



2020-2022 BIENNIAL REPORT

OFFICE OF THE NEVADA ATTORNEY GENERAL

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Many of you know that when I took the Office of Attorney General, I outlined my priorities as what I call the "Five Cs": Constitutional and Civil Rights; Consumer Protection; Criminal Justice and Reform; Client Service; and Community Engagement. These Five Cs have served as my guiding principles during my administration. I think that when historians look back on this period of time in our country, they will most likely describe it with another "C": Change. In the past two years, Americans have reckoned with sweeping changes to our foundations, from the ripple effects of the ongoing pandemic to massive economic fluctuations, to social upheaval in the aftermath of people killed by police, to a concerted effort to sow distrust and even a physical assault to our democratic institutions. It is no wonder that people feel like we are living in turmoil.

Understanding that unsteadiness, I led the Office of the Attorney General with another "C" in my mind: Credibility. In an age when some may try to capitalize on fear of change and the unknown, the Office of the Attorney General must be an institution that Nevadans can trust. Our client agencies must depend on our Office for sound, ethical legal advice. Our constituents expect that we will be responsive to their needs and provide helpful, reliable information. The public must trust that the Office makes decisions based upon what justice requires, without regard to politics, pressure, or simply because something is easy. Taxpayers must feel confident that the Office uses resources efficiently and transparently. Not everyone may agree with the decisions I make or those made by the Office, nor should we expect to agree on everything in a healthy democracy. But Nevadans should always trust that the Office of Attorney General is a credible, accountable institution that exists only to serve the State.

This report covers July 2020 through July 2022. In that time, the Office of the Attorney General:

- Aggressively defended tort claims, **saving the State more than \$1.3 billion in taxpayer dollars**. As a result of this Office's work, the State of Nevada has only paid out less than one-half of one percent (0.47%) of the State's total exposure.
- Brought in over **\$6.3 million** in federal grant dollars for combatting domestic violence, sexual assault, human trafficking, elder abuse, and the opioid epidemic;
- Processed **18,454 constituent complaints and 39,069 constituent inquiries** for information and services;
- Recovered **61 missing children**;
- Conducted **nearly 1,000 criminal investigations**, submitting hundreds for prosecution and partnered with local, state, and federal law enforcement agencies to bring criminals to justice;
- Prosecuted fraud cases, resulting in nearly **\$11 million in restitution**;
- Represented the State in hundreds of criminal appellate matters with a **95 percent success rate in federal court and a 98 percent success rate in the Nevada Supreme Court**;
- Strengthened relationships with law enforcement partners by hosting training events, such as annual Law Enforcement Summits and Prosecutors Conferences;
- Passed bipartisan criminal justice reform legislation with law enforcement and community support;
- Prosecuted elder abuse cases, provided support to law enforcement agencies across the state for elder abuse, and attended **nearly 500 guardianship hearings** for elder and vulnerable people;
- Continued to spearhead Nevada's response to domestic violence through the Committee on Domestic Violence and expanded the Attorney General's Office's services to victims of sexual assault and human trafficking;
- **Helped end the backlog of 8,000 untested sexual assault kits**, and continues to be the only AG's Office in the nation awarded six consecutive federal grants for untested sexual assault kit programs;
- Obtained **\$330 million in funding to end the opioid epidemic** as a result of three settlements with opioid manufacturers, distributors, and pharmacies and continues to aggressively litigate against the remaining defendants, producing nearly 16 million pages of discovery in the case;
- Worked with local leaders in every Nevada county and litigating city to agree to a mechanism that fairly and equitably allocates opioid funds: the One Nevada Agreement on Allocation of Opioid Recoveries, and worked with the

Nevada State Legislature to pass a law to distribute all state opioid funds through the Department of Health and Human Services with the goal to spend money to save lives;

- Helped **lead Nevada’s response to preventing future opioid deaths**, including funding drug deflection and diversion programs and naloxone distribution in rural Nevada, and funding a pioneering program to use data to identify overdose spikes across the state for a targeted response. Attorney General Ford also worked with the Nevada State Legislature to reestablish the state’s Substance Use Response Working Group and serves as its chair;
- Sued companies for defrauding Nevadans and Nevada businesses, obtaining more than **\$30 million in consumer protection recoveries and restitution payments**;
- Sponsored laws to strengthen consumer protections, including the state’s first-ever law prohibiting price gouging in an emergency and a new law addressing mergers in health care consolidations;
- Appeared or acted in **over 100 dockets** in front of the Public Utilities Commission of Nevada on behalf of residential ratepayers, preventing costs from being shifted onto Nevada’s residents and small businesses;
- Completed **over 1,200 checks** to ensure retailers are not selling tobacco products to minors, resulting in approximately 330 citations;
- Led multistate lawsuits to protect the constitutional and civil rights of Nevada and add the Equal Rights Amendment to the U.S. Constitution;
- Protected Nevada’s elections from baseless lawsuits and prosecuted legitimate voter fraud;
- Recovered **nearly \$1.2 million in state dollars through bankruptcy cases** and **\$2.5 million through receivership cases** involving cannabis businesses;
- Passed legislation updating the Open Meeting Law for the 21st century, allowing virtual board meetings so Nevadans can participate in local and state business, no matter where they are located;
- Assisted the Gaming Control Board in a massive update to Nevada’s gaming regulations for the modern gaming world, from new data technologies to e-sports wagering, ensuring Nevada’s critical industry will continue to be a global leader;
- Advised the Nevada Athletic Commission in passing emergency regulations to protect college students who participate in charity and other unarmed combat events not otherwise regulated by the NCAA or similar organizations after the tragic death of a UNLV student, also known as “Nathan’s Law”;
- Litigated several cases in front of the Nevada Supreme Court affecting water rights and the State’s ability to manage water resources;

- Advised the new Labor Relations Unit in negotiating the state’s first collective bargaining agreements with unions representing seven different bargaining units;
- Assisted the Department of Transportation in acquiring property for the right-of-way for construction projects without filing any direct condemnation cases in over two years, despite massive infrastructure projects across Nevada;
- Advised the Cannabis Compliance Board as it regulates a booming industry to ensure products are safe for the public, including adjudicating nearly 50 disciplinary matters, handling the first cannabis receiverships, and assisting in the rollout of cannabis consumption lounges;
- Represent hundreds of state agencies, boards, commissions, and entities every single day;
- Connected with communities across Nevada, participating in in-person events to hosting virtual discussions, such as *Conversations with AG*, a virtual series on the AGO and *Justice and Injustice*, a panel series with law enforcement and community leaders on race and policing; and
- Implemented new processes and policies to harness technology to increase productivity, cyber security, and responsiveness to constituents and Nevadans who are owed restitution.

Those are just a few highlights contained in this report. No written document can fully express the hundreds of thousands of hours of work performed in service of the state or those small actions that may have made all the difference to a Nevadan in need. In the past two years, this Office has exceeded my wildest expectations. The dedicated employees of the Office of the Attorney General faced so many obstacles, from COVID to budget cuts. Yet, their determination to serve the State and uphold justice was stronger than any challenge. To the employees reading this report, I cannot thank you enough. I hope you are as proud of your work as I am of each one of you and what we accomplished together.

If this turmoil has taught us anything, it is that nothing in life is guaranteed, and each day is an opportunity to make a difference. I know we made a difference to Nevada and many Nevadans. As we say in this Office, “Our Job is Justice.” I am proud that the Office of the Attorney General has delivered justice to our state.



Aaron D. Ford
Attorney General

Upholding Constitutional and Civil Rights

Every four years, the Nevada Attorney General is sworn in at a public ceremony. In taking the oath of office, the Attorney General swears to uphold the United States and Nevada Constitutions. But most people do not know that every single employee of the Nevada Attorney General's Office takes a similar oath. One of Attorney General Ford's highest priorities is protecting the constitutional and civil rights of every Nevadan, no matter that person's age, sex, gender identity, race, religious faith, political affiliation, abilities, or national origin.

Multistate Lawsuits to Protect Constitutional Rights

The Office has undertaken multiple actions in conjunction with other states to uphold Nevadans' constitutional rights.

After Virginia's historic vote to become the 38th and final state needed to ratify the Equal Rights Amendment, Attorney General Ford filed a lawsuit to ensure that the amendment is added to the U.S. Constitution. Virginia Attorney General Mark R. Herring and Illinois Attorney General Kwame Raoul joined Attorney General Ford in filing this landmark lawsuit.

The Equal Rights Amendment to the U.S. Constitution would finally provide an explicit guarantee of protection against discrimination based on sex and would provide clear judicial standards for deciding cases involving gender discrimination.

The Trump Administration attempted to block the Amendment, filing a motion to dismiss General Ford's lawsuit, and published an opinion from the U.S. Department of Justice Office of Legal Counsel stating that the Archivist of the United States did not have the authority to certify Virginia's ratification of the Amendment. Attorney General Ford continued to litigate on behalf of ratification. Later, the Biden Administration issued a new opinion that Congress may consider and pass a joint resolution to lift the deadline. The case is now fully briefed and will be argued in front of the D.C Circuit Court of Appeals this fall.

Attorney General Ford also joins amicus briefs, letters to Congress, comments to federal agencies during rulemaking periods, and other joint efforts with attorneys general across the country. Many of these efforts are bipartisan and address issues that affect Nevadans and citizens of every state.

Some amicus briefs joined by the Nevada Office of the Attorney General include:

- Cases on abortion rights, including pre-viability bans and restrictions on dispensing medication that can cause abortion. These bans had a direct impact on Nevada as people from other states flocked to Nevada to receive health care services banned in their own state. The Office also joined several cases challenging a Trump rule that affected Title X family planning

programs. These programs do not provide abortions but fund women's health services, particularly in rural Nevada.

- Cases on immigration rights, including a challenge to the Trump Administration's treatment of asylum seekers, two executive orders that temporarily suspended many forms of legal immigration, Trump policies that instituted new fees and drastically increased existing fees in order to apply for asylum and other legal forms on immigration. The Office also joined cases that supported the Deferred Action on Childhood Arrivals (DACA) program and the extension of Temporarily Protected Status for immigrants legally residing in the United States.
- Cases seeking to protect the rights of LGBTQ people, including challenges to the discrimination of same-sex couples as prospective foster parents and the discrimination of transgender children, supporting state public accommodation laws that prohibit discrimination, and a challenge to Florida's "Don't Say Gay" bill.
- Cases on the rights on indigenous people, including supporting tribal claims against a U.S. Army Corps of Engineers' plan that would violate the National Environmental Policy Act, and supporting the Indian Child Welfare Act.
- Cases on voting rights, including supporting state laws regarding the right to vote by mail, state laws that restored the right to vote to formerly incarcerated people, and cases that challenged racial gerrymandering.
- Cases on consumer rights, including supporting a state's ability to enforce price gouging laws, supporting the requirement to place anti-smoking messages on tobacco products, challenging unfair "processing" fees to make mortgage payments online, a civil enforcement action to enjoin Google from unlawfully maintaining monopolies in Android app stores, and supporting the constitutionality of the Affordable Care Act's preventive care coverage mandate requiring private insurers to cover certain preventive services at no cost.

This is not an exhaustive list. Attorney General Ford has also joined amicus briefs on other important topics such as disability rights, workers' rights, environmental protections, and a state's right to regulate activity within its own borders.

