

**TECHNOLOGICAL CRIME ADVISORY BOARD
Technical Privacy Subcommittee**

**MINUTES OF THE MEETING
October 24, 2014 at 1:30 PM**

The meeting took place at the following locations:
Office of the Attorney General, Mock Courtroom
100 N. Carson Street, Carson City, NV 89701-4717
and
Office of the Attorney General, Grant Sawyer Building
555 East Washington Avenue, Suite 3315, Las Vegas, NV 89101

1. Call to Order and Roll Call.

The meeting was called to order and roll was taken. Hal Berghel, Chair; James Earl; James Elste; Stephen Bates, and Allen Lichtenstein were present. A quorum was established.

2. Public Comment. (Discussion Only) Action may not be taken on any matter brought up under this agenda item until scheduled on an agenda for action at a later meeting.

There was no public comment.

3. Chair's Welcome. (Chair)

Mr. Berghel welcomed the members to the meeting of the Subcommittee.

4. Discussion and possible action on approval of April 17, 2014, meeting minutes.

Mr. Kandt noted that there were difficulties producing the minutes of the April 17, 2014, meeting because the recording was exceedingly poor. He edited the minutes as best he could but there were portions where the comments were clear but the speaker was not identified. The committee reviewed those sections and identified a speaker where possible.

Mr. Elste made a motion to approve the minutes with the amendments. Mr. Earl seconded the motion. The minutes were unanimously approved by the committee.

5. Discussion and possible action on approval of August 29, 2014, meeting minutes.

Corrections were made to pages 6 and 13 of the minutes.

Mr. Earl made a motion to adopt the minutes as amended. Mr. Bates seconded the motion. The minutes were unanimously approved.

6. Discussion and possible action on recommendations for creation of a statewide advisory board on technical and digital privacy.

Mr. Berghel stated he emailed the committee members the original draft proposal that was sent to the Attorney General's Office. It was cobbled together from the original TCAB proposal. He asked Mr. Kandt to report on his discussions with Assemblyman Bobzien.

Mr. Kandt advised the committee that he had talked with Mr. Bobzien and then sent him a proposed BDR for an Advisory Council on Digital Privacy and followed up with a phone call. He has not heard back from Assemblyman Bobzien so he does not know the status of the proposal at this time.

Mr. Kandt said that in reviewing BDRs which, at this point, only have one sentence descriptors, the only other piece of legislation concerning digital privacy is a BDR submitted by Assemblyman Kirner. That BDR is restricted to the privacy of data that is retained regarding students. Mr. Kandt spoke to Mr. Kirner a few weeks ago and discussed with him the idea of creating an advisory commission to look at the broader issue of digital privacy. Mr. Kirner indicated that it was interesting, but nothing more. Mr. Kandt has not had any other discussions with legislators. He did discuss it with Secretary of State Miller and he seemed open to it.

Mr. Berghel said there were really two courses of action that the committee could take in the short-term. The first is to see if they can work with some legislator to draft legislation to create a new board. The second is to arrange a meeting with the Attorney General Elect and inform him of what the Committee has done and what they see as their mission, in order to see what kind of traction they can get with the new Attorney General.

Mr. Kandt stated it might not even take a meeting to get the new AG on board, although that can certainly be done. He recommends the committee continue to push for a separate advisory commission on the issue of digital privacy regardless of the funding issue. There are a lot of boards and commissions dealing with things far less important, in his opinion, than the issue of digital privacy. This is *the issue* they need to get behind and it will justify itself regardless of funding issues. Although some members of TCAB expressed concern that some of the issues might be outside the scope of the Board's statutory authority under Chapter 205A, there is also nothing to stop this group from grappling with issues, coming up with possible solutions, and taking proposals to individual legislatures. Although there are timelines to submit BDRs, they are somewhat more fluid for legislators. Even if the Committee comes up with proposal of merit during the legislative session, there is a possibility it can be tacked onto an existing BDR or to have it introduced independently during session.

Mr. Elste said that the mechanics of getting a BDR in are limited in terms of time. Mr. Kandt stated that the deadline has passed for getting one through by way of the Executive Branch but it can still be done through a legislator.

Mr. Elste added that another avenue is to talk to the new Attorney General and see if there is a way to create a commission under the Attorney General's Office.

Mr. Kandt stated that the new AG needs to be briefed on the issue of digital privacy and will hopefully be supportive of the need to devote attention to the issue. He stressed that the AG has no independent authority to create a board. The AG can create an informal working group to look at the issue but the creation of a board requires legislative action.

Mr. Elste thought the committee should pursue all avenues in parallel and hopefully one of them will provide an avenue forward. Mr. Kandt added that speaking to the Governor's Office is also a possibility.

