

**STATE OF NEVADA  
OFFICE OF THE ATTORNEY GENERAL**

***Protecting Citizens, Solving Problems, Making Government Work***

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**June 25, 1997  
FOR IMMEDIATE RELEASE**

**CONTACT: Bob Harmon  
(702) 687-3512**

**DEL PAPA CALLS SUPREME COURT RULING VICTORY FOR  
NEVADA'S PRISONS**

Attorney General Frankie Sue Del Papa said she is extremely pleased with this morning's United States Supreme Court ruling on the federal Religious Freedom Restoration Act (RFRA). "I feel this ruling is a victory in the battle which Senator Reid and I have fought for more than five years due to the statute's adverse impact on our prison system," Del Papa said. "Since RFRA was passed by Congress in 1993, our prison systems have been inundated with often unreasonable, frivolous demands and lawsuits from inmates who claim they are entitled to special privileges for religious purposes."

The Court's ruling in support of the Petitioners in *City of Boerne v. Texas*, finds that RFRA is far too sweeping in its requirements. RFRA, as it was enacted by Congress, allowed virtually any law to be subject to challenge by any person at any time who claimed an entitlement to special treatment on religious grounds. As a result state prisons could be improperly compelled to accede to unreasonable requests from inmates. By a 6-3 vote, the Court concluded that RFRA exceeded Congress' power under Section 5 of the 14th amendment.

Attorney General Del Papa and Sen. Harry Reid are recognized as leaders in the nationwide effort to exempt prison inmates from the requirements of RFRA. "In our own prison system inmates have demanded the state provide them with such items as hate literature, pornographic materials and the right to hold secret group ceremonies. RFRA has also been used by gangs to manipulate prison staff and to avoid compliance with prison regulations," Del Papa said. "These demands are not only unreasonable but are a substantial burden on our prison resources, safety and security."

In the *Boerne* decision, the U.S. Supreme Court ruled that RFRA represents a substantial Congressional intrusion into the traditional authority of the state's to regulate for the health and welfare of their citizens. In addition, the court found that RFRA could cause costly litigation burdens on the states in the defense

of valid state laws.

Before RFRA, prison officials were allowed under the law to keep a balance between inmate's rights and valid concerns involving prison safety and management.

"The RFRA law upset that balance, and put inmates nationwide in the position of dictating to the prisons in this regard. The proper balance has once again been restored through the Supreme Court's decision in this case. Inmates will be allowed to continue genuine religious practices, but, at the same time, prison authorities will have the ability to curtail abuses. I am grateful to all my colleagues throughout the country and to Senator Reid for their tireless work on this issue," Del Papa said.

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June 25, 1997  
**FOR IMMEDIATE RELEASE**

**CONTACT: J. Marty Howard  
(702) 486-3120**

**ATTORNEY GENERAL ANNOUNCES \$3.9 MILLION ANTITRUST  
SETTLEMENT**

Attorney General Frankie Sue Del Papa announced today that the State of Nevada will receive \$53,000 as part of a multi-state settlement with a national agricultural chemicals manufacturer that allegedly fixed the resale price of its product. Nevada joined 47 other states, the District of Columbia, and Puerto Rico in the \$3.9 million multi-state settlement agreement with Zeneca of Wilmington, Delaware.

This settlement also returns to agricultural chemical distributors in Nevada the freedom to set their own prices which was restricted by Zeneca's practices.

"Today's settlement will, once again, allow those agricultural chemical distributors to operate without price constraints which earlier may have caused Nevada farmers and growers to pay more for their chemicals," Del Papa said.

Del Papa also alleged Zeneca's pricing practices violated Nevada's Unfair Trade Practice Act, NRS Chapter 598A, a consumer protection law. "Antitrust laws make it illegal for a manufacturer and dealer to agree on the dealer's resale price of a product," Del Papa said. "It is also unlawful for a manufacturer and dealer to agree that the dealer can only receive a cash rebate in exchange for charging a retail price set by the manufacturer."

A multi-state investigation, which began in 1995, discovered that Zeneca, beginning in the late 1980's and continuing through 1993, used its Stewardship Bonus Program to influence the pricing practices of its distributors on the resale of its agricultural products. The states concluded the program violated state and federal antitrust laws because dealers were coerced to price agricultural chemicals at or above the price dictated by Zeneca in order to receive cash rebates. Zeneca withheld rebates to its distributors who failed to follow the prices it set.

Today's settlement prohibits Zeneca from operating similar programs in the future. It also provides for attorney fees and investigative costs to the states. A similar multi-state settlement was reached with American Cyanamid Company of Parsippany, New Jersey in January.

Today's action was filed in federal court in the Northern District of Texas and becomes final when approved by the court.

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**June 23, 1997  
FOR IMMEDIATE RELEASE**

**CONTACT: Bob Harmon  
(702) 687-3512**

**U.S. SUPREME COURT UPHOLDS SEXUAL PREDATOR LAW**

Attorney General Frankie Sue Del Papa applauded today's decision by the United States Supreme Court upholding the constitutionality of Kansas' Sexually Violent Predator Act. The Supreme Court ruled that a state can civilly confine sexual predators since they are unable to control their behavior and pose a danger to public health and safety. The Court also ruled such involuntary confinement is not punishment and, therefore, does not implicate the double jeopardy or ex post facto clauses of the U.S. Constitution.

"This is a tremendous victory for law enforcement and the justice community with ramifications in every state," Del Papa said of the ruling. "Criminal justice experts have shown that sexually violent predators are the most likely group to commit their crimes again and again."

Today's 5-4 vote by the Supreme Court should also impact a bill before the Nevada Legislature which provides for the involuntary civil commitment of sexually violent predators. SB 100, introduced in the legislature by Sen. Mark James, has passed the Senate and is currently before the Assembly Judiciary Committee.

"This ruling definitely supports the legality of SB 100. I strongly urge the legislature to consider passing this bill to better protect the public from these horrendous crimes," Del Papa said. "The cost of repeated offenses, not only to the system, but for the innocent victim as well, must be our primary concern."

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June 5, 1997  
**FOR IMMEDIATE RELEASE**

**Contact: Bob Harmon  
(702)687-3512**

**NEVADA ATTORNEY GENERAL PART OF NATIONWIDE SEARS  
SETTLEMENT**

Attorney General Frankie Sue Del Papa announced today that a major multi-state consumer protection settlement has been reached with Sears, Roebuck & Co. as a preliminary resolution to an investigation into illegal collection practices.

The settlement returns millions of dollars in restitution payments to consumers in 40 states, including Nevada. Nevada will also receive part of \$35 million which Sears agreed to distribute among the states.

The investigation revealed that Sears violated State Consumer Protection Law by pressuring consumers to agree to pay off debts that had been cleared in bankruptcy. Furthermore, by failing to file these agreements with the bankruptcy court, Sears violated the U.S. Bankruptcy Code .

As part of the settlement, Sears must identify and repay every customer in every state effected by this practice since January of 1992. If a Sears customer feels they were a victim of this practice prior to 1992, they are also entitled to restitution but must file a claim form with Sears. Sears is expected to set up an 800 number to work with consumers on this matter.

At this time, close to 80,000 consumers nationwide made payments to Sears on debts that had been discharged. Almost 900 victims have been identified in Nevada so far.

In addition to the forgiveness and repayment of all improperly obtained agreements to debt, Sears promised to change its collection practices and to provide \$5 million for consumer education.

"This agreement will benefit the Sears customer in Nevada and reflects the importance of strong

consumer protection in this state," Del Papa said of the settlement.

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June 5, 1997  
**FOR IMMEDIATE RELEASE**

**CONTACT: JoAnne Gibbs  
(702) 486-3129**

**INJUNCTION ISSUED TO STOP DECEPTIVE AUTO REPAIR  
PRACTICES**

Las Vegas -- Attorney General Frankie Sue Del Papa announced today a preliminary injunction to halt deceptive business practices by a Las Vegas automotive repair company was issued by the Clark County District Court. The Attorney General's office sought the injunction against Fords Only in response to consumer complaints that the company continued to mislead customers even after Attorney General Del Papa filed a civil lawsuit against them last October. That suit against Fords Only and its co-owners George W. Coleman, 52, and David J. Clark, 31, both of Las Vegas, was filed after a lengthy investigation conducted jointly by the Consumer Affairs Division and the Attorney General's Telemarketing and Consumer Fraud Unit.

The civil suit is still pending before District Court and alleges that Fords Only violated the Deceptive Trade Practices Act, by failing to provide goods and services within a reasonable amount of time, and misrepresentating the repair and replacement of parts. The complaint also alleges that Fords Only failed to post a sign required by law informing customers that upon request, they are entitled to receive a written estimate of repairs. The lawsuit seeks civil penalties of up to \$2,500 for each violation of the Deceptive Trade Practices Act, as well as restitution to those consumers injured by these deceptive practices. The lawsuit was filed after seven similar complaints were received during a four month period last year.

Since that time, Fords Only was evicted from its facility on East Carey Avenue, the injunction prohibits the company from conducting business at any other location without the proper business license.

An informal survey conducted by the National Association of Attorney's General in 1995 - 1996 revealed that automobile related complaints are the number one consumer complaint in the nation. According to Patricia Morse Jarman, Commissioner of the Division of Consumer Affairs, automotive



repairs are the number one source of complaints in Nevada. In 1995, over 1800 complaints concerning automobile repairs were filed by Nevada consumers. As a result, Commissioner Jarman and Attorney General Frankie Sue Del Papa have made the investigation and prosecution of deceptive trade practices within the automobile industry a top priority.

Consumers with questions concerning Fords Only are urged to contact the Division of Consumer Affairs at (702) 486-7353.

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**July 24, 1997  
FOR IMMEDIATE RELEASE**

**CONTACT: Bob Harmon  
(702) 687-3512**

**HOMEOWNERS ASSOCIATION GUIDE PUBLISHED**

Attorney General Frankie Sue Del Papa announced her office has published an informational brochure for members of homeowners associations explaining their rights and obligations under a new law passed by the 1997 Nevada Legislature.

Senate Bill 314, introduced by Senator Mike Schneider, seeks to protect the investments of homeowners as well as their rights as members of a common-interest community. The bill also assists the prospective owner by clarifying the benefits and risks of this type of ownership.

"Common-interest communities help to preserve the value of the homes within them as well as the character of the overall community but require a commitment of time, effort and money by the homeowner. This new law seeks to balance the rights of owners and the rights of the community as a whole," Del Papa said.

The bill affects the rights and obligations of homeowners as well as associations and creates the Office of Ombudsman for Owners in Common-interest Communities within the Department of Business and Industry, Real Estate Division.

The Attorney General's brochure, Senate Bill 314, Rules for Homeowner's Associations, discusses the provisions of this bill and their applications. Copies are available through the Office of Attorney General or by contacting the Department of Business and Industry Real Estate Division in Las Vegas at 486-4033 or in Carson City at 687-4280.

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**July 17, 1997  
FOR IMMEDIATE RELEASE**

**CONTACT: Bob Harmon  
(702) 687-3512**

**DEL PAPA SUPPORTS CAMPAIGN REFORM  
EFFORTS**

Attorney General Frankie Sue Del Papa has joined with Attorneys General from across the country in urging the Federal Election Commission to initiate rulemaking to address campaign finance and the problems with so called "soft money." "Soft money" is a term used for campaign funds raised and spent outside the restrictions of election laws, money which has significantly contributed to the escalation of expenditures in campaigns. President Clinton and a bipartisan delegation of Congressional members have filed petitions seeking rulemaking to ban or impose greater restrictions on soft money in federal elections.

Del Papa has joined a bipartisan group of state Attorneys General to encourage workable campaign finance reform on many fronts. In March of this year, she joined with a friend-of-the-court brief filed with the U.S. Court of Appeals for the Sixth Circuit in Cincinnati, Ohio, calling for the reversal of the U.S. Supreme Court's 1976 ruling in Buckley v. Valeo, a decision which held that mandatory campaign spending limitations are unconstitutional.

"The time and attention candidates must devote to fundraising in today's political environment detracts from time that can be better used to serve the public. Controlling the flow of soft money is needed to help prevent campaigns from being nothing more than fundraising contests. Left unchecked, soft money destroys the function of contribution limitations," Del Papa said. "We hope the Federal Election Commission will initiate rulemaking and that this issue contributes to the growing national momentum toward sensible, effective campaign finance reform."

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**July 1997  
FOR IMMEDIATE RELEASE**

**CONTACT: Jo Ann Gibbs  
(702) 486-3129**

**NEVADA JOINS EFFORT TO MAINTAIN "MADE IN  
U.S.A" STANDARDS**

Attorney General Frankie Sue Del Papa joined Attorneys General from -- other states today in a congressional resolution urging the Federal Trade Commission to continue to maintain the standards of "Made in U.S.A." product labels.

The FTC proposed new guidelines to lower the current standard by allowing products to be labeled "Made in U.S.A." when as much as 25% of their content and labor originate outside the U.S.A. In response to the FTC's plan, a number of Attorneys General are supporting House Congressional Resolution 80 which urges the FTC not to dilute the "Made in U.S.A." standard. Current FTC regulations require disclosure of foreign labor or material unless "virtually all" of a product is produced within the United States. The Attorneys General are working with the FTC to define an acceptable percentage...

"Consumers rely on the "Made in U.S.A." label to mean what it says, lowering the standards has the potential of deceiving the buyer and possibly undermining the American worker. I have signed on to this congressional resolution because it seeks to protect consumer rights, maintain truth in labeling and promote job protection," Del Papa said.

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**July, 1997  
FOR IMMEDIATE RELEASE**

**CONTACT: Bob Harmon  
(702) 687-3512  
BILL SIGNING/ELDERLY ABUSE**

Attorney General Frankie Sue Del Papa announced that Governor Miller will sign two important elder abuse bills today. AB 242 and SB 80 were authored by the Attorney General's Office to better protect Nevada's elderly population. Both bills were incorporated in the "Action Plan to Better Protect Nevada's Elderly" report released last March by the Attorney General's Office and the Division for Aging Services.

"By passing AB 242 and SB 80, the Legislature has established its place within the growing network of senior advocates committed to protecting Nevada's fast growing senior population," Del Papa said.

AB 242 makes it a crime to intentionally and maliciously isolate a person 60 years of age or older. Senior advocates have expressed frustration with the current elder abuse statute and its failure to adequately address the insidious conduct pursued by individuals who isolate and elderly person from any contact with family or other concerned individuals. Not only does this course of conduct cause emotional harm to the elderly person, but it also lays the foundation for further physical and financial harm. By isolating the elderly person from friends, family and other concerned individuals, the unscrupulous caregiver has positioned himself to exploit the vulnerable and elderly person in a number of ways. While a handful of other states have included "isolation" within the definition of abuse, maltreatment or mistreatment, Nevada is believed to be the first state to define isolation as a separate crime and punish it accordingly.

SB 80 provides for a civil award of double damages to elderly and other vulnerable persons who are victims of abuse, neglect and exploitation. Unfortunately, the criminal justice system does not always adequately redress the harm suffered by victims of elder abuse, neglect or financial exploitation. The double damages liability will help ensure complete recovery for the elderly victim and encourage private

attorneys to pursue these types of cases on behalf of elderly victims. Assemblywoman Vivian Freeman had authored a similar bill, AB 385, which was incorporated into SB 80.

Earlier this session, the Legislature also passed Assemblyman Mark Manendo's bill, AB 9, which doubled the mandatory minimum penalty for elder abuse and included two amendments from the Attorney General's Office which were recommended in the "Action Plan." In addition, the Legislature appropriated \$65,000 from special court assessment fees to provide elder abuse training videos and materials to every law enforcement officer in Nevada, another project recommended by the senior advocates who drafted the action plan.

"Nevada has recognized the critical importance of protecting the elderly and the frail and we will continue to strengthen our efforts to deter and punish those who abuse these vulnerable populations," Del Papa said.

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**August 25, 1997  
FOR IMMEDIATE RELEASE**

**CONTACT: Harold Swafford  
(702) 687-5535**

**INMATE CLASS ACTION LAWSUIT DISMISSED**

Attorney General Frankie Sue Del Papa announced the dismissal of an inmate class action lawsuit against the state. The suit, which alleged unconstitutional conditions at Ely State Prison, was dismissed by Federal District Judge David Hagen on Friday, August 22, 1997 in Reno.

The American Civil Liberties filed the class action suit, title Ilick v. Miller, on behalf of the inmates. The suit claimed inhumane conditions at the prison including cruel and unusual punishment and that inmates were deprived of adequate medical and mental health treatment, recreational activities, educational and job availability among numerous other claims.

The lawsuit was dismissed after the A.C.L.U. failed to prove any of the allegations.

The state has spent more than \$200,000 defending this action which was commenced by the A.C.L.U. in May of 1994 and involved lengthy and time consuming discovery over a period of three years by out-of-state lawyers from the A.C.L.U.

"Although this suit failed to prove any unconstitutional activity at Ely State Prison, extensive resources of the state were required in the defense of another unfounded inmate lawsuit. The Attorney General's Office will file a motion on behalf of the state to recover those costs," Del Papa said.

The Maximum Security Ely State Prison was constructed in 1989 at a cost of \$51,608,421.00, and houses approximately 1,000 inmates including all male death row prisoners.

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August 22, 1997  
**FOR IMMEDIATE RELEASE**

**CONTACT: John Albrecht  
(702) 687-7332**

**DEL PAPA CALLS FOR DRIVER'S LICENSE SUSPENSION  
EDUCATION**

As part of ongoing efforts to increase recovery of child support payments in our state, Attorney General Frankie Sue Del Papa is asking schools in Nevada to include information in this year's driver education curriculum on a new federal requirement that could suspend the driver's license of persons not current in their child support. This week, Del Papa sent letters to all state school superintendents asking them to distribute information to their driver's education classes on the new legislation.

It is universally acknowledged that child support from the non-custodial parent is imperative to the well being of children in Nevada and the nation. A recent urban institute study cited by the Child Support Program of the State Welfare Division concluded that uncollected child support from non-custodial parents would equal as much as \$30 billion nationwide if all cases had court orders and those orders were fully paid. However, for the past two decades, only about 50% of cases with court orders have actually been paid.

The federal welfare reform legislation passed in 1996 is aimed at increasing child support payments by threatening to suspend driver's and other licenses of persons who fail to make those payments. Under this mandate, district attorneys or the State Welfare Division notifies the Nevada Department of Motor Vehicles and Public Safety if an individual is behind in child support payments. That person has 30 days to bring the child support payment current or make arrangements to do so.

If the child support is not made current, the individual's driver's license will be suspended. The driver's license may be reinstated only after the child support is made current and a \$40 fee is paid. "I don't want anyone to be surprised by this new requirement and there is no better time to begin get the word out than during a student's preparation for a driver's license test," said Del Papa.



The license suspension requirement is part of a comprehensive program to assist with the overall problem on non-payment of child support. Other licenses subject to suspension under the new federal legislation include professional and occupational as well as recreational such as fishing, boating and hunting. These requirements go into effect on October 1, 1997. This office will continue to provide the public with information regarding other areas of the new welfare legislation.

