-ADAMS:

Echoing the same comments, I know the concern about the resumes. What I did note about Mr. Duncan was I was trying to mention being able to work in the environment of law enforcement and have the respect from those individuals, and I thought that Mr. Duncan actually portrayed that better. I also like the fact that he would be able to be a generalist in a sense which, I think with this position, you kind of need to be, and so that was appealing. I also liked the fact that he was self-motivated and, just by being a one person team, I think you're gonna have to be that. Not knowing how it directly interacts with you and your other team members, but pretty self-directed I think is important. What did concern me was the length of the answers to the questions, and we may lose a bill if it goes to law. He may be...actually talk us out of passing something. I don't know if that's something that we could teach, but, and as far as...the other gentlemen whose name I can't pronounce, Zigenis, I believe um, I think what Mr. Abney said, yes, I think that the answers were a little too short for me. I think that there needed to be more depth, so I thought that Mr. Duncan was a little bit more prepared.

AG CORTEZ MASTO:

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Thank you. Any other comments from Board members? Alright, hearing that. I don't disagree with everything I've heard here today. I think one of the concerns...and I had similarly was the skill set. After reading the resumes and knowing what the job entails was the lack of the skill set when it comes to the technological side, and then my concern was, could that be learned. Do we have a candidate that could come in and pick up on that and work with all of the various agencies, understand the agencies at State, Local, and Federal levels and be able to work with what our needs are and move forward. Based on that, I don't think either candidate stands out one way or the other on that answer for me, personally. But, with that said, I do know both them were phenomenal candidates. There's no doubt in my mind that, based on what I've seen in their resumes and their education and experience, they're just outstanding individuals. My concern just comes back to the skill set issue and what we are looking for in this position. So, let me ask you this. Give me an idea of the type of person we would want, I guess, or do you think we have somebody here that we could work with to move forward knowing, based on our analysis and our involvement with the Board that we can work with one of these individuals to get them up to speed and teach them what we think they need to know, in particular, when it comes to the technological side, I guess, that's my concern. As we move forward through this, tech crime is our future to address, and we need to, as a Board, individually in our state agencies and our various private agencies, need to understand, and I think we all do, and that's why we're here that this is the future for us – tech crime and understanding it and putting in place enforcement mechanisms and the laws and working together at the private sector and government to address this issue. It's our future, and it is an important part of what we do in our daily interactions in our businesses and our agencies. So, I'm just throwing that out there, because I know in my office, in particular, we are in the next two years creating a cyber crimes unit and, for me, this Executive Director is going to be interacting with my state agency – the cyber crimes unit, where we have the forensic investigators at state level, our prosecutors in working with our partners at the federal and local level and our private sector partners. So, that's kind of...that helps, that kind of is my vision for my office to get us up to speed and prepared for the future that I know is coming, particularly when it comes to consumer protection issues that I'm seeing. So, I'm hoping that helps. I will throw it out there for more comment and/or a motion if somebody thinks it's appropriate at this point in time, to make a motion.

JAMES OWENS:

I just have a question. How hard is it to let somebody go in this position, if it's not working out. This is an appointed position. If they were doing this, and we took a chance on one of these guys, and they just weren't getting it, how hard is to remove this person and do this again?

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AG CORTEZ MASTO:

Well, this person is considered in the unclassified sector of the state...unclassified position of the state and, so, they can be terminated without cause. But, with that said, obviously, we want to give them an opportunity to succeed, and it would just depend on the Board understanding that one, and thinking that how much time does that take, and how much do we need to give them that opportunity to succeed.

HAL BERGHEL:

I'd like to put a little more positive spin on this. Without having hired anyone yet, discussion of how we might terminate them, may not be the most appropriate way to proceed. However, there's something in that line of questioning that suggests that maybe there's a discomfort that goes beyond just one or two of us on whether or not we have someone with a mix of skills that would serve adequately in this position. I can't speak to the...working with the legislator skills or the legal skills. Those are areas outside of my domain but, as a resident geek on this commission, I can tell you that the technology crimes skills...the skills required to deal with technology crimes are considerable and they're not learned on the job, generally speaking. The technical side is somewhat more worrisome for me just because of my background.