Protecting Nevadans' Right to Vote

In the past two years there was an unprecedented attack on Nevada's elections and the ability of Nevadans to vote. Leading up to the 2020 election, the Office worked with the Secretary of State and other agencies to implement new laws that expanded voting access in the wake of the pandemic. During the election, staff answered calls from Nevadans seeking information about how to cast their vote, responded to questions from local governments as they conducted the election, and

regularly communicated to the press to reassure the public about the security of Nevada's election.

Before, during, and after the election, various groups and individuals challenged Nevada's voting laws and the election itself. Virtually all of these suits were based on false allegations or dubious sources. The Office successfully defeated all litigation pertaining to Nevada's electoral process and the 2020 general election.

As the State of Nevada prepares for the 2022 elections, the work continues. The Office successfully defended the Secretary of State in litigation challenging the Legislature's redistricting plan and election observation challenges for the 2022 primary election. And the Office continues to assist the Secretary of State in promulgating regulations to update rules for the upcoming 2022 election. Nevadans should feel confident in their ability to exercise their right to vote and in the integrity of the state's electoral process.

Helping State Agencies Protect Civil Rights

The Office seeks opportunities to work with other state agencies to protect and uphold constitutional and civil rights. For example, attorneys representing Nevada's Department of Health and Human Services (DHHS) trained hearing officers at the Division of Welfare and Supportive Services to ensure the due process rights for those seeking public assistance. The hearing officers adjudicate appeals filed by applicants whose applications for public assistance are denied. Previously, the employees received little to no training as hearing officers. Under this administration, Attorney General's Office (AGO) attorneys created a presentation on applicants' due process rights and legal writing. By training these hearing officers, the Office helped ensure that appeals are fairly adjudicated and safeguarded the due process rights of applicants.

Over the past two years, the AGO team representing the Nevada Department of Corrections (NDOC) have been responsive to ever-changing COVID protocols intended to keep NDOC employees and inmates as safe as possible, while simultaneously defending numerous lawsuits and administrative complaints filed against the Department over COVID protocols. The NDOC team worked within constitutional limits to ensure that both civil liberty and public safety needs were met. The prison context made this particularly difficult and included unique challenges.

This division continues to work with NDOC to protect the rights and medical needs of those in Nevada's prisons. Staff continue to assist NDOC in complying with the terms of the consent decree in the Hepatitis C litigation. AGO staff work with the client and class counsel to provide quarterly reports to the court on a timely basis. As a result of our work, all incarcerated people who do not opt out are treated with

antiviral medication as quickly as possible, often before the agreed upon deadline of 12 months from intake. In another example, AGO employees and the Attorney General responded to a medical emergency of an inmate in need of a liver transplant by coordinating with private hospitals, the California Department of Corrections and Rehabilitation, and the Governor's office. Fortunately, the inmate was able to receive the transplant.

AGO employees who represent the State in postconviction appeals have created a more efficient process to promote compliance with Marsy's Law and coordinate with victims. Now, the division's supervising legal secretary uses NDOC records to find the most up-to-date information and shares it with the responsible attorney to reach out to victims in federal habeas actions so they can be informed about their cases.

Criminal Justice, Reform, and Public Safety Initiatives

Public safety begins with citizen trust. Citizens must trust that the rule of law will serve to protect everyone, give victims a voice, and hold offenders accountable. Attorney General Ford promulgated policies designed to serve victims of crime, promote government accountability, and reduce recidivism.

AGO Criminal Investigations and Prosecutions

The AG's Office has original jurisdiction over a wide array of criminal activity, such as insurance fraud, workers compensation fraud, securities fraud, mortgage fraud, cybercrime, public integrity cases, election fraud, Medicaid fraud, crimes committed by State of Nevada employees in the course of their employment, and crimes committed by people incarcerated in Nevada prisons. The Office also shares jurisdiction with local law enforcement and prosecutors in other areas, such as sex trafficking, missing and exploited children, general financial fraud, and elder exploitation. The AG's office regularly takes referrals from counties if the local District Attorney cannot prosecute a case due to a conflict or lack of resources.

The AGO Investigation Division consists of approximately 55 sworn peace officers, ten compliance investigators, four financial analysts, and seven professional support staff. AGO investigators work directly with AGO prosecutors, as well as local and federal law enforcement partners. In addition, investigators assist local and federal agencies throughout the state with computer forensics, financial analysis, and other unique tasks related to conflict cases referred to the Office.

AGO investigators and prosecutors provide vital support to Nevada through multi-jurisdictional task forces. For example, AGO Investigations actively participates in the IRS Financial Fraud Task Force, the FBI Child Exploitation and Human Trafficking Task Force, and the FBI Cyber Crime Task Force, as well as the U.S. Department of Homeland Security Investigations operations related to intellectual property rights, consumer crimes, and the Health Care Fraud Task Force, relative to insurance fraud, Medicaid fraud and opioid matters. The AGO's prosecutors can take referrals arising out of task force initiatives and also participate in multi-agency taskforces, such as the election integrity taskforce during the 2020 general election and the 2021 primary election and the Southern Nevada Human Trafficking Taskforce.

Despite the challenges of the pandemic, below is a summary of the work done by the Investigation Division since July 2020:

Investigative Actions	SFY 2021	SFY 2022	Total
Arrests/Summons	100	88	188
Search/Seizure Warrants	101	86	187
Subpoenas/Request Letters	654	414	1,068
Child Recoveries	21	40	61
Forensic Examinations	444	628	1,072
Outreach	115	94	209
Other assists	280	372	652

Investigative Dispositions	SFY 2021	SFY 2022	Total
Referred for Prosecution	182	258	440
Referred Out to Other Agencies	5	9	14
Resolved	22	46	68
Closed/Declined	249	175	424
Investigations Completed	458	488	946

Murder, Manslaughter, and Attempted Murder Cases

While most murders are prosecuted at the county level, the AGO does prosecute murder cases that the District Attorney cannot or will not prosecute, cases in which the accused is a State employee for acts committed while on duty serving the State, or cases that occur in NDOC facilities. Many of these cases are investigated by local law enforcement or NDOC’s Inspector General’s Office and then referred to the AGO for prosecution. For example, the AGO charged 10 inmates in connection with a stabbing in which several inmates created a human wall to prevent correctional staff from interceding, thereby allowing another inmate to stab the victim. The inmates were charged with several crimes, including attempted murder and are currently awaiting trial. Another inmate pled guilty to the fatal beating of an elderly inmate. Because of the Office’s varied jurisdiction, the AGO charges many

different kinds of cases, including prosecuting a woman for vehicular manslaughter. The Office is continuing the prosecution of Charles Sullivan, who was charged in the 1979 murder of Julia Woodward. His trial was delayed due to the court’s closure in the pandemic and other evidentiary hearings, but is set to begin in February 2023.

Human Trafficking

In the 2019 Legislative Session, Attorney General Ford introduced a law that allowed law enforcement to conduct online sting operations for child sex predators. The Office is now putting this law into practice by staging sting operations that involve investigators posting online in forums that advertise sex work, using decoys that respond to unsolicited offers. Investigators inform the target that the age of the decoy is less than 16 years old. If the individual continues to request sexual services from a person they believe to be a child and agrees to a price, a meeting is set. These stings are conducted in cooperation with Clark County School Police and Homeland Security Investigations. AGO Investigators also participate in Southern Nevada Human Trafficking Task Force operations with the FBI, the U.S. Attorney’s Office, and numerous other local law enforcement agencies throughout southern Nevada.

One recent sting resulted in a registered sex offender reaching out to a decoy to purchase sex. After being told the decoy was 15 years old, he continued reaching out and eventually arrived at the prearranged location to complete the transaction. The individual was subsequently arrested for luring a person under 16 with a computer to commit a sex act.

Human Trafficking	SFY 2021	SFY 2022	Total
Arrests	3	10	13
Subpoenas	73	42	115
Search Warrants	18	32	50
Recovered Youth	0	2	2

After arrest, many of these cases are prosecuted by the AG’s Office. In the past two years, AGO prosecutors have prosecuted individuals for solicitation of a child for prostitution, open and gross lewdness, and attempted child abuse. The Office also prosecuted other sex crimes against children, including Nicholas Dykes, who pled guilty to coercion and pandering for his involvement in trafficking a minor child; Shakwuan Mahan, who pled guilty to attempted kidnapping for his involvement in

trafficking a minor child; Cisco Neal, who pled guilty to attempted sex trafficking and child abuse; and Miya Sidles, who pled guilty to pandering for their involvement in trafficking a minor child.

Missing and Exploited Children

AGO investigators coordinate with other law enforcement entities and Child Protective Services to recover missing children, most of whom have been abducted by non-custodial parents or other family members. AGO investigators are often successful in recovering missing children through discussion with the involved parties about the possible consequences of not complying with custody agreements. If an individual refuses to cooperate with valid family court orders, investigators, through cooperation with the Nevada Child Advocate Attorney, utilize the criminal process to bring about an appropriate resolution. One significant case involved a young child who underwent a heart transplant in the Chicago area. After refusing to provide proper medical care, including providing the child with anti-rejection medication, the State of Illinois ordered the child removed from the mother's care. The mother fled to southern Nevada with the child. Investigators located the mother, who refused to cooperate or provide medical care to the child. Investigators arrested the mother on kidnapping charges and facilitated the child's return to Illinois, where she received proper medical care and was placed with her grandmother.

Another significant case involved two children who were abducted by their non-custodial father in California and taken to Nevada. After receiving information that the children, ages 11 and 13, may be in Nevada, investigators located them in Washoe County. Through a coordinated effort between AGO Investigators, Los Angeles County District Attorney Investigators, Washoe County School District Police, and the U.S. Marshal's Fugitive Task Force, simultaneous operations resulted in the recovery of the two children from two different schools, and the arrest of the father outside of his home on kidnapping related charges. The children were immediately reunited with their mother, whom they had not seen in two years.

Attorney General Ford also promoted education and outreach to Tribal Nations regarding the AGO's Missing Children's Unit. Although the AGO does not have jurisdiction over most crimes that occur on tribal land, the Office assists federal partners when help is requested. The AGO's Child Advocate coordinated with the Nevada Indian Commission to raise awareness and help connect tribal families with information about the National Center for Missing and Exploited Children (NCMEC). NCMEC is the nation's nonprofit clearinghouse and comprehensive reporting center for missing children. Any person can make a report to NCMEC regarding a missing child. NCMEC is a powerful resource, but not everyone knows about how to access its many services. The Nevada AGO houses the Nevada

Clearinghouse for Missing Children, so any report made by a tribal member is routed to the AGO's Child Advocate. Once a report is taken by NCMEC, a case manager is assigned to the case to provide family support and advocacy services, assist with posters, review and share leads, gather information and analytical support, and coordinate with law enforcement resources. The AGO's Child Advocate will continue to work with Nevada's Tribal Nations to ensure that every missing child is recovered safely.

Elder Abuse and Exploitation

The AGO investigates and prosecutes the abuse and exploitation of seniors and vulnerable adults. In one case, AGO staff, working in connection with the Elder and Vulnerable Adult Investigations Task Force, investigated Mary Glen for deplorable conditions at her unlicensed group home in Las Vegas. The home was unsafe and unsanitary, and residents suffered from untreated medical issues and insufficient nutrition. Glen and her staff were also taking funds from resident accounts without authorization. Glen later pled guilty and was sentenced to prison.

