

Technological Crime Advisory Board Minutes
December 12, 2012

The Technological Crime Advisory Board was called to order at 1:30 p.m., on Wednesday, December 12, 2012. Attorney General Catherine Cortez Masto presided in Room 4412 of the Grant Sawyer Building, Las Vegas, Nevada and via videoconference in Room 2134 of the Legislative Counsel Bureau, Carson City, NV.

ADVISORY BOARD MEMBERS PRESENT:

Nevada Attorney General Catherine Cortez Masto (Advisory Board Chair)
Nevada Assemblywoman Bustamante-Adams
Professor Hal Berghel, University of Nevada, Las Vegas
Special Agent Berryhill, (*meeting designee for Special Agent in Charge Richard Shields , U.S. Secret Service*)
William Uffelman, President & Chief Executive Officer, Nevada Bankers Association
Tray Abney, Reno/Sparks Chamber of Commerce
Darin Balaam, Captain, Washoe County Sheriff's office

ADVISORY BOARD MEMBERS ABSENT

Daniel Bogdan, U.S. Attorney, Department of Justice (DOJ)

STAFF MEMBER PRESENT

Harry Ward, Deputy Attorney General

OTHERS PRESENT:

Belinda Suwe, Executive Director Candidate
Paul Meadows, Executive Director Candidate

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

Chairperson Masto called the meeting to order.

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

Chairperson Masto suggested that the board discuss the process for the hiring of the Executive Director, specifically if it is permissible for Mr. Berryhill to sit in for the designated member or if there are concerns about having a proxy participate in this process.

Harry Ward stated that any proxy authorization had to be in writing.

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Chairperson Masto advised that they had an email.

Harry Ward stated the email would suffice. He further stated Under NRS § 205A.070, of the seven members present, there would need to be a unanimous vote of seven to select and elect. Mr. Ward added that while this is an open meeting and the selection will be done in an open meeting the board is requesting, but not requiring, that while one candidate is being interviewed, the other candidate leave the room.

Agenda Item 2 – Public Comments.

Chairperson Masto opened the meeting for public comment. There were no parties wishing to make public comments.

Agenda Item 3 – Discussion and Approval of Minutes from the October 8, 2012 Meeting.

Motion to approve the minutes was made and seconded. The motion to approve the minutes was approved unanimously.

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

Chairperson Masto stated there are four potential candidates listed but two candidates have withdrawn. She added that Mr. Stan Harris withdrew on December 11th to take a position as the chief of police in North Carolina and Michael Lilly withdrew on December 10th leaving two candidates to move forward with, Belinda Suwe and Paul Meadows. She asked that the candidates leave the room.

Chairperson Masto asked that the members look at the proposed interview questions that had been distributed and stated she would entertain at this time any concerns, questions, or changes.

Bill Uffelman noted that one candidate had a strong affinity for foreign service work in Africa and asked if it would be fair to ask the candidate if this would be a filler position until he has the opportunity to go back to Africa?

Chairperson Masto explained that each candidate would be asked the same questions, however when it comes their specific resume, background and experience, the members are free to ask any questions related to their resume.

The board then proceeded with the interviews. Candidate Belinda Suwe was brought into the room.

Chairperson Masto advised Ms. Suwe that the interview, the questions, deliberation and hiring would be conducted as an open meeting. The interview process was being video streamed live across the internet for any individual that would care to listen in.

Ms. Suwe advised the board that she wished to hold her questions to the end.

Chairperson Masto asked Ms. Suwe the following questions:

1. What research had she done to prepare for the interview?

Ms. Suwe answered she had reviewed the previous agenda of the board, reviewed the statute that describes the board and the legislative history behind it so she could see what the original motivations were for the board. She also tried to update herself with the current statutes regarding technological crimes and the IT services for the state, as this board would work with them.

Chairperson Masto instructed the board that if any member wished a follow up question to advise her.

2. Describe your management style and why you think it is effective.

Ms. Suwe responded that she is a communicator who works best with a big picture view and likes to give the same opportunity to those she works with so that everyone knows what they're doing and why.

3. Can you describe a situation in your recent experience that you felt was stressful? How did you handle it?

Ms. Suwe answered she is a patent attorney and during the recession she had a client that had cut their budget so they could continue working with her firm. It was very stressful because they only had half the amount of time to get the same amount of work done. She added that communication was key, telling the inventors exactly what you needed from them so the attorneys could be the most effective and being open with them about the budget constraints.