AG CORTEZ MASTO:

Can I ask one of our, and maybe this is...I'm sorry Tray to put you on the spot, but I'm curious that our private sector representatives, what you think about as we...the discussion so far.

TRAY ABNEY:

Well, I guess, my next question would be, how long can we let this position go open and, if we were to go out again and start from scratch, do we believe that we would get a different group of candidates and, if so, why, and if you have somebody with these kind of skill sets that we're looking for, are they...is there a good chance that they're gonna have more lucrative opportunities in the private sector anyway. So, I don't mind...there seems to be several of us with a little bit of discomfort about the skill sets of both of these gentlemen. It's just a question of, again, how much longer can we go, and why do we think we would get a different result if we started from scratch. If we did start from scratch, we may want to think about expanding, and better clarifying, the job description and what we expect of these folks on the job announcement. I'm not sure if I answered your question, or helped at all, Madam Attorney General, but those are my thoughts.

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AG CORTEZ MASTO:

No, Tray, you did, and you pointed out something that I think is important, because when I'm looking at the position announcement and really these two gentlemen that came forward, they responded to what we asked for. I think it's incumbent upon us as...if we are to do this again, or we're looking for a specific skill set, we have to do a better job I think in this position announcement in specifying what it is we are looking for. As I'm going through it and looking at it right now, these two gentlemen applied for the position that was requested, and so there's...to me that's not a negative for them, it's a negative for us. That's kind of something that is important here in this process, and I think we need to take that into consideration as well. So, Tray, thank you very much cause that brings up a very important component of this discussion.

JAMES OWENS:

We're looking for an Executive Director here. How competent do they have to be along this line of this technology. They're gonna direct, they're gonna obtain training and coordinate, but how much of an expert do they need to be in these skills. I'm asking cause I don't know.

HAL BERGHEL:

Well, if I might venture a response to that. I think the number one requirement would be to avoid skill inversion. That is, they need to know enough to be able to articulate requests well to people that actually have those skills and what I would rule out prima facie is someone that's, by education or training, apparently clueless. That could be a problem. They don't actually have to grill down to the business of digital forensics to work with the Attorney General's new commission, but they do have to know something about what digital forensics is, how it's distinguished from non-digital forensics, the nature of the constituency, the targets, the threat factors, they have to be able to talk about those things intelligently to be able to do a good job in that position in my opinion.

AG CORTEZ MASTO:

That's very helpful. I'm gonna ask...is David Gustafson, our State Chief Information Officer, I don't want to put you on the spot as well, but I also know that this job duties of this particular Executive Director is required to interact with your agency. Any thoughts on the particulars on what you would have want from this Executive Director and the interaction with you, and the knowleDAVID GUSTAFSON:e skill set that would be required.

DAVID GUSTAFSON:

Sure, Madam Chair. I'm long along the lines more with Hal as well. If you don't understand the vectors of the information security, at least the basics, I don't know how you could be successful. I also see this role as a bit more administrative than I think

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has come out today. There's the whole setting up the meetings, the agendas, working with staff to make sure that it's recorded and that the minutes are posted, and there's administrative hear that I'm sure could be trained, but needs to be recognized as well. I think working with my staff and my organization, certainly, we'd like somebody more technical probably than what you get with one of these guys. I think they both did a good job here today. I think they should be recognized for that, but I would be looking for someone a little bit more on the IT security side, technical speaking.

HAL BERGHEL:

Madam Chair, is it appropriate for me to ask a question that's out of ignorance. I don't want to sidetrack this, but many of the things, especially what David just mentioned, would fall under what I would consider to be office management. I really look for something much more noteworthy in an Executive Director. I wonder if we don't have a confused mission here. Are we trying to build too much into this position? Have we lost sense of our priorities? I don't know.

