

**STATE OF NEVADA COMMITTEE ON DOMESTIC VIOLENCE
(BATTERER’S TREATMENT CERTIFICATION COMMITTEE)**

MINUTES

Thursday, December 12, 2013, at 9:00a.m.

Department of Employment, Training, and Rehabilitation
2800 E. St. Louis Avenue
Conference Room C
Las Vegas, Nevada

Please Note: The Committee on Domestic Violence may 1) address agenda items out of sequence to accommodate persons appearing before the Committee or to aid the efficiency or effectiveness of the meeting; 2) combine items for consideration by the public body; and 3) pull or remove items from the agenda at any time. The Committee may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person. (NRS 241.030)

Public comment is welcomed by the Committee, but at the discretion of the chair, may be limited to five minutes per person. A public comment time will be available before any action items are heard by the public body and then once again prior to adjournment of the meeting. The Chair may allow additional time to be given a speaker as time allows and in his/her sole discretion. Once all items on the agenda are completed the meeting will adjourn. Prior to the commencement and conclusions of a contested case or a quasi judicial proceeding that may affect the due process rights of an individual the board may refuse to consider public comment.

***Asterisks (*) denote items on which the Committee may take action.
Action by the Committee on an item may be to approve, deny, amend, or table.***

1. Call to order, roll call, establish quorum.

<u>Members Present</u>	<u>Members Absent</u>	<u>Attorney General’s Office</u>
Tim Hamilton		Henna Rasul, Senior DAG
Lt. Robert Lundquist		Jennifer Kandt, Admin. Coord.
Sue Meuschke		Kareen Prentice, Ombudsman
Neil Rombardo		Robert Whitney, DAG
Cheryl Hunt		
Traci Dory		
Meri Shadley		
Judge Max Bunch		
Carol Ferranti		

Other Attendees

Andre Harris, Ready for Change
Michelli Kaltsas, Ready for Change
Phung H. Jefferson, Esq., Attorney for Andre Harris and Michelli Kaltsas
Yomikalan Walker, Employee of Ready for Change
Robyn Shope, No to Abuse
Amber Riggio, Court Reporter

2. Public comment.

Note: No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

3. *Hearing regarding certification of Ready for Change. (For possible action.)

Committee chairman, Tim Hamilton, administered the oath to the court reporter. Following administering the oath, Mr. Hamilton asked if the Respondent was present. Mr. Harris and Ms. Kaltsas both indicated that they were present and that they were represented by Counsel. Phung Jefferson indicated she was representing Mr. Harris and Ms. Kaltsas in this matter.

Robert Whitney, Deputy Attorney General introduced himself as board counsel, and Henna Rasul, Senior Deputy Attorney General introduced herself as counsel for the prosecution. Chairman Hamilton asked if there were any preliminary matters, and Ms. Jefferson indicated that she did not have sufficient copies of exhibits for all in attendance. A short break was taken for copies to be made.

Chairman Hamilton administered an oath to Andre Harris, Michelli Kaltsas, Robyn Shope, and Yomikalan Walker and then Ms. Shope and Ms. Yomikalan Walker exited the room.

Chairman Hamilton stated that there were several issues needing to be addressed for the record. Chairman Hamilton confirmed that a complaint had been filed with the board, but an answer had not been filed. He also explained the proceedings and the relaxed rules of evidence during an administrative hearing.

Ms. Rasul gave her opening statement, and in that statement confirmed that the State would not be pursuing Count II in the complaint. Ms. Jefferson followed with her opening statement.

Ms. Rasul called Jennifer Kandt, Administrative Coordinator to the Committee as the first witness in the matter. Chairman Hamilton administered the oath to Ms. Kandt. Ms. Rasul examined Ms. Kandt pertaining to the State's exhibits 1 through 9. Ms. Kandt was then cross-examined by Ms. Jefferson. Ms. Kandt answered questions from Judge Bunch, Mr. Rombardo, Ms. Ferranti, Ms. Dory and then there was recross-examination by Ms. Jefferson.

Ms. Rasul then called Robyn Shope, observer at Ready for Change and employee of No to Abuse, as the second witness. Ms. Shope was cross-examined by Ms. Jefferson, and then there was re-direct examination by Ms. Rasul. Ms. Shope responded to questions from Ms. Shadley, Ms. Ferranti, Mr. Rombardo, Ms. Mueschke, Chairman Hamilton, Ms. Dory and Judge Bunch. There was then recross-examination by Ms. Jefferson, further redirect examination by Ms. Rasul and further recross-examination by Ms. Jefferson. Ms. Rasul indicated that she did not anticipate calling Ms. Shope as a rebuttal witness and she was excused.