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**August 20, 1997  
FOR IMMEDIATE RELEASE**

**Contact: Brooke Nielsen  
Carson City, Nevada  
Telephone: (702)687-3511**

**BOARD OF EXAMINERS APPROVES OUTSIDE COUNSEL FOR  
TOBACCO LAWSUIT**

Attorney General Frankie Sue Del Papa announced today that the state Board of Examiners approved the recommendation by her office to select the private legal team headed by Steve Berman of Hagens & Berman of Seattle to assist in representing the State of Nevada as outside counsel in Nevada's lawsuit against the tobacco industry.

On May 27, 1997, Attorney General Del Papa filed a 127 page complaint against 19 tobacco companies and affiliates. The lawsuit contains fifteen causes of action against the tobacco companies. One of the primary goals of the lawsuit is to stop the tobacco companies from targeting children in their advertising and marketing practices. The suit also seeks damages for deceptive trade practices, anti-trust, breach of special duty, public nuisance, conspiracy, unjust enrichment, and restitution to the State for the additional health care costs caused by tobacco products.

"This case is extremely complex and requires enormous resources to litigate. Every state involved in this litigation is working with outside counsel whose expertise is invaluable," Del Papa said.

Berman's group was selected from several high caliber proposals received by the Attorney General's office. "Collectively, the Berman team represents 9 other jurisdictions in actions against the tobacco industry. They will hit the ground running and have a great deal of experience both in this specific litigation and in complex litigation in general," Del Papa added.

In addition to Hagens & Berman, the attorneys who will work with the Attorney General's staff to prosecute the tobacco suit include the Barrett Law Offices (Lexington, MS), Robert B. Carey of Norton

Frickey & Associates (Colorado Springs, CO), Freeborn & Peters (Chicago, IL), and Steven C. Mitchell, P.C. Partner, Van O'Steen and Partners (Phoenix, AZ).

Del Papa explained that lead attorney Steve Berman was a key negotiator of the recent Liggett settlement. Berman has also been instrumental in recovering more than two billion dollars in complex consumer related litigation. "Steve Berman's expertise has already been recognized nationwide in the tobacco litigation. He was one of only three private counsel at the negotiating table on behalf of the Attorneys General," Del Papa noted. "The Berman team's proposal and fee was the most beneficial to the State of Nevada of the proposals the office received."

The Berman team will assist in representing the State of Nevada under a graduated contingency fee agreement, based on how soon the case is resolved after the filing of the complaint. If resolution occurs within 90 days, the team will be paid the greater between its hourly rate and \$100,000. If resolution occurs during the first year but after 90 days, the fee will be 10% of any award to the State. All costs of litigation will be advanced by the Berman group and ultimately recovered from the award or settlement received by the State.

"My staff attorneys will serve as local counsel and will work hand in hand with the Berman team," Del Papa noted. "We are committed to this cause and will work as long and as hard as it takes to change the way the tobacco industry does business and in particular, to end tobacco's hold on our youth. We also intend to try to make the industry repay Nevada for the health costs of tobacco related illnesses."

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**August 19, 1997  
FOR IMMEDIATE RELEASE**

**CONTACT: Mike Dreitzer  
(702) 486-3083**

**JUVENILE CRIME PREVENTION FOCUS OF NEW INITIATIVE**

Attorney General Frankie Sue Del Papa announced that the framework for a new plan, aimed at strengthening efforts to reduce juvenile crime, will be presented by her office today. The "Juvenile Justice Initiative" proposes that the Office of the Attorney General uses its resources statewide to help coordinate and support the efforts and needs of community based juvenile delinquency prevention programs.

Deputy Attorney General Mike Dreitzer will make a presentation on the Juvenile Justice Initiative at today's meeting of the Nevada State Juvenile Justice Commission. The Commission meets in rooms 4412 A, B and C of the Grant Sawyer State Building. Dreitzer is expected to speak at 12 noon.

"A recent study shows that today in America we have 2 million juvenile arrests each year accounting for 20 percent of all violent crime committed. The rapid increase of population in Nevada makes it crucial to support efforts in our state that work toward juvenile crime prevention on the local level," Del Papa said.

Offering local juvenile crime prevention programs the support of the Attorney General's Office and the use of that Office as a resource coordinator is the focus of the Juvenile Justice Initiative. The proposal further recommends the Attorney General participate in the development of several proactive programs such as a statewide inventory of children's resources that will help to promote and facilitate resource sharing; sentencing programs which will help the "non-hardcore" juvenile offender develop the skills to overcome negative influences; and, additional curriculum promoting positive behavior among school-aged children.

"This proposal is to enhance the role of the Attorney General's Office as a catalyst, working with existing programs and concerned community members to maximize their efforts towards reducing crime

among our youth," Del Papa said.

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August 18, 1997  
**FOR IMMEDIATE RELEASE**

**CONTACT: P. Mark Ghan  
(702) 687-3518**

**DEL PAPA APPOINTS SOLICITOR GENERAL**

Attorney General Frankie Sue Del Papa announced today that P. Mark Ghan has been named Solicitor General for the State of Nevada. Ghan has served as Assistant Solicitor General since the office was created in 1993. As Assistant Solicitor General, Ghan headed an Attorney General's Task Force responsible for developing the State's Zero Tolerance Sexual Harassment Initiatives.

Ghan earned his law degree at Santa Clara University School of Law in 1985. He completed his undergraduate studies in English at Western New Mexico University. Ghan is married and has four children.

The Solicitor General oversees all litigation within the Office of the Attorney General. This includes all civil cases where the state, its officials or employees have been named as defendants. The Solicitor General also represents the state as plaintiff when necessary to protect the interests of the state. The Nevada Legislature established the position of Solicitor General in 1993.

Ghan replaces Tom Ray who left the office to take the position of General Counsel for the University and Community College System of Nevada.

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**August 15, 1997  
FOR IMMEDIATE RELEASE**

**CONTACT: David Thompson  
(702) 688-1836**

**SLOT CHEAT ACCOMPLICE ENTERS GUILTY PLEA**

Attorney General Frankie Sue Del Papa announced today that Victoria Elaine Berliner entered a plea of no contest to charges arising out of the slot cheating activities of former Gaming Control Board Employee Ronald Dale Harris.

Berliner, 37, appeared this morning in Washoe District Court, Department 7, before Judge Peter Breen. Berliner, along with Harris, Reid Errol McNeal and Lynda Lee Doane, were indicted in June of 1996 on charges of rigging slot machines and cheating casinos in northern Nevada. She claimed, and Harris admitted, he had not fully informed her of the details of his cheating operation.

Berliner plead no contest to a gross misdemeanor charge of aiding and abetting the commission of a nuisance and trespass by Harris at the Crystal Bay Club in Lake Tahoe on February 11, 1994. She agreed to repay the Crystal Bay Club \$2,500 for her share of a jackpot she collected there with Harris. She also agreed to pay Fitzgerald's Hotel-Casino in Reno \$4,500 for her share of an illegal jackpot.

Sentencing for Berliner has been scheduled for September 26, 1997.

Harris plead guilty to four counts of cheating at gaming and a hearing is set on his guilty plea for September 23, 1997 in Washoe District Court. Harris is also awaiting trial on similar charges in New Jersey.

McNeal plead guilty to a felony charge of conspiracy to cheat at gaming on July 10, 1996 and agreed to pay Fitzgerald's \$4,500 for his share of a rigged jackpot and to stay out of Nevada Casinos for 10 years. McNeal also agreed to testify against Harris.

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**August 12, 1997  
FOR IMMEDIATE RELEASE**

**CONTACT: Scott Edwards  
(702) 688-1831**

**UNIVERSITY EMBEZZLER SENTENCED**

Attorney General Frankie Sue Del Papa announced that a former UNR Medical School employee was sentenced on a felony embezzlement charge in Washoe District Court today. Judge Peter Breen sentenced Toni Marie Kozlowski, age 33, to a suspended term of 36 to 96 months imprisonment, placed her on probation up to five years on conditions that she pay full restitution to the University in the amount of \$61,433 and undergo mental health and gambling evaluation and treatment.

The embezzlement charge, investigated and prosecuted by the Attorney General's Office, stemmed from Kozlowski's activities as a personnel technician at the Medical School between January 1995 and September 1996. During that time, Kozlowski had responsibility for administering the University Medical School Professionals Life Insurance and Disability Insurance account. The investigation revealed that Kozlowski issued herself 42 University Medical School checks totaling \$61,433 and spent the money gambling. To accomplish the crime, Kozlowski forged signatures on the checks, negotiated them through her personal bank account and later destroyed them when they came back to the University with monthly bank statements.

Shortly after discrepancies in the Life and Disability Account surfaced in September of 1996, Kozlowski resigned from employment at the University. She plead guilty to one count of embezzlement on July 1, 1997. The Attorney General's Office has primary jurisdiction to investigate and prosecute criminal offenses committed by state officers and employees in the course of their duties.

"This individual was in a position of public trust, and violated that trust. Today's sentencing by Judge Breen not only helps to recover the money lost by the University but sends a message to others who would take advantage of their public positions," Del Papa said.



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**August 11, 1997  
FOR IMMEDIATE RELEASE**

**CONTACT: Bob Harmon  
(702) 687-3512**

**SILENT WITNESSES SPEAK OUT AGAINST DOMESTIC VIOLENCE**

Twenty red silhouettes, silent representatives of Nevada women who have died as a result of acts of domestic violence, will be displayed in the upper level connector of the Reno-Tahoe International Airport during the week of August 11th. The silhouettes are there to speak for those who can no longer speak for themselves, to ask all of us to take part in efforts that help to end the violence of domestic abuse.

Attorney General Frankie Sue Del Papa will be joined by other domestic violence prevention activists in a presentation to the Airport Board of Directors, thanking them for hosting the "Silent Witness" display. America West Airlines will also be recognized for their assistance in transporting the display around the state. Del Papa and others will be available to the media at the display, located at the top of the stairways leading to the second floor concourses of the airport, at 7:30a on Thursday, August 14, 1997. The presentations will begin at 8am in the Airport Board meeting room.

"As Chair of the Nevada Domestic Violence Prevention Council, I encourage everyone who works at or uses the airport to visit this powerful exhibit. Take the time to read each plaque and hear the stories of those who have been silenced by the tragedy of domestic violence. Understand the message they seek to convey, asking each of us to find ways we can help break this cycle of violence, and pass that message on," Del Papa said.

The "Silent Witness" Initiative is a collaborative effort of the Junior League of Reno, Nevada Network Against Domestic Violence, Committee to Aid Abused Women, Nevada Domestic Violence Prevention Council and the Office of the Attorney General. There are nineteen silhouettes representing Nevada women murdered since 1994, a twentieth silhouette represents women murdered whose names are not known. This initiative is part of a national effort to call attention to the plight of those injured and killed during acts of domestic violence and move the rest of us to action towards the prevention of this crisis.

An estimated 1,500 silhouettes from all 50 states are expected to be displayed in Washington D.C. this October as part of a weekend vigil to observe Domestic Violence Awareness Month.

Domestic Violence Awareness Month will be observed here in Nevada throughout the month of October. Candlelight vigils, open houses, dinners and picnics are just some of the opportunities that will be available for those who would like to get involved with prevention efforts. In Reno, a two day conference on domestic violence will be held October 21 and 22 at the Flamingo Hilton. Attached is a calendar of events that are scheduled at this time. We encourage members of the media to review this calendar now and hope you will begin to consider how you can participate in domestic violence prevention efforts during the month of October.

If there are any questions on how to help or get help, please call any of the organizations mentioned in this press release for assistance. Nevada also has a toll free crisis line to report incidents of abuse or seek assistance. That number is: 1-800-500-1556.

**STATE OF NEVADA  
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August 4, 1997

**STATEWIDE HIGH TECHNOLOGY CRIME TASK FORCE  
LAUNCHED**

**by Attorney General Frankie Sue Del Papa**

The cost of high technology crime to private businesses is staggering. The average bank robber nets \$2500. The average computer crime nets \$500,000 and the average loss associated with technology theft is \$1,900,000. According to FBI statistics high technology crime costs private industry \$5-10 billion annually in our country. Ultimately, the cost of lost consumer confidence in the integrity of computer and other high technology will be immeasurable. Getting the upper hand on high tech crime requires a partnership between members of the business community and those who will investigate and prosecute the cyber-criminal.

Law enforcement in this country does not have the expertise or the equipment to fight computer crime. In recent congressional testimony it was estimated that only one percent of crime involving high technology is detected and of the crimes detected, less than seven percent are reported. Since 1992, there has been a 75% increase per year in computer intrusions.

That is why we have formed the Nevada High Technology Crime Task Force. Members of Nevada's Task Force recognize the need for every law enforcement agency in the state to be able to seize and secure evidence found on computers as well as investigate and prosecute associated crimes. The organizational meeting of the Nevada Computer Forensic Task Force took place on Monday, July 21, 1997. The Office of the Attorney General sponsored this meeting to assess the state's resources and begin to coordinate training, investigation and prosecution of the fastest growing crime in the nation.

Over 70 representatives of law enforcement from Nevada and out of state, and representatives of private industry met at the Chancellor's office at the University of Nevada Reno. The large turnout from agencies throughout the state showed widespread enthusiastic support for a task force approach and the understanding that no one agency can operate alone. Very substantive presentations were made by members of Nevada's law enforcement community and others including the Sacramento Valley High Technology Task Force, Internal Revenue Service and SEARCH, Inc.

At the organizational meeting, those in attendance universally acknowledged that no single agency can confront this problem alone, only through a collective approach between law enforcement and private industry can we hope to address this problem.

Whether a computer is involved in criminal activity as victim, witness or accomplice, there is a definite need for law enforcement and the community as a whole to share resources and expertise in a united stand against the criminals who are constantly finding new ways to commit high tech crimes. This Task Force seeks ways in which we can collaborate, cooperate and communicate to better protect Nevadans from cybercrooks.

The Nevada business community is a vital partner to the success of the Task Force. Your participation on the Task Force and support for the various Task Force initiatives is essential. The business community can provide technology, information and expertise to aid law enforcement. Education and training can help businesses defend themselves. The Task Force plans to hold training seminars statewide for private industry in October 1997. For information on how to participate in these seminars please contact Senior Deputy Attorney General Kevin Higgins at (702)688-1830.

Other goals of the Task Force call for the development of a strategic plan to create local high technology crime units comprised of investigators, prosecutors and members of the business community. These units will share expertise, equipment and other resources as needed. A compendium of state and national experts, available training opportunities and other resources will be published by the Task Force. Funding for the Task Force, local units and computer forensic crime labs will be sought. The Task Force plans to ask the State Legislature for the development of a statewide database for high technology crime information.

We believe this strategy is the prototype for fighting computer and high technology crime wherever it occurs. We will share this strategy with the National Association of Attorneys General, which by the way, is seeking ways to collaborate with the Department of Justice and to provide national leadership in this regard. Additionally, Vice President Al Gore, who chairs the President's Crime Prevention Council which works to further local crime prevention, has expressed his strong interest to me to undertake a national campaign against the computer criminal.

Crime in the age of the Internet presents new, advanced technology challenges to law enforcement. As it stands, the criminal element has led the way into this new frontier and crimefighters have a lot of catching up to do. It may be impossible for law enforcement to overtake the computer criminal, but we greatly need to enhance our efforts to confront, challenge and pursue high tech crime. An important first step has been made with the creation of a statewide task force to better equip and educate Nevada's law enforcement and private industry to fight crime in the computer age.

**STATE OF NEVADA  
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**September 30, 1997  
FOR IMMEDIATE RELEASE  
CONTACT: Bob Harmon  
(702) 687-3512**

**OCTOBER IS DOMESTIC VIOLENCE AWARENESS MONTH**

As part of efforts to bring an end to domestic violence, Governor Bob Miller has proclaimed October as Domestic Violence Awareness Month. Throughout Nevada a variety of events will be available for those who would like to get involved with efforts to help break the cycle of violence that assaults our families and threatens our society as a whole.

"Every individual, in one way or another, should be concerned about the culture of violence which permeates our daily lives," said Attorney General Frankie Sue Del Papa. "Statistics show that more than 36,000 women in Nevada will be battered this year alone. These women are daughters, mothers, sisters and neighbors. Each of us must get involved in efforts to help stop a crime that is not limited to race, income brackets or age groups."

One of the most dramatic representations of the scope and impact of domestic violence is the Silent Witness Initiative. This moving exhibit is part of a national effort to increase awareness and to promote a goal of zero domestic murders by the year 2010. Nevada's Silent Witness display features twenty red silhouettes, silent representatives of Nevada women who died as a result of acts of domestic violence. The silhouettes are there to speak for those who can no longer speak for themselves.

Nevada's Silent Witnesses will take part in a National observance of Domestic Violence Awareness month in Washington D.C. during the weekend of October 18. The goal of this event is to commemorate those women who have lost their lives to domestic violence in each state with a march of two thousand silhouettes from the Washington Memorial to the U.S. Capitol. The following day, the Silent Witness National Initiative will convene a conference where march participants can exhibit programs aimed at reducing domestic murder while teaching fellow participants how to replicate these programs in their own communities.

Locally, you can commemorate this event by joining local victims advocates at a send-off ceremony for Nevada's delegation to the National Observance. You can also display all, or a portion, of the Silent

Witness exhibit at you church, school or other community organization.

The Nevada Network Against Domestic Violence will present its 4th annual statewide conference on Domestic Violence Issues on October 21 and 22 in Reno. The conference is entitled "Domestic Violence: From the Heart...Our Journey" and will be held at the Flamingo Hilton. For further information on this conference or the Silent Witness Exhibit, please call Judy Martin at the Nevada Network Against Domestic Violence at: (702) 358-1171.

"There are many ways each of us can assume some responsibility and take some action," Del Papa said. "We can offer to volunteer in a shelter for victims; go to a school and assist with children who need role modeling or guidance or donate goods to a families seeking to better themselves and their situation. Each of us can make a difference in many ways, it may be as simple as making a phone call or passing along information to someone who needs it. During the month of October, I urge each of you to take part in a Domestic Violence Awareness event to learn more on how you can help with domestic violence prevention.

Attached is a calendar of Domestic Violence Awareness events scheduled for the month of October.

For more information on how to help with efforts to end Domestic Violence, call Nevada's toll free domestic violence information and referral line at 1-800-230-1955. If you are being abuse, or know someone who is, call Nevada's Domestic Violence Hotline at 1-800-500-1556, 24 hours a day, to get help.

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**September 29, 1997  
FOR IMMEDIATE RELEASE  
CONTACT: Bob Harmon  
(702) 687-3512**

**NEW LAWS TAKE EFFECT OCTOBER FIRST**

On Wednesday, October 1, many of the new laws passed by the 1997 Nevada State Legislature will become effective. Attorney General Frankie Sue Del Papa provided the following summary of some of those laws that may be of the most interest to the general public.