AG CORTEZ MASTO:

No, I think that is a great question to ask because we do know, over the years, and for those Board members that have been sitting on this Board along with me for the last few years, I think we had the luxury of an Executive Director who fulfilled both. Does the position itself really require that level of skill set when it comes to the technological side, or are we just really looking for somebody to help administratively, bring us together, keep us working together, keep us on topic with the issues, pull out the experts in the areas to help and come talk to us in those areas and keep us focused in that sense, that I'm going to open up to all of you and that question, what your thoughts are.

ASSEMBLYWOMAN BUSTAMANTE-ADAMS:

If that's the case, and I know that I've only been to a couple of meetings, but if that's the case, then that changes my whole perspective. I don't think that either candidate would be a great office manager. I would not...I don't think that their skill set would lend to that, and I think that we would not be doing ourselves justice by putting someone in that position. That's not what I took away from the job description. If we are looking for that, I think we do need to re-write it and specifically ask for that kind of skill set. So, I'm hearing two things, I'm hearing from Mr. Gustafson, you know, somebody that was more tech savvy, and then also hearing that it would require more of an office manager type of position, so I'm not sure what we're going after. If we're going after the officer manager type position, more administrative, then I think that we have not done ourselves justice in the job description.

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DAVID GUSTAFSON:

Having hired the previous Executive Director away from the Board, I feel a bit obligated here. Madam Chair, I don't want to put the Attorney General's Office on the spot, but is the intent to have administrative staff surrounding the Board to help put together those types of things, the agenda items, and the meeting minutes, and all that kind of thing. I know the previous Executive Director was doing a lot of those things himself so that maybe, without putting you on the spot, that maybe that would help clarify the position.

AG CORTEZ MASTO:

No, that is going to be part of the job. When I think we first brought this position in, there was the Executive Director and an Administrative Assistant to help the Executive Director. Part of the job for this Director was to help put the minutes together, the Executive Director, but it was more than that. If you recall, for those who are on the Board, I know Senator Weiner is not here, but a good part of what the Executive Director did was work on legislation...worked with...Mr. Gustafson your department as well and some of your folks on some of the important cutting eDAVID GUSTAFSON:e leading legislation we have passed in this state in helping us maneuver through that process and understanding it. I think a part of the job is knowing technological crime, being able to understand what's out there enough to recognize that it's something that should be brought before this Board in part of the meetings and making those connections so that we were having that discussion and the dialogue. I will tell you, it's not only a part of my bill package, but Senator Weiner introduced several bills that had come from the discussions we've had here and that was because of the Executive Director understands the technology side of it, understands what was going on enough to recognize what was important for the Board, how we interact with one another on the fusion centers and cooperated to really bring us together and focus on what was important for, not only our individual agencies or constituencies, but for the state as a whole. I think that's part of what I'm looking for, is not somebody who can just pull us together and be administratively do the meeting and make sure we meet on a regular basis but much more than that.

DARIN BALAAM:

Since you explained it that way, I would have to echo the concerns of what Dave said, in that I know that it's your priority, I know it's ours up North, and I'm sure down South as well as the Federal Bureau of Investigations of Cyber, so I think whoever this person is if they do have that technology, and they need to provide that information to us, that they need to have that background. I don't know if either one of these has that type of expertise, if they would be able to recognize since all of us, private and in law enforcement, are moving towards being more cyber savvy, and safety-wise.

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AG CORTEZ MASTO:

Thank you. Any other comments?

TRAY ABNEY:

Can I ask what...what was the background of the previous Executive Director before he became Executive Director of this Board?

AG CORTEZ MASTO:

You know, Tray, I do not know. He was actually hired prior to my, actually, even taking office as Attorney General, so he was already working in the office.

DAVID GUSTAFSON:

I can just speak briefly on that one. The prior incumbent was a Harvard-trained lawyer who worked for the State Department and the FCC as a telecommunications at the State Department on the Federal level. So, he helped craft a lot of legislation that came from the Board and, from my perspective, he was actually really helping us to sort of forward some of those agendas that actually came from the Board as far as the encryption law, a log of the legislation, Madam Chair, that came from your office from the last session.

AG CORTEZ MASTO:

So, based on that, let me ask you this, because we have his expertise still within the state working for you, how do you envision interaction with your department with this new Executive Director.

