Minutes of the
Technological Crime Advisory Board

September 12, 2013

The Technological Crime Advisory Board was called to order at 2:00 PM on Thursday, September 12, 2013. Attorney General Catherine Cortez Masto, Chairman, presided via telephone conference.

ADVISORY BOARD MEMBERS PRESENT:

Nevada Attorney General Catherine Cortez Masto (Advisory Board Chair)
Nevada State Assemblywoman Irene Bustamante Adams (Advisory Board Vice-Chair)
Professor Hal Berghel, University of Nevada, Las Vegas
Dennis Cobb**,** Co-Director of the UNLV Identity Theft and Financial Fraud Research & Operations Center.
James Owen**,** Deputy Chief, LVMPD, *meeting designee for Sheriff Doug Gillespie, Las Vegas Metropolitan Police Department (LVMPD)*
Darin Balaam, Assistant Sherriff, Washoe County Sheriff's Office, *meeting designee for Mike Haley, Washoe County Sheriff's Office*
David Gustafson, State Chief Information Officer, Enterprise IT Services
William Uffelman, President & Chief Executive Officer, Nevada Bankers Association
Interim Special Agent in Charge Gil Lejarde, *meeting designee for Special Agent in Charge Richard Shields, U.S. Secret Service (USSS)*
Resident Agent in Charge Kyle Burns, Homeland Security Investigations
Daniel Bogden, U.S. Attorney, Department of Justice (DOJ)

ADVISORY BOARD MEMBERS ABSENT:

Tray Abney, Reno/Sparks Chamber of Commerce
Nevada State Senator Aaron Ford

STAFF MEMBERS PRESENT:

Belinda A. Suwe, Executive Director
Henna Rasul, Deputy Attorney General

OTHERS PRESENT:

Samuel Kern, Deputy Attorney General
Brett Kandt, Special Deputy Attorney General

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

AG CORTEZ MASTO:
Good afternoon. The first item on the agenda is a call to order and the verification of the quorum.

The Technological Crime Advisory Board was called to order and a roll call of the Advisory Board verified the presence of a quorum.

Agenda Item 2 – Public Comments.

AG CORTEZ MASTO:
This is the time for members of the Public to address the Board. There will also be a second opportunity at the end of this agenda. Are there any members of the public on the line that would like to address the board at this time?

BRETT KANDT:
Attorney General, this is Brett Kandt, I just wanted to inform the board that I am here on the line.

Agenda Item 3 – Discussion and appointment of Interim Executive Director/Executive Director

AG CORTEZ MASTO:
At our last board meeting, Belinda announced that she has taken an attorney position within my office which will leave a vacancy of the executive director for the Technological Crime Advisory Board (TCAB). I wanted to put a proposal in front of the board members at this time. It was challenging last time when we went out to post for this position and then go through the interview process. We had very few applicants and it is difficult to get the board together particularly since we only have quarterly meetings. We need to get someone on board and be with the board as we move through our statutory directives. I have a proposal. The proposal is this: right now, Brett Kandt, who works in my office as the executive director of the Advisory Council for

Prosecuting Attorneys (NVPAC). That is a body statutorily created in 1997 by the legislature and developed and created to carry out programs for training and assisting prosecutors in conducting criminal and civil prosecution in the state. It coordinates the development of policies for conducting prosecutions in the state and it also coordinates the development of proposed legislation for submission to the legislature. The actual council has seven members, and I am the ex-officio member and Chair of NVPAC. The other members include three members from the district attorneys association, two members from the city attorneys, and one member that is employed as a peace officer and appointed by the governor. Brett has been doing this as long as I've been in this office and prior thereto. He also is a member of my lobbying team. I have 15 bills that I get to introduce in the legislative session and he is part of my lobbying team working on behalf of the state of Nevada and the Attorney General's office and he does many other things. I've provided everyone with a copy of his resume. Because Brett does an incredible job, there is synergy between what he does on the law enforcement side and what we're trying to achieve here with the TCAB. We all know that our future and the growth in crime involving technology is not going to decrease, but is only going to expand. I think we have all learned that bringing together not only our district attorneys but all of our law enforcement at the local, state and federal level to really focus on this and then bringing in our private sector partners is something that is a benefit to the state of Nevada so that we are all collaborating and partnering on these issues. We get the extra added benefit on this particular board that we get two legislators to join us which has been a fabulous combination to help the state of Nevada address tech crimes and to focus the functions that we are obligated to undertake under the statute as a board. Because of Brett's background and his connections with law enforcement as well as the legislators and working on behalf of the state, it seems to me it might be good to collapse what he does and make him the Executive Director not only of NVPAC but also of TCAB. Melding the two positions together and melding oversight of these two entities assures that the communication between the two groups is up to date, that the goals and visions of both groups are complimentary and serving the same purpose.. So, it seems that there is an added benefit to do this. I'd welcome the thoughts and comments of the board members. I'm happy to go either way. We could open this up again and go through the interview process and see what kind of applicants we get. But, it seems to me this is a really good fit.

MR. UFFELMAN:
I think this is a great opportunity and a great solution. And it'll save the state some money. I commend it wholeheartedly. The individual is already reporting to you, and if it's a decision you're comfortable with, I support it. I hope everybody else does.

MR. BOGDEN:
Attorney General, I think it's a very good idea. By the time you get the advertisement out and select a candidate, we're going to lose a lot of momentum. It's going to take a lot of time to get someone on board. If Brett is in that position and ready to go forward, I think it would be a benefit to this committee to go ahead and approve your proposal.