The Office also applied for and received a federal grant to fund the Enhanced Training and Services to End Elder Abuse in Later Life Program (EALLP). The EALLP will support statewide and local collaborations; training of law enforcement, prosecution, and stakeholders from various disciplines on recognizing and responding to cases involving older victims of domestic and sexual violence, stalking, neglect and exploitation; coordination to improve the knowledge and ability to respond to and support older residents who may be victims of abuse and other crimes; and direct victim services.

Public Integrity Cases

Nevadans expect their government to be ethical and accountable. The AGO vigorously investigates and prosecutes state employees for criminal misconduct. In the last two years, the AGO prosecuted several state employees for a variety of criminal offenses. For example, the Office prosecuted Jenna Brackin, an employee of the State's Aging and Disability Services Division. Brackin worked as a supervisor over an autism program and stole nearly \$20,000 in funds intended for autistic children. Brackin pled guilty to misconduct by public officer. The AGO is currently prosecuting Joshua Miller, a Parole and Probation Officer alleged to have threatened to take a probationer to jail if she did not have sex with him. The matter is set for trial this fall. The Office prosecuted NDOC employees Christopher Murray, who sexually assaulted an inmate on multiple occasions, and Cynthia Sellers and Regina Joines, who pled guilty to unauthorized custodial conduct for having a romantic relationship with an inmate. The AGO is currently prosecuting Richard Bogue, an NDOC correctional officer, for excessive force. Bogue is alleged to have physically assaulted an inmate by dragging him by his hair, causing the

inmate's head to hit a doorframe, and applying pressure to the inmate's neck with a baton. The matter is set for trial this fall.

Election Related Matters

Nevadans deserve to have faith in the security of the state's elections and its elected officials. The AGO prosecuted Donald Kirk Hartle for felony voter fraud. Hartle cast doubts on the state's 2020 general election, claiming someone illegally cast a ballot on behalf of his wife who recently passed away. He appeared on news media repeatedly selling his story that the election's result could not be trusted, using his wife's ballot as an example. A joint investigation by the AGO and Secretary of State revealed that Hartle himself illegally cast his wife's ballot. Hartle pled guilty to voting twice in the election. The AGO is also currently prosecuting former Nevada Assemblyman Alexander Assefa, who was indicted on multiple felony and gross misdemeanor charges of filing false documents regarding his eligibility to run for office, and for theft. The matter is set for trial this fall.

Consumer and Financial Fraud

AGO investigators work complex financial fraud cases received from numerous sources, including the public, community organizations, government agencies, and local and federal law enforcement partners. These cases involve a wide variety of schemes, many centered around misrepresentations about the identity of the perpetrator or misrepresentations about products and services. These cases are then prosecuted by the AGO or one of the Office's partner agencies. One notable case involved a scheme by Riley Hirter. Hirter filed multiple unclaimed property claims totaling \$108,000 for property belonging to Zappos.com LLC. Hirter claimed to be the authorized representative for Zappos and provided false documents to the Treasurer's Office that included false Articles of Organization, Letter of Authority, Internal Revenue Service Notice of Employer Identification Number, and Zappos employee identification cards. In a joint operation between AG investigators and Treasurer's Office staff, Hirter was caught in the act and later pled guilty to filing a fraudulent claim for property. The quick action of AG investigators and Treasurer's Office staff resulted in no loss of State property. Hirter was then prosecuted by the AGO, pleading guilty to felony charges.

In another case worked with the FBI, Alec Kolodge carried out multiple fraudulent schemes involving material misrepresentations against prospective employees, businesses, car dealers, lenders, and brokers, in an effort to obtain money, credit, assets, office space, and labor. While perpetrating the crimes, Kolodge passed nearly \$500,000 in bad checks to vendors and individuals. The case was prosecuted by the AG's Office and Kolodge was sentenced to 24–120 months incarceration. Kolodge was also ordered to pay \$145,727 in restitution.

In a joint operation with Homeland Security Investigations, AGO Investigators assisted with an operation and subsequent seizure of counterfeit merchandise in Henderson. Investigators located 12,688 pieces of counterfeit merchandise valued at \$13,479,402. The case is expected to be prosecuted by the U.S. Attorney's Office.

The AGO has prosecuted several securities fraud cases in the last two years. Mandeep Singh and Jaspreet Kaur defrauded victims with an investment scheme, resulting in several victims losing thousands of dollars. Singh pled guilty to securities fraud and Kaur pled guilty to conspiracy to commit theft. Rodney Buckle and his girlfriend, Warisra Stevens, sold securities to private investors in a scheme that victimized several elderly Nevadans and resulted in over \$100,000 in loss. Stevens pled guilty to securities fraud and conspiracy to commit theft. Buckle is still on active arrest warrant. The Office also prosecuted Leslie White, an HOA community manager who embezzled more than \$1 million from more than 30 different Homeowners Associations. This was a very complex case that resulted in White pleading guilty to felony theft.

Unemployment Fraud

AGO investigators aided Nevada's Employment Security Division by handling numerous criminal referrals related to fraudulent unemployment claims. AGO investigators focused on complaints involving individuals or groups using multiple identities of unsuspecting victims to submit for unemployment benefits, and then diverting the funds to themselves. One case involved an individual submitting numerous unemployment claims, using a common phone number and email address, and then routing delivery to various units at her apartment complex. Due to the apartment's limited mail controls, she was then able to later retrieve the cards and use them. The individual is currently being prosecuted by the AGO.

Another case involved an individual advertising and selling false paystubs on a social media platform for use in supporting fictitious unemployment claims. After being confronted by investigators, the individual pled guilty to criminal charges.

Mortgage Fraud

Mortgage fraud remains a problem in Nevada, albeit the format has changed over the years to include varying aspects of escrow transactions. The AGO received numerous reports of situations in which individuals have submitted false documents, recorded false liens, altered escrow documents, or simply intercepted loan payoff proceeds through compromised email schemes. One example involved a case in which an Oklahoma resident received a \$410,333.73 wire, intended as a payoff to a mortgage lender. The misdirected wire was the result of two fake emails sent from the purported seller and lender. Upon receiving the funds, the individual immediately transferred the money and purchased multiple cashier's checks for deposit into other banking institutions.

In another mortgage fraud investigation, Lori Allen-Cook dba Nevada Shortsale Services, LLC was diverting escrow proceeds intended as mortgage loan payoffs. After receiving the funds, Cook proceeded to spend them for her own purposes. Cook pled guilty and was ordered to pay restitution totaling \$934,810.62.

Welfare Fraud

AGO investigators provide assistance to the Division of Welfare and Supportive Services (DWSS) in executing arrest warrants related to cases prosecuted by the AG's Office. AGO investigators partner with DWSS investigators on large and complex criminal cases involving state benefit programs. For example, a welfare fraud scheme investigated jointly by the AG's Office and DWSS involved Eustachius Bursey. Bursey defrauded the state by using victim identities to file for SNAP and medical benefits. Bursey later sold the cards to friends and associates. Some of the victim identities were obtained from unsuspecting Texas inmates and Michigan parolees. Bursey submitted approximately 150 false applications. The prosecution was handled by the AGO. Bursey pled guilty and was ordered to pay \$633,583.19 in restitution.

Insurance Fraud

The Insurance Fraud Unit (IFU) has the primary statutory responsibility to investigate and criminally prosecute those who make material misrepresentations on applications for insurance and or submit false claims for benefits with private insurance companies. These cases can involve setting up dangerous car accidents that can injure or kill Nevadans.

For example, the IFU investigated a 56-defendant staged accident ring led by Ruben Aguilar. Evidence shows that Aguilar engaged in a complex criminal enterprise staging accidents to facilitate fraudulent insurance claims for over twenty years. IFU's investigation proved Aguilar staged nine separate car accidents in a 13-month period. Aguilar's co-conspirator, Raul Delgadillo, obtained salvage vehicles that he intentionally damaged to facilitate the staged accidents. Delgadillo provided forged identifications for the participants to evade detection and investigation by investigators. Aguilar and Delgadillo utilized Jose Nolasco and other co-conspirators to identify, recruit, and intimidate various individuals into participating in their criminal enterprise. Fifteen defendants were prosecuted, and prosecution continues for the last set of defendants.

Other cases involved cars reported to be stolen but were actually in chop shops, claims submitted to insurance companies after policies were canceled, claims submitted for damage that occurred before an insurance policy was purchased, and even a joint investigation with the FBI and IRS that determined a fake company billed health care providers for over \$8.7 million dollars for sleep studies that were never conducted, resulting a 15-count federal indictment.

Insurance Fraud	SFY 2021	SFY 2022	Total
Cases Filed	19	35	54
Convictions	17	16	33
Restitution Awarded	\$214,231.57	\$89,945.46	\$304,177.03
Restitution Collected	\$61,988.07	\$99,869.89	\$161,857.96
AGO Collected	\$13,168.06	\$13,816.39	\$26,984.45

Workers' Compensation Fraud

The Workers' Compensation Fraud Unit (WCFU) is responsible for the investigation and prosecution of all workers' compensation fraud committed in the state of Nevada by employers, employees (claimants), or medical providers against companies providing insurance and any of Nevada's self-insured employers. For example, the WCFU investigated and prosecuted schemes in which employees defrauded insurance companies, claiming to be too injured to work and receiving payments while also performing work elsewhere, or submitting tens of thousands of dollars of invoices for health care services that were never received.

This unit also investigates cases involving employers who fail to obtain or maintain workers' compensation insurance for their employees. For example, multiple complaints were received against Clara's Cleaning Services, LLC, for failing to provide workers' compensation insurance for her employees. Last year, an employee was seriously injured in a car accident while on the job and required over \$19,000 in immediate medical treatment, in addition to ongoing medical services. The company did not have the required industrial insurance to cover her employees, so the State's Uninsured Employer Claim Account has covered the injured worker's medical bills thus far. In March 2022, the company's owner pled no contest to the charge of failure to provide industrial insurance compensation and agreed to pay restitution to the Nevada Division of Industrial Relations, Uninsured Workers' Claim Account.

Workers' Compensation Fraud	SFY 2021	SFY 2022	Total
Cases Filed	135	149	284
Convictions	131	120	251
Restitution Awarded	\$343,484.13	\$562,169.38	\$905,653.51
Restitution Collected	\$202,973.24	\$423,716.68	\$626,689.92
AGO Collected	\$46,688.59	\$53,372.53	\$100,061.12

Medicaid Fraud

The Medicaid Fraud Control Unit (MFCU) has both criminal and civil components to ensure that the Nevada Medicaid System is not abused by providers, individuals, or insurance companies. Every Attorney General's Office in every state has its own MFCU, which is partially funded by federal dollars. Last year, the Nevada MFCU ranked 7th for the best conviction-to-staff ratio and 15th for highest number of convictions. These rankings are based on MFCUs in all states, as well as Washington, DC, Puerto Rico, and the US Virgin Islands. The MFCU is also instrumental in the Office's elder abuse and exploitation investigations and prosecutions.