DAVID GUSTAFSON:

I see the Board...when I think of where a lot of the value from my perspective going forward is going to be bringing in the Allen Patters, the Mark Weatherfers, the Jim Elsdys, those guys, talking about Aurora and how their using cyber attacks on generators and making things go boom, looking at what the Feds are doing as the Department of Energy, looking at what the NSA has been up to, Homeland Security. Bringing in those guys, you know, from the Federal level, FBI, those kind of guys, bringing them in from a technologist perspective to sort of see what everybody is doing and where we can help, and where we can collaborate. I think that's where I see the benefit of the Board. I know some of them...the guys with the guns probably, may be a little different perspective. At least, my perspective on the information securities side is more about what is everybody else up to, pulling people together, finding those collaborative opportunities. I also see looking at what other states are doing as far as encryption and standards in technology to ensure that the state systems are safe, safer I should say, the state data, as safe as it can be, which is one of the things why the

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encryption law was so important to us. From my perspective, those of the kinds of things that I look for from the Executive Director.

AG CORTEZ MASTO:

So, let me just for the Board's edification, this is the statute that talks about the general duties of the Board itself, not necessarily the Executive Director, but this is the general duties of the Board. The Board shall facilitate cooperation between State, Local, and Federal Officers in detecting, investigating, and prosecuting technological crimes, establish support and assist in the coordination of activities between multi-agency task forces on technological crime, one based in Reno, one based in Las Vegas, consisting of investigators and forensic examiners who are specifically trained to investigate technological crimes, coordinate and provide training in education for members of the general public, private industry, and governmental agencies including, without limitation, law enforcement agencies concerning the statistics and methods of technological crimes and how to prevent, detect, and investigate technological crimes, assist the Division of Enterprise Information Technology Services in securing governmental information systems against illegal intrusions and other criminal activities, evaluate and recommend changes to the existing civil and criminal laws relating to technological crimes in response to current and projected changes in technology in law enforcement techniques, distribute money, deposited, pursuant to our forfeiture statute into the account for the Technological Crime Advisory Board, and authorize the payment of expenses incurred by the Board in carrying out its duties. The Executive Director is obviously hired to support the general duties of the Board which I just talked about. I don't know if that helps in our discussion in your thought process in the type of person we're looking for for the Executive Director. I just wanted to make sure you are aware, again, of the duties of the Board.

TRAY ABNEY:

It definitely makes me feel less competent to be on the Board, but I appreciate that.

AG CORTEZ MASTO:

Well, noted, thanks, Tray. Thoughts...where we go from here?

ASSEMBLYWOMAN BUSTAMANTE-ADAMS:

I have a question. Since we're in the last quarter and easy ideas to bring forth legislation and be able to have it somewhat crafted before we begin, obviously, in January, how critical is it for us to get somebody as soon as possible versus going back and casting the net out again with a more specified job description?

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AG CORTEZ MASTO:

It is a critical component of the job duties of the Board, but I think for us to be up to speed and be able to introduce legislation at this point in time is a little late in the game. We would have to...unless there's already some members who already have something in the hopper or thoughts about it. I know, even if we brought the Executive Director on today and tried to get a meeting going this quarter which would be November, December, I'm not sure we would be kind of unified enough, or have enough information at that meeting to even be able to kind of identify the legislation we would want to put forward. I think that may be already come and gone unless there is like, I said, a legislator that is already working with a Board member or an agency on some of these issues. Before we do decide...I think the key issue for us today is to focus on what we think we need for the Board, the type of person, the skill sets we are looking for, whether it's somebody who is an administrative capacity only that we can teach to some of these issues, or do we need somebody with a little bit different skill set to advise the Board on the duties that I've just identified that we are responsible for.

HAL BERGHEL:

I think some of the skills that are required come out of this discussion, I certainly think some understanding of how to write statutes, how to talk to people about what would be in statutes if they were written, that's important. I think someone that has some experience with working with legislators would be useful. I think someone who can articulate positions with respect to the technology side is important. I don't think all of them need to be satisfied, but I think at least some of them have to be satisfied and, hence, the source of my discomfort.