4. What appeals to you about this position?

Ms. Suwe stated that she liked that it was a combination of technology and the law which has been a theme in her career thus far. She stated she also likes that there would be more contact with the public as patent law can be isolating.

5. Can you tell us what motivates you?

Ms. Suwe responded that she is self-motivated. She likes succeeding and being challenged and likes to grow and learn and believes that is why she leans toward technology related positions as technology is always growing and evolving.

6. Can you describe a situation where you had to work with multiple agencies, businesses, and/or partners?

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Ms. Suwe answered that at the law firm she worked with at least 5 partners and in excess of 10 clients at any given time. It was important to know the preferences and objectives of each client so that you are doing exactly the job they ask of you.

7. Describe what you believe would be pressing challenges for the Executive Director addressing technological crimes and the steps you would take to address those challenges.

Ms. Suwe responded that the main challenge would be staying a step ahead of where the criminals are and what they're next move is going to be. She stated her experience as a patent attorney will help me think in those terms because in drafting a patent one has to anticipate how others might in the future, be using that technology slightly differently and include that in the patent. She added this will help her envision how a criminal might tweak technology such that it might not be covered by our current statutes.

7a. What do you envision the scope of work to be for this position?

I view this position as me being the contact person and liaison between the various branches of law enforcement, private organizations and the state for dealing with these technological crimes. She added she also liked that this position involves working with the legislature to try to address these issues and also to be an administrative person for the board.

Assemblywoman Bustamante-Adams asked Ms. Suwe how she learned of the position.

Ms. Suwe responded that she searched daily for positions with the state and believed when she saw this position that she would be a good fit.

8. What experience do you have working with the Legislature and/or elected officials to create and implement public policy?

Ms. Suey answered that she had no direct experience but that she has experience working with the statutes and the language involved. She added she has experience representing clients and advocating for them. She explained that she views the board as her client and her job is to represent them and ensure the board's objectives would be achieved with the legislature.

9. How would you identify and explain technological crimes to the lay person?

Ms. Suwe explained that patent law definitely prepared her for this as you are working with inventors who are the top of the field and well versed in the pertinent technology. You have to describe that to the patent examiner who may have a basic knowledge of the field and is trying to get the patent allowed. You also have to consider

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that this patent may go before a judge and jury and the language in the patent application will need to be understood by them. She added that the opposite becomes true with the law in that patent law can be very complex and you need to use very straightforward language when explaining the law to the inventor.

10. What experience or education do you have that you feel qualifies you for this position?

Ms. Suwe stated that as an attorney she is very familiar with laws and statutes. She added her degree in chemical engineering shows her aptitude for technical terms and that her position as a patent attorney requires her to be familiar with new technology and be able to communicate with the inventor about the technology in order to get the patent.

Ms. Suwe further stated that she has spent the last four years developing these skills and has worked on system methods, computer systems, computer programs, semi-conductors, cloud computing, cell phones etc.

Assemblywoman Bustamante-Adams commented that Ms. Suwe's experience took place in Salt Lake City and asked if this would be a transitional job for her or if she considered it a permanent position.

Ms. Suwe responded that she grew up in Carson City, her family lives here and she determined to move back to Carson City and intends to remain here and to work for the state for the next thirty years.

Chairperson Masto asked Ms. Suwe what interested her about this position.

Ms. Suwe responded that the interaction with the public, the direct correlation between what this board does and helping the community.

There were no additional follow up questions.

Ms. Suwe asked the board who she would report to for sick days etc.

Chairperson Masto replied that Ms. Suwe would be housed at the AG's office and report to the Attorney General, Chief of Staff and First Assistant.

Ms. Suwe asked if there were any plans to make this a national position and if she would work with other states in dealing with these issues?

Chairperson Masto replied that the Attorneys General have a national tech crime working group and we would support any interaction with our federal partners at the national level.

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Ms. Suwe stated that as the statute states that each board member serves a four year term and asked if the terms are staggered or if the entire board could change at one time.

Chairperson Masto replied that there could and would be changes in the board due to members completing their term and on occasion resigning prior to their term being completed.

