

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

**MINUTES**

**Tuesday, December 18, 2012, at 10:00a.m.**

Location:  
Grant Sawyer Building  
555 E. Washington, Room 4500  
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	Max Bunch	Henna Rasul, Senior DAG
Lt. Robert Lundquist	Carol Ferranti	Jennifer Kandt, Admin. Coord.
Sue Meuschke		Kareen Prentice, Ombudsman
Neil Rombardo		Robert Whitney, DAG
Cheryl Hunt		
Traci Dory		
Meri Shadley		

Other Attendees

*Dana Brown, Owner of Diagnosticare*

*Damien Sheets, Esq., Attorney for Dana Brown*

*Amber Suarez, Former Employee of Diagnosticare*

*Mark Jacobs, Chief Marshal, Alternative Sentencing Division*

*Athena Raney, Detective, Henderson Police Department*

*Kevin Lapeer, Detective, Henderson Police Department*

**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 Diagnosticare (for possible action).**

*Committee Chairman, Tim Hamilton, administered the oath to the court reporter at 10:21 a.m. Following administering the oath, Mr. Hamilton asked if the Respondent, Dana Brown, was present. Mr. Brown was present and stated that he was being represented by Counsel. Damien Sheets indicated he was representing Mr. Brown 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. Rasul and Mr. Sheets both responded that there were no preliminary matters.*

*Mr. Sheets requested that any witnesses not testifying be excluded during the testimony of the other witnesses. Ms. Rasul indicated that Jennifer Kandt, the first witness would be allowed to stay as she was also a representative of the Committee.*

*Mr. Sheets requested that the LVMPD employee, Lt. Lundquist, recuse under 233B. Ms. Rasul stated that Lt. Lundquist was not involved in the investigation and that he was not attending in his capacity as a LVMPD employee, but as a member of the Committee. Lt. Lundquist stated that he was not involved in the investigation in any way and would not be biased. Chairman Hamilton stated that because Lt. Lundquist was not involved in the investigation, he could remain.*

*Chairman Hamilton administered an oath to all of the witnesses who then exited the room.*

*Ms. Rasul gave her opening statement, then 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.*

*Mr. Sheets then gave his opening statement.*

*Ms. Rasul called Jennifer Kandt, Administrative Coordinator to the Committee as the first witness in the matter. Ms. Rasul examined Ms. Kandt pertaining to the State's exhibits 1 through 8. Ms. Kandt was then cross-examined by Mr. Sheets.*

*Ms. Rasul then called Amber Suarez, former employee at Diagnosticare, as the second witness. Amber was cross-examined by Mr. Sheets, then there was re-direct examination by Ms. Rasul, recross examination by Mr. Sheets, further re-direct examination by Ms. Rasul, and finally further recross examination by Mr. Sheets. Ms. Suarez then responded to several questions posed by the Committee members and was thanked for her time.*

*Mark Jacobs, Chief Marshal, Henderson Alternative Sentencing Division was called as the third witness by Ms. Rasul. He was cross-examined by Mr. Sheets. Chief Marshal Jacobs then responded to questions presented by Committee members and was thanked for his time.*

*Ms. Rasul called Henderson Police Department Detective, Athena Raney as the next witness. Detective Raney testified pertaining to the information contained in exhibit 6. She was cross-examined by Mr. Sheets then there was re-direct examination by Ms. Rasul, recross examination by Mr. Sheets, further re-direct examination by Ms. Rasul, and finally further recross examination by Mr. Sheets. Detective Raney responded to questions posed by the Committee and was thanked for her testimony.*

*Henderson Police Department Detective, Kevin LaPeer was called as the next witness by Ms. Rasul. He was cross-examined by Mr. Sheets, then thanked for his testimony.*

*Ms. Rasul then examined Dana Brown who invoked his Fifth Amendment rights for the majority of the questioning.*

*Ms. Rasul then addressed the Committee, requesting that they find Diagnosticare guilty of the violations contained in the complaint and requested that the Committee revoke Diagnosticare'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, Diagnosticare 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 Diagnosticare 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.*

*Mr. Sheets provided his closing statements to the Committee, and requested that there be no suspension or that the suspension be in effect until such time as the criminal case concludes. All witnesses were then released.*

*Prior to deliberation, Chairman Hamilton read the list of submitted exhibits that the Committee could review to include the State's exhibits 1 through 8 and Respondent's exhibits 1, 3, 4, 5, 6, 7, 8, 9, 10, 11,12, and 14.*

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:

In regards to the findings of facts, Neil Rombardo moved to find that Diagnosticare offered defendants the opportunity to pay additional money in lieu of completing the court mandated treatment. He also moved to find that Diagnosticare does not currently employ a qualified female treatment provider and that Mr. Brown was arrested on felony counts of forgery and felony counts of offering false instrument for filing or record which are directly related to operation of Diagnosticare. The motion was seconded by Sue Meuschke. Motion carried.

In regards to the conclusions of law, Mr. Rombardo moved to find that the respondent violated Count 1 as indicated in the complaint, Count 2 as indicated in the complaint, Count 4 as indicated in the complaint, and Count 5 as indicated in the complaint. The motion was seconded by Ms. Meuschke. Motion carried.

In regards to the discipline, Mr. Rombardo moved to revoke the licensure for Diagnosticare for a period of five years, at which time they would have to reapply as a new program. Additionally, after the five year period, Diagnosticare would be on probation for three years and be required to submit to random audits. Additionally, Mr. Rombardo moved to require Diagnosticare to pay \$2500 in costs. The motion was seconded by Traci Dory. Motion carried. Note that Committee member Meri Shadley had to leave during the hearing and was not present for any voting.

**4. \*Discussion, recommendation, and possible action regarding report due to LCB March 1, 2013 (for possible action).**

Jennifer requested that this item be continued due to time constraints. She also requested that Committee members forward her any suggestions which she will then incorporate into the report, have the Attorney General review, and then have final approval at the next Committee meeting.

Motion: Sue moved to continue to the next meeting. 2<sup>nd</sup>: Cheryl

Vote: All in favor. Motion carried.

**5. Discussion regarding future agenda items and meeting dates.**

Next meeting scheduled for February 28, 2013.

**6. 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)

**7. \*Adjournment (for possible action).**

Motion: Sue moved to adjourn. 2<sup>nd</sup>: Traci

Vote: All in favor. Motion carried.