AG CORTEZ MASTO:

Thank you. Alright, anyone else? Anybody want to make a motion? Or, any thoughts on where we would want to go? Even if we were to make a motion to...it sounds like we may not even have enough of a two-thirds. There would need to be six of us in whatever, I guess, direction. If we were to hire the next Executive Director, at least six of us that would support whichever candidate we chose. It doesn't even seem to me, unless I'm missing something, that we would even get that far, but I may be wrong. There may be, we may, with further discussion, be able to come to an agreement on what we're looking for, and I think that's at the end of the day. You know, these candidates, they did a great job, they've got great credentials, but I think the burden is on us to figure out what we're looking for, what type of skill set, and I'm hearing two different things, honestly, between some Board members here. The only thing that I can do is look to what's required of our job functions here in statute in what we want here. I do think that, to some extent, and I hear what some of the Board members are saying about the administrative function and the expertise that the Board members will bring to the Board that will assist if there is a skill set that is missing with the Executive Director, but I do know also that we, as Board members, particularly only come together once a quarter. Other than that meeting, we are not thinking about the Tech Crime

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Board, we're not involved with the Tech Crime Board, we're doing our other day jobs, so we really need somebody as an Executive Director whose thinking and walking it, talking it, all the time on our behalf to keep our momentum moving forward and ensuring that we are following our obligations that are required by us under the Statute. So, for that, I think that we do need some sort of skill set that is, to some extent, involved in tech crime, that understands that has that expertise to be able to talk, have that interaction and talk with the folks, all of us that are involved to some extent. I guess that's my only concern here. The burden is on us. I think it wasn't clearly spelled out in the description that we posted as what we were looking for, and we did get what we asked for – some very talented individuals who were qualified for the position that we requested. I think there, we unfortunately...it sounds like we're looking for a different type of skill set that wasn't necessarily in that posting. I guess that's my only concern here as we move forward, but I am happy to see if anybody disagrees or if somebody believes that the Board should move in a different direction and wants to make a motion. I don't want to discount anybody or let anybody not have their voice heard here.

HAL BERGHEL:

To put a positive spin on this, I don't think we should beat ourselves up too bad about this job announcement. After all, this is an Executive Director position in a Tech Crimes Advisory Board, and I think some of us were just assuming that we were going to see a tech or a crimes emphasis on the CVs of the applicants. I personally am willing to defend the fact that we all acted in good faith. We just may not have brought the pool of applicants that we had in our minds to the meeting today.

AG CORTEZ MASTO:

Thank you, anyone else?

ASSEMBLYWOMAN BUSTAMANTE-ADAMS:

Since we don't have a pressing need then with the upcoming legislative session, than I would...and I'm not sure if this is in the form of a motion, but go back and re-do the job description and specifically ask for that technical expertise that, I think, keeps bringing us the discomfort as a Board, and make sure there's a clear understanding that there is an administrative role, as well, that this individual would have to take on. I'm not sure if you would entertain that motion.

AG CORTEZ MASTO:

Well, let me ask Mr. Ward, is it correct for me to say that if we do not...if there is no motion and a vote to support one of the candidates today then the default is, and there's no motion, then the default is we go back to the drawing board?

HARRY WARD:

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Yes, you are correct. But for, maybe clarification, the Board does not have to take action. This is for a possible action. Likewise, the Board could take action in some sort of form and a vote motion and a second saying that we do not hire the two applicants today, that we open up the applications at a further time and continue to interview others. So, to answer your question under the Open Meetings Law, you do not have to take action and, if you don't take action, then it just, as you said, goes to default that no action was taken. I think for clarities, you should go back and open up or this Board should take action to re-interview or open up the application process. Does that make sense?

AG CORTEZ MASTO:

Yes, thank you. So, with that said, if somebody is inclined to make a motion, I would entertain a motion.

ASSEMBLYWOMAN BUSTAMANTE-ADAMS:

I will make that motion if I don't have to repeat what he just said...to re-interview, re-open the search, yes, that's what I'm motioning for.