Ms. Suwe had no further questions and left the room.

Mr. Meadows was brought into the room.

Chairperson Masto advised Mr. Meadows that the interview, the questions and deliberation and hiring would be conducted as an open meeting. The interview process is video streaming live across the internet for any individual that would care to listen in.

Chairperson Masto asked Mr. Meadows the following questions:

1. What research had he done to prepare for the interview.

Mr. Meadows replied that he went on the internet and researched the board and the functions of this specific position in the NRS. He stated his research showed that the position was a coordinating effort between local, state and federal agencies trying to assist with preventing cybercrime, educating the public and officials on how to prevent it, developing policies and legislation if needed.

2. How did you hear about the position?

Mr. Meadows responded that he was monitoring the AG website and NEATS.

3. Describe your management style and why you think it is effective.

Mr. Meadows replied that he spent the last 7 years in Liberia working as a Deputy Program Manager and has developed his management skills. He believes he is firm, but fair and honest and prefers to listen to his employees. He does not ask his employees to do tasks he was not willing to do himself. He stated he does not micromanage but adheres to the policy of "trust but verify."

4. Can you describe a situation in your recent experience that you felt was stressful. How did you handle it?

Mr. Meadows replied that he was required to downsize local employees in Liberia. When he had to terminate these employees due to budget cuts, he knew he was affecting lives beyond the workplace.

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He stated he handled it by being honest with the employees and at the same time realizing he had a job to do in responding to the State Department Directive, but added that did not make it less difficult.

5. What appeals to you about this position?

Mr. Meadows stated that coordinating between various agencies is very attractive along with ensuring that new policies as well as existing policies continue to be enforced, working with new legislation and utilizing his legal background and experience as a program manager.

6. What motivates you?

Mr. Meadows responded that new challenges motivate him.

7. Can you describe a situation where you had to work with multiple agencies, businesses, and/or partners?

Mr. Meadows replied that as the project director part of his job was to make sure that the company's processes were fair, honest and transparent to the Liberian people. As a human rights monitor early on and later as a legal officer he was responsible for making sure the embassy, the Liberian Ministry of Defense and U.S. military personnel involved were on the same page.

8. Describe what you believe would be pressing challenges for the Executive Director addressing technological crimes and the steps you would take to address those challenges.

Mr. Meadows responded that technological crime is not static but evolves daily and to keep up with it would require continual education on the subject making sure that the agencies involved at all levels are on the same page, playing by the same rules, using the same definitions. He added coordinating meetings would be difficult so it would be important to use any means available to disseminate information timely.

9. What do you envision the scope of work to be for this position?

Mr. Meadows answered coordinating with all of the agencies to make sure they are kept up to date with policies and legislation in process, making sure the agencies are communicating among each other and as I said earlier ensuring that all parties are have the same information and are using the same definitions.

10. What experience or education do you have that you feel qualifies you for this position?

Mr. Meadows responded that his legal background and managing groups of people as a program manager. He likened his lack of experience with IT and criminal

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investigation to his development of a program to train and recruit military in Liberia without having military experience. He added he relied on his experts on the ground to advise him how the process worked and that it was his responsibility to implement the process and make sure it worked and that policies were adhered to. He stated that in this position he would do the same and rely on the experts while he trained and learned the procedures.

11. How would you Identify and explain technological crimes to the lay person?

Mr. Meadows responded that he would group technological crimes into three categories: personal; commercial; and government. He added he would explain to the layperson that everything that's done online can be seen by someone if they're not careful and how to defend themselves against that.

12. What experience do you have working with the Legislature and/or elected officials to create and implement public policy?

Mr. Meadows answered he does not have direct experience in the states with that. He explained he does have experience working with the U.S. Ambassador in Liberia working to develop the policy on our recruitment and training in collaboration with Liberian military and government.

Mr. Uffelman asked if this position was just a stop before he finds another position in Africa.

Mr. Meadows responded that he grew up in Gardnerville. He explained that he has two children and spent several years with them in Liberia where conditions are less than adequate for raising a family and looks forward to bringing them to this area and raising them the way he was raised.

Mr. Meadows asked how soon the position would start.

AG Masto responded that a background check would have to take place and then the position would start soon thereafter and would be in Carson City.

The interview was concluded and Mr. Meadows left the room.