The MFCU had several successful criminal prosecutions, which returned a substantial amount of money to Nevada Medicaid and excluded fraudulent defendants who prey on the Medicaid system from participating in the program in the future. In 2021, the MFCU undertook 318 investigations in 2021, resulting in 21 charges, 19 convictions, and 13 civil settlements. Examples of these convictions include the conviction of Marcus and Krystle Pritchett, who ran three fraudulent behavioral health companies in Nevada. The Pritchetts submitted a multitude of claims for services to Medicaid for payment, none of which were ever provided. The Pritchetts were convicted on felony Medicaid fraud charges and ordered to pay \$2.5 million in restitution to Nevada Medicaid. This marks the largest restitution order obtained by the MFCU in a criminal case in its history, dating back to 1991. The MFCU investigated and prosecuted Shonna Marshall for Medicaid fraud and 26 counts of money laundering. Terms of her plea included repayment of \$750,000 to Medicaid. Marshall was the puppeteer behind at least three Medicaid companies in which Marshall had set up straw owners since Marshall herself had previously defrauded Medicaid and was kicked out of the system. Spanning 2021 and 2022, the MFCU continued to work a large behavioral health fraud case with the US Attorney's Office involving multiple defendants. The joint investigation and prosecution have now resulted in three convictions for federal health care fraud,

with more defendants awaiting trial and other defendants poised to be indicted. Restitution to Nevada Medicaid is expected to be in the millions of dollars.

Criminal Appeals and Post-Conviction Matters

The Post-Conviction Division is the only agency in the state that handles all federal post-conviction habeas corpus petitions, and state post-conviction habeas corpus petitions challenging the computation of time credits for all state inmates. Between July 2020 and June 2022, the Post-Conviction Division opened 185 federal habeas cases, 381 state cases, and 65 other matters. Attorneys in this Division appeared in 21 oral arguments in the Ninth Circuit Court of Appeals. This Division also handles appeals from AGO prosecutions, including direct appeals and state habeas petitions, as well as appeals and state habeas petitions that are referred from other counties due to a conflict.

This Division is extremely busy, but also extremely successful. The Division averaged about a 95 percent success rate in the U.S. District Court and the Ninth Circuit and has an approximately 98 percent success rate in the Nevada Supreme Court.

Staff in this Division also represent the State of Nevada in wrongful conviction compensation cases. In the last two years, the Office opened nine cases, of which four are settled, one is in settlement discussions, two will be dismissed, and two will be or are stayed pending federal §1983 actions. Staff in this Division worked closely with the sponsor of original bill to draft, amend, and present amendments based upon their experience in implementing the 2019 law, resulting in many key updates passed in the 2021 Legislative Session.

The Post-Conviction Division and staff in the AGO fiscal team manage the AGO's role in extraditing individuals to and from Nevada who are accused or convicted of crimes. From July to December of 2020, the AGO reviewed 22 formal extradition matters. During 2021, AGO reviewed 40 formal extradition matters. And thus far in 2022, the AGO has reviewed 40 formal extradition matters. The AGO fiscal team works with other state agencies, including the Private Investigator Licensing Board and Risk Management to assist with extradition vendor issues. The AGO is also a national leader in this area – the Chief of the Post-Conviction Division was recently named as President of the Board of Directors of the National Association of Extradition Officials.

Protecting Nevadans from Domestic Violence, Sex Trafficking, and Sexual Abuse

Domestic violence continues to destroy Nevada families, and the AG's Office is committed to ending this abuse. The Committee on Domestic Violence (CDV) is an important feature of the AG's Office. Attorney General Ford serves as the Chair,

and it is staffed by the AGO team. The Committee is comprised of representatives from law enforcement, prosecution agencies, victim service providers, legal aid organizations, and survivors. In 2021, the Committee conducted multiple meetings, including its annual rural meeting in Mesquite, Nevada. The CDV created subcommittees to help navigate projects of interest, include the Training Subcommittee, Legislative Subcommittee, Courts Subcommittee, and Domestic Violence Fatality Review Team. The CDV continues to meet in 2022, with its annual rural meeting scheduled for this fall in Lovelock.

The CDV has supported many initiatives, including two key projects led by the University of Nevada, Reno. First, the CDV is supporting a cutting-edge project to implement high risk team models throughout Nevada. High risk teams focus on domestic violence cases that pose the greatest likelihood of resulting in death. The goal of these teams is to identify and support victims before they are killed by an intimate partner. The second initiative is the Batterers' Intervention Efficacy Project, which is conducting ongoing research to evaluate the efficacy of offender treatment programs.

This report only scratches the surface of the CDV's work, including a survey of Nevada's courts to identify gaps and training needs, one-pagers on domestic violence issues, community response teams, potential legislation, and other topics. The DVFRT conducted a joint review of two deaths with the state's Maternal Mortality Team and will meet for a more in-depth analysis later this year.

Unfortunately, many domestic violence victims are often at risk of sexual assault or trafficking. Offenders prey on the most vulnerable people in a multitude of ways. Attorney General Ford sponsored a bill to escalate the AGO's response in these areas during the 2021 Legislative Session. Senate Bill 45 expanded the title and duties of the Ombudsman to include sexual assault and human trafficking prevention and services. In addition to providing direct victim services, the AG's Ombudsman works with the Northern Nevada Human Trafficking Taskforce, the Human Trafficking Statewide Coalition, and the Nevada Coalition to Prevent the Commercial Exploitation of Children.

The AG's Office continues to be instrumental in the response to thousands of sexual assault kits that were not tested by law enforcement over the course of many years. This is commonly referred to as the rape kit backlog. The AGO applied for and was awarded a federal 2020 Sexual Assault Kit Initiative (SAKI) grant. The Nevada AGO continues to be the only AG Office in the country to be awarded six consecutive SAKI grants since the inception of the grant program. The 2020 SAKI grant will continue to support ongoing investigations related to untested sexual assault kits. While nearly 8,000 kits have now been tested, the investigations into these cases will take many years and thousands of hours. So far, DNA analysis of

the kits has led to 64 arrests and more than a thousand hits in the national law enforcement DNA database.

The AGO is also Nevada's statewide administrator of the federal STOP and SASP grants. The US Department of Justice's Office on Violence Against Women provides funding to the AGO for the Services, Training, Officers, Prosecutors (STOP) Program and the Sexual Assault Services Program (SASP). The AGO then awards subgrants to local, regional, and statewide programs that provide victim services through non-profit service providers, law enforcement, prosecution and courts. These programs serve to enhance victim safety and hold offenders accountable for their crimes of intimate partner violence, sexual assault, dating violence and stalking in Nevada. The AGO awarded nearly **\$2 million** in funding to law enforcement agencies, district attorney offices, nonprofit organizations, and courts for the upcoming year through these grants.

The AGO is also Nevada's administrator of the state's victim notification program. VINE, which stands for Victim Information and Notification Everyday, is a service for victims to receive case information and offender custody status notifications. The service is free for victims and available 24/7. The service is funded through a federal Victims of Crime Act (VOCA) grant, which the AGO applies for every year. This is a critical service, particularly for victims of domestic violence, human trafficking, and sexual assault.

[Leading the Response to the Opioid Epidemic](#)

In addition to suing those responsible for the opioid epidemic (discussed in greater detail later in this report), the AG's Office has taken a leadership role in preventing future opioid deaths.

The AG's Office applied for and received millions of federal dollars through the Comprehensive Opioid, Stimulant, and Substance Abuse Program (COSSAP). The COSSAP grant provides funding, support, and resources for Carson City, Churchill, Douglas, Lincoln, Lyon, Nye, and Storey counties to enhance or implement drug deflection and diversion programs of Mobile Outreach Safety Teams (MOST) or Forensic Assessment Services Triage Teams (FASTT), provide naloxone, and drug take-back days to address drug and mental health crisis situations. The Interim Finance Committee approved this funding earlier this year and the Office is coordinating with recipients to get programs up and running as soon as possible.

The AG's Office was also awarded funding for the Overdose Mapping and Application Program (ODMAP). ODMAP is a program that uses data to identify overdose spikes to help prevent further overdoses and deaths. In May 2021, an Automated Program Interface (API) was completed from the Department of Health and Human Services' State Emergency Medicine Services (EMS) database to

ODMAP. The cost of this API was paid through the ODMAP grant for two years. Once EMS personnel enters data into the electronic patient care record (EPCR), it is automatically transferred to the State EMS database. Within six hours, that overdose (OD) data is automatically entered into ODMAP, allowing for more real-time suspected OD data.

After the API was accomplished in May 2021, AG staff produced suspected OD reports at the request of DHHS. These DHHS requested reports were provided to the State Opioid Response grant personnel, University of Nevada, Las Vegas personnel, and Foundation For Recovery. The reports show heat maps of suspected ODs, the day of week and hour of day suspected ODs occurred and the number of ODs down to the zip code level throughout the state. These reports were used to target areas for harm reduction activities, to target areas of low or high suspected ODs in rural communities for focus group interviews, and for DHHS' state needs assessment. AG staff are working with Nevada High Intensity Drug Trafficking Area to assume the yearly cost of the API. This would provide a sustainable funding source to continue to have suspected OD data automatically entered into ODMAP from the State EMS database.

Attorney General Ford also chairs the Substance Use Response Working Group (SURG). The Nevada Legislature passed Assembly Bill 374, creating this Working Group within the AG's Office. The purpose of SURG is to develop recommendations to improve Nevada's substance use prevention and response efforts by studying evidence-based strategies in prevention and intervention, and evaluating the effect of substance use on Nevada's criminal justice system, educational institutions, and the economy.

Attorney General Ford appointed a diverse group of members to SURG, who now meet regularly. SURG adopted bylaws and established three subcommittees: 1) Prevention and Harm Reduction, 2) Treatment and Recovery, and 3) Response. The purpose of the subcommittees was to conduct a deeper dive into their respective areas to provide recommendations concerning substance use disorders. Later this year, the SURG will provide between 20–30 recommendations to the DHHS Director for use in the Director's opioid response report and the distribution of opioid settlement funds. SURG also expects to provide legislative recommendations for the 2023 Legislative Session.

Working with Local, State, and Federal Law Enforcement Agencies

The AGO has a close working relationship with law enforcement partners at the city, county, state, and federal levels. Even though each agency's jurisdiction and resources may differ, every agency is united in the common goals to seek justice and protect the public. To that end, the AGO investigators and prosecutors routinely

coordinate with other agencies in the joint taskforces and operations mentioned above.

Last year the AGO Investigations Division hosted a statewide Law Enforcement Summit. The Summit took place at the Washoe County Regional Public Safety Training Center and was attended by over 100 members of law enforcement agencies. The Summit was conducted with the U.S. Secret Service and included presentations on topics relevant to the modern law enforcement community, including discussions on cybersecurity, violence prevention, the sovereign citizen movement, and acts of terrorism, including the Oct. 1 shooting in Las Vegas. Another Summit is planned for this fall.

AGO investigators also serve as instructors to various Peace Officers Standards and Training (POST) classes, in both southern and northern Nevada. Courses include defensive tactics, field problems, high risk traffic stops, interviewing, investigative skills, first line supervision, and elder abuse.

The AGO Criminal Prosecutions Division routinely accepts referrals from local attorneys when their office cannot accept a case for legal or ethical reasons. The Division also worked with NDOC and the Correctional Integrity Task Force to draft search warrant language to allow seized data to be entered into a cross-jurisdictional database. Attorneys also frequently provide trainings, including a training on Nevada Anti-Trafficking Laws and Cases for The National Judicial College.