AG CORTEZ MASTO:

Okay, so for clarification, the motion is we would not move forward on a vote to hire any of the candidates that we interviewed today, but would be to re-post the posting for this Executive Director position, open it up for applicants and come back together as a Board and conduct a second interview based on the applicants we received. Is that correct?

JAMES OWENS:

We would'nt want to re-open this exact position announcement. We want to be much more specific in what we're looking for. Is that correct?

AG CORTEZ MASTO:

It sounds like to me, yes. Is that what we're looking for to the maker of the motion?

ASSEMBLYWOMAN BUSTAMANTE-ADAMS:

That's correct, not to move forward with the current applicants, but to re-post the position with the direction of re-doing the job description.

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AG CORTEZ MASTO:

Is there a second to the motion?

HAL BERGHEL:

Might I recommend a friendly amendment that we use words like “continue the search,” but make it clear that it’s without prejudice to the current applicants. This is not a negative assessment of their qualifications, it’s the fact that we would like to continue the search process.

ASSEMBLYWOMAN BUSTAMANTE-ADAMS:

That would be fine.

AG CORTEZ MASTO:

And, I would agree, Professor, thank you so much for making those comments because I think we can all agree that the caliber of candidates we had today was just incredible. There is no prejudice and they are, based on the new application that would come out, they’re free to re-apply as well based on the changes we would be making to the posting on the difference of the skill set that we are looking for. So, thank you for that. Is there a second to the motion?

DARIN BALAAM:

I second that.

AG CORTEZ MASTO:

Thank you. We have a second to the motion. Is there any further discussion. Hearing none, all of those who are in favor, signify by saying “Aye.” “Aye, Aye, Aye.” Those oppose “Nay.” (No Nays). Okay, it’s unanimous, thank you very much. We are going to move forward with continuation of the posting with no prejudice to the current candidates to re-apply, and we will take a look at the skill sets that are required for this and ensure that they are properly placed in the posting. What I would suggest is that we will provide that information...I guess, Mr. Ward, can we do this with the future posting as we develop what we’re looking for based on the discussion here. Can we share that posting with the Board members to get their input.

HARRY WARD:

I don’t see that being a problem. That’s what you guys did in the first place in regards to what to expect. I would also put in as much of the language under the statute, and that would be under NRS 205A.060, general duties of the Board. I do not see that as a problem. Likewise, before the two applicants leave, and this is just a suggestion, is

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everything that you have discussed concerning this that you bring them both back in, thank them, and then let them know that there is no prejudice that they have the option to come back and re-apply for this matter.

AG CORTEZ MASTO:

Thank you. Alright, so before we move onto agenda item no. 6, would you ask the two applicants to please come back into the room so that we can address them? Thank you.

HARRY WARD:

Mr. Duncan, Mr. Zigenis, please come up to the podium there, and turn on your mikes. Thank you.

AG CORTEZ MASTO:

Gentlemen, thank you so very much for participating in this process. We had a lively discussion. Let me just say, there's no doubt that we all agreed of the high caliber of the two candidates we have before us. You guys, it was just incredible, we'd be lucky to have either one of you working with us. However, as we were moving through this discussion, we realized that the type of skill set we were seeking for this particular position is a little different than what we had posted and that both of you had applied for. So, we have decided as a Board to continue this process. We are going to re-post this position. The posting will be a different request with a different level of skill set with no prejudice to either one of you. We invite both of you to re-apply for this position, but we recognize that there was a little bit more that we were looking for in the type of experience, knowledge and skill sets here. So, we are going to request and throw that out there as well and re-post. So, I hope that this hasn't put either one of you out, and I hope that you do re-apply for this position, but I cannot thank you enough, again, for being there, partaking in this unique process in our state. Again, you did a tremendous job, so thank you very much. I don't know if a Board member has a comment at all. But, gentlemen, so thank you, we appreciate you participating with us.

HARRY WARD:

You guys can stick around, or stay, whatever you want.

AG CORTEZ MASTO:

Please, yes, you are welcome to finish out the meeting observing, or participating during public comment as well. We will be moving onto then agenda item number 7. Actually, agenda item number 6 was taken care of with respect to the motion we just approved.