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**DEPARTMENT OF MOTOR VEHICLES**

**Handicapped Parking:** Private enforcement of handicapped parking violation is allowed by Assembly Bill 7 which permits private individuals to enforce handicapped parking laws provided they have received training in a program to be established by local law enforcement agencies.

**School Bus:** Increased penalties for passing a stopped school bus, including fines up to \$1,000 and suspension of the offender's driver's license for up to one year, are provided in AB 623.

**Pedestrians and Bikes:** Senate Bill 129 requires drivers to exercise due care to avoid collision with pedestrians and persons riding bicycles, and must give audible warning with the horn of the vehicle if appropriate and necessary. There are penalties for failure to exercise due care.

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**DUI ENFORCEMENT**

**Ignition Device:** SB 426 permits the installation of a device on the vehicle of a DUI offender to prevent the vehicle from starting if the operator has consumed alcohol and prohibits a DUI offender from driving the vehicle without the device. AB 241 corrects loopholes in the DUI law so that out-of-state DUI convictions are included in determining whether enhancement penalties should apply for in-state

convictions. AB 96 reduces penalties and offers incentives if first-time DUI offenders enter a treatment program.

**Juvenile DUI's:** AB 584 changes DUI laws for juveniles by requiring a court to suspend or revoke the license of a person under 21 who has at least 0.02 percent or more but less than 0.10 percent by weight of alcohol in his blood.

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## JUVENILES

**Property Damage:** AB 39 requires restitution by a juvenile for property damage unless there are extenuating circumstances, in which case the court may require the parent or guardian to pay restitution. The court may also order the child and/or parent or guardian to perform community service.

**Recreational Programs and Counseling for Juvenile Offenders:** SB 277 permits a juvenile court to order a child (providing the child has not committed an act involving force or violence or the threat to do so) to participate in a recreational program and SB 207 allows a court to order counseling and substance abuse treatment for a child, the child's family and other persons living in the same household.

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## ELDERLY

**Increased Penalties and Toll Free Hotline:** Increased penalties for crimes involving elderly abuse, neglect or exploitation are provided by AB 9 which establishes a toll free hotline designated by the Aging Services Division of the Department of Human Resources.

**Jury Service:** SB 77 exempts all persons 70 or older from grand jury or trial jury service. Anyone over the age of 65 who lives more than 65 miles from court is exempt from jury system.

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## HEALTH ISSUES

**Cancer and Mammogram:** AB 26 prohibits health care insurers which are required to provide coverage for an annual cytologic screening test and mammograms for certain women from requiring the insured to obtain prior authorization for such services.

**Insurance for Diabetes and Digestive Disorders:** AB 477 requires health insurance policies to cover the management and treatment of diabetes, including training and education necessary for self management. AB 394 requires health insurance policies to cover certain digestive disorders.



**Bracelet Bill:** Certain terminal patients are permitted to direct that they not be resuscitated in the event of a cardiac or respiratory arrest by AB 29. The bill requires the health authority to adopt regulations to carry out the provisions of this act.

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## ELECTION LAWS

**SB 215** makes numerous changes to the election laws including lowering the threshold amount for reporting of contributions and expenditures to \$100 and expedited procedure for the Ethics Commission.

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## FIREARMS

**Concealed Weapons Permit:** SB 128 requires that applicants for concealed weapons permits must successfully complete a firearm safety course approved by a sheriff in this state. The bill also provides that applications and information gathered during a sheriff's investigation of an application are to be kept confidential except they may be provided to another law enforcement agency.

These are just a handful of over a hundred new laws and revisions to the law that will become effective on October 1. The Attorney General's Office is currently reviewing and updating all our publications and manuals to reflect the new changes in the law. All publications should be up-to-date by the end of the year. Attached is a list of those publications:

-Open Meeting Law Manual

-State of Nevada Consumer Guide

-Administrative Law Manual

-Administrative Rulemaking

-Board and Commission Manual

-Rules for Homeowner's Associations

-Action Plan to Better Protect Nevada's Elderly

-Guide for Board Members of Nonprofit Organizations

- Handbook on Domestic Violence
- Real Deal, Playing the Buying Game
- Domestic Violence (Guide to Intervention)
- Elder Abuse is a Crime
- Guide for Mandated Reporting of Elder Abuse
- Resource Guide for Nevada Employees
- Guide for Long Term Care
- Guideline to Client Services
- Medicaid Fraud
- Nevada Criminal Justice Task Force
- Warning Signs for Workers Comp Fraud
- Consumer Advocate for Customers of Public Utilities
- How to Complain Effectively (Tips to Help You Write a Letter)
- Telephone Scams and Elder Consumers
- Ask Before You Give, Stay Alert to Charity Fraud
- Taking the Scare out of Auto Repair
- Such a Deal, Something for Nothing, Stay Alert to Sweepstakes Fraud
- Facts About Weight Loss Products and Programs
- Responding to Teen Pregnancy in Nevada

-How to Spot Credit Repair Scams

-Schemes, Scams and Flim Flams

For further information on these publications, please contact Bob Harmon with the Office of the Attorney General at: 687-3512.

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**September 23, 1997  
FOR IMMEDIATE RELEASE  
CONTACT: Bob Harmon  
(702) 687-3512**

**NEVADA INDIAN DAY**

This Friday, September 26, is Nevada Indian Day. Attorney General Frankie Sue Del Papa urged all Nevadans to help commemorate the day set aside in honor of our state's Native Americans.

"The influence of Native American custom and culture is extensive. We owe them our appreciation for their contributions to our state. We also owe them the respect rightfully due their system of beliefs and way of life which has endured for so many generations," Del Papa said.

There are 26 tribes or bands with reservations or colonies located in Nevada. Most have their own legislative bodies, systems of laws and tribal courts.

"I continue to support the efforts of the tribes to govern themselves and to diversify their economic base. The state as a whole benefits from vital, prosperous tribal communities," Del Papa said.

Nevada Indian Day was first authorized by the State Legislature in 1989 as an annual commemoration of the Indian people and their efforts to maintain their culture, custom and traditions.

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**September 23, 1997  
FOR IMMEDIATE RELEASE  
CONTACT: David Thompson  
(702) 688-1836**

**SLOT CHEAT ENTERS GUILTY PLEA**

Attorney General Frankie Sue Del Papa announced today that former Gaming Control Board employee Ronald Dale Harris entered a plea of guilty to a charge of racketeering. The charge was based on Harris' slot cheating activities in Nevada between 1992 and 1996. Harris entered his plea this morning in Washoe District Court.

The racketeering charge detailed the slot cheating activities of Harris and three other persons in Las Vegas, Reno and Lake Tahoe over a four year period. The count carries a possible penalty of five to twenty years in the Nevada State Prison.

In pleading guilty to racketeering, Harris admitted that, while acting as an employee of the Gaming Control Board, he willfully and intentionally organized a criminal syndicate for the purposes of cheating slot machines in four Nevada counties.

A sentencing hearing has been scheduled for January 9, 1998 by Washoe District Judge Peter Breen.

According to information in the racketeering charge filed by the Attorney General's office, in 1992 and 1993, Harris secretly modified a computer program called DEPROM. DEPROM is the program used by Gaming Control Board field inspectors to check electronic gaming devices to make sure they are functioning properly.

Harris' secret modification caused DEPROM to insert a cheating subroutine or "gaff" into three types of computer chips which operated slot machines. The gaff was activated by a predetermined sequence of coin bets, after which the slot machines would pay out their maximum award jackpot. In all, 34 machines were illegally modified by Harris' program.

Harris also modified the DEPROM program to disable one of two random number generators in one

type of video poker game, allowing him or his confederates to predict the results of the game and collect jackpots.

In late 1994, Harris developed computer programs which allowed him to predict the results of certain electronic gaming devices without having to tamper with the equipment.

Using a fast pentium-chip laptop computer along with information he had stolen from manufacturers and the Gaming Control Board, Harris could synchronize his computer with the gaming device. This allowed him to project winning plays at poker and keno games. In December of 1994, Harris and an accomplice, Reid McNeal were able to win \$10,000 from a Las Vegas keno machine in less than five minutes using this method.

On January 13, 1995, Harris and McNeal won a \$100,000 dollar keno jackpot at Bally's Park Place in Atlantic City, New Jersey. The two were apprehended by local authorities and charged with cheating.

Following that arrest, the Nevada Gaming Control Board fired Harris and began an investigation of his activities. That investigation led to the discovery of high-tech cheating programs on his work computer. The case was then assigned to the Attorney General's Office for prosecution.

In August of 1997, Harris pled guilty to four counts of cheating at gaming in Washoe District Court. The racketeering charge replaces his earlier plea.

Harris still awaits trial on cheating charges in New Jersey.

In July of 1996, McNeal pled guilty to conspiracy to cheat at gaming in Washoe District Court. Two other persons implicated in Harris' activities, Victoria Berliner and Lynda Lee Doane, entered pleas of guilty to related charges earlier this year.

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September 23, 1997  
**FOR IMMEDIATE RELEASE**  
**CONTACT: Susan Weingarten**  
**(702) 486-3109**

**STATE CORRECTIONAL OFFICERS PREVAIL IN INMATE  
LAWSUIT**

Attorney General Frankie Sue Del Papa announced today that five state correctional officers have prevailed in a civil rights lawsuit brought against them by an inmate of the Southern Desert Correctional Center.

U.S. District Court Judge Howard McKibben ruled in favor of the defendants this afternoon, following one day of trial in federal court in Las Vegas. The defendants, officers John Scarpati, John Fitzpatrick, Paul Wheelock, Robert E. Lee Reed III and Dean Lauer were, represented by the Attorney General's Office.

The inmate, Narviez Alexander, alleged that his constitutional right to be free from cruel and unusual punishment was violated by the defendants when they used a prison dog to extract him from his cell during a prison riot on March 1, 1995.

Alexander disobeyed several commands to lay down in his cell and put his hands behind his back. Instead, he remained standing at the back of his cell with his fists clenched in a defensive posture. He had previously threatened to stab the first correctional officer who would enter the cell. A prison dog was sent in ahead of the officers to disarm Alexander. In the process Alexander suffered several dog bites before he could be contained. A prison made weapon was later found in his cell.

Judge McKibben found the use of force by the correctional officers to be reasonable and not in violation of the plaintiff's constitutional rights.

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**September 22, 1997  
FOR IMMEDIATE RELEASE  
CONTACT: Bob Harmon  
(702) 687-3512**

**DEL PAPA TO ASK U.S. SUPREME COURT TO REVIEW GALLEGO  
DECISION**

Attorney General Frankie Sue Del Papa announced today that her office will seek a review by the United States Supreme Court in the case of Gerald Gallego. The Attorney General's office has filed a motion for a "stay of issuance of mandate" with the U.S. Court of Appeals for the 9th Circuit in the Gallego case pending a request for discretionary review by the U.S. Supreme Court.

Gallego had challenged his 1984 conviction and death penalty sentence on a number of grounds, all of which had been denied by U.S. District Court Judge Howard McKibben in Reno, in February of 1996. Gallego appealed Judge McKibben's decision to the 9th Circuit.

On September 4, 1997, a three-judge panel of the U.S. 9th Circuit Court upheld Judge McKibben on all grounds except one. The 9th Circuit concluded that jury instructions in the penalty phase, as given, inadequately stated the law as applied to the facts of Gallego's case. The 9th Circuit determined that one of the jury instructions could have prompted the jury in to making erroneous speculations about the kind of sentence Gallego might actually have to serve.

"We believe the 9th Circuit was wrong in its conclusion and that the jury sentenced Gallego to death based on the facts of the case. Rather than seeing this case go back to Pershing County for another sentencing hearing, we are asking the Supreme Court to review this decision. Justice has already been delayed far too long in the Gallego case and we are seeking the fastest way to get justice back on track," Del Papa said. "Gallego was sentenced by a Pershing County jury in 1984, the very fact that thirteen years later we are standing where we are is a classic example of how the system for carrying out justice in capital crimes cases in this country must continue to be improved to better protect the rights of



victims and their families."

Del Papa said her office decided against asking for an en banc hearing before the 9th Circuit Court of Appeals because it would not be a productive use of the resources, time and money needed to pursue such a course of action.

Pershing County District Attorney Belinda Quilici supported the decision by the Attorney General's Office. "The residents of Pershing County were shocked and dismayed when they heard that the 9th Circuit Court of Appeals granted Gerald Gallego a new penalty hearing. It is imperative that this matter be appealed to the U.S. Supreme Court. The 9th Circuit's decision is totally without merit," Quilici said.

Gallego was convicted in June of 1984 for the April 1980 murders of Karen Twiggs and Stacey Redican. He was sentenced to death. His direct appeal to the Nevada Supreme Court was denied in 1985.

Gallego then requested the U.S. Supreme Court to review his case, that request was denied in 1986.

In 1987, he filed a state petition for writ of habeas corpus. That petition was denied by the 6th Judicial District Court of the State of Nevada in Pershing County. Gallego's appeal from that denial was denied by the Nevada Supreme Court.

In 1989, Gallego filed a petition for writ of habeas corpus in federal court. Because Gallego raised new issues which had not been decided on by the state courts, the petition was dismissed without prejudice.

In 1990, Gallego filed a state petition for writ of habeas corpus in the 7th Judicial District Court in White Pine County. That petition was dismissed on November 18, 1991. His appeal from that denial was dismissed by the Nevada Supreme Court in 1992. He then requested a rehearing with the Nevada Supreme Court which was also denied.

Gallego, again, requested a review by the United States Supreme Court. That request was denied in May of 1993.

On September 15, 1993, Gallego filed the petition for writ of habeas corpus in federal court raising 40 claims for relief. U.S. District Judge Howard McKibben denied all his claims and Gallego went to the U. S. 9th Circuit Court of Appeals who upheld Judge McKibben on all grounds except for the one issue regarding the jury instructions.

"Gallego is now on his fourth trip up the appeals ladder since his conviction. In the meantime, families of the victims are left to wonder if justice will ever be served for these crimes. Law abiding citizens continue to pay for the housing, medical care and other privileges Gerald Gallego enjoys," Del Papa said.

Currently, of the eighty-five persons who are sentenced to death in Nevada, twenty-one, including

Gallego, are in a federal appeals process. The annual cost of housing, medical expenses and administration is now in excess of \$18,000 per death row inmate. Nevada is paying over one-and-a-half million dollars a year just to house its death row inmates.

Attorney's fees and court costs are more difficult to calculate because state and county agencies involved in the court process absorb the cost of death penalty appeals within their budgets. However, the Criminal Justice Division of the Office of the Attorney General estimates that \$420,000 a year is spent on salaries of the Special Prosecutions Unit which handles a variety of cases including federal habeas corpus death penalty litigation.

A post conviction or habeas corpus appeal is the process used by prisoners to present claims that federal constitutional rights were violated by state courts and prosecutors. However, repeated processes allowed under state and federal systems have primarily allowed some prisoners to live on death row for over a decade and a half.

Del Papa has been one of the leaders among Attorneys General nationally in pursuing changes that govern habeas corpus appeals on the federal level. On April 24, 1996, President Clinton signed the Anti Terrorism and Effective Death Penalty Act which contained tough reforms to the legal privileges of death row inmates. Del Papa, along with California Attorney General Dan Lundgren, and others, worked hard to get this bill passed which should help to speed up future federal death penalty appeals.

On Friday, the Attorney General's Office joined a number of other states in an amicus curiae brief to the U.S. Supreme Court supporting the State of Alabama in a case concerning the abuse of federal habeas corpus proceedings. In *Trest v. Warden*, the Fifth Circuit Court of Appeals ruled that a federal appeals court can apply, on its own, a state procedural bar to a claim that had not previously been presented in state court. Otherwise the case must be sent back to the state court for a decision that is a foregone conclusion and which only adds years to the proceedings.

If the U.S. Supreme Court agrees with Alabama, such a rule could cut years off a lengthy habeas proceeding in federal court. Rather than allowing a convicted inmate to repeatedly return to state courts to raise issues that should have been raised years before, the federal appellate court could decide themselves whether the issue is procedurally barred. If so, the issue would be decided once and for all.

Such a rule would greatly increase the chance that justice would be administered in a swift and certain manner, rather than the delay of decades we live with today.

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**September 18, 1997  
FOR IMMEDIATE RELEASE  
CONTACT: Dorene Whitworth  
(702) 684-8292**

**DOMESTIC VIOLENCE GRANT RECIPIENTS ANNOUNCED**

Attorney General Frankie Sue Del Papa, who chairs the Nevada Domestic Violence Council, announced today the recipients of nearly \$850,000 in grants awarded in the fight against domestic and family violence.

The grants, awarded in accordance with the 1997 federal funding provided under the Stop Violence Against Women Act, will be distributed statewide to rural and urban areas. The Stop Violence Against Women Act funds targeted coordination of statewide law enforcement and prosecution strategies to combat violent crimes committed against women. Funds were also awarded to assist in developing and enhancing governmental and private victim service programs that aid such victims.

"Dozens of entities and organizations from throughout Nevada submitted proposals seeking over \$3.4 million in grant funds," Del Papa said. "Although the funding decisions were very difficult -- we are confident that the nearly \$850,000 in grants will be most helpful in providing additional services to victims, training for law enforcement and to enhance Nevada's overall response to domestic violence."