The AGO's Post-Conviction Division frequently works with district attorneys to explain how actions taken at the trial level affect a later federal habeas matter. The Division conducted a virtual CLE for all Nevada district attorneys on this topic. The Division also coordinated with the Clark County District Attorney to determine which documents filed in criminal actions fell under each agency and assisted several District Attorneys in calculating potential sentences pursuant to a negotiation following a reversal by the federal courts.

The AG's Office, through the Nevada Prosecution Advisory Council (NVPAC), hosts the annual Prosecutors Conference — a multi-day training for prosecutors all over Nevada. The 2021 Conference was scheduled to be held in the fall in Lake Tahoe but was moved to a virtual format when the Caldor Fire forced the town of Stateline to evacuate. Nevertheless, the Conference continued online, providing presentations on legislation passed in the 2021 session, working with victims of sexual violence, using informants, cannabis DUIs, jury selection, ethics, and other topics. The Conference also featured a discussion with the Minnesota Attorney General's Office on the trial of Derek Chauvin, who was prosecuted for murdering George Floyd.

The 2022 Nevada Prosecutors Conference returned to Lake Tahoe and provided an opportunity for the first in-person gathering since the pandemic. Topics included using digital media evidence, how NDOC calculates time credits, prosecuting DUIs when the defendant used both drugs and alcohol, organized retail crime, and domestic violence trials since the *Anderson* decision. The conference also featured a presentation from Nevada Supreme Court Justice Cadish on sentencing issues and a presentation from the U.S. Department of Justice’s Bureau of Alcohol, Tobacco, Firearms, and Explosives on privately made firearms.

Sponsoring Criminal Justice Reform Laws

After the killings of George Floyd, Breonna Taylor, and other people in encounters with police, Nevadans sent a clear message — the time for criminal justice reform was long past due. After a community town hall series hosted by the AG’s Office (discussed in greater detail later in this report), Attorney General Ford got to work on reforms. The AGO worked with the Nevada District Attorney’s Association, the Nevada Sheriffs and Chiefs Association, the Las Vegas Metropolitan Police Department, the Reno Police Department, the Las Vegas Metropolitan Police Managers and Supervisors Association, the Nevada Police Union, the Nevada State Law Enforcement Officers Association, the Washoe County Sheriff’s Office, the American Civil Liberties Union, the Nevada Criminal Justice Association, the Washoe County Public Defender’s Office, and the Clark County Public Defender’s Office to craft legislation that enhanced accountability, transparency, and public safety.

Attorney General Ford sponsored two bills as a result of these stakeholder meetings. Assembly Bill 58 authorizes Nevada’s Attorney General to investigate whether a State governmental authority, and any person acting on behalf of the State has engaged in certain patterns or practices that deprive a person of certain rights, privileges, or immunities. This measure is necessary because the U.S. Department of Justice, which was given authority to conduct such investigations in 1994, ceased conducting them in 2017 under a former U.S. Attorney General. This legislation gives the State the ability to undertake similar investigations regardless of the policy at the federal level. Senate Bill 50 made changes to no-knock warrants, prohibiting a magistrate from issuing a no-knock arrest warrant or search warrant except under certain circumstances. In petitioning courts for a no-knock warrant, the bill requires law enforcement to detail to a judge the investigation; if there is imminent public danger; why the warrant can’t be executed in daytime hours; if the alleged felon has a propensity for violence or escaping; “certify” that a less intrusive process isn’t possible. The officers must also reassess at the scene whether the need for the no-knock warrant still exists. Officers who execute the warrants would need to be “trained in tactical or dynamic entry operations” and, when possible, wear body cameras.

Both bills were passed unanimously in the Nevada State Assembly and the Nevada State Senate. Governor Sisolak signed the bills into law on May 25, 2021, the one-year anniversary of George Floyd's death.

Protecting Nevada's Consumers

Attorney General Ford continues to prioritize the protection of consumers from fraud, scams, and anti-competitive activity. The Bureau of Consumer Protection (BCP) serves to protect Nevada consumers, businesses, and the interests of the state through the enforcement and education of consumer protection laws, as well as representing the interests of residential ratepayers before public utility regulatory bodies. In the past two years, the BCP had many successes in deceptive trade and unfair trade practices enforcement, obtaining recoveries, assurances, protections, and in some cases restitution, resulting in more than **\$360 million dollars** returned to the state and consumers, as well as successes in utility advocacy to ensure fair and reasonable utility rates.

In addition to legal actions, the Office has done extensive education and outreach to help Nevadans defend themselves against scams. Scams typically involve the scammer creating a sense of urgency or fear, which too often results in monetary loss to hard working Nevadans.

AGO staff in divisions other than the BCP also help protect Nevada's consumers. For example, the AGO assisted the Financial Institutions Division with drafting and approving regulations to implement the payday loans database that is now live. Additionally, AGO staff helped the Financial Institutions Division implement Senate Bill 248, which made significant changes to collection practices for medical debt. Staff also represented the Division in litigation, receiving favorable decisions in the Nevada Supreme Court regarding refinancing of title loans by high interest title lenders and in a case brought by collection agencies trying to strike NRS 97B provisions governing consumer debt.

Consumer Assistance During the Pandemic

One of the most critical times of need for strong consumer protection was during the pandemic, from eviction moratorium assistance to product supply chain price and energy fluctuations. The BCP and other AG staff assisted with more than 900 eviction and mortgage related complaints during the pandemic. The BCP negotiated with private student loan servicers for temporary pandemic related assistance, including forbearances and waived late fees.

The BCP also focused education and outreach efforts to address new scams that emerged during the pandemic. These scams used many of the same mechanisms, such as through robocalls and imposters, but became more sophisticated by adopting technology used by many Nevadans during the pandemic. Particularly concerning during the pandemic was the isolation and loneliness of Nevada's seniors. The BCP's outreach, through multiple media including tele-town halls with

the AARP, provided education and awareness of senior scams that attempted to capitalize on this population.

Seeking Justice for the Opioid Epidemic

Under Attorney General Ford, the State is actively litigating against opioid manufacturers, distributors, pharmacies, and others to hold them accountable for the opioid crisis that has killed and continues to kill thousands of Nevadans and devastated the state's health care and public safety systems.

Nevada continues to be uniquely impacted by the opioid crisis and continues to be one of the hardest-hit states. Nevada is fighting back. Through key settlements by Attorney General Ford, Nevada will have the tools to help those in need and to protect Nevada residents. Attorney General Ford entered into settlements that will bring in more than **\$329 million** dedicated to remediating the opioid epidemic.

This funding is coming from three sources. First, the State settled for \$45 million with the opioid consulting firm McKinsey and Company, Inc. McKinsey provided marketing plans and advised opioid manufacturers, including OxyContin maker Purdue Pharma, for over a decade. These marketing plans were used by the country's largest opioid manufacturers to increase the sale and use of opioids. The second source is a portion of a \$26 billion nationwide settlement with the three largest opioid distributors, AmerisourceBergen, Cardinal Health and McKesson. Nevada will receive \$231,679,409 of that national settlement. The third source is a \$53,508,792 settlement with Johnson & Johnson.

Attorney General Ford firmly believes Nevadans are stronger together. AGO staff met with each of the counties and litigating cities in Nevada to unite as one in a commitment to stamp out the epidemic. Local leaders came together to create an agreement to fairly and equitably allocate opioid recoveries: the One Nevada Agreement on Allocation of Opioid Recoveries.

The One Nevada Agreement is an intrastate allocation agreement with all Nevada counties and litigating cities that provides a mechanism to allocate opioid settlements and bankruptcies between the State, counties, and litigating cities with one purpose—to remediate the harms, risks, and impacts of opioids. With this Agreement, Attorney General Ford built a trusting relationship between our state and local governments that will provide the means for Nevada to win the battle against the opioid epidemic.

During the 2021 Legislative Session, the State legislature passed Senate Bill 390. This bill created a transparent mechanism to use funds to abate the opioids epidemic. The principles are simple: Spend money to save lives, use evidence to guide spending, invest in youth prevention, focus on racial equity, and develop a fair and transparent process for funding decisions.

SB 390 requires DHHS to use these principles to build a statewide needs assessment that identifies the various needs in every geographic part of the state. DHHS must rely on the damages report from the State's litigation, research, and outreach to impacted groups, and input from advisory committees, including the AGO's Substance Use Response Working Group (SURG) committee discussed above. DHHS will use the needs assessment and state plan to fund efforts to save lives. With the money recovered by the AGO, Nevada can establish programs and services that are needed right now to help end the epidemic.

The State's litigation continues and is in the discovery phase. The State has produced more than 2,665,360 documents (more than 15,980,709 pages), totaling more than 3.07 terabytes of information and has been actively involved in taking and defending numerous depositions. The trial date set for April 17, 2023.

Deceptive Trade Accomplishments and Additional Multistate Settlements

The BCP protects the interest of consumers, including businesses, through its enforcement of the Deceptive Trade Practices Act. Those who harm Nevada and its residents are held accountable for their conduct through enforcement actions resulting in injunctive terms to protect against future harm, restitution, penalties, and assurances. In addition to legal enforcement actions, the BCP also handled numerous complaints related to failure to refund, solar scams, consumer fraud, and other scams.

The BCP was also actively involved in Attorney General Ford's deceptive trade practices legislation during the 2021 Legislative Session. Assembly Bill 61 increased protections for consumers, such as instituting Nevada's first anti-price gouging law during times of declared emergency, harmonized certain deceptive trade criminal penalties with the penalties for general fraud or theft, and adjusted penalties for robocalling.

In addition to opioid related settlements, key consumer protection settlements include:

- American Honda Motor Co., Inc., airbags: \$1.2 million;
- Santander, loans: \$1.3 million;
- ITT, Technical Institute, student loan forgiveness: \$6.1 million;
- CR, Bard, Inc., surgical mesh: \$803,000;
- Anthem, data breach: \$390,000;
- The Home Depot, Inc., data breach: \$150,000;
- Community Health Systems, data breach: \$51,000;
- Libor, antitrust: \$51,000;
- Apple, Inc., throttling: \$1.5 million;

- Sabre Hospitality Solutions, data breach: \$47,000;
- Voyageurs International, student loan: \$29,000;
- Nationstar Mortgage, lending: \$1.2 million;
- Boston Scientific Corp., surgical mesh: \$2.1 million;
- Navient Corporation, student loans: \$119,000;
- Intuit, Inc., advertising: \$1.5 million;
- Ford Motor Credit, advertising: \$236,000;
- Carnival Cruise Lines, data breach: \$24,000

Antitrust Accomplishments

Preventing unfair trade practices, also known as antitrust, is extremely important to a fair and competitive marketplace, especially in areas of health care and prescriptions. The BCP actively participated in multistate price-fixing litigation regarding generic drugs, handling numerous discovery obligations for Nevada agencies and reviewing several thousand documents.

Attorney General Ford also passed significant antitrust legislation during the 2021 Legislative Session. Assembly Bill 47 made important changes to Nevada’s unfair trade practices act, especially in the review of health care consolidations, mergers, and acquisitions. AB 47 also strengthened Nevada’s enforcement provisions, permitting additional remedies for violations and consumer protection tools, including restitution and disgorgement, and created a level playing field in the use of non-compete agreements.