Agenda Item No. 7 – Schedule Future Meetings and Agenda Items.

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AG CORTEZ MASTO:

I think we can all agree the next meeting we will have will be based on this interview process. Let me just throw this out here as a suggestion. My office will coordinate the next meeting. We will also coordinate the re-posting, the time frame within which we will do that posting. It could be anywhere from two weeks to a month depending on what we think where we want to announce it and advertise it. That time frame, when we start posting, obviously is also will be conditioned on us getting that posting from all...so that basically, so that we can, your thoughts on what should be the skill set we are looking for so that we can put it in the posting and get it out there as quickly as possible. Now, let me ask you this, as soon as we get the caliber of the candidates in, what my office did previously was to go through it to identify those individuals that, at least, met the minimum requirements that were identified in the posting. Is that something you would still want us to do or you were interested in seeing all the applicants that would come before, or that applied for this position.

JAMES OWENS:

I appreciate your office. Eliminating those who don't meet the minimum qualifications.

AG CORTEZ MASTO:

If there is anybody who would like to see all of the applicants, you can contact my office, and we would be happy to share those with you as well, but we will not be bringing those to the Board the next time we meet to conduct the continuing interview process. Okay, any questions on agenda item number 7, or the follow-up to the next steps?

ASSEMBLYWOMAN BUSTAMANTE-ADAMS:

I just wanted to make sure, where it said "qualifications"...I'm looking at the posting so just a graduation from an accredited four-year college, Nevada driver's license, and then the skills required...so the people that were eliminated last time were eliminated because they didn't have the skills required...is that...because we went from 14 to 5 so I'm just trying to...not that I would want to see everybody, but you know, if they were walking and breathing, I think that maybe they would have met the minimum qualifications.

AG CORTEZ MASTO:

Well, I think, I could go back and ask my staff to take a second look, but I think some of them...the minimum qualification may be that they had to have graduated from an accredited four-year college and or university and some may not have. I'm just not sure. We can go back and look at that for you and share that information with you.

DAVID GUSTAFSON:

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I'll also make available my staff, as well, to review the job descriptions or any of the candidates as you see fit.

AG CORTEZ MASTO:

Thank you, I appreciate that offer, and we will take you up on that. Any further comments? Okay, moving onto agenda item number 8.

Agenda Item 8 – Public Comments

AG CORTEZ MASTO:

This is the opportunity for public comment. If there are any members of the public in Northern Nevada who would like to address the Board now, there is an opportunity to do so.

HARRY WARD:

Madam Chair, I don't see anyone, but before we adjourn, I'd like to make a record also. Thank you.

AG CORTEZ MASTO:

And here in Las Vegas there is no one present that...to address the Board at this time as members of the public. Let me just say, is there any Board member comment? Any Board member make a statement at this time as part of a public comment? Alright, hearing that we will move onto agenda item number 9.

Agenda Item 9 – Adjournment

AG CORTEZ MASTO:

This is the time for adjournment. Is there a motion?

HARRY WARD:

At the beginning, we had the roll call of members and I just want the record to reflect that today is a Federal holiday, Columbus holiday, and I think four of our 13 members are Federal employees, and I just wanted that on the record.

AG CORTEZ MASTO:

Thank you Mr. Ward, appreciate that. They'll be working when we are off for Nevada Day, is that right? So, okay, we will move on to adjournment. First of all, let me just say, thank you to everyone. It's a tremendous process, not very easy, and thank you so

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much for your candor, you diplomacy in participating in this process. I will entertain a motion for adjournment.

HAL BERGHEL:

So moved down South.

AG CORTEZ MASTO:

So, we have a motion. Is there a second?

ASSEMBLYWOMAN BUSTAMANTE-ADAMS:

Second.

AG CORTEZ MASTO:

Okay, we have a motion, a second for adjournment. Is there any further discussion? Hearing none, all those in favor signify by saying, "Aye." "Aye," "Aye," "Aye," "Aye". Those oppose "Nay." Thank you. We are adjourned.