A list of funded organizations, amount of funding, and an abbreviated description of the purpose of each project are outlined below:

**Law Enforcement:**

Committee Against Domestic Violence/ Elko County Sheriff's Department (law enforcement forensics equipment) \$ 24,780

Las Vegas Metropolitan Police Department (Victim advocate to expand services to rural communities within Clark County) \$ 20,625

Sparks Police Department (Family Visitation Center) \$ 37,500

University of Nevada, Reno Police and 16 Northern police agencies (Multi jurisdictional law enforcement training on domestic violence and sexual assault) \$ 71,530

Mesquite Police Department (Violence Advocacy Response Team) \$ 25,650

Mineral County Sheriff's Office (Officer training and technology update) \$ 18,000

SAFE House, Inc. (Victim Advocate position within the Henderson police department) \$ 30,240

Washoe County Sheriff's Office (Domestic Violence investigators) \$ 33,400

### Prosecution:

Clark County District Attorney (Fund the hiring of prosecutorial & support staff) \$ 75,225

Henderson City Attorney (Funding one domestic violence victim advocate) \$ 52,000

Nevada District Attorney's Association (To provide statewide training to prosecutors of domestic violence cases) \$ 5,000

Justice Court of East Fork Township [Minden] (Reducing recidivism project) \$ 17,500

Las Vegas City Attorney (Partially fund one victim advocate position) \$ 40,000

Sparks City Attorney (For the funding of a part-time domestic violence victim's advocate position) \$ 30,000

Storey County District Attorney (upgrade technology within office) \$ 12,000

Washoe County District Attorney (upgrade technology for newly formed Domestic Violence Unit) \$ 30,000

### Discretionary:

Domestic Violence Prevention Council \$ 20,000 (expenses and training for 23-member council)

Family Violence Health Initiative (Project team costs) \$ 6,000

Partnership Project - Las Vegas City Attorney, Clark County District Attorney and Las Vegas Metropolitan Police Department (upgrade 911 system) \$ 37,500

## Victim Service Providers:

Advocates to End Domestic Violence [Carson City area] (To fund victim court advocate) \$ 10,000

Clark County Pro Bono Project (To provide legal services to victims of domestic violence) \$ 20,000

Committee to Aid Abused Women [Northern Nevada] (To strengthen existing protection order project) \$ 25,000

Community Action Against Rape [Clark County] (To provide training to crisis intervention counselors for victims of sexual assault) \$ 22,000

Crisis Call Center, Inc. [Washoe County/Carson area] (To enhance existing program aiding sexual assault victims) \$ 5,000

Committee Against Domestic Violence [Elko] (Funding for Victim Court Advocate) \$ 23,000

Family and Child Treatment [Clark County] (Funding for domestic violence therapist) \$ 25,000

Family Support Council of Douglas County [Douglas County area] (To provide partial funding for a case worker to assist victims of domestic violence) \$ 10,000

Mineral County Advocates to End Domestic Violence (To partially fund a domestic violence victim's court advocate) \$ 5,000

Nevada Network Against Domestic Violence [Statewide] (Rural outreach - training and technical assistance) \$ 30,000

Nevada Outreach Training Organization (To partially fund Frontier Outreach Project providing victim services throughout Nye and Esmeralda Counties) \$ 7,500

Safe House, Inc. [Clark County] (domestic violence victim advocate program) \$ 12,500

Shade Tree [Clark County] (To provide shelter services to victims of domestic violence) \$ 9,800

Temporary Assistance for Domestic Crisis [Clark County] (To help establish an emergency shelter for domestic violence victims in Laughlin and expand services in N. Las Vegas) \$ 25,000

University of Nevada, Las Vegas (Funding for domestic violence student counselors and outreach) \$ 2,500

Volunteer Lawyers for Washoe County (To enhance lawyer services to victims of domestic violence seeking protective orders) \$ 20,000

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**September 17, 1997  
FOR IMMEDIATE RELEASE  
CONTACT: Brooke Nielsen  
(702) 687-3511**

**DEL PAPA REACTS TO PRESIDENT'S REMARKS ON SMOKING  
ANNOUNCES PROPOSED ALLOCATION FORMULA**

Attorney General Frankie Sue Del Papa said today she was pleased with the President's review of the pending tobacco settlement. During a White House briefing earlier today, the President thanked the Attorneys General and other parties who worked hard to bring negotiations with the tobacco industry to where they are at this time and extracting concessions from the tobacco industry that would have been "unthinkable just a short time ago."

"The President has endorsed the efforts of the Attorneys General who negotiated the tobacco settlement and has challenged Congress to build on this historic opportunity," Del Papa said.

"I applaud the President for stressing the importance of using this settlement to make lasting and effective changes in the way tobacco companies have targeted children in Nevada and nationwide. Protecting our children from the harms of cigarette smoking has always been a priority in our pursuit of this settlement," Del Papa said.

Del Papa supported the President's proposal on a combination of industry payments and penalties that would increase the per pack price over the next decade, as necessary, to meet the youth smoking reduction targets.

"Under the Attorneys General's proposal, if the industry fails to meet the established goals, penalties would approximate the \$1.50 per pack price increase discussed by the President," Del Papa said. Del Papa also released today a proposed formula, established by a committee of Attorneys General for the distribution of tobacco industry payments to the states through the proposed global settlement. This formula indicates, for the first time, the potential compensation Nevada could receive to offset the medical costs of smoking in our state.

Under the proposed allocation formula, which the Attorney General Allocation Committee has recommended, Nevada would receive between \$30 and \$35 million per year for a 25 year period to offset Medicaid costs associated with tobacco illness.

This may result in approximate total payments to Nevada of at least \$850 million over the 25 year period.

The proposed formula is based upon the amount of Medicaid dollars spent in Nevada annually and does not include additional payments by the tobacco industry which include funding for smoking cessation programs and health costs for uninsured youth.



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September 15, 1997  
**FOR IMMEDIATE RELEASE**  
**CONTACT: Jo Ann Gibbs**  
**(702) 486-3129**

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**DEL PAPA JOINS EFFORTS TO BETTER PROTECT CONSUMERS  
FROM PHONE SLAMMING**

Attorney General Frankie Sue Del Papa, along with Attorneys General from 25 other states, filed comments today asking the Federal Communications Commission (FCC) to adopt tougher protection against the growing practice of phone "slamming."

"Slamming" is the practice of illegally switching a consumer's long distance telephone service to another company without the customer's knowledge or consent. Consumers lose an estimated \$100 million dollars a year when their long-distance telephone service is switched without their permission.

"Slamming now accounts for the largest number of consumer complaints to the FCC each year," Del Papa said. "Consumers often fall prey to slamming when they sign promotional documents that they did not read thoroughly or by responding to telemarketing promotions. In other instances, however, unscrupulous companies forge the consumers names on long distance service change orders."

While the FCC considers its own proposals for reducing incidents of slamming, additional safeguards proposed to the FCC by the Attorneys General would:

Require long distance companies to obtain an affirmative response from the consumer before making a switch, thus eliminating the so-called "welcome package" verification option. Often consumers view the mailings as junk mail and throw the mailing out without responding. Under the verification option, companies have used the customer's failure to respond as consent to switch long distance services.

Subject all telemarketing change orders to written verification requirements. This would include calls initiated by the company and calls initiated by consumers to the company.

Relieve consumers from the responsibility of paying for calls made during an unauthorized switch.

Prohibit specific deceptive and fraudulent practices that carriers use to slam consumers. The most common practices are misrepresentation of the company's affiliation with established long distance carriers; misrepresentation of discounts or savings; and failing to disclose that a preferred carrier will be changed.

"If adopted, these additional safeguards will establish a strong basis for allowing long distance carriers to compete while deterring deception and fraud and minimizing potential confusion among consumer," Del Papa said.

Del Papa suggest that Nevadans who wish to avoid being "slammed" should know their long distance carrier and check their telephone bills regularly to insure that their authorized carrier has not been changed with the consumer's consent. Consumers can also call their local carrier and ask them to lock-in their long distance company, referred to as a "pic-freeze."

The states joining Del Papa in filing comments with the FCC are Alaska, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Maryland, Michigan, Minnesota, New Mexico, New York, North Carolina, Ohio, Rhode Island, Tennessee, Vermont, Washington, West Virginia and Wisconsin.

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**September 15, 1997  
FOR IMMEDIATE RELEASE  
CONTACT: Brooke Nielsen  
(702) 687-3511**

**LIGGETT & MYERS TOBACCO SETTLEMENT REACHED**

Today Attorney General Frankie Sue Del Papa signed a settlement agreement with Liggett & Myers and Brooke Group, two of the tobacco industry defendants in Nevada's tobacco lawsuit. In the settlement Liggett and Brooke Group agree to make fundamental changes in their advertising strategies to ensure that children are not targeted. They also agree to cooperate with Nevada in its continuing litigation against the tobacco industry and to provide confidential corporate documents which support Nevada's claims. In exchange, Nevada will release Liggett from claims contained in its lawsuit.

The agreement requires Attorney General Del Papa to use her best efforts in Congress and elsewhere to ensure that the financial terms of an industry-wide resolution reflect appropriate recognition of Liggett's cooperation.

Liggett will continue to engage in the legal activity of selling cigarettes to adults, but will undertake the following efforts to make smokers aware of the health risks and addictive nature of smoking:

Liggett will set up a fund to compensate equitably those who claim to have been injured by their products.

Liggett will add prominent warning to their cigarette packaging and advertising stating that "Smoking is Addictive."

Liggett will abide by Food and Drug Administration regulations concerning the sale and distribution of nicotine-containing cigarettes and smokeless tobacco products to children and adolescents. Liggett has agreed to comply with many of these regulations even before they apply to the tobacco industry as a whole.

Liggett will instruct its advertising and marketing departments to carefully avoid any and all advertising

or marketing which would appeal to children. Liggett acknowledges that the tobacco industry markets to youth, condemns this practice and will no longer market to children. Liggett further agrees that if it sees industry advertisements which in its view are aimed at children, it will bring this to the attention of the Attorney General of the State of Nevada.

"Today's settlement is a major step forward in the prosecution of Nevada's lawsuit against the tobacco industry. Our state will benefit from the concessions which Liggett has made, and begin to achieve some of the positive goals of this litigation, especially in the crucial area of youth smoking prevention," Del Papa said.

The settlement also requires Bennett S. Lebow, the Director of Liggett to issue a public statement acknowledging the hazards of tobacco use and that nicotine is addictive.

The term of the Settlement Agreement will be 25 years.

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**September 5, 1997  
FOR IMMEDIATE RELEASE**

**CONTACT: Grenville Pridham  
(702) 486-3777**

**TELEMARKETERS PLEAD GUILTY**

Attorney General Frankie Sue Del Papa announced that a husband and wife telephone fraud team, who preyed on the elderly, pled guilty today to charges stemming from their illegal activity.

Eric S. Riccardi, age 31, pled guilty in Clark County District Court to one count of obtaining money under false pretenses and one count of failure to register as a telephone seller or salesman.

Eric's wife, Stacy Lynn Riccardi, a.k.a. Stacy Lynn Brunmier, age 33, pled guilty to one count of obtaining money under false pretenses.

The Riccardis are scheduled for sentencing on November 19, 1997.

The defendants called a 74-year-old woman in Pima County, Arizona and told her that she had won a large sum of money but would need to send \$125,000 to a mailbox address belonging to the Riccardis in order to claim her winnings. A co-defendant, Mattco Paratore, actually placed the call to the elderly victim and convinced her to send the money. Paratore pled guilty to charges of obtaining money under false pretenses and failure to register as a telephone seller or salesman in Clark County District Court on August 12, 1997. Paratore is scheduled to be sentenced October 15, 1997.

The victim had mailed three payments to the Riccardi's mailbox, for a total of \$25,000, before investigators with the Southern Nevada Telemarketing Task Force were notified.

As part of his plea agreement, Paratore agreed to repay the victim's money. The Riccardis agreed to pay the Attorney General's Office \$25,000, the cost of the investigation by the Attorney General's Telemarketing Fraud Unit.

"This guilty plea is a victory in our on-going efforts to stop fraudulent telemarketers in the State of

Nevada and represents the need for the continued pro-active attack on crimes against the consumer which the Southern Nevada Telemarketing Task Force undertakes," Del Papa said.

The Southern Nevada Telemarketing Task Force includes the Nevada Office of Attorney General, U.S. Attorney's Office, the Federal Bureau of Investigation and the U.S. Postal Inspectors.

"Persons should always be wary of prize awards that require the supposed winner to pay money," Del Papa warned. "A prize winner should never have to send money to cover shipping, taxes, or any other kind of fee before a prize can be collected. Legitimate businesses do not require such payments when a person has won a legitimate contest. Persons should always exercise caution when parting with their money and should not just take some stranger's word, especially when the stranger is calling long distance."

If you feel you have been contacted by a fraudulent telemarketer or you have been the victim of a telemarketing fraud scheme, contact the Attorney General's Fraud Hotline in Las Vegas at (702) 486-3777. Or contact the Attorney General's Office statewide by calling Nevada's toll-free switchboard at 1-800-992-0900.

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**September 4, 1997  
FOR IMMEDIATE RELEASE  
CONTACT: Bob Harmon (702) 687-3512**

**U.S. 9TH CIRCUIT COURT RENDERS OPINION IN GALLEGO  
APPEAL**

Today a three judge panel of the United States 9th Circuit Court of Appeals rendered an opinion in the federal habeas corpus appeal of Nevada Death row inmate Gerald Gallego.

Gallego was sentenced to death in Pershing County in 1984 after he was convicted for the April 1980 murders of Karen Twiggs and Stacey Redican who disappeared from a shopping mall in Sacramento.

Gallego was also convicted and sentenced to death by a California court for the murders of Craig Miller and Mary Beth Sowers. Those murders took place in November of 1980, Sowers and Miller were also kidnapped from the Sacramento area.

In 1993 Gallego filed a habeas corpus petition in the U.S. District Court in Reno challenging his conviction and sentence based on numerous grounds.

U.S. District Court Judge Howard McKibben denied all his claims for relief in February of 1996.

Gallego appealed to the 9th Circuit.

In today's opinion, the 9th Circuit upheld Judge McKibben on all grounds except for one.

The 9th Circuit concluded that the jury instructions, as given, inadequately stated the law as applied to the facts of Gallego's case. The Court determined that the jury was inadequately informed as to whether or not it was necessary to sentence him to death in Nevada to ensure that he could not be released after serving only a relatively brief period.

The 9th Circuit has ordered a new sentencing hearing in this case.

"This is an extremely disappointing decision which continues to delay justice in a case where justice has already been denied for so many years," Attorney General Frankie Sue Del Papa said.

The Attorney General's Office will consider whether or not to seek an appeal of this decision to a full panel of the 9th Circuit or, to the Supreme Court of the United States if necessary.



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September 2, 1997  
**FOR IMMEDIATE RELEASE**  
**CONTACT: John Albrecht**  
**(702) 687-5024**

**NEW CHILD SUPPORT ENFORCEMENT TARGETS PROFESSIONAL  
LICENSES**

Attorney General Frankie Sue Del Papa is working with state agencies which issue professional or occupational licenses to get ready for strengthened child support enforcement. On October 1, 1997, the new Federal Welfare Reform law will go into effect. The law requires that states suspend, restrict, or deny professional and occupational licenses to parents who are behind in back child support. Every Nevada professional licensing agency was sent information on how this new requirement will be implemented. In addition, the licensing agencies were asked to notify people holding professional and occupational licenses of the new requirements.

"My office wants to get the word out to anyone who may owe back child support of this new enforcement method so they have an opportunity to become and remain current on their child support," Del Papa said. "If a non-custodial parent falls behind in support payments, it is often very difficult to pay back support and stay current. The ultimate goal of this program is not to suspend licenses, but to establish an important incentive to make sure payments are maintained."

Child support from the non-custodial parent is essential to the well being of the recipient children. A recent urban institute study cited by the Child Support Program of the State Welfare Division concluded that uncollected child support from non-custodial parents would equal as much as \$30 billion nationwide if all cases had court orders and those orders were fully paid.

In Clark County, \$46.8 million in child support payments were collected in 1996. The Family Support Unit of the District Attorney's Office hopes to raise collections to over \$50 million in 1997. Since February of 1996, Clark County has used a driver's license suspension program to help increase payments.

"In 1996, Clark County collected \$862,000 in child support from the driver's license suspension program

and we expect this program will lead to over a million dollars in collection in 1997," said Elana Hatch, Chief Deputy District Attorney for Family Support. "However there are still difficult cases for which we need new tools and we anticipate that this new tool, which impacts professional licenses, will be extremely successful."

Every application for a professional license or license renewal must now include a statement regarding the applicant's child support payment status. If the applicant fails to answer the questions or sign that portion of the application, the person's application will not be processed. If the applicant reports that he or she is not complying with a support order or approved repayment plan, then the applicant must contact the local district attorney or the Welfare Division to arrange for payment of child support.

District attorneys or the Nevada Welfare Division will notify the person who is allegedly past due in child support or fails to provide health coverage for a child. The person has 30 days to satisfy the past due support, comply with an approved repayment plan, or provide the required health coverage. Or, the person may request a hearing on the allegation.

If the person does not respond to the notice or, after a hearing the person is found to owe past child support or has failed to provide health coverage, the professional licensing agency will be notified. Once notified the professional licensing agency must restrict or suspend the professional license as determined in the hearing. The license will be restored once child support requirements are met. Under the new federal law, similar enforcement procedures will also apply to driver's licenses and recreational licenses.

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**October 28, 1997  
FOR IMMEDIATE RELEASE**

**CONTACT: Jane Femiano  
(702) 486-3782**

**TRAVEL FRAUD RESULTS IN ARREST**

Attorney General Frankie Sue Del Papa announced the arrest today of Jouko Lankinen, age 44, of Las Vegas for defrauding visitors to Las Vegas.

A criminal complaint filed by the Attorney General's Bureau of Consumer Protection charges the defendant with eight felony counts including obtaining money under false pretenses. The complaint also charges Lankinen with being a habitual offender.

The charges are in connection with an alleged scheme in which tourists paid for hotel reservations, by check, through Lankinen's business the "Las Vegas Welcome Center." According to the complaint, when the victims arrived in Las Vegas and checked into their hotels, they discovered their rooms had not been prepaid or were only prepaid for one night and that payment had been charged to their credit card number. Victims ended up having to pay for their accommodations a second time upon checking out of the hotel.

The Attorney General's complaint alleges that Lankinen did not pay the hotels for the reserved accommodations and did not refund the visitors their money.

As in all criminal cases, the charges against the defendant are merely accusations and the defendant is to be considered innocent until and unless he is proven guilty in court.

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**October 28, 1997  
FOR IMMEDIATE RELEASE**

**CONTACT: Jan Murray  
(702) 486-3433**

**LAS VEGAN ENTERS GUILTY PLEA IN INSURANCE FRAUD CASE**

Attorney General Frankie Sue Del Papa announced today that a Las Vegas man plead guilty to a charge of attempted insurance fraud for making a false claim on stolen tires. Dennis Michael Wimett, age 30, made the plea this morning before Judge Joseph Pavlikowski in Department 3 of the Clark County District Court in Las Vegas.

In 1993, Wimett reported to Metropolitan Insurance Company that four tires and Crager wheels were stolen from his 1968 Mercury Cougar. After paying \$1,822.78 on the claim, Metropolitan received information that the claim was false. The potential fraud was reported to the Insurance Fraud Unit of the Attorney General's Office. An investigation revealed that Wimett had falsified purchase receipts and presented the bogus receipts to his insurance company for payment.

As a result of his guilty plea agreement, Wimett will be required to pay full restitution to Metropolitan Insurance Company. Wimett is scheduled for formal sentencing in Department 3 at 8:30am on February 25, 1998.

"Insurance fraud is a growing problem in Nevada. The citizens of this state pay the price of this crime through the increased cost of obtaining and maintaining their insurance coverage. Our office will continue our increased efforts to bring those who fraudulently deal with insurance companies to justice," Attorney General Del Papa said.

The Insurance Fraud Unit of the Attorney General's Office has recently been enhanced and expanded to better meet the challenge of insurance fraud in Nevada. The unit receives complaints and tips regarding falsified claims, staged accidents, and other fraudulent insurance activity in Nevada and conducts investigations and prosecutions of suspected insurance fraud. The Insurance Fraud Unit can be reached by calling the Insurance Fraud Hotline at 1-800-266-8868.