AGO staff helped author an antitrust amicus brief filed in *Regeneron Pharmaceuticals, Inc. v. Novartis Pharma, AG, et al.*, correcting the court’s statement of the standard for product market definition and confusion between patent exclusivity as opposed to monopoly under the antitrust laws. Additionally, BCP attorneys drafted updates to Nevada’s dedicated chapter contained in the American Bar Association’s next released edition of its treatise, “State Antitrust Practice and Statutes.”

The previous biennial report submitted by this Office discussed Nevada’s settlement with T-Mobile regarding its planned merger with Sprint. In that settlement, T-Mobile agreed to a variety of terms including a commitment to retain all Nevada jobs with rights to join a union, deploying a 5G network across much of Nevada’s rural areas, offering a low-price plan for cellular users, and making a \$30 million charitable commitment to Nevada. Nevada is now reaping the benefit of that settlement. In November of 2020, T-Mobile launched its paid apprenticeship program in Nevada. The program is so successful that T-Mobile has duplicated this program in other states and has committed to keeping the Nevada program for at least six years. T-Mobile has also paid the first installments of its charitable commitment. As a result, the AG’s Office transferred **\$10 million** to the Office of

Science, Innovation and Technology (OSIT) to support broadband improvements for Tribal Nations, particularly focusing on improving access to education and telemedicine. The Office also transferred **\$6 million** to the Governor's Office of Economic Development (GOED) for a contract with Access Community Capital in southern Nevada. Access Community Capital will use the funds to seed a Nevada Community Development Financial Institution (CDFI). The CDFI will focus on small business financing through a revolving loan program for minority and women-owned businesses. These businesses have been historically underserved by traditional financial institutions but are critically important to growing and diversifying Nevada's economy.

Utilities Advocacy Accomplishments

Perhaps less known but no less important, Attorney General Ford's BCP also advocates on behalf of Nevada residential ratepayers before the Public Utilities Commission of Nevada (PUCN) and the Federal Energy Regulatory Commission (FERC). Utilities advocacy has a profound effect on fair rates for residential electricity and gas. Fair rates are particularly important during the pandemic when many residents lost income and spent more time in their homes. The AGO's advocacy helped ensure rate increases considered Nevada's unemployment rate. Over the past two years, the BCP appeared, intervened, or filed comments in 108 dockets before the PUCN.

While many dockets before the PUCN resulted in favorable outcomes to residents, some cases were appealed to the district court and Nevada Supreme Court. The BCP successfully argued before the Nevada Supreme Court on one such case, *Southwest Gas v. Public Utilities Commission of Nevada, Bureau of Consumer Protection*, which held that the utilities have the burden to prove that their requested rates are just and reasonable.

In several other dockets before the PUCN, the BCP advocated on behalf of residential ratepayers, successfully preventing costs from being shifted to residential and small commercial electric utility ratepayers. In several FERC matters, the BCP successfully minimized or prevented rates for projects that would have otherwise impacted Nevada ratepayers and has actively participated in federal rulemaking regarding utility ratemaking.

Serving the State

Saving Taxpayer Dollars

Since July 1, 2020, at least \$1,332,076,508.25 in alleged damages for tort claims have been filed against the State of Nevada. As a result of this Office's work, the State of Nevada has only paid out a mere \$6,319,231.02 on these claims, **saving the State \$1,325,757,277.23 in damages**. This represents less than one-half of one percent (0.47%) of the State's total exposure. This figure only covers tort claims and does *not* include litigation under other causes of action.

There are hundreds of other cases against state agencies successfully defended by the AG's Office or matters in which AGO staff aggressively pursued payment to client agencies. For example, AGO staff representing the Cannabis Compliance Board (CCB) resolved a major licensing litigation case against the Department of Taxation in *ACC Enterprises*, which sought the recovery of \$25 million from the State. This case was dismissed for a reduction in the amount of taxes being paid in a related administrative tax case. The entity also agreed to three violations and paid a \$50,000 penalty to the CCB. This is not an isolated example, as AGO staff were able to resolve other cases against the CCB that resulted in no payment by the State. Similarly, AGO staff representing the Department of Taxation helped recover approximately \$1.184 million owed to the State through bankruptcy cases and approximately to \$2.5 million through receivership cases involving cannabis businesses.

Some cases may represent a smaller dollar figure, but these savings add up for taxpayers. For example, counsel for State Purchasing prevailed in litigation related to a bid protest dispute regarding whether Purchasing was entitled to recover attorneys' fees for its representation. This success resulted in a \$14,000 benefit to Purchasing. Counsel also assisted Risk Management in establishing policies and approaches for pursuit of demanded funds from insurers where those insurers' clients were at fault for damage to State property, such as vehicles.

The Attorney General's Office is also responsible for returning millions of dollars in restitution directly to consumers through penalties, fines, and compensation that our office proactively pursued from those who harmed Nevadans. Under Attorney General Ford's tenure, the Medicaid Fraud Control Unit expanded its focus on civil enforcement in addition to the criminal investigations and prosecutions discussed above. The Unit added a Senior Deputy Attorney General position to increase its capacity to handle civil cases both on the national level, as well as local False Claims Act cases. Since June of 2020, the MFCU has received 22 civil settlements on behalf of Nevada Medicaid and recovered over **\$10.2 million** in restitution.

Notable cases include a January 2022 settlement against Lipshutz & Wills Medical Group. This case was worked collaboratively with the US Attorney’s Office with a Senior Deputy Attorney General cross designated as a Special Assistant United States Attorney. The MFCU SDAG worked directly with the US Attorney’s office, as well as other federal agencies, relators’ counsel, and the defendants to recover approximately \$2 million to Nevada Medicaid’s coffers. And in June 2022, the MFCU helped lead a national team in an investigation that led to a nationwide global settlement involving Mallinckrodt ARD (formerly Questcor Pharmaceuticals). Nevada will receive approximately \$1.7 million dollars from this settlement that involved Mallinckrodt underpaying Medicaid rebates due for its drug, H.P. Acthar Gel.

State Fiscal Year	Investigations Opened	Convictions	Civil Settlements	Restitution Obtained
July 2020– June 2021	97	14	11	\$3,095,992.58
July 2021– June 2022	89	20	11	\$7,160,050.95

Simply put, the Attorney General’s Office saves and protects hundreds of millions of taxpayer dollars every year.

Client Service Successes

In addition to guiding client agencies through the priorities discussed above, AG staff counsel client agencies on a wide variety of legal matters every day. Below are just a few successes over the past two years:

- Counsel to the Department of Health and Human Services have advised all Divisions within DHHS relating to navigating the COVID-19 pandemic. This included advising the Department of Public and Behavioral Health throughout the creation of the vaccine playbook, ensuring the vaccine data use agreement with the CDC conformed to Nevada law, and assisting with the drafting of numerous emergency regulations pertaining to the vaccine.
- The Office successfully defended the legality of the State’s COVID-19 mitigation efforts, including multiple evidentiary hearings establishing the State’s compelling interest to protect Nevadans’ health. These include *Central Cinema* (summary judgment against an Ely movie theatre’s challenge to the Governor’s emergency directives), *Branch-Noto* (dismissal against a challenge to the Clark County School District’s masking policy), *Gold* (defeated legal challenge to the NSHE vaccine policy), and *Payne*

(reversing writ of mandamus granting district court control over unemployment benefits).

- The AGO Gaming Division provided vital assistance to the Board and Commission to navigate the Governor's Emergency Directives and provided legal advice throughout the stages of the pandemic.
- The Boards and Open Government Division worked with our Open Meeting Law Task Force to draft statutory changes to the OML to allow for virtual meetings in the pandemic and beyond.
- The AGO assisted the Department of Education with numerous COVID-19 related education issues, including guidance to school districts regarding athletics, cancelations of classes, distance learning, transportation issues, threats to district personnel, access to technology and funding, as well as legal advice regarding how to appropriately use funding from the American Rescue Plan Act, the Governor's Emergency Education Relief Fund, and Elementary and Secondary School Emergency Relief funding.
- The Personnel Division provides legal advice to state agencies on employment issues. Given the State employs almost 20,000 people, this is a busy division, and even more so during the pandemic. The Division navigated the ever-changing COVID landscape, advising clients on issues related to masking and testing policies, as well as regulations for a vaccination policy for health care settings and correctional facilities. The Division researched and stayed up to date with new case law and federal guidance related to COVID issues in the workplace, worked on religious and medical exemption forms, and advised clients on employee discipline related to these matters.
- AGO staff also assisted the Department of Employment, Training, and Rehabilitation (DETR)'s efforts to implement Pandemic Unemployment assistance during a time of intense public scrutiny and pressure. The AGO successfully defended the vast majority of claims in a proposed class action lawsuit attempting to force DETR to pay claimants in manner that would violate the US Department of Labor guidelines, and successfully defended Plaintiffs' Motion for Fees and Costs, saving the State at least \$1.2 million. The AGO also successfully defended roughly 120 Writs of Mandamus seeking to compel DETR to hold expedited hearings, without losing a single Writ.
- From July 1, 2020 to June 30, 2022, AGO attorneys attended 479 guardianship hearings on behalf of DHHS. AGO staff assisted the Division of Aging and Disability Services and the Department of Public and Behavioral Health on issues with guardianships, including developing a process for Adult Protective Services and the Regional Centers to report to the attorney for the protected person or the Guardianship Compliance Office when there is an allegation of abuse, neglect, or exploitation by a guardian. This includes filing petitions to bring in Public Guardians as necessary for the clients

served by APS and the Regional Centers. Staff also assisted the client in responding to court inquiries in individual guardianship cases.

- The AG Gaming Division advised the Gaming Control Board (GCB) and Gaming Commission on hundreds of applications filed by those wishing to do business in or with Nevada's gaming industry.
- The Gaming Division engaged in a sizeable regulatory review and update process to streamline and modernize the gaming industry, with particular focus on licensing, technology, and gaming operations. For instance, AG staff assisted the GCB with regulations to permit gaming licensees to utilize cloud computing services for certain gaming related functions. This regulation allowed the industry to utilize the latest technology to make their operations efficient and economical, while also ensuring their systems and data remain secure. The division also assisted with regulations to permit the use of hosting centers outside of the state, allowing Nevada's licensees to be more competitive, efficient, and secure. The Gaming Division also assisted the Board and Commission to promulgate regulations implementing legislation passed during the 2021 Legislative Session that overhauled inter-casino linked systems regulations and updated new game regulations.
- The Gaming Division staff took on an additional role as legal counsel to the Esports Technical Advisory Committee, a public body created during the 2021 Legislative Session, tasked with advising the GCB concerning guidelines and parameters for ensuring the integrity of esports wagers. The division also advised the Board regarding several cases of first impression relating to new technologies and the expansion of sports wagering throughout the country, as well as dealing with novel concepts in the gaming industry and advancements in wagering and with wagering accounts.
- AGO attorneys dedicated a great deal of time litigating the *Wynn* case, to protect the regulators' authority to hold disciplinary proceedings against a major gaming-industry figure.
- The Gaming Division assisted the GCB in pursuing discipline against licensees that failed to maintain safe and lawful establishments, did not ensure proper operation of mobile and interactive gaming operations, and that threatened the stellar reputation of the state's most important industry. AGO staff worked closely with the GCB's Enforcement Division to prevent operations of unregulated and illegal wagering and assisted the Audit Division in clarifying various taxation issues and ensuring proper taxation of licensed gaming establishments and entertainment venues within the Board's jurisdiction.
- AGO staff assisted Enterprise IT Services in updating its policies to facilitate planning and enforcement of agency obligations. This is a vital update to the state's critical infrastructure.