Agenda Item 5 - Discussion, review and evaluation of candidates for the position of Executive Director

Chairperson Masto advised the board that this was the time for discussion and reminded them that if they did not feel committed to either of the candidates that they were not required to choose one today.

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Harry Ward stated that they could move forward on Agenda Item No. 5, but Item No. 6 requires, under NRS 205A.070(1), approval by 2/3 of the members of the board, so they would need nine members to select the executive director. He added that if they had ten non-federal voting members, two-thirds would be seven. He explained that today although there are seven voting members here, one is a federal member and so we will not be able to elect an Executive Director today. He added there can be a transcript and resume submitted to the other members for voting and approval.

Mr Uffelman stated he liked both of the candidates but liked Ms. Suwe more for her demeanor and interest in the position and values her background as a patent attorney.

Assemblywoman Bustamante-Adams stated she also like both candidates but favors Ms. Suwe for her response to question no. 6 when she described her ability to modify her style in response to her audience and added that it demonstrates leadership. Assemblywoman Bustamante-Adams also valued Ms. Suwe's aptitude for technological terminology.

Hal Berghel agreed and added that Ms. Suwe was very careful with her responses.

Tray Abney agreed and valued Mr. Meadow's broad experience in his resume but during the interview process Ms. Suwe appeared much more prepared and engaged.

Darin Balaam stated that he agreed and was impressed by her answer to what she had done to prepare for this interview.

Hal Berghel suggested that it was important to note that the prior candidates were excellent candidates but that these candidates are more aligned to the specific needs of this job description.

Chairperson Masto concurred and stated that they were both excellent candidates but was more impressed with Ms. Suwe particularly her experience with patent law. She asked Mr. Ward how they should move forward with the selection and hiring.

Mr. Ward stated that board members that were federal employees have historically not voted on state issues. Thus it was previously interpreted that two thirds of the board members that were non-federal employees would be seven. His suggestion to the board was to move the selection to the next meeting and a copy of the transcript of this board meeting be forwarded to all of the members.

Chairperson Masto stated that they had already delayed in the selection, and there is often difficulty of getting quorum at times. She added that the next board

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meeting is not until the first quarter of next year and the board would like to fill the position sooner than later. She asked about the options of a telephonic meeting or emergency meeting to make the selection.

Mr. Ward stated that a special meeting or telephonic meeting is possible as long as the open meeting laws are followed. He requested that members not discuss the candidates with other members unless it is in an open meeting. He suggested that a transcript of today's meeting along with the resumes be submitted to all members and to then hold a special or telephonic meeting. He added that the Chair could appoint an interim director now to fill the position and that it might be the most fair option to the candidates so that Mr. Meadows could continue his search for a position.

Chairperson Masto added that there is the possibility that the candidate will not get a 2/3 vote and the candidate should be made aware of that.

Mr. Ward stated the board is made up of 13 members, three of which are federal and historically do not vote on state matters. Based on that, 2/3 of the remaining 10 members would be seven votes needed to confirm the candidate.

Agenda Item No. 6 – Selection of Executive Director.

Mr. Uffleman moved that Chairperson Masto appoint Belinda Suwe Interim Executive Director pending her background check and that the board wait until a full quorum can meet to appoint her permanently with a 2/3 approval vote.

Assemblywoman Bustamante-Adams seconded the motion.

The motion carried unanimously.

The candidates were brought into the room and informed of the appointment of Ms. Suwe as Interim Executive Director pending her background check and her permanent appointment pending a confirmation by a 2/3 approval of the full board.

Agenda Item No. 7 – Scheduling of future meetings and agenda items.

Chairperson Masto suggested that we have an emergency meeting or regular meeting sometime in January.

Assemblywoman Bustamante-Adams stated that she preferred January so we can take care of any issues before the start of the legislature.

Mr. Uffelman added that many of the members would be in Carson City for the State of the State address.

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Hal Berghel suggested that Linda Fitzgerald could poll the members to determine their availability.

Agenda Item No. 8 – Public Comment

There were no public comments.

Agenda Item 9 – Adjournment

AG Masto moved for adjournment. The Motion was seconded and carried unanimously. The meeting was adjourned at 2:45 p.m.

Respectfully submitted, (subject to approval at the next Board meeting)

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