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**October 24, 1997  
FOR IMMEDIATE RELEASE**

**CONTACT: Bob Harmon  
(702) 687-3512**

**TRICK OR TREAT? POINTERS FOR HALLOWEEN SAFETY**

Halloween is a fun holiday for kids but for parents it is often a time of concern for their children's safety. As a public service, Attorney General Frankie Sue Del Papa offers the following safety suggestions from the National Crime Prevention Council to help make Halloween a treat for all.

Make sure your children are dressed safely. Light colors and reflective tape will help others to see your trick-or-treaters while they are out on the street. Masks can make it dangerously hard for your children to see where they are going, try using face make-up instead. Shorter costumes will reduce the chances of tripping and falling or getting clothes caught in unseen obstacles in the dark. Always check that costumes are flame retardant.

While they are out on the street, it is best to keep children in groups and parents should always accompany young children. Map out a safe route in advance for the older kids so you know where they will be. Tell them they should only stop at familiar homes where the outside lights are on and remind them never to enter a stranger's house or car. If you can, do your trick-or-treating when it is still light out. If it is dark, try to use well-lighted streets and make sure someone brings along a flashlight.

Unfortunately, not all the treats handed out on Halloween are safe. Make it clear to your children not to eat any treats until they get home. Feed them a meal or snack before they head out so they aren't so tempted to dig in while they are still out. Check out all treats in a well-lighted place. Only allow your children to eat unopened candies and other treats that are sealed in their original wrappers. Check homemade treats and fruit very carefully for anything suspicious.

Finally, once you've determined the treats are safe, remind your little ghost or goblin not to eat them all at once unless they want their stomachs to play some mean tricks on them.

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**October 21, 1997  
FOR IMMEDIATE RELEASE**

**CONTACT: John Cunningham  
(702) 486-3793**

**STATE FILES COMPLAINT AGAINST ATM MACHINE SCAM**

Attorney General Frankie Sue Del Papa announced today that her office has filed a criminal complaint charging two California men with running an Automatic Teller Machine (ATM) investment scam in Nevada.

The complaint was filed in Carson City Justice Court last Friday. Charged in the complaint are Michael James Sweaney, age 33, of Newport Beach, California and John Joseph McCormick, age 71, of Fountainview, California.

According to the complaint, Sweaney and McCormick operated an investment scam in which victims were offered a business opportunity through investing in large scale ownership of ATM machines that would generate income for the investor from transaction fees. The complaint alleges that at least \$75,000 was raised from at least seven victims from September, 1995 to June, 1996.

Some of the investors did receive a return on their investment, purportedly from profits generated by transaction fees from the operation of ATM machines. However, according to the complaint, the defendants were operating a "ponzi scheme." The complaint alleges that, in fact, no ATM machines were ever purchased or operated by the defendants and that any profits made on behalf of the company were illusory.

This is the first case where the Attorney General's Office has filed a complaint against an investment scheme centered around Automatic Teller Machines. The increasing popularity of these machines raises the possibility of similar scams in the future.

Attorney General Del Papa reminded potential investors to always be wary of business opportunities. "All business opportunities should be scrutinized before you give money to a promoter. Prospective

business persons may wish to seek the help of a qualified attorney or business loan banker to review the business opportunity's operation to spotlight any pitfalls or potential problems."

The complaint charges Sweaney with one felony count of Racketeering, one felony count of Racketeering Conspiracy, three felony counts of Securities Fraud, one felony count of Offer and Sale of an Unregistered Security, and one felony count of Transacting Business as an Unlicensed Broker-Dealer and/or Sales Representative.

McCormick is charged with one felony count of Racketeering, one felony count of Racketeering Conspiracy, four felony counts of Securities Fraud, one felony count of Offer and Sale of an Unregistered Security, and one felony count of Transacting Business as an Unlicensed Broker Dealer and/or Sales Representative.

The charges are merely an accusation and the defendants are presumed innocent until and unless proven guilty. If you suspect you have been contacted by or are the victim of a business opportunity scheme, contact the Attorney General's Fraud Hotline in Las Vegas at (702) 486-3777. Or, contact the Attorney General's Office statewide by calling Nevada's tollfree switchboard at 1-800-992-0900.



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**October 20, 1997  
FOR IMMEDIATE RELEASE**

**CONTACT: Grenville Pridham  
(702) 486-3777**

**TELEMARKETER WHO DEFRAUDED ELDERLY SENTENCED**

Attorney General Frankie Sue Del Papa announced that a Las Vegas based telemarketer, who pled guilty to defrauding an elderly victim in Arizona out of \$25,000, was sentenced on Friday. Matteo Paratore, age 25, was sentenced by Clark County District Judge Joseph Pavlikowski to 12 to 30 months for one count of Obtaining Money Under False Pretenses, and 12 to 30 months for one count of Solicitation by Telephone - Failure to Register as a Telephone Seller or Salesman.

The defendant's sentence was suspended and Paratore was placed on probation for five years. Paratore has already been sentenced by a federal court to a 33-month prison sentence for fraudulent telemarketing and his state sentence will run concurrent with the federal sentence. Paratore is supposed to turn himself into federal authorities this week.

The state conviction against Paratore arose out of a scheme in which Paratore called a 74-year-old victim in Pima County, Arizona. The victim was told she had won a large sum of money but, in order to collect her prize, would need to send \$125,000 to a mailbox address belonging to Paratore's co-defendants Eric S. Riccardi, age 31, and Eric's wife Stacy Lynn Riccardi, age 33.

In open court, Riccardi stated that Paratore was supposed to say "whatever it took" to get the victim to send money. The victim mailed three payments to Riccardi's mailbox for a total of \$25,000. There was no prize money. The defendants never intended to pay the elderly person the money she had been promised.

Investigators with the Southern Nevada Telemarketing Task Force were notified of the scheme and were able to catch the three in the act of trying to obtain an additional \$10,000 from the victim. The Southern Nevada Telemarketing Task Force includes the Office of the Nevada Attorney General, U.S. Attorney's Office, the Federal Bureau of Investigation, the United States Postal Service and the Secret Service.

Paratore, who was ordered to pay restitution as part of the plea agreement, has already paid the \$25,000 for restitution in this case.

Eric Riccardi pled guilty in District Court to one count of Obtaining Money under False Pretenses and on count of Solicitation by Telephone - Failure to Register as a Telephone Seller or Salesman. Stacy Riccardi, aka Stacy Lynn Brunmier, also pled guilty to one count of Obtaining Money Under False Pretenses. The Riccardis will be sentenced November 19, 1997 before Clark County District Court Judge Joseph Pavlikowski.

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**October 16, 1997  
FOR IMMEDIATE RELEASE**

**CONTACT: Jo Ann Gibbs  
(702) 486-3129**

**TELEMARKETER WHO TARGETED ELDERLY SENTENCED**

Attorney General Frankie Sue Del Papa announced that a Las Vegas telemarketer, who admitted to cheating dozens of elderly victims out of thousands of dollars, was sentenced today in Clark County District Court.

Arthur J. Baum, age 56, had previously pled guilty to one felony count of obtaining money under false pretenses from a victim 65 years of age or older, and one felony count of failure to register as a telephone seller. Today, District Judge John McGroarty sentenced Baum to 3 years for obtaining money under false pretenses. That sentence was automatically doubled under Nevada law because Baum's victims were elderly. Baum was also sentenced to 2 concurrent years on the failure to register count.

Under the conditions that Baum pay over \$87,000 in restitution to the victims, forfeit over \$15,000 in cash seized from his business operations and enter and complete an impulse counseling training program, Baum's sentence was suspended and he was placed on 5 years probation. Baum must return to District Court in six months for a status check on restitution payments.

Baum operated a telemarketing business known as AJB Enterprises, alternately doing business as AJB, AJB Awards Center, American Jackpot Award Center or American Jackpot and Bonus Award Center. Baum would call elderly persons and tell them they had won large prizes, awards or government bonds. The elderly victims were instructed that in order to claim their awards, they would first have to send money to a mail box drop Baum maintained in Las Vegas. The victims were told the money was to cover the taxes on the award or was payment for an "acquisition fee."

Baum and his associates received money in amounts ranging from \$750 to over \$7,000 from 32 elderly victims residing throughout the United States over several months in 1994 and 1995. None of the victims received the promised prizes, awards or government bonds.

In addition, Baum never registered or posted security with the Nevada Consumer Affairs Division as required under the telemarketing statute.

"Legitimate businesses do not require prize winners to send money to cover taxes, shipping or any other kind of fee before collecting a prize won in a legitimate contest," Del Papa said. "This case serves as warning not to send money to a telephone salesperson in response to claims that a prize has been won. A prize should not cost you money."

Persons who have been contacted by a fraudulent telemarketer or believe that they have been the victim of a telemarketing fraud scheme, should contact the Attorney General's Fraud Hotline in Las Vegas at (702) 486-3777. Persons may also contact the Attorney General's Office statewide by calling Nevada's toll free switchboard at 1-800-992-0900.

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**October 15, 1997**

**FOR IMMEDIATE RELEASE**

**CONTACT: Jane Femiano**

**(702) 486-3782**

**CONSUMER AWARENESS WEEK FEATURES  
INFORMATION FAIRS**

The Consumer Protection Bureau of the Attorney General's Office will participate in Nevada Consumer Awareness Week, October 27 to October 30, 1997. During that week a series of free events is scheduled in Las Vegas to help educate the public on how to be better consumers.

The Las Vegas based Nevada Consumer Coalition will kick off the week with a presentation by Lieutenant Governor Lonnie Hammergren to media honorees for their contribution to consumer awareness. This event will take place Monday, October 27, beginning at 10:00am at the Grant Sawyer State Building, 555 E. Washington Blvd, Las Vegas. In addition to the kick-off, the event will feature informational presentations by various state, county, city and private agencies.

Additional information fairs will be held at the following times and locations:

Tuesday, October 28: 10:00am - 1:00pm, Summerlin Pinnacle Theater, 2215 Thomas Ryan Blvd, Sun City.

Wednesday, October 29: 10:00am - 1:00pm, MacDonald Ranch, Desert Willow, 2020 West Horizon Ridge Parkway, Henderson.

A deputy from the Attorney General's new Consumer Protection Bureau is scheduled to give a ten minute presentation entitled "The Top Five Scams in Nevada" at each of the above events.

"This week of consumer education is a key step in our ongoing efforts to provide tools to the public that

will enable them to become more informed consumers," Attorney General Frankie Sue Del Papa said. "It is important that Nevada consumers be aware of recent scams to avoid falling victim to them."

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October 14, 1997

**FOR IMMEDIATE RELEASE**

**CONTACT: Charlene Bybee  
(702) 626-6308**

**NATIONAL SILENT WITNESS MARCH THIS SATURDAY IN  
WASHINGTON D.C**

Nevada's delegates are preparing for this weekend's Silent Witness National Conference in Washington D.C. The highlight of the conference is Saturday's march featuring an expected 1500 Silent Witness Silhouettes from all 50 states. At noon on Saturday, the witnesses will march from the Washington Monument, down the Capitol Mall, to the Capitol. They will be accompanied by thousands of citizens committed to efforts towards domestic violence prevention.

MEDIA WISHING TO SPEAK WITH A LOCAL DELEGATE TO THE MARCH MAY CONTACT CHARLENE BYBEE WITH THE JUNIOR LEAGUE (702) 626-6308.

THE TWENTY SILHOUETTES THAT WILL REPRESENT NEVADA'S SILENT WITNESSES IN THE MARCH WILL BE FLOWN BACK TO WASHINGTON ON THURSDAY, OCTOBER 16, 1997 AT 4:00PM. MEET CHARLENE AT THE AMERICAN AIRLINES TICKET COUNTER OF RENO-TAHOE INTERNATIONAL AIRPORT.

The Silent Witnesses are one of the most dramatic representations of the scope and impact of domestic violence. The red silhouettes are silent representatives of those who have died as a result of acts of domestic violence.

"The silhouettes speak for those who can no longer speak for themselves, to ask all of us to take part in efforts that help to end the violence of domestic abuse," Del Papa said.

The national march comes in the middle of Domestic Violence Awareness Month and will be followed

by a candlelight vigil around the Capitol reflecting pool on Saturday evening. Sunday, the Silent Witness National Initiative will sponsor a "Bring the Peace Home" conference focusing on the reduction of domestic violence.



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**October 13, 1997  
FOR IMMEDIATE RELEASE**

**CONTACT: Doug Walther  
(702) 687-6421**

**NEVADA TO RECEIVE \$95,188 FROM SECOND PAYMENT OF OIL  
SETTLEMENT**

Attorney General Frankie Sue Del Papa announced today that the Department of Energy will distribute \$95,188.54 to the State of Nevada on October 31, 1997 as part of an on-going multi-million dollar settlement with members of the oil industry.

The settlement is a result of a series of cases known as the "Stripper Well Exemption Litigation." The cases began during the national energy crisis in the late seventies as a result of crude oil price controls imposed by Congress. Under the settlement agreement, various claimants and states, including Nevada, share in money recovered by the Department of Energy in numerous crude oil overcharge cases.

"In the seventies, various oil companies violated the law by selling crude oil above market value. This settlement has helped in compensating our state for those overcharges," Del Papa said.

The Nevada Energy Office will receive the money which is earmarked to be spent on energy and energy conservation related projects.

**STATE OF NEVADA  
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**October 10, 1997  
FOR IMMEDIATE RELEASE**

**CONTACT: Bob Harmon  
(702) 687-3512**

**MOST WANTED POSTER FOR CHILD SUPPORT RELEASED  
TODAY**

In a cooperative effort between the Nevada Office of Child Support Enforcement and Attorney General Frankie Sue Del Papa, a new WANTED poster is being distributed identifying nine men and women who are wanted in Nevada for failing to pay \$305,895 in child support.

"Financial support from the non-custodial parents shown in this poster is essential to the well-being of the affected children. This poster is just one means of trying to enforce court orders for child support. The posters carry identifying information including photos of the nine individuals who owe support to their children," Del Papa said. "The ultimate purpose of the poster program is to get child support to children who are in need and to increase public awareness of the problem of child support delinquency."

A recent urban institute study cited by the Child Support Program of the State Welfare Division concluded that uncollected child support from non-custodial parents would equal as much as \$30 billion nationwide if all cases had court orders and all court orders were fully paid. In Washoe County alone there is an estimated \$82.4 million in unpaid child support. If all outstanding court orders for child support were complied with, the Washoe County District Attorney's Office would receive \$2.6 million in monthly payments. Currently they only receive \$1.5 million. In Clark County, the Family Support Unit of the District Attorney's Office hopes to raise over \$50 million in collections of child support payments in 1997.

"This is the fourth Wanted Poster that has been released since May of 1996. To date, the posters have led to the collection of over \$17,000 in delinquent child support payments," Del Papa said. The posters are being distributed nationally to all Attorneys General and Offices of Child Support Enforcement, regionally in the five border states to every district attorney, child support offices and to larger branches of the United States Postal Service, and statewide to all Nevada state agencies, District Attorneys, Child

Support Enforcement and most Post Offices.

The Child Support Enforcement Program provides five basic services including: Location of absent parents; Establishment of parentage; Establishment of financial and medical support orders; Collection and distribution of support payments. The Nevada Child Support Enforcement Program can be reached in Carson City by calling 687-4744 or in-state, toll free at 1-800-992-0900 and ask for the Support Enforcement Office. The names and descriptions of the wanted individuals on the poster follow:

**Kelly Leigh Barton:** Owes his 2 children \$57,612.89. DOB: 1/9/60, age: 37; height: 6'4", weight: 190 lbs.; eyes: brown, hair: brown; features: possible beard/mustache; occupation: sheetmetal worker, last address: 7900 N. Virginia St. #285, Reno.

**Sharon K. Caudillo:** Owes her 2 children \$12,607. DOB: 2/23/48, age: 49; height: 5'6", weight: 195 lbs.; eyes: brown, hair: black; features: wears glasses, complete upper dentures; occupation: massage therapist; last address: Grand Junction, CO.

**William Patrick Lewis:** owes his 3 children \$26,014. DOB: 3/18/63, age: 34; height: 6'2", weight: 170 lbs.; eyes: green, hair: brown; features: full beard; occupation: backhoe operator; last address: 1832 N. Walnut, Las Vegas, NV.

**Raul Gallardo Martinez:** owes his 3 children \$36,514. DOB: 4/9/57, age: 40; height: 5'8", weight 145 lbs.; eyes: brown, hair: black; occupation: cook/construction; last address: 1439 Sunrise View Dr., Las Vegas, NV.

**Robert Lee Pesti:** owes his 2 children \$25,200. DOB: 10/27/62, age: 34; height: 6'0", weight: 200 lbs.; eyes: blue, hair: brown; occupation: machinist; last address: Riverside, CA.

**Gerald Lee Squire, Jr:** owes his child \$19,734.52. DOB: 6/17/64, age: 33; height: 5'10", weight 170 lbs; eyes: hazel, hair: brown; features: possible beard/mustache; occupation: unknown; last address: Sparks, NV.

**Benjardi Batucan Viray:** owes his 3 children \$29,563. DOB: 8/24/60, age: 37; height: 5'6", weight: 140 lbs; eyes: brown, hair: black; occupation: chef; last seen: September, 1985, Las Vegas, NV.

**Jerome B. Voss:** owes his 2 children \$63,651.11. DOB: 2/4/48, age: 49; height: 6'7", weight: 220 lbs.; eyes: blue, hair: brown; features: distinct scar on upper lip; occupation: unknown; last address: 14605 Parker Rd, Biloxi, MS.

**Jeremiah Youngblood:** owes his 3 children \$35,000. DOB: 9/6/46, age: 51; height: 5'5", weight: 150 lbs.; eyes: brown, hair: black/grey; features: short, wears thick glasses, multiple tatoos; occupation: mechanic/handyman; last address: Ely, NV.

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**October 9, 1997  
FOR IMMEDIATE RELEASE  
CONTACT: Mark Ghan  
Carson City, Nevada (702) 687-5536**

**ATTORNEY GENERAL FILES CIVIL COMPLAINTS  
IN L & H CASE**

Attorney General Frankie Sue Del Papa announced that today her office has filed two civil complaints seeking recovery of funds allegedly stolen from the State Committee on Benefits self-insurance fund by an employee of L&H Administrators, Inc., and seeking recovery of losses related to the mishandled administration of claims by L & H.

A civil complaint alleging conversion of funds from the state's self-insurance trust fund was filed against L & H employee Mary Ferris with the Clark County District Court. A second civil complaint was filed in the Clark County District Court against Frank and Susan Rousseau, and numerous L&H corporate entities. The second complaint alleges negligence, breach of fiduciary duty, breach of contract, and breach of the implied covenant of good faith and fair dealing, and seeks damages in excess of the amount of misappropriated funds.

"L & H left over 100,000 unprocessed claims, and its employee is accused of embezzling over \$600,000 from Nevada's self-insurance fund. Our priorities are to get claims processed, ensure that providers are paid and obtain reimbursement for the state's losses," Del Papa said. "We expect that the final resolution of these complaints will take some time, but it is crucial that we are aggressive in our pursuit of these priorities."