- AGO staff assisted the Nevada Athletic Commission in drafting and passing emergency regulations to protect college students who participate in charity and other unarmed combat events that are not otherwise regulated by the NCAA or similar organizations. This set of regulations is known as “Nathan’s Law” and was passed in response to the death of UNLV student Nathan Valencia in a fraternity event.
- Attorneys representing the Nevada Department of Corrections worked with Magistrate Judge Baldwin to streamline the inmate Early Mediation Conference process in two important ways. First, the parties will now use a simpler settlement template that can be completed during the EMC if a settlement is reached. This allowed the AGO to resolve the case more quickly, deliver the settlement terms faster, and cut down on the need for post-EMC motions. Second, the Limited Notice of Appearance is filed on behalf of NDOC as an interested party as opposed to individual defendant(s). The AGO no longer needs to locate former NDOC employees who may be the only defendant in the case and allows the AGO to settle a case if no defendant can be found. Inmate litigation is one of the costliest, most time-intensive efforts of the Office, so these process improvements have a great effect on the State.
- AGO staff in many divisions, including those representing NDOC and post-conviction, continue to represent the State in death penalty matters. These cases require vast amounts of work and time to ensure the State carries out its statutory obligations in a constitutional manner. Experts involved in the Zane Floyd case were extremely impressed with how the AGO handled the case and the U.S. Marshal’s Office specifically complimented the AGO and NDOC during the site inspection.
- AGO staff representing NDOC and post-conviction matters also worked closely with NDOC’s Offender Management Division and the U.S. District Court clerk’s office to address the court’s order for mandatory e-filing of 2,254 actions and dealing with the massive indexes generated and filed by the Post-Conviction Division. Staff in these two divisions also assisted NDOC in algorithm issues with its sentencing calculation system in an attempt to proactively address any concerns by inmates.
- The AGO’s Government and Natural Resources Division was instrumental in several cases affecting water rights in Nevada. The State’s ability to manage water resources are absolutely vital to Nevada’s future. In *Diamond Natural Resources & Conservation Association v. Diamond Valley Ranch, LLC*, the AGO represented the State Engineer at the Nevada Supreme Court. The Supreme Court held that as long as all the elements of the statute are met, and the State Engineer determines that a Groundwater Management Plan (GMP) will eventually remove a basin’s Critical Management Area designation, the State Engineer can approve the GMP even if it does not

follow other parts of Nevada water law, including prior appropriation. The GMP in Diamond Valley honored prior appropriation by giving the senior holders more shares, but ultimately required everyone to reduce their water use over the life of the plan. In *Wilson v. Pahrump Fair Water*, the AGO received a unanimous decision from the Supreme Court allowing the State Engineer to prohibit new domestic wells in the Pahrump Basin unless the applicant acquires 2.0 afa of water rights in good standing and relinquishes them to the State to serve that well. This was an important decision that assisted the State Engineer to prevent further decline in the Basin. The AGO also successfully defended a denial of an application and denials of extensions of time for long unused water rights in an over-appropriated, over-pumped basin. Finally, AGO staff achieved summary judgment in *Killebrew vs. State Lands*, a case regarding increased fees for piers and buoys on state land. Most of the revenue generated by this regulation will go into a fund to preserve Lake Tahoe.

- AGO staff representing the Nevada Department of Environmental Protection successfully defended the agency's decision to issue a permit for lithium mining at Thacker Pass in front of the State Environmental Commission. The AGO also assisted the agency in a collection effort to pursue monies expended to remediate a spill at a gas station that cost the State over a million dollars to clean up.
- AGO staff representing the Nevada Department of Education helped develop regulations and enforce statutes governing the reorganization of large school districts, as well as consulted with local district counsel on many issues, including the resignation of five of seven Elko County School Board members.
- AGO staff representing the State Public Charter School Authority helped defend the agency in litigation brought by a school that claimed that it was improperly denied a charter from the agency in *PTAA v. SPCSA*. Staff also assisted in enforcement actions against existing schools.
- The AGO worked with the Governor's Office of Science and Technology to expand broadband access, a particularly important resource for Nevada's students.
- In a new area of law for the Office, the AGO has been hard at work assisting the Department of Human Resources Management (DHRM) with the implementation of collective bargaining for State employees. The AGO advised the new Labor Relations Unit in negotiating the State's first collective bargaining agreements with unions representing seven different bargaining units. As a result, three full agreements were approved by the Board of Examiners in time to allow cost of living increases for six bargaining units to take effect. AGO staff continue to assist in issues related to collective

bargaining, including successfully defending DHRM classifications before the Employee Management Relations Board.

- It is not commonly known that the AGO also represents Nevada in escheated estate matters. The AGO worked with opposing counsel to confess escheated estates back to heirs whenever appropriate, and successfully returned more than 10 estates by stipulated judgment when opposing counsel adequately established the relationship with the decedent. The AGO also successfully defended at the Nevada Supreme Court the escheated estate in *Postel v. State of Nevada* when opposing counsel did not adequately establish that the heirs were entitled to the estate.
- AGO staff representing the Department of Motor Vehicles and the Department of Public Safety assisted their clients with a variety of legal matters, from contracts to Parole and Probation disputes, to the validity of arrest warrants. This team closed nearly 150 cases in the period between 2020 and 2021.
- Through active involvement by the AGO in the acquisition process for right-of-way for construction projects, the Department of Transportation has been able to avoid filing any direct condemnation cases in over two years. Through negotiations conducted in conjunction with our office, all needed property has been acquired without the exercise of eminent domain. This includes multiple properties throughout the state, particularly property near the I-15/Tropicana Interchange and the I-515/Charleston Blvd. Interchange Projects. AGO staff were an instrumental part of the successful NDOT Design Build Team for the Tropicana Interchange Project.
- The AGO Transportation Division, working with Lincoln County, helped the construction of a bike path from the town of Caliente to Kershaw-Ryan State Park. NDOT successfully negotiated with local ranchers to secure the necessary easements. AGO staff also assisted NDOT in negotiating a Project Labor Agreement with the Building and Construction Trades Council of Northern Nevada.
- AGO personnel helped draft licensing agreements for small cell telecommunications expansion throughout the state, which is a major component for increasing access to high-speed internet in rural areas.
- AGO attorneys in the Business and Industry Division provided counsel, including responses to subpoenas, public records requests, and contract negotiation and approval, to the many Business and Industry agencies, as well as the Treasurer's office, Public Employee Benefits Program, Silver State Health Insurance Exchange, State Board of Equalization, the Governor's Office of Economic Development, and the Colorado River Commission.

- In addition to assisting the Secretary of State in election-related matters, AGO staff also helped in the drafting and approval of regulations for the document preparation services section.
- AGO personnel representing the Nevada Real Estate Commission handled approximately 100 disciplinary cases, defended approximately 30 petitions for judicial review involving the Real Estate Division, and defended the Real Estate Division in claims against the real estate recovery fund. Staff also handled matters for the Common Interest Community section, including interpleader actions, license denial suits, and approximately 30 disciplinary cases before Common Interest Community Commission.
- AGO staff representing the Nevada Transportation Authority provided counsel for hundreds of hearings. Staff also litigated on behalf of the Authority, successfully obtaining a dismissal of a federal district court case and defended five petitions for judicial review.
- AGO staff representing the Nevada Taxicab Authority handled approximately 50 hearings, as well as successfully defending the Authority in litigation.
- In addition to providing counsel for the DHRM in front of the Employee Management Relations Board, AGO staff in the Business and Industry Division served as board counsel and defended four petitions for judicial review.
- AGO in the Business and Industry Division also handled approximately 20 disciplinary cases for Mortgage Lending Division.
- In another fairly new area of law for the State of Nevada, AGO staff who represent the Cannabis Compliance Board (CCB) have been hard at work helping this nascent agency regulate a booming industry, while ensuring that its products are safe for the public. Through its attorneys, the CCB has adjudicated — or is in the process of adjudicating — 49 separate disciplinary matters which were filed and/or arise from events that occurred in 2021 and 2022 including: 13 disciplinary matters that are currently moving through disciplinary proceedings and carry maximum civil penalties totaling \$2,736,250 and 35 disciplinary matters resolved through settlement agreements with civil penalties totaling \$1,841,750 (and another matter wherein an agent card was revoked). AGO staff have assisted in multiple summary suspensions against licensees that engaged in conduct that the CCB deemed to pose an immediate threat to the health and safety of the public. AGO staff also participated or provided guidance in the subsequent proceedings or conduct relating to these same licensees becoming compliant with the law, allowing for the lifting of summary suspensions.
- AGO staff provided guidance to the CCB in responding to multiple petitions by industry participants for the adoption of regulations regarding the

governance of cannabis. Staff have assisted in the drafting of regulations governing the CCB's appointment of receivers, the recall of products deemed to be a threat to the health and safety of the public or not appropriate for sale to the public, and conduct deemed to be appropriate for discipline and requisite penalties.

- AGO staff handled the first cannabis receiver applications and assisted CCB in the review and approval of cannabis receiver applications. Multiple cannabis receivers were approved for agent cards in 2021–2022 and some have already come to successful conclusions. Staff also assisted CCB in processing a number of transfers of interest for cannabis licenses, including pursuing, and in many cases settling, disciplinary actions arising from the transfer of interest investigations.
- The AGO has been instrumental in the upcoming rollout of cannabis consumption lounges. This includes assisting in the drafting of regulations governing the application process for consumption lounges, assisting in drafting regulations for operating requirements, providing guidance in conceptualizing the application process, and assisting in the drafting of the documentation to be utilized in the consumption lounge applications. The AGO will continue to work closely with the CCB as the lounges become operational.
- AGO staff are working with the CCB to propose statutes designed to streamline the disciplinary process, provide clarity to the industry in the licensing process, and continue to observe the CCB's mandate to protect the health and safety of the public.
- In addition to regulatory work, AGO staff continue to assist the CCB in all cannabis-related litigation, including responding to subpoenas and submitting amicus curiae briefs to the Nevada Supreme Court.
- Staff representing the Insurance Division are very hard at work, even reducing backlog of cases by approximately 30 cases this year.
- AGO personnel representing the Labor Commissioner handled approximately 15 petitions for judicial review and appeals. Staff also assisted in pursuing wage recovery for employees of a cannabis business that was liquidated via a receivership.
- In the 2021 Legislative Session, the Office sponsored legislation to raise the age of tobacco sales to 21 years old, bringing Nevada state law into alignment with federal law that had already raised the age to 21.
- Between July 1, 2021 and June 30, 2022, the Office worked diligently to reduce the sales rate of tobacco to underage Nevadans by completing a large number of compliance checks. Staff completed **1,238 compliance checks** approximately over that period, which resulted in approximately 330 citations and 19 warnings. Staff assisted in 119 citation hearings, and

citations issued near the end of June will be heard in October. Staff also spend a great deal of time educating businesses and their employees of the age limits and required processes for selling tobacco products. The Office is advising the industry of new sales equipment changes.