DR. BERGHEL:
Attorney General, if you're comfortable with this, I have no problems with it. But I'd like to point out that the Agenda reads to appoint an interim executive director.

AG CORTEZ MASTO:
Thank you, Hal. The Agenda actually includes the appointment of an interim executive director and an executive director. So it's either appoint an interim because we are going to post the position and go through the interview process or we can appoint right now the executive director. My proposal would be to appoint Brett as the executive director because of his existing duties and what I previously mentioned. So, we're clear, the current motion on the table is to appoint Brett as the executive director.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:
I think Brett is a qualified individual and I really enjoyed working with him during session, and I thought he represented your office well. My question is that someone commented on saving the state money. If we are bringing these two positions together, is that really a savings, and what happens in the long term? Will we lose that funding?

AG CORTEZ MASTO:
That's a great question. There's two position created. There is an executive director of NVPAC and there is the executive director for the TCAB. They're both created by statute. They are two separately funded positions and created positions under state law. If we decide to make Brett the executive director of the TCAB what I'm going to propose is my office will prepare a work program that will go before the Interim Finance Committee to illuminate the actual second position and meld the two so there is only one executive director for both the tech crime board and the advisory council of prosecuting attorneys. We already have the existing funds, and the only thing we would look at is based on the new job functions and duties of this position, if there would be required a salary increase, and we would ask that the Interim Finance Committee allow for that salary increase. So, it is a savings to the state by actually eliminating an executive director funded position and maybe taking some of that money and giving it to the existing executive director for the additional job duties and functions. To make a determination of what that additional salary will be based on the additional job duties and functions, we are going to the department of personnel and asking them to look at

the job classification and do a study for us if those additional duties mandate an additional salary increase and whatever information we get from the department of personnel we would then bring to the Interim Finance Committee.

MR. OWENS:
It sounds like Brett is well qualified. There's nothing that says this job has to be posted or anything like that? We won't get any pushback on that?

AG CORTEZ MASTO:
Henna, correct me if I'm wrong, the executive director comes from the board and however the appointment or nominations of applicants comes to us, there's no specific procedure.

MS. RASUL:
That is correct General Masto. Per NRS 205A.070, the word "appoint" is used, rather than employed. It gives you the option of either going through the employment or application process or if you have a candidate in mind, they can be brought for appointment which is what we have in this case.

MR. KANDT:
I appreciate your time and I know you're all very important individuals, but I think it's important that you hear from me. After having served as an executive director of a state board whose mission is in some ways aligned with the tech crime advisory board, I just wanted to let you know how I'm viewing this.[1] Based upon my experience as NVPAC executive director I believe an effective TCAB executive director will develop and maintain a vision for the board and take the initiative to identify problems and trends, formulate innovative solutions and responses, and recommend a course of action, then implement with board approval. This requires someone who is self-motivated with strong communication skills and the ability to identify and develop strategic partnerships.

My vision for NVPAC has been to enhance the effectiveness of Nevada's prosecutors. This has guided me as I consider any matter that might affect their integrity, authority, discretion or resources. These are the steps I foresee for the TCAB: Step 1: Hire an executive director with a vision for TCAB. The vision I have for TCAB is to develop and implement a comprehensive coordinated response to tech crime.

[1] Due to technical problems, the minutes from this point were no longer reproduced from a recording.

Step 2: TCAB has a broad statutory mandate under NRS 205A.060, but needs to develop as mission statement to focus its efforts and resources and avoid mission creep. I think the TCAB needs to consider not just focusing on use of tech to facilitate crime or create cyber threats to government and the public, but also:

- Expanding our current multi-jurisdictional task force efforts into new areas of tech crime.
- Successfully employing tech to facilitate the law enforcement and private sector response, including prevention and risk management.
- The protection of constitutional rights including 4th amendment and privacy issues
- Coordinating public outreach efforts to raise awareness of the latest internet scams and cyber threats

Step 3: If I am correct that we seek comprehensive coordinated response, then consider that NVPAC has successfully leveraged partnerships with state and local prosecutors and law enforcement agencies; while TCAB is better positioned to successfully leverage partnerships with our federal counterparts and the private sector. We need to incorporate a whole-of-government approach while expanding our private section collaboration and identifying new partnerships.

By serving as executive director of both NVPAC and TCAB, the two groups can be brought together in a comprehensive coordinated response to tech crime so that they overlap and make the most effective use of their respective resources. This is an opportunity to create a synergy in responding to the rise of tech crime and transnational crime, which are the game changers for us all.

AG CORTEZ MASTO:
Great, thank you Brett. Is there any further discussion? Hearing none, I will entertain a motion.

> *Motion to appoint Brett Kandt as Executive Director of the Technological Crime Advisory Board was made by Mr. Uffelman and seconded by Assistant Sheriff Balaam.*
>
> *The motion was unanimously approved.*

AG CORTEZ MASTO:
Thank you everyone. Brett, thank you, we will be in touch and work with you. I would suggest that you take the opportunity to meet with each of the board members and talk with them about their ideas and visions of the board. That might be helpful.

MR. KANDT:
Certainly General, that is my next step.

Agenda Item 5 – Public Comment

None

Agenda Item 6– Adjournment

AG Cortez Masto moved for adjournment. The Motion was seconded and carried unanimously. The meeting was adjourned at 2:19 PM.

Respectfully Submitted,

Belinda A. Suwe
Executive Director