"Although the activities of L & H are still under investigation, there is sufficient legal and factual basis to move quickly to the Court. With the authority of the Court, our ability to obtain information and protect the interest of the self-insurance trust fund will be greatly improved," Del Papa added.

At this point, the investigation reveals that L&H employee Mary Ferris appears to have set up false provider accounts and caused checks to be issued through false claims by a scheme involving the misappropriation of legitimate plan participant names and social security numbers. The Attorney

General's Office is cooperating with the ongoing criminal investigation by the Las Vegas White Collar Crime unit of the FBI.

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October 7, 1997

**FOR IMMEDIATE RELEASE**

**CONTACT: Bob Harmon**

**(702) 687-3512**

**LINCY FOUNDATION GRANT TO HELP DOMESTIC VIOLENCE  
AWARENESS**

The Nevada Domestic Violence Prevention Council has received a \$25,000 contribution from the Lincy Foundation of Las Vegas to help fund the Council's public awareness efforts.

"This contribution will help us to keep our hotline number on radio and television so that victims and their families can find help when they need it," Attorney General Frankie Sue Del Papa said. Del Papa is the Chairperson of the Domestic Violence Prevention Council.

Working with The Nevada Broadcasters Association and their program for non-profit organizations, the message of the Domestic Violence Prevention Council will continue to reach the victim, the perpetrator and the public, statewide.

"More than 36,000 women in Nevada will be battered this year alone. 39% of all victims contacting a domestic violence program in Nevada obtained a protection order against their batterer. 43% of the women and children that called a program for assistance went for counseling or to a support group. The emotional, financial and physical toll that domestic violence brings to Nevada families cannot be told by statistics. We feel strongly that we must continue to make strides to reduce incidents of domestic violence through a coordinated, cooperative effort on a statewide basis emphasizing our theme, Domestic Violence, There is No Excuse," Del Papa said.

October has been proclaimed Domestic Violence Awareness Month by Governor Bob Miller as part of efforts to bring an end to this cycle of violence. Throughout Nevada a variety of events will be available for those who would like to get involved with efforts to help with domestic violence prevention. For more information, call Nevada's toll-free domestic violence information and referral line at 1-800-230-1955 or, contact the Nevada Network Against Domestic Violence at (702) 358-1171. If you are being abused, or know someone who is, call Nevada's Domestic Violence Hotline at 1-800-500-1556 , 24 hours a day, to get help.



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**October 2, 1997  
FOR IMMEDIATE RELEASE  
CONTACT: Keith Munro  
(702) 687-3533**

**DEATH PENALTY APPEAL DENIED**

The Office of the Attorney General announced that a habeas corpus appeal by death row inmate Tracy Petrocelli was denied this afternoon by U.S. District Court Judge Howard J. McKibben this afternoon in Reno.



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October 1, 1997

**FOR IMMEDIATE RELEASE**

**CONTACT: David Sarnowski**

**(702) 687-3536**

**COLLINS' APPEALS DENIED**

Attorney General Frankie Sue Del Papa announced two appeals presented to the Nevada State Supreme Court by Robert Collins were rejected as meritless today. The appeals were regarding his 1995 convictions for burglary and insurance fraud.

Collins was convicted on burglary charges in Washoe District Court in August of 1995. In a separate trial during September, 1995, he was convicted of insurance fraud. The charges involved a September 11, 1989 incident in which Collins' wife reported to the Washoe County Sheriff's Department that her home had been burglarized. As a result, the Collins couple collected \$60,527 in reimbursement for the stolen items from Farmers Insurance Company.

On February 3, 1991, Nevada Highway Patrol Trooper Ken Gager arrested Robert Collins after he became belligerent during a traffic stop. A subsequent search of Collins' car revealed, among other things, a spiral notebook and a tape recorder containing secret access codes to a secured storage unit, vice grips, a blank key, two-way radios, electronic gear and two rare coins that were ultimately determined to be the subject of the insurance claim lodged with Farmers.

Reno Police executed a search warrant of Collins' storage unit the next day and found several other items reported stolen during the September 1989 burglary.

Collins was sentenced to prison time as a result of his convictions on the burglary and insurance fraud charges. He was also ordered to pay restitution.

Collins based his appeals on allegations that his arrest by Trooper Gager was illegal and that the subsequent search of the car was also illegal. The Supreme Court ruled there was not merit to these allegations. Collins was also convicted for the September 8, 1993 bombing of the home of Trooper Ken Gager. In March of 1996, Collins was sentenced to 75 years in federal prison by U.S. District Judge David Hagen for that bombing.

Trooper Ken Gager was pleased with today's decision by the Supreme Court. "Not only am I glad for my

family and myself, I'm glad for society. That's what my job is about and I'd like to think my sacrifice has not been for naught," Gager said.

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**October 1, 1997  
FOR IMMEDIATE RELEASE**

**CONTACT: Fred Schmidt  
(702) 687-6300**

**A.G.'S BUREAU OF CONSUMER PROTECTION OPENS TODAY**

Attorney General Frankie Sue Del Papa announced that today marks the official beginning of the new Bureau of Consumer Protection within the Attorney General's Office. The 1997 Nevada Legislature approved the creation of the Bureau to better protect consumers against deceptive trade practices and antitrust violations.

"This new Bureau will help to provide one-stop shopping for Nevada consumers in need of legal protection," said Attorney General Frankie Sue Del Papa. "The consolidation and reorganization of consumer protection functions within the Attorney General's Office is a proactive approach to the demands of a changing marketplace. In light of this reorganization of resources, Washoe County and the rurals will be better covered than ever before."

Del Papa began planning more than a year ago to consolidate the existing Consumer Advocate for Customers of Public Utilities, Telemarketing and Consumer Fraud Unit and a new Antitrust Unit in order to strengthen and enhance consumer protection statewide.

Creation of the bureau was prompted, in part, by changes in the regulation of the telephone, electricity and natural gas industries. Since its creation in 1981, the Consumer Advocate's Office has represented consumers' interests primarily in regulatory proceedings before the Public Service Commission and saved Nevada utility consumers millions of dollars. As utility services become increasingly competitive, traditional regulation to protect consumers is changing. In a competitive marketplace, customer choice replaces regulation as the primary insurer of fair business practices. However, in evolving markets, abuses often occur as new entrants compete for business. The Attorney General's Office will continue to protect consumers of these evolving markets by enforcing laws against unfair and deceptive business practices.

The telecommunications industry has already experienced some of the problems inherent in the new competitive marketplace. Although portions of the industry remain a monopoly under full regulation, some services have become competitive and are no longer fully regulated. Consumer complaints related to some of these services, such as switching long distance carriers (a practice commonly referred to as slamming) and 900 number information services, have increased dramatically.

The Bureau will combine the Consumer Advocate's knowledge and expertise of the telephone industry with the Telemarketing and Consumer Fraud Unit's expertise in prosecuting unfair and deceptive trade practices, in order to better address these consumer complaints most effectively. The illegal switching of Nevada customers from one long distance carrier to another, will be a primary target of the new Bureau of Consumer Protection. Consumer protection laws will be applied to address utility activity that is no longer protected under traditional regulation.

"The Attorney General's Office will not tolerate businesses who slam telephone consumers. Nevada telephone users should not be unpleasantly surprised when they open their monthly phone bill. Consumers have a right to determine with whom they want to do business," Del Papa said.

While utility service has begun to experience the problems of a newly competitive industry, issues addressed by the Telemarketing and Consumer Fraud Unit have become more technical. Fraud over the Internet and complicated pyramid schemes are examples. Because of the technical nature of utilities regulation the Utilities Consumers' Advocate Unit will continue to employ a technical staff and expert consultants including accountants, economists and engineers. These resources will assist in protecting Nevada consumers from high tech crime. Creation of the bureau allows a true combining of resources where technical personnel will be utilized to assist in the investigation and prosecution of highly technical and increasingly sophisticated crimes.

For the first time in Nevada's history, full-time staffed antitrust capability has been added to the Attorney General's Office to address market power issues, particularly related to emerging competition in the telephone, electricity and natural gas industries. The antitrust unit, to be located in Reno, will investigate and prosecute, if necessary, local violations of Nevada laws ensuring free and open competitive markets. The new unit is also expected to join neighboring states in multi-state cases to obtain relief for Nevada consumers.

New resources have also been added to specifically address automobile related fraud, the number one area of consumer complaints received by the Attorney General's Office. Sting operations are planned for sales, leasing, service and repair shop scams. The newly organized Bureau will also assume responsibility for oversight of charitable solicitations, including related crimes such as badge fraud.

The three Bureau units will have offices in Las Vegas, Reno and Carson City. The new Bureau will be operated under the supervision of long-time Consumer Advocate Fred Schmidt. The three units which comprise the Bureau are shown on the attached organizational chart.

The Senior Deputy Attorneys General who will head each of the units and their locations are listed below. Richard Linstrom and Chris Van Dyck will continue their record of success supervising the highly successful Telemarketing/Consumer Fraud and Utilities Consumers' Advocate Units. Newcomer Kathleen Marshall will join the Bureau to head the new antitrust and securities unit by November 1, 1997, transferring from the U.S. Department of Justice - Antitrust Division in Washington, D.C.

ATTORNEY GENERAL FRANKIE SUE DEL PAPA AND CONSUMER BUREAU CHIEF FRED SCHMIDT WILL BE AVAILABLE FOR MEDIA INTERVIEWS IN CARSON CITY TODAY, PLEASE CONTACT BOB HARMON AT (702) 687-3512 TO ARRANGE.

DEPUTY ATTORNEY GENERAL JO ANN GIBBS OF THE ATTORNEY GENERAL'S TELEMARKETING AND DECEPTIVE TRADE PRACTICES UNIT WILL BE AVAILABLE FOR MEDIA INTERVIEWS IN LAS VEGAS, SHE MAY BE REACHED AT (702) 486-3129.

A LIST OF CONTACT NAMES, PHONE NUMBERS AND ADDRESSES, INCLUDING E-MAIL, HAS BEEN ATTACHED TO THIS PRESS RELEASE.

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**FOR IMMEDIATE RELEASE**  
**November 21, 1997**  
**CONTACT: Richard Linstrom**  
**486-3789**

**ATTORNEY GENERAL ENDORSES U.S.-CANADA  
TELEMARKETING REPORT**

Attorney General Frankie Sue Del Papa applauded the recommendations made by the governments of the United States and Canada in a report on telemarketing fraud released by the U.S. Department of Justice yesterday. The report was prepared by the "United States-Canada Working Group on Telemarketing Fraud" and explores ways our two countries can work together to combat the serious and growing problem of international telemarketing fraud. Such schemes are estimated to cost citizens of both countries some \$40 billion a year.

"The goals recommended in this report could have a substantial and positive impact on our efforts to fight telemarketing fraud in Nevada," Del Papa said. "More and more often our citizens are becoming the victims of telemarketing fraud operations that are based in Canada. These cases are difficult to pursue due to the long distances involved. Differences in legislation and legal proceedings can cause further delays. Cooperation between our two governments is essential in order to effectively address this international problem."

President Clinton and Canadian Prime Minister Jean Cretien discussed the problem during their April 8-9 summit meeting and directed officials to prepare a joint study examining ways to counter cross-border telemarketing fraud. The recommendations announced yesterday followed meetings and extensive research conducted by law enforcement and policy officials from various federal and local agencies of the United States and Canada. Input was provided by Attorneys General from many states including Nevada.

The report documents that "losses to each victim run from hundreds to thousands of dollars, and in some cases much more. A single offender can easily earn several hundred thousand dollars per year, with larger 'boiler room' operations extracting tens of millions of dollars."

Specific recommendations include further review of the use of electronic surveillance in telemarketing fraud cases and examination of the possibility of denying telephone service to offenders. The report also suggested examination of extradition arrangements and a review of deportation laws that might apply to foreign nationals engaging in telemarketing fraud.

Authorities have observed concentrations of offenders in metropolitan areas, including Las Vegas, Los Angeles-Orange County, Miami-Fort Lauderdale, Montreal, Toronto, and Vancouver. In Nevada, the Las Vegas Telemarketing Task Force, which is made up of agents from the Attorney General's office, the F.B.I., the I.R.S., the United States Postal Inspection Service, and others have noted an increase in victims of cross-border fraud and are actively investigating these complaints.

Persons who suspect they have been victimized by a telemarketer should call the Attorney General's Bureau of Consumer Protection in Las Vegas at (702) 486-3777.

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November 20, 1997  
**FOR IMMEDIATE RELEASE**  
**CONTACT: Richard Linstrom**  
**(702) 486-3789**

**LAS VEGAS WOMAN FINED \$975 FOR PYRAMID SCHEME**

Attorney General Frankie Sue Del Papa announced that Shawn Lea Thorn, age 48, of Las Vegas was fined \$975 today after she pled guilty to promoting a pyramid scheme.

Thorn entered her plea before Clark County District Court Judge Joseph T. Bonaventure and was sentenced to pay the fine plus an additional \$25 administrative fee.

The Attorney General's Bureau of Consumer Protection charged that Thorn offered memberships in the "Co-opportunities International" pyramid scheme (also known as "Friends Helping Friends") at meetings held in her Las Vegas residence during April and May of 1996.

A pyramid scheme is formed when a single promoter (or small group of promoters) collects money from a certain number of "friends" and instructs them to collect more money from more of their "friends." The cycle goes from there. As the pyramid grows the number of people involved becomes too large to sustain the pyramid. Some people will fail to send in their money or recruit the required number of "friends" so the pyramid crumbles. A vast majority of the people will end up on the "bottom" of the pyramid and inevitably lose their initial investment. They won't get their money back or earn their promised fortune because no one is beneath them in the pyramid adding new money to the pot.

"Pyramids are illegal and pyramids are deceptive," said Attorney General Frankie Sue Del Papa. "Participants in a pyramid, whether they mean to or not, are deceiving those they recruit. Few people would pay to join if the odds stacked against them were fully explained."

Under Nevada law, promoting a pyramid scheme is considered a deceptive trade practice, punishable as a misdemeanor for the first offense, a gross misdemeanor for the second offense and as a felony for subsequent offenses.



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**November 18, 1997 FOR IMMEDIATE RELEASE  
CONTACT: Fred Schmidt  
(702) 687-6300**

**ATTORNEY GENERAL ISSUES UTILITY DEREGULATION  
CONSUMER ALERT**

First long distance phone service, now electricity. Just as consumers are learning to avoid the often deceptive and fraudulent practices used to get them to switch long distance telephone providers, the impending deregulation of electric power may trigger an even greater wave of abuses according to a consumer alert issued today by Attorney General Frankie Sue Del Papa.

Today, the National Association of Attorneys General (NAAG) created a special enforcement task force to monitor industry practices in the deregulated electricity industry. The Nevada Attorney General's Bureau of Consumer Protection is a member of that task force and plans to actively work with Attorneys General in other states to ensure that Nevada consumers will not be victimized by misleading or deceptive practices as the electricity industry becomes more competitive.

"Many state Attorneys General will face important issues with the deregulation of the power industry, including enforcement of state consumer protection and antitrust laws," Del Papa said. "The NAAG task force is the best way for us to work together on a national level to combat illegal activities in this new arena and better protect consumers.

Nevada is one of at least 11 states which will permit broader competition among power providers by or after January 1, 1998. All other states are expected to have or consider electricity deregulation legislation questions in one form or another during 1998.

"We want to make sure that the potential benefits of utility deregulation for consumers and businesses are not undermined by scam artists. For those who would take advantage of consumers we have a message, we know that you will be out there and are ready for you," Del Papa said.

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November 17, 1997  
**FOR IMMEDIATE RELEASE**  
**CONTACT: Kate Marshall**  
**(702) 688-1818**

**NEVADA JOINS ACTION AGAINST TOY CONSPIRACY**

Attorney General Frankie Sue Del Papa announced today that Nevada has joined with 27 other states in a suit against Toys 'R Us, Inc. and four major toy manufacturers, in an attempt to recover damages suffered by Nevada consumers as a result of a conspiracy that artificially inflated toy prices. The complaint was filed today in federal court in Brooklyn, New York. Nevada is being represented by the Antitrust Unit of the Attorney General's Bureau of Consumer Protection.

The complaint alleges that Toys 'R Us, the nation's largest toy retailer, used its considerable market power to pressure major toy manufacturers not to sell popular toy products to warehouse club competitors such as Price Club/Costco and Sam's Club.

According to the complaint, Toys 'R Us brokered an illegal agreement among several toy manufacturers to ensure that the warehouse clubs could only obtain certain popular toys in "combination packs" which cost consumers more and whose prices could not be compared with items sold by Toys 'R Us. The states claim the low-margin retailers were underselling Toys 'R Us which feared a loss of business from comparison-shopping consumers and damage to its "everyday low-price" image.

The toy manufacturers named in the suit are Mattel, Hasbro, Tyco Industries and Little Tykes Company. The suit says the manufacturers were initially reluctant to restrict supplies to the discount warehouses but ultimately agreed under pressure by Toys 'R Us.

According to the complaint, supplies were cut off to warehouse club competitors of Toys 'R Us making comparison shopping impossible and driving up prices at Toys 'R Us and its competitors. The complaint claims that this practice is continuing.

"The best guarantee of low prices and good service for consumers is tough competition," Del Papa said. "The boycott allegedly orchestrated by Toys 'R Us directly damaged competition and boosted the prices

paid by shoppers buying popular toys."

The suit is a result of a multi-state investigation that began in early 1996 following reports that the Federal Trade Commission (FTC) was investigating similar allegations against Toys 'R Us. Under federal law, state Attorneys General have the primary responsibility for bringing suits to obtain damages suffered by consumers within their states from violations of antitrust laws.

The state's lawsuit follows an FTC administrative law judge's ruling that upheld the FTC's charges against Toys 'R Us. The administrative ruling is not proof of guilt on the part of Toys 'R Us which plans to appeal the decision to the full five-member FTC.

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**MISSING CHILDREN CLEARINGHOUSE PROVIDES TIPS FOR  
KEEPING YOUR FAMILY SAFE**

**SPECIALIZED LICENSE PLATE PROPOSED TO HELP WITH FUNDING**

The Nevada Missing Children Clearinghouse has been chosen to initiate a nationwide effort to use technology to help spread information about missing children.

Nevada's Missing Children Clearinghouse is located within the Office of the Attorney General. The Clearinghouse was created by the 1991 state legislature in response to the staggering number of missing children reported each year in Nevada. As the unit has grown, much attention has been focused on the need for public education and awareness to help keep children safe and at home.

As part of its public outreach and education program, the Clearinghouse has published a Guide to Child Safety with information to help parents keep their children safe. Here are some of the tips from that guide:

**Teach your child his/her full name, address and telephone number, including how to call "911" in an emergency.**

**Keep a current photo and physical description of your child in an identification packet.**

**Always leave an emergency number and location where you will be when you are not with your child.**

**Do not put your child's first name on clothing, bikes, backpacks, or toys where it is visible.**

**Teach your child about "safe" houses and where to go for help when you are not with them.**

**Teach your child never to let anyone in the house and not to give out your address or phone number unless you give permission to do so.**

**Develop a password known only to you and your child. The password can be used in the event anyone tells your child they have come to pick them up and take them somewhere,**

perhaps due to an emergency.