- The AGO team representing the Department of Agriculture handled administrative cases involving hemp growing regulatory issues and pest control regulatory issues. Staff also helped draft new hemp regulations. Staff reviewed vendor contracts and helped renegotiate school food vendor contracts when prices increased. Staff continue to advise the agency regarding wild horse and feral horse issues, as well as fuel pipeline contamination issues.
- AGO employees representing the Department of Taxation assisted with issues and helped draft regulations related to the implementation of the Gold and Silver Excise Tax and the implementation of the peer-to-peer vehicle tax. Staff drafted 15 advisory opinions for the agency. Finally, the AGO team is assisting with the launch of the Nevada State Infrastructure Bank.

Community Engagement

One of Attorney General Ford's key priorities for the Office is community engagement and community service. No matter what their role, every AGO employee is expected to serve the people of Nevada and think creatively about how the Office can strengthen outreach efforts to the public.

Attorney General Ford often takes on this responsibility himself. Members of the public often do not understand the breadth of the AGO and what resources are available to Nevadans. Attorney General Ford hosted *Conversations with AG Ford*, a virtual series in which AG Ford talks to the divisions most likely to interact with the public to help Nevadans understand how the Office works for them. This series is available on the AGO website.

After George Floyd was killed by police in Minnesota, protests against police brutality took place all over the nation, leaving millions of Americans feeling saddened, confused, outraged, and with a general sense of unrest. Protests also erupted here at home in Nevada. In response, Attorney General Ford began a panel series called *Justice and Injustice*, which brought together state and community leaders to discuss race and policing. The series included six discussions with police chiefs, police union representatives, legislators, and community organizers. These conversations directly led to the criminal justice reform legislation sponsored by Attorney General Ford discussed earlier in this report. All of these discussions are available on the AGO website, as well as Cox On Demand.

At the heart of the Office's community engagement is the Constituent Services Unit (CSU). This team was at the front lines of the AGO's pandemic response and continues to respond to and process thousands of complaints filed for AG investigation and inquiries for assistance and information. Every day, the CSU team helps Nevadans in their time of need. CSU team members screen and process every complaint received, then sends to others in the Office for further review. If the AGO cannot directly assist someone, the CSU coordinates with other agencies or organizations to provide assistance and provides additional avenues for resources that may help that person.

For example, CSU team members helped a disabled senior citizen who was displaced due to an eviction. She was living in her car when she contacted the AGO. CSU immediately got in touch with Adult Protective Services and Legal Aid of Southern Nevada, who were able to secure housing for her and address her eviction with the court. In another example, a grieving mother whose son passed away contacted the AGO with questions about her son's nursing facility. She had been unable to get information or help from other agencies. CSU reached out to the Bureau of Health Care Quality and Compliance on behalf of the constituent and within a few days, the mother received the information that she needed.

In 2020, members of CSU received the Las Vegas Rotary Club’s Safety Officer Award Recognition Award (S.O.A.R. Award) for their fast response to a possible mass shooting. After receiving concerning information, staff immediately alerted investigators, who then contacted the Las Vegas Metropolitan Police Department, and the suspect was later arrested prior to any violent act.

The level of need from constituents is, frankly, overwhelming. The CSU team was fortified by additional staff, volunteers from other AGO divisions, and temporary workers funded by federal dollars to respond to thousands of constituent requests. Below are statistics for the reporting period:

Time Period	Complaints	Inquiries
July 2020 through December 2020	3,625	15,763
January 2021 through December 2021	7,415	14,514
January 2022 through August 2022	7,414	8,792
Reporting Period Total	18,454	39,069

The Office of Military Assistance (OMLA) continues its mission to serve veterans and military families, despite challenges due to the pandemic. While COVID restrictions at military hospitals continue to prevent in-person legal assistance clinics at those facilities, OMLA staff and AGO staff in other divisions continue to assist veterans and their families remotely. The OMLA hosted its first post-pandemic event earlier this year at the Reno Elks Lodge and is planning more in-person legal assistance clinics in other venues.

Every AGO division has the opportunity to engage the community, even if it takes a little creativity. For example, attorneys representing NDOC spoke to law students at UNLV’s Boyd School of Law about the unique area of law that is inmate litigation. At least one law student then completed an internship with the division. The Office’s internship program for law students has continued to flourish.

The Medicaid Fraud Control Unit continued its community outreach both at the local and national levels. For example, MFCU staff continued the biannual tradition of providing training on Medicaid fraud and elder abuse to students at Touro University in Henderson. The MFCU provided its Project Skilled Nursing Facility presentation to facilities for elderly and vulnerable people in northern and southern Nevada. The MFCU also participated in Governor Sisolak’s Health Care Provider Summit in Las Vegas—over 30 providers requested additional training at the Summit. MFCU staff provided training and presentations to other agencies in New Mexico, Rhode Island, and at national conferences on health care fraud.

A key element of community engagement is connecting citizens to law enforcement in a positive way through the outreach efforts of AGO investigators.

Communicating and educating the diverse population in Nevada about law enforcement builds greater community trust. The Investigations Division is instrumental in organizing AGO events and participating in other community events. Investigations Division members attended an Earth Day Clean Up, Career Day at Redrock Elementary School, DREAM Program events, the PAYBAC program at Woodbury Middle School, a special screening and panel discussion of a documentary about trafficking called “Groomed,” events at the University of Nevada, Reno School of Medicine’s Geriatric Education Center, a Juvenile Justice Impact Gala, and National Night Out. And of course, staff from every division give back to the community at the holidays, delivering turkeys at Thanksgiving to local families, “adopting” low-income seniors at Christmas, and raising funds for F.I.S.H. in Carson City.

Internal Improvements to the Attorney General's Office

The past two years have been marked by challenges and opportunities for growth due to the ongoing pandemic. The entire AGO staff worked as a team to accomplish the AGO's critical mission to serve the state, despite the obstacles. Staff adapted to court and client agency closures and reopening, often with new technologies. While difficult in the moment, this helped many divisions move to a more paperless system and incorporate new methods and technologies to increase efficiency and flexibility. Staff assisted each other and found different, more efficient ways to complete legal work on time. Communication has increased by email, video, and phone, with staff always available to clients and each other. For the first time, AGO employees can apply for a telework schedule, giving employees more options and moving the Office in a modern direction.

These opportunities would not be possible without an intensive focus on the Office's IT capabilities. Across the state, IT infrastructure is historically underfunded and behind the times—and the AGO is no exception. When budget cuts are made, IT is usually the first item on the chopping block. This cannot continue as the State and the Office are increasingly reliant on technology to get the job done, from housing massive amounts of sensitive data, to utilizing an electronic case management system for almost all legal work, to tracking constituent contacts, to virtually participating in court hearings, client meetings, and state board meetings.

The pandemic forced the Office's meager IT infrastructure to a near breaking point. IT staff worked around the clock to issue virtual private networks (VPNs) to AG staff so they could work remotely during building closures and answer calls for help. Unfortunately the Office only had seven laptops for an agency of nearly 400 employees, so nearly every staff member had to use their personal devices. But, thanks to federal funding, the Office has now purchased new laptops and other equipment. IT staff worked diligently to install the appropriate software on every laptop and distribute to employees.

Laptops have been a game changer for employee flexibility and productivity. Employees can now securely access their work while at home, at a client's office, at an offsite board meeting, in a courtroom, or anywhere else work needs to be performed. Something as simple as taking notes on a computer rather than handwritten notes later transcribed to electronic means helped move the AGO into the modern workforce. IT staff have implemented several other measures to harness technology to improve productivity. Upgrading the entire office to Microsoft Office 365 allowed the AGO to use its many features, such as securely sharing files with opposing counsel without downloading thousands of documents to flash drives,

upgrading the AGO's Intranet for internal office files through Sharepoint, and integrating Teams for video meetings. The IT team also implemented new database systems to overhaul the AGO's constituent complaint system, the public records tracking system, and the IT helpdesk request system.

In the coming months, the AGO is focused on building the Office's resilience and cyber security in the case of future threats of terrorism, accidents, technical failures, pandemics, extreme weather and cyberattacks. The next IT emergency is not a question of if, but a question of when, and what steps can the Office take to prevent and mitigate these threats. The Office houses some of the State's most sensitive information, from attorney-client privileged information to criminal investigations. AGO employees routinely see attempts to hack into the Office's systems, from phishing emails to emails impersonating the Attorney General and executive leadership.

As a result, the IT team has implemented several new best practices to strengthen AGO infrastructure and security measures. The AGO IT team is currently working with the U.S. Department of Homeland Security's Cybersecurity and Infrastructure Agency (CISA). The AGO has already completed the first stages of CISA's External Dependencies Management assessment and the Cyber Infrastructure Survey. This process will continue over the next several months to completely assess and make recommendations to improve the AGO's preparedness, information sharing and analysis, and cyber resources and awareness. The IT is also working closely with the U.S. Department of Homeland Security's National Cybersecurity and Communications Integration Center (NCCIC). The AGO has already incorporated additional measures to protect security. AGO employees are now required to complete security training to prevent anyone from falling victim to phishing and impersonation attacks. IT staff have installed multi-factor authentication, upgraded Symantec Endpoint Protection for anti-virus and anti-malware protection, and implemented a cyber threat detection system.

Many other divisions have also focused on improving productivity, efficiency, and fiscal responsibility. The AGO's Human Resources team — a team of three staff who serve the needs of nearly 400 employees — have implemented new paperless forms where possible within the existing State system. For many requests, employees now no longer have to email, print, fill out, scan, and return email a form. The AGO's Accounting unit implemented processes which distributed settlement restitution to more than 5,000 residents and continues to coordinate processes required for dissemination of other multi-state settlements, including opioid funds. These processes more efficiently get funds into State bank accounts and the wallets of Nevadans.

In the past two years, the AGO Grants unit applied for four competitive discretionary grants and were successful in receiving awards from all four applications, resulting in an additional **\$6,335,915** awarded to the Office. These awards include:

- the 2020 Sexual Assault Kit Initiative (2020 SAKI) grant for \$261,599
- Victims Of Crime Act (VOCA) grant for \$43,544
- Enhanced Training and Services to End Elder Abuse in Later Life Program (EALLP) for \$279,250 and
- the Comprehensive Opioid, Stimulant, and Substance Abuse Program (COSSAP) grant for \$5,751,522.

These grants directly allow the AGO to provide vital services to victims and prevent crimes against the most vulnerable Nevadans.

A lesser known but no less important function of the Office is managing Nevada's Tort Claims Fund. The Fund is paid out to people who file a claim against the State of Nevada for an incident or accident in which a State employee or agency is alleged to have caused damages to another party. Those claims are investigated and if the State is liable, the claim is paid as appropriate. From July 2020 to present, the AGO Tort Claims team opened and investigated 762 claims for tort funding and closed 684 claims. The team also takes extra effort to prevent claims from occurring. The team ramped up training for NDOT and met with District II highway crews and heavy equipment drivers in Reno and Fallon to explain the State's liability and the tort claim investigation process. Training and communication where accidents are most likely to occur helps keeps Nevadans safe and saves State dollars.

The next biennium will have no shortage of challenges. The Nevada Attorney General's Office is ready, willing, and able to serve the state of Nevada and its people so that we may uphold our motto: Our Job Is Justice.