Chairman Hamilton then called for a recess. (Recess was taken from 10:47 a.m. until 11:02 a.m.).

Ms. Jefferson then called Mr. Harris, owner of Ready for Change as her first witness. Mr. Harris was cross examined by Ms. Rasul, there was redirect examination by Ms. Jefferson, then Mr. Harris responded to questions from Judge Bunch, Chairman Hamilton, Ms. Ferranti, Ms. Meuschke, Ms. Hunt, Ms. Shadley, and Mr. Rombardo.

Ms. Jefferson called Michelli Kaltsas, supervisor for Ready for Change as her second witness. Ms. Rasul cross-examined Ms. Kaltsas then Ms. Kaltsas answered questions from Judge Bunch, Mr. Rombardo, Chairman Hamilton, Ms. Mueschke, Ms. Ferranti, Ms. Hunt, and Ms. Shadley. There was then recross-examination by Ms. Rasul.

Ms. Jefferson called Yomikalan Walker as her third witness. Ms. Walker answered questions from Judge Bunch, Ms. Shadley, Ms. Ferranti, Ms. Meuschke, and Ms. Hunt. There was redirect examination by Ms. Jefferson and recross-examination by Ms. Rasul. Ms. Jefferson indicated that she would not be recalling Ms. Walker and that she could leave. Ms. Walker then exited the proceedings.

Chairman Hamilton then called for a recess. (Recess was taken from 12:26 p.m. until 12:43 p.m.)

Ms. Rasul then called Jennifer Kandt as a rebuttal witness. Ms. Jefferson cross-examined Ms. Kandt and then there was redirect examination by Ms. Rasul. Ms. Kandt answered questions from Ms. Hunt and Mr. Rombardo and there was recross-examination by Ms. Jefferson.

Ms. Rasul then addressed the Committee, requesting that they find Ready for Change guilty of the violations contained in the complaint and requested that the Committee revoke Ready for Change's certification pursuant to NAC 228.140 for minimum period of five years. She also requested that at the conclusion of the five year period, Ready for Change be required to apply as if it were a brand new application and must meet all of the legal requirements at that time. She also asked that if Ready for Change did reapply after the five years, that they be placed on probation for three years, during which time they would submit to random audits of its records and operations. Ms. Rasul also requested recovery of all attorney's fees and costs in the amount that the Committee deemed appropriate pursuant to NRS 622.400.

Ms. Jefferson provided her closing statements to the Committee, and requested that the Committee dismiss the charges and not revoke Ready for Change's license.

The Committee began deliberations. Mr. Whitney recommended that the board have separate motions to include findings of fact, conclusions of law, and discipline. The board continued deliberation and made the following motions:

Judge Bunch moved to dismiss Count I for lack of evidence. The motion was seconded by Ms Ferranti.

Vote: All in favor. Motion carried.

On Count III, Mr. Rombardo moved that there was a violation of NAC 228.140(11) with the failure to have two co-facilitators, which in an inappropriate method of treatment. Judge Bunch seconded the motion.

Mr. Rombardo moved that Ready for Change be placed on probation and that they receive an audit by Dr. Hughes; that the audit shall occur at his next available date but not to exceed 60 days from the effective date of the order; that Ready for Change will reimburse the State the cost for the audit; that Dr. Hughes specifically look at the dual relationships that have been created by Ready for Change within the business structure; that Ready for Change follow all of the recommendations of Dr. Hughes and implement those to the best of their ability but before the conclusion of their probationary period; that they provide the Committee on Domestic Violence a facilitator action plan within 30 days of the order; and that they provide an action plan for ensuring that observers of their program properly record their hours so as to comply with all NAC's; to comply with all NAC's applicable to them; to not have any violence to include oral altercations; and to pay attorney's fees and costs in the amount of \$3,000 before the probation expires.

Ms. Hunt requested that Mr. Rombardo add to his motion that any subsequent recommended site visits be paid for by Ready for Change.

Mr. Rombardo stated he was fine with that recommendation. The motion was seconded by Ms. Hunt.

Vote: All in favor. Motion was carried.

Proceedings concluded at 2:08 p.m.

4. Public comment.

<p>Note: No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)</p>
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5. *Adjournment. (For possible action.)

Chairman Hamilton adjourned the meeting at 2:12 p.m.