**Teach you child to say NO to offers of gifts, candy or other valuable objects. Teach them to say NO to adults asking for help to find a pet or other lost object. Responsible adults do not ask children for help. Teach you child to say NO to anyone asking them to accompany them in their car or to go into their home unless you have given explicit permission.**

**Teach your child to communicate freely how they feel. Never belittle or disregard what your child is telling you, especially if they are trying to explain that something made them feel uncomfortable.**

**Remember, there are predators out there who are too willing to listen to your child in order to gain their trust.**

For the complete Guide to Child Safety or more information on the Nevada Missing Children Clearinghouse, **please contact the Clearinghouse in Las Vegas at (702) 486-3539. Or you may write to:**

**Office of the Nevada Attorney General Missing Children Clearinghouse & Crime Prevention Unit  
555 E. Washington Blvd., Suite 3900  
Las Vegas, NV, 89101**

### **SPECIALIZED LICENSE PLATE TO BENEFIT CLEARINGHOUSE**

Persons wishing to help with funding the efforts of the Missing Children Clearinghouse have the opportunity to do so through the purchase of a specialized child license plate. The proposed design of the plate includes the words "Missing Children Clearinghouse" and displays a child's handprint.

Before the plate can be stamped and issued, the Department of Motor Vehicles requires 250 letters of intent from interested motorists.

Letters of intent are available from the Clearinghouse or by contacting the Office of the Attorney General in Carson City at (702) 687-4170 or Reno at (702) 688-1818. Letters of Intent are also available from the Department of Motor Vehicles Registration and Special Plates Division.

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**November 17, 1997  
FOR IMMEDIATE RELEASE  
CONTACT: JoAnne Embry  
(702) 486-3154**

**NEVADA'S MISSING CHILDREN CLEARINGHOUSE FIRST TO JOIN  
NATIONAL MISSING CHILDREN'S DATABASE**

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The Nevada Missing Children Clearinghouse, located within the Office of the Attorney General, has been chosen to initiate a nationwide effort to use computer technology to locate missing children.

On Tuesday, November 18, 1997, the National Center for Missing and Exploited Children (NCMEC), will make an announcement at the Chili for Children Cook-off, sponsored by Micrografx as part of the Las Vegas COMDEX convention, naming the Nevada Clearinghouse as the first in the nation to launch a presence on NCMEC's website. NCMEC is a private, non-profit "high-tech search network" for missing children located in Washington D.C. Mandated by Congress and working with the U.S. Department of Justice, NCMEC has handled 935,000 hotline calls, worked 47,000 cases and played a role in the recovery of 31,000 children. The NCMEC's website is located at: [www.missingkids.com](http://www.missingkids.com).

The National Center's website is the focus of a new initiative called Missing Kids/100,000 which will dramatically enhance the exchange of information about missing children on an international scale. The initiative is a partnership between NCMEC and the computer industry to enhance the use of technology by each state. The goal is to increase the number of images of missing children on the website from the current 1,000 to 100,000 by the year 2000. This information will be shared by missing children clearinghouses in each state as well as become a nationwide database accessible in every home, office and computer station with the ability to go on-line. At Tuesday's press conference, Nevada will be recognized as the first state to join this effort.

The announcement is scheduled for: Tuesday, November 18, 1997 at 5:30pm in the VIP Room of the Thomas & Mack Center of UNLV.

Attorney General Del Papa will join Governor Miller, Micrografx Chairman Paul Grayson, Ernie Allen of NCMEC, and America's Most Wanted host John Walsh as well as the victims of a family abduction who were safely recovered with the help of the Internet.

"Nevada is proud to be the first state to be given this vital tool which will help our efforts to bring missing children home." Del Papa said. "Many of these children end up in other states and even other countries making the exchange of information on an international level imperative for location and recovery. Our state's Missing Children Clearinghouse will be the prototype of this nationwide effort to use the power of technology to quickly get images and information on missing children to advocates across the country and around the world,"

In Nevada, over 6,000 children are reported missing each year. While most of these are runaways, approximately 400 children are missing as a result of a family or parental abduction. In the last 20 years 14 children were victims of a stranger abduction: Seven children were later found murdered, five children have never been found and are feared dead, and two children were recovered alive.

In response to the staggering numbers of missing children in our state, the Nevada Legislature created the Missing Children Clearinghouse in 1991. The 1991 state legislature also passed a law making parental abduction of a child a felony. The Clearinghouse was expanded by the 1993 legislature to include a Child Advocate, Crime Prevention Coordinator and an investigator. The unit which not only acts as a central registry for missing children reports, but is an information and educational resource for child protection issues and is the investigative agency for parental abduction prosecutions in Clark County.

The Clearinghouse's location in the Office of the Attorney General enables it to be effective in fulfilling its responsibilities in finding missing children. With the support of the Attorney General, it has also become a statewide resource to law enforcement, the judiciary and other agencies that deal with children.

"Nevada's Clearinghouse is to be commended for the leadership role they have taken in our state and in the nation. Their work not only helps to reunite missing children with their families, but, their efforts to increase public awareness and education is vital in preventing further victimization," Del Papa said.

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**November 13, 1997  
FOR IMMEDIATE RELEASE  
CONTACT: Bob Harmon  
(702) 687-3512**

**ATTORNEY GENERAL URGES PARENTS AND CHILDREN TO  
TUNE OUT THE VIOLENCE ON FRIDAY, NOVEMBER 14**

Attorney General Frankie Sue Del Papa invites all parents and their children to participate in the second annual Tune Out the Violence Day on Friday, November 14, 1997. Attorneys General from across the country will be sponsoring the day to focus on the harmful effects of media violence on children and the importance of reducing children's exposure to such violence.

Children spend more time watching television than any other activity of their working lives according to the National Institute on Media and the Family. By the time the average American child graduates high school, he or she will have witnessed 200,000 acts of violence, including 16,000 murders, on TV. Much of the music, videos and computer games aimed at children contain the same high levels of violent content.

"Working together to increase awareness of the effect of media violence on violent acts in the real world will also help to decrease violence in our communities. It is no secret that children, fed with a diet of violence, often react by perpetuating that type of behavior," Del Papa said.

"You can help to provide your kids with a healthier lifestyle by taking charge of the media in their lives," Del Papa added. "It is important to talk with your children about what is being shown on television, give them alternative activities and, when necessary, restrict them from watching programs or movies you strongly oppose."

Other tips to help reduce your child's exposure to violence on TV include providing examples of what you consider to be high quality programming to your children and teaching them to be critical of overly commercial, simplistic, violent, and unrealistic programming.



Setting clear limits on when you will and will not allow TV to be watched in your home. Keeping the TV from being a focal point, both physically and figuratively, in your homes and having a voice in your local TV programming by calling or writing your local stations to express your approval or disapproval of programs and commercial content.

"Television can have a positive effect on youth if used correctly. Parents must take the lead in setting guidelines for children in order to benefit from the educational opportunities available in the media. Guidelines can help show the way but it is up to the parent to get involved in influencing a child's exposure to media violence and the messages they take away from it," Del Papa said.

The observance of Tune Out the Violence Day is a national initiative designated by the National Association of Attorneys General. More information on understanding the impact of television on children and minimizing the harm of media on families is available from the National Initiative on Media and the Family. You may either write them at 606 24th Avenue South, Suite 606, Minneapolis, MN 55454, calling their toll free number: (888) 672-5437 or contacting their website: [www.mediaandthefamily.org](http://www.mediaandthefamily.org).

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**November 10, 1997  
FOR IMMEDIATE RELEASE  
CONTACT: Jo Ann Gibbs  
(702) 486-3129**

**SEARS PAYS STATE \$444,974 CONSUMERS ALSO TO RECEIVE  
CHECKS**

Attorney General Frankie Sue Del Papa announced today that her office's Bureau of Consumer Protection received a settlement payment from Sears, Roebuck & Company in the amount of \$444,974. These funds are Nevada's share of \$35 million paid by Sears to various states to settle allegations that Sears pressured consumers to make payments on debts that were discharged in bankruptcy by various unlawful means, including threatening to repossess consumer goods, and without informing bankruptcy courts.

Sears is also paying \$5 million into a fund to be used for consumer education, to be administered in conjunction with the National Association of Attorneys General.

"Consumers who have submitted proofs of claim and have been identified by Sears as eligible for reimbursement based on the terms of the settlement should begin receiving checks in mid-December," Del Papa said. "Those who have not yet been identified as eligible, but have submitted valid proofs of claim, should be sent checks by Spring of 1998."

After all disputed claims have been resolved, all eligible consumers will receive a second round of checks representing their pro-rata share of an additional \$25 million paid by Sears to be distributed to the affected debtors.

The Attorney General's Bureau of Consumer Protection estimates that about 1,640 Nevada consumers will either receive payment or have pending debt wiped off the books as a result of this settlement.

The deadline for requesting or filing proof of claim has passed, but consumers who have submitted claims and have questions about the status of those claims should contact the settlement administrators at 1-800-529-4599.



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**November 10, 1997  
FOR IMMEDIATE RELEASE  
CONTACT: Pam Howle  
(702) 688-1818**

**MEDIA ADVISORY DEATH WITH DIGNITY TASK FORCE TO  
MEET THURSDAY**

Nevada's task force on Death with Dignity and Caring will meet this Thursday, November 13th, 1997 at 10:00am. Thursday's meeting will be held at Professional Engineers & Land Surveyors' State Board Room, 1755 E. Plumb Lane, suite 135, Reno.

In May, 1996, Attorney General Frankie Sue Del Papa convened the task force to explore the sensitive issues related to end of life decisions and to propose a plan to facilitate quantitative dialogue between the different communities which deal with those issues. The task force published "Death with Dignity and Caring in Nevada: A Plan for Action" in January of 1997. The plan contained recommendations to enhance education for the legal and medical communities as well as provide information for consumers pertaining to end-of-life care and decision.

At this Thursday's meeting, the task force will discuss the progress of the Action Plan to date.

For further information on this week's meeting, the Death with Dignity Task Force or the Action Plan, please contact Pam Howle of the Attorney General's Office at: (702) 688-1818.

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November 7, 1997  
**FOR IMMEDIATE RELEASE**  
**CONTACT: Brooke Nielsen**  
**(702) 687-3511**

**NEVADA FILES AMICUS BRIEF WITH U.S. SUPREME COURT  
SUPPORTING THE RIGHT OF STATES TO SELF-MANAGE PRISON  
SYSTEMS**

Nevada Attorney General Frankie Sue Del Papa was joined by 30 other states and territories in an amicus brief filed with the Supreme Court of the United States today. Nevada's "friend of the court" brief supports the States of Pennsylvania and California in cases pending before the U.S. Supreme Court challenging the application of Congressional Acts to state prison systems.

The cases involve lawsuits filed against the states under the Americans with Disabilities Act and the Rehabilitation Act. Both states contend that Congress can only intrude upon a core state function if it includes an unmistakable and specific statement to do so in the language of the statute. The amicus brief argues that neither the ADA nor the Rehabilitation Act contain language which would demonstrate a clear intent by Congress that either statute should apply to state prisoners.

The inmate in *Yeskey v. Pennsylvania Department of Corrections* complained he was declared medically ineligible for admission to a boot camp due to his history of hypertension. He filed suit in federal district court in Pennsylvania, alleging the refusal of the Pennsylvania Department of Corrections to place him in the program violated his rights under the ADA. The two California cases, which Nevada is also supporting in its amicus brief, are *Armstrong v. Wilson* and *Clark v. State of California*, in which the inmates generally claimed that California discriminated against inmates with disabilities, and failed to change all its facilities, programs and activities to accommodate inmates with various types of physical and mental disabilities.

"Both the ADA and the Rehabilitation Act are intended to ensure that state agencies which offer services and programs to qualified members of the general public make reasonable accommodations to disabled persons," Del Papa said. "But, applying these statutes to a prison system is unworkable and inappropriate

because the primary concern of prison officials is and must always be safety and security."

"Inmates abuse the intended beneficial effects of these acts by falsifying or exaggerating their physical and mental disabilities, and by demanding unrealistic and expensive changes in the prison system as well as special treatment. If states were forced to change all their prison facilities and programs to accommodate all inmates with any physical or mental limitations, it would compromise the safety of correctional staff and inmates. The potential fiscal impact on a state's budget would be very serious, given the tremendous costs involved in prison construction," Del Papa said.

Under the separation of powers doctrine, powers not given to Congress are left to the states. Certain functions, such as the operation of law enforcement and correctional institutions, are recognized as traditional core state functions. Legislation passed by Congress cannot intrude on core state functions unless Congress specifically and clearly states in the language of the statute that it intends the statute to apply to area which is considered within the exclusive purview of the states.

"There is no language in either the ADA or the Rehabilitation Act where Congress says that the statute applies to state prison systems, and we are asking the Supreme Court to affirm that the statutes do not apply to prisoners." Del Papa said. The Attorney General emphasized the importance of recognizing that in the prison system, corrections officials must be able to deny privileges or opportunities to inmates for many valid reasons. Taking that flexibility away from the states significantly reduces the ability of prison staff to keep safety and security the most important factors in any decision involving inmate assignments.

"The Nevada Department of Prisons goes to great lengths to accommodate the needs of inmates in its programs," said Del Papa who has served on the Board of Prison Commissioners since 1986. "However, the risk of violence is pervasive in prison, and prison officials have a duty under the Eighth and Fourteenth Amendments to provide protection to prisoners who are reasonably in danger of being victimized by their fellow inmates."

Nevada's amicus brief cites numerous cases which inmates have filed in various states alleging rights under the ADA and the Rehabilitation Act. In one case a Nevada inmate claiming disability wanted to be exempt from having to wear restraints. In another case an HIV positive inmate in California used ADA to claim the right to conjugal visits. Another inmate confined to an infirmary alleged the right to a personal cable TV. In Minnesota, inmates have made claims that the Department of Corrections' refusal to provide free nicotine patches violated the ADA.

"The list goes on, and the numbers of these lawsuits are on the increase," said Del Papa. "The unfortunate result could be that in diverting our limited resources to dealing with these claims, fewer resources will be available to provide programs and facilities to as many inmates, disabled or otherwise, as possible. If that happens, everyone loses."

Del Papa said she was optimistic that the cases would be accepted for hearing by the U.S. Supreme

Court. "Five of the federal courts of appeal are split on whether the ADA and the Rehabilitation Act apply to state prison systems. We need to have some resolution on this issue, and the Supreme Court is in the best position to provide it."

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November 6, 1997  
**FOR IMMEDIATE RELEASE**  
**CONTACT: Keith Munro**  
**(702) 687-3512**

**9TH CIRCUIT REJECTS DRUNK DRIVING APPEAL**

Attorney General Frankie Sue Del Papa announced today that the United States Court of Appeals for the Ninth Circuit has rejected an appeal by Shane Mark Beals of his 1988 guilty plea to causing substantial bodily harm to another while driving a motor vehicle while under the influence of alcohol.

The charge arose following an incident on August 13, 1987 during which Beals collided with a vehicle driven by Sharon Zadra while driving on Highway 50 between Spooner Lake and Carson City. Beals crossed the center lane hitting Zadra's vehicle. Zadra was severely injured in the accident.

On October 12, 1988, Judge Michael Griffin accepted Beals' guilty plea in Carson City District Court. Beals was subsequently sentenced to 15 years in the Nevada State Prison.

After several challenges to his guilty plea in State and Federal Court based on Beals' claims that his lawyer and the judge acted inappropriately in his case, the U.S. 9th Circuit Court of Appeals upheld the actions of Judge Griffin and the defense lawyer, and upheld Beals' guilty plea.



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**Senior Recognition Lunch  
Frankie Sue Del Papa**

Our state's senior community is one of Nevada's fastest growing populations and one of its greatest assets. Older residents who have taken the time to volunteer their services to the community make an invaluable contribution to our quality of life. Educational institutions, social service agencies, and a variety of community based organizations benefit from the time and experience given by senior volunteers. Indeed, we all benefit from their important contributions.

It is as important for us to recognize these senior volunteers for the individual efforts undertaken to help make a difference in their communities and our state. The Elvirita Lewis Forum is seeking nominations from throughout Nevada for outstanding senior volunteers who will be recognized during a luncheon in February. This event will acknowledge what a valuable resource our seniors are in their communities.

The Elverita Lewis Forum is seeking nominations from every county in the state. One senior from each county (three each from Clark and Washoe Counties) will be chosen to receive the Frankie Sue Del Papa Award for Older Nevadans in the 21st Century and will be honored at a luncheon in February, 1998.

It is an honor to be a part of this event, and I invite each of you to participate as well by nominating the Silver State Senior you feel deserves recognition and join us at this luncheon in their honor.

Nominations must be submitted by January 10, 1998 to be reviewed by the selection committee. You may send the name of the person you are nominating along with the reasons for nomination to:

Elvirita Lewis Forum  
P.O. Box 4110  
Sparks, NV 89432  
or fax: (702) 358-2783

Be sure to include your name and/or the organization you represent.

Steven Brummel, who is President of the Forum and current sponsor of the Foster Grandparent and Senior Companion programs is spearheading this event. Brummel has been an advocate for aging

programs in Nevada and California for over 20 years. He is also a board member of the National Hispanic Council on Aging, and the American Association for International Aging. He also serves on the committee for the International Association on Gerontology in Mexico and is working with the Panamerican Health Organizations.

The Aging Awareness Luncheon is an important opportunity for us to recognize those seniors who we feel are leading the way towards making a difference to improve our communities. I am excited to be a part of this statewide celebration of the contributions made by Nevada's senior population and encourage you to join us.

If you need further information on this event, please contact The Elvirita Lewis Forum at: (702) 358-2768.

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**December 31, 1997  
FOR IMMEDIATE RELEASE  
CONTACT: Wayne Howle  
(702) 687-4449**

**ATTORNEY GENERAL FILES MOTION ASKING COURT TO CLEAR  
NAMES OF STATE WORKERS**

Attorney General Frankie Sue Del Papa announced that her office filed a motion for expungement today with the Elko County District Court in an attempt to clear the record of any alleged wrongdoing of four state wildlife officials who were accused of criminal activity in a presentment issued by the Elko County Grand Jury earlier this year. In addition, the Attorney General's Office filed a motion for reconsideration which asks the court to reconsider an earlier ruling not to release transcripts of other Grand Jury witnesses that may be crucial to the state's case.

The accusations included in the presentment involved the state workers' participation with the U.S. Forest Service to determine the number of acres of deer habitat the Independence Mining Corporation would damage with extended gold mining activity, and how the mining company would provide replacement habitat. The mining company never objected to this determination, but, in February, the Elko County Grand Jury accused the state workers of oppression under color of office for participating in the mitigation proceedings.

In March, the district court declined to continue with the matter based upon the statute of limitations.

In May, the Attorney General's Office issued a comprehensive legal opinion regarding statutory mitigation authority vis a vis public lands. That opinion also concluded that the state officials in question, with legislative approval, acted within the authority of the law to protect natural resources and that no criminal activity had occurred.

In June, the district court ordered the release of some, but not all, of the Grand Jury witness transcripts. In August, state officials filed a motion with the court to release those transcripts which were withheld. Earlier this month, that motion was denied by the district court and the Attorney General has now filed a motion for reconsideration.

"Filing these motions was necessary in order to formally clear the record of any wrongdoing and restore the reputations of four career state employees who became embroiled in these legal matters simply because they were doing their job within their statutory authority," Del Papa said. "Officials have to be able to do their work in an atmosphere free of intimidation."

The motion also expresses concern over the manner in which the Grand Jury represented their investigation to the state workers.

"These public servants were told up front they were not targets of a criminal investigation," Del Papa said. "They trusted that representation and appeared, and testified, before the Grand Jury in a spirit of cooperation. They justifiably felt betrayed when the Grand Jury turned around and called them criminals."

"There has been, and no doubt will be, legitimate differences of opinion about natural resource policy," Del Papa added. "The way to affect policy, however, is through the ballot box and through open, public debate. I believe the Grand Jury has a legitimate role to play in that debate but they need to understand just how awesome their powers are and develop the wisdom to use those powers more properly."

Recently, two of the four state employees named in the Grand Jury presentation, along with State Conservation and Natural Resources Director Peter Morros, were named as defendants in a separate lawsuit brought by Elko County rancher Cliff Gardner and others. The suit seeks monetary damages from state officials who were doing their jobs under statutory authority in reference to elk management.

"Language included in the Grand Jury's report can be interpreted as encouragement for additional legal actions against state employees. This needs to stop," Del Papa said.

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**December 26, 1997  
FOR IMMEDIATE RELEASE  
CONTACT: Anne Cathcart  
(702) 687-3541**

**HIGH TECH CRIME TASK FORCE OFFERS TIPS TO BUSINESS**

The Attorney General's Office and Nevada's High Technology Crime Task Force have prepared a pamphlet offering tips to help businesses better protect themselves against high tech crime. The pamphlet describes inexpensive, common sense steps that businesses can take to reduce the risks of theft of expensive computer equipment, embezzlement, and identification fraud.

Among the tips are ways to avoid having long distance phone calls charged to your business account, and how to secure confidential client and customer information. In most cases, simple security measures and training of employees to detect high tech crime techniques will go a long way toward better protecting a business from the high tech criminal.

"The cost of high technology crime to business is staggering and expected to increase dramatically by the end of the decade," Attorney General Frankie Sue Del Papa said. "According to the latest FBI statistics, computer crime currently costs American business between \$5 billion and \$10 billion a year. Estimates are that, by the year 2000, that figure could increase to as much as \$200 billion."

Recognizing the immediate need to develop strategies that will help law enforcement get the upper hand in this complex criminal arena, the Attorney General's Office helped to organize a statewide High Technology Crime Task Force. The goal of the Task Force is to assess what resources are needed to help give every law enforcement agency in Nevada the ability to better investigate and prosecute high technology criminals. The involvement of the business community was identified by the Task Force as essential.

Businesses who can contribute expertise or equipment to the Task Force are asked to call either Anne Cathcart or Kevin Higgins with the Attorney General's Office. Anne Cathcart can be reached at (702) 687-4170; Kevin Higgins can be reached at (702) 688-1818.

The Task Force, in cooperation with the University of Nevada system, has planned a series of training seminars for businesses. These will be held beginning in February. For further information on these seminars please contact the Nevada Small Business Development Center at the University of Nevada, Reno, at: (702) 784-1717.

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**December 23, 1997  
FOR IMMEDIATE RELEASE  
CONTACT: Sheila Smith-McCoy  
(702) 688-1833**

**D.A.G. RE-ELECTED WESTERN REP TO NATIONAL WELFARE  
ASSOCIATION**

Attorney General Frankie Sue Del Papa announced today the re-election of Human Resources Deputy Sheila Smith-McCoy to the Executive Committee of the American Association of Public Welfare Attorneys. Smith received the designation at the 30th Annual National Training and Continuing Education Conference held in San Diego, California during the week of December 7, 1997.

The American Association of Public Welfare Attorneys is an affiliate group of the American Public Welfare Association, a distinguished national human service association. The Attorneys Association provides a forum at national, regional and state levels for the discussion of legal matters pertaining to the administration of public welfare.

Smith-McCoy has served as Western Regional Representative since 1994. Smith-McCoy will represent nine states at the next Executive Committee meeting which is scheduled for May, 1998, in New Orleans.

"It is an honor for Nevada to have a member of our Attorney General's Office continue her role as an active participant in the discussion of these important public issues on a national level," Del Papa said.

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**December 22, 1997  
FOR IMMEDIATE RELEASE  
CONTACT: Jo Ann Gibbs  
(702) 486-3129**

**LONG DISTANCE FRAUD SETTLEMENT NETS NEVADA VICTIMS  
\$20,000 COMPLAINTS MUST BE FILED IN NEXT 90 DAYS**

Attorney General Frankie Sue Del Papa announced that Nevada businesses which were victims of fraudulent business practices by the long distance company EqualNet Corporation, are entitled to a refund based on a multi-state settlement reached with EqualNet today. EqualNet, based in Houston, Texas, agreed to pay Nevada and ten other states a total of \$225,000 to settle allegations that the company engaged in fraud in the course of selling its long distance service. Nevada's share under the agreement will be almost \$21,000. Among those victimized in Nevada were several small businesses in Reno and Carson City.

Attorneys General from the states involved claim, among other things, that EqualNet was engaged in the practice of switching a consumer's long distance service without the consumer's knowledge, a practice commonly known as "slamming." Although the company did not admit to any wrongdoing, it did agree to make refunds to affected businesses.

Business customers who believe they may be eligible for a refund under this settlement agreement may call the Attorney General's Bureau of Consumer Protection in Carson City at (702) 687-6300 or, in Las Vegas at (702) 486-3786 to receive a complaint form. All complaints must be filed within the next 90 days.

"Slamming continues to be a major source of complaints from Nevada consumers," Del Papa said. "This settlement represents what can be accomplished to protect businesses, as well as individual consumers, when states work together to reach a resolution."

Last year Arkansas, Illinois, and Idaho sued EqualNet for deceptive trade practices and common law fraud. These states were joined in settlement discussions by Arizona, Kansas, Michigan, Nevada, New



Jersey, Tennessee, Texas and Wisconsin.

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**December 18, 1997  
FOR IMMEDIATE RELEASE  
CONTACT: Bob Harmon  
(702) 687-3512**

**ATTORNEYS GENERAL URGE NBC TO PROVIDE PARENTS MORE  
SPECIFIC PROGRAM INFORMATION**

Today, Attorney General Frankie Sue Del Papa, along with other Attorneys General from 28 other states, sent a letter asking the National Broadcasting Company to join the other networks in providing parents specific content information related to programming.

NBC is the only major television network not using the revised industry ratings system which networks began implementing on October 1, 1997. This revised system adds letters to the existing ratings system to specify whether TV programs contain sexual situations (S), violence (V), coarse language (L), or suggestive dialogue (D).

"In order for parents to make informed decisions about whether a program is suitable for children, we believe it is important for them to get the most specific information possible," Del Papa said.

In their letter, the Attorneys General urged NBC to adopt the revised ratings system in order to "give parents of young children meaningful information rather than the system currently being used by your network, which reflects what TV producers think is appropriate for a child of a particular age without telling the parents the actual content of the particular TV program."

The National Association of Attorneys General (NAAG) has joined others who believe that promoting violence and illicit sex on television is contributing to the problem of youth violence. For the past two years, NAAG has sponsored a national "Tune Out the Violence Day" in November.

"Television can have a positive effect on youth if used correctly. Parents must take the lead in setting guidelines for children in order to benefit from the educational opportunities available in the media. Specific information on program content is needed to help parents get involved in influencing a child's exposure to media violence and the messages they take away from it," Del Papa said.



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**December 17, 1997  
FOR IMMEDIATE RELEASE  
CONTACT: Bob Harmon  
(702) 687-3512**

**NEVADA DRIVERS ASKED TO TURN ON LIGHTS IN MEMORY OF  
D.U.I. VICTIMS NATIONAL OBSERVANCE SLATED FOR THIS  
FRIDAY**

Attorney General Frankie Sue Del Papa asks Nevada drivers to take part in a national remembrance of those who have been killed or injured in accidents involving drunk or drugged drivers. This Friday, motorists across the nation will drive with their headlights on in observance of National Lights On For Life Day.

"Everyone is urged to drive with their headlights on in support of this effort which is part of December's National Drunk and Drugged Driving Prevention Month," Del Papa said. "Community awareness, education and involvement are critical in helping law enforcement efforts during this season of increased travel and alcohol consumption."

The Reno Police Department has scheduled a press conference for Thursday afternoon to discuss the importance of the Light On For Life observance and details of DUI enforcement related to National Drunk and Drugged Driving Prevention Month. The press conference will be held at 1:30pm, Thursday, December 18, 1997 in the RPD Briefing Room. Attorney General Del Papa will attend along with members of Northern Nevada's DUI Task Force, Mothers Against Drunk Driving, the Office of Traffic Safety, and concerned citizens. For further information please contact Lt. Jim Ballard, RPD, at (702) 334-3844.

Las Vegas Metropolitan Police also continue their stepped-up enforcement during December's Drunk and Drugged Driving Prevention Month. Last weekend Metro held two DUI checkpoints and saturation patrols in high accident locations. "This weekend we will continue with saturation patrols, aggressively seeking out drunk and drugged drivers, and plan at least one more checkpoint during the holiday season," said Sgt. Tom Conlin of Metro's Traffic Bureau. Sgt. Conlin can be reached at (702) 229-3540.

Mothers Against Drunk Driving has initiated "Project Red Ribbon," a public awareness campaign asking drivers to tie a red MADD ribbon to a visible location on their vehicles. The ribbon represents a pledge to drive sober and serves as a reminder for others to do the same. For further information please contact Laurel Stadler with the Lyon County Chapter of M.A.D.D. at (702) 246-7522.

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**December 10, 1997  
FOR IMMEDIATE RELEASE  
CONTACT: Bob Harmon  
(702) 687-3512**

**UPDATE ON EMBEZZLEMENT OF COMMITTEE ON BENEFITS  
FUNDS**

The Attorney General's Office expects the Committee on Benefits will make a full recovery of the \$608,000 in health insurance funds that were allegedly embezzled by Mary Ferris, a former employee of L & H Administrators.

The Federal Bureau of Investigation has already recovered \$477,000 of the missing funds. The Attorney General's Office is cooperating with the FBI's ongoing criminal investigation in Nevada and other states. In November, a federal grand jury indicted Ferris on 23 counts, including 10 counts of health care fraud, one count of health care embezzlement, 10 counts of mail fraud and 2 counts of health care forfeiture. Once Ferris is found guilty, the Committee on Benefits expects to recover funds seized by the FBI through a forfeiture hearing.

The Attorney General's Office is already in the process of pressing for recovery of the remainder of the funds through L & H's insurers.

The Attorney General's Office has also filed a civil complaint against Ferris to aid in the recovery of the funds. This civil complaint gives the Attorney General's Office the ability to review Ferris' financial affairs and verify a complete recovery.

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**December 8, 1997  
FOR IMMEDIATE RELEASE  
CONTACT: Jan Murray  
(702) 486-3433**

**LAS VEGAS MAN ENTERS GUILTY PLEA IN INSURANCE FRAUD  
CASE**

Attorney General Frankie Sue Del Papa announced today that David Jennings Stoner, age 27, of Las Vegas, pled guilty to attempted insurance fraud for making a false claim to his insurance company for an amount in excess of \$12,000. Stoner made the plea this morning before Judge Joseph T. Bonaventure in Department 6 of the Clark County District Court in Las Vegas. Sentencing was scheduled for February 11, 1998 at 8:30am in Department 6.

In October of 1996, Stoner reported to the North Las Vegas police that his residence had been burglarized and some of his personal property stolen. He then reported the alleged burglary and loss of personal property to State Farm Insurance Company in order to obtain reimbursement on his homeowners insurance policy.

An investigation conducted by the Attorney General's Insurance Fraud Unit and the National Insurance Crime Bureau revealed Stoner had falsified the burglary report to the police and the insurance company. It was also discovered that Stoner stored the reported stolen property at a friend's house. The investigation was conducted in time to prevent State Farm from paying any money to Stoner.

"This case shows the positive results which can be achieved when law enforcement agencies communicate and cooperate with the private sector," Attorney General Del Papa said. "Insurance fraud is a growing problem in Nevada. We all pay the price for insurance fraud through higher costs to obtain and maintain insurance coverage. Recently we enhanced and expanded the Insurance Fraud Unit of the Attorney General's Office to better meet the challenge of fighting insurance fraud in our state."

The Attorney General's Insurance Fraud Unit conducts investigations and prosecutions of suspected insurance fraud. Person with complaints and tips regarding falsified claims, staged accidents and other fraudulent insurance activity can call Nevada's Insurance Fraud Hotline at 1-800-266-8688.





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December 3, 1997  
**FOR IMMEDIATE RELEASE**  
**CONTACT: Richard Linstrom**  
**(702) 486-3789**

**RED FLAGS FOR HOLIDAY GIVING**

The holidays are a time for giving. During this season we often want to give more, and, we are asked to give more. It is important to choose wisely before giving away money.

The Attorney General's Bureau of Consumer Protection offers the following "red flags" for potential donors to charitable causes. These "red flags" are indicators that the solicitor asking for your money may not be on the level.

1. **FAMILIAR SOUNDING NAMES:** Look closely at the name of the organization which is soliciting your contribution. Some scams or for-profit organizations have sympathetic sounding names, or names that closely resemble those of respected, legitimate charities.
2. **"SOB STORIES":** The "hard luck take" is a favorite ploy of the phony operator. A legitimate charity should have no problem in telling you exactly how your money will be used.
3. **SALES TACTICS:** High pressure is one of the hallmarks of the charitable scam. Beware of organizations which insist that you decide immediately, making you feel guilty, or are reluctant to send you written material before giving.
4. **ASKING FOR CASH/CREDIT CARDS ONLY OR COURIER COLLECTION:** Legitimate charities accept checks made out to the charity, not an individual and do not dispatch couriers for pick-up. Never give your credit card number to an unknown person over the phone.
5. **PRIZE CONTESTS AND SWEEPSTAKES:** These are potentially a fraudulent telemarketer using the guise of a solicitor. Be wary if a donation is required in order to receive your prize. Legitimate contests do not require a donation or any payment for a chance to win.

"When making a charitable donation it always pays to be cautious," Attorney General Frankie Sue Del Papa said. "It is worth the extra time it takes to ask questions about the nature and activities of an organization to help ensure that the cause is worthwhile. Basically, check out the charity before you write out the check."

As of July 1, 1997, Nevada law prohibits misrepresentation in the solicitation of charitable donations. Violations are punishable by a \$2,500 civil penalty and may be prosecuted as a misdemeanor on the second offense. Subsequent violations are felonies.

Suspected fraudulent charitable solicitations should be reported to the Attorney General's Bureau of Consumer Protection in Las Vegas at (702) 486-3194.

**STATE OF NEVADA  
OFFICE OF THE ATTORNEY GENERAL**

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**December 2, 1997  
FOR IMMEDIATE RELEASE  
CONTACT: Grenville Pridham  
(702) 486-3777**

**CRIMINAL COMPLAINT FILED AGAINST LAUNDRY RING  
DISTRIBUTOR**

Attorney General Frankie Sue Del Papa announced today that her office has filed a criminal complaint charging Micheal Maunu and the multi-level marketing corporation Dynamic O.N.E. Worldwide, Inc. of deceptive trade practice related to the sale of a device known as the "Laundry Clean Ring." According to the complaint, the defendants were unable to substantiate the claims made when advertising the device.

Maunu turned himself in at the Clark County Detention Center this afternoon. He is scheduled for an initial appearance in Las Vegas Justice Court, Department 2, on December 4, 1997 at 7:30am.

Maunu operates Dynamic O.N.E. Worldwide located at 6800 S. Paradise Road in Las Vegas. The laundry ring device is a plastic ring with some sort of liquid inside. Dynamic O.N.E. Worldwide sells the device to be put into a washer machine instead of detergent to wash clothes. According to the complaint, the defendants claim the laundry ring uses a process described as "structured water technology." Advertisements for the laundry ring stated that this technology cleaned laundry "without the release of harmful chemicals by enabling the water in your washing machine to more effectively penetrate the fibers of your clothing and release the dirt and odor trapped in them."

Violation of the Nevada Trade Practices Act is punishable as a misdemeanor for the first offense by six months in the county jail and \$1,000 fine. Violators may also be assessed a \$2,500 civil penalty per occurrence.

The complaint is merely an allegation. The defendants are to be considered innocent until and unless proven guilty in a court of law.

Anyone who purchased any of the devices commonly known as the Laundry CD, Laundry Ball, or Laundry Ring are requested to contact the Attorney General's Fraud Hotline in Las Vegas at: (702) 486-

3777 or contact the Attorney General's Office statewide by calling Nevada's toll-free switchboard at 1-800-992-0900.

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**December 2, 1997  
FOR IMMEDIATE RELEASE  
CONTACT: Jo Ann Gibbs  
(702) 486-3129**

**FTC UPHOLDS STANDARDS FOR "MADE IN USA"**

Attorney General Frankie Sue Del Papa announced today that the Federal Trade Commission has decided to uphold the "all or virtually all" standards that they have traditionally applied to "Made in USA" labeling and advertising claims.

Last July, Nevada joined 22 other states in urging the FTC to maintain the "Made in USA" product labelling standards. The FTC was reviewing the possibility of establishing new guidelines which would allow for products to be labelled "Made in USA" when as much as 25% of their content and labor originated outside the United States.

In an Enforcement Policy Statement published today, the FTC states that when a "marketer makes an unqualified claim that a product is 'Made in USA' it should, at the time the representation is made, possess and rely upon a reasonable basis that the product is in fact all, or virtually all, made in the United States."

The Commission said that although there is no "bright line" to establish when a product is or is not "all or virtually all" made in the United States, it will consider a number of factors in making this determination. The final assembly or processing of the product must take place in the United States in order for it to qualify for the "Made in USA" label. Other factors the Commission will consider include the portion of the product's total manufacturing costs that are attributable to U.S. parts and processing.

"This is a victory for both the American consumer and the American worker," Del Papa said of the FTC's statement. "Even in today's increasingly global economy, consumers rely on the "Made in USA" label to mean what it says and lowering the standards could have been deceiving to the buyer as well as potentially undermining American labor."