Mr. Lichtenstein asked if the subcommittee was considering ways of circumventing the TCAB and questioned if that was something the subcommittee could even authorize. He noted that anyone can go to a legislator to try and get a BDR introduced.

Mr. Berghel commented that the original proposal to the AG's Office was for a board like TCAB. The decision was made to create this committee as a subcommittee of TCAB. He did not believe that was the best place for this committee but he was not privy to the discussion about it, or involved in the decision. As Mr. Kandt said, there is no reason to lose momentum as they figure out how to solve the organizational issue. The problem he sees is how to keep everyone motivated to attend the meetings if they don't have some kind of official imprimatur and if there is a measurable chance of success of getting some of the Committee's ideas into statute. He suggests they deal with the issue of whether or not the Committee wants to work directly under the Attorney General, which he thinks is preferable to working as a subcommittee under TCAB. He added that the Committee could just tread water until they can get some kind of approval as a board. He agrees with Mr. Kandt that the Committee should do both. He thinks it would be reasonable to have a meeting with the new AG as a group in order to explain their mission and what has been accomplished and ensure that there is a synchrony between what the Committee perceives to be their interests and the AG's objectives. If the new AG wants them to move forward, then they need to decide whether to go forward with the Board idea or whether to meet as a working group of the AG's office. He does not see any reason to continue to meet as a subcommittee of TCAB.

Mr. Lichtenstein wondered if there would be push back from TCAB to the idea of forming a new committee because they would be losing some control over the issues the subcommittee is working on. Mr. Berghel stated that as a member of TCAB he did not anticipate opposition. TCAB does not find anything, in principal, wrong with the work the subcommittee is doing, it is just they don't think it fits within TCAB's mandate.

Mr. Kandt stated that one or two members of TCAB felt that way and the rest of the Board kind of went along with that notion. The Attorney General then tabled the proposals of this committee. He assumes that the recommendation that this committee be a subcommittee of TCAB arose from the fact that the AG has no power or authority to create a formal board. TCAB was most closely aligned with Mr. Berghel's proposal. It is his belief that when good minds come together to grapple with important issues, they shouldn't let the organizational piece impede that.

The committee members discussed how, to their knowledge, this committee is the only privacy body currently within the state and that few states have a technological crime board or boards working on digital privacy issues.

Mr. Earl said that the state has had a query from a federal agency asking for contact information for states' individual privacy officers. This particular request came through the Department of Administration. The current head of the Department of Administration knew nothing about privacy officers. He suspects that the state of Nevada is a little bit behind other states based on information he has gathered at conferences he attended. A number of states either have privacy officers at the state level, or have privacy officers at the individual executive branch departments that handle privacy information. If you look at the history of the Tech Crime Advisory Board and the development of tech crimes and privacy as a separate discipline, he argues that the state of privacy, in terms of organized positions in state governments, is roughly at the same point that tech crime or cybercrime was at 10-15 years ago. The governmental definition of Privacy Officer has been around a number of years but has not reached critical mass or public awareness of those functions. This is not unlike tech crime, which, 15 years ago was underappreciated, both in terms of its profile in law enforcement and its profile within the public at large. That has changed very rapidly. Now there is a lot of information available to the public on how to protect oneself against tech crime and so in one sense, the way in which both the private and public sector has been successful in raising public awareness and awareness within law enforcement.

Mr. Berghel noted that the creation of Privacy Officer positions in government and industry has repeated the cycle of the creation of the first Chief Information Officer and Chief Information Security Officer positions. Initially, there are few criteria and the positions are filled by people without understanding of the issues, but eventually standards are applied and recruiting is taken seriously as the position matures. Fifteen years ago, cybercrime was a hot topic and we realized that we were way behind the curve and now we are in the same position with privacy.

Mr. Berghel is currently working on a new research are called Noirware which is software or hardware that is designed to ameliorate the negative externalities by other kinds of technologies. Features of cell phones can be activated by the carrier so the possibility that your cell phone or smart phone can be turned on as a remote listening device is a real problem. There is a new category of software and hardware that seeks to deal with the problem by means of a number of techniques like RF jamming. The problem is, when you look at the legislation, RF jamming carries stiff penalties by the government but obtrusive snooping, like turning on the features of a cell phone without

the user's permission carries virtually no penalty, so the laws are unbalanced. The bringing of those two categories of statutes together would fall within the purview of a committee such as this one.

Mr. Elste thinks this body is viable and the work they have done over the past year, which is on the public record, serves as a basis for promoting this as an alternative to the TCAB as an attach point. He encouraged the committee to find a proper vehicle for perpetuating this work. He doesn't think it's a good time to disband the privacy subcommittee because TCAB isn't a good fit. They need to find the proper structure for a privacy committee in Nevada.

Mr. Kandt advised the committee that there may be a third option, which is to amend NRS 205A to expand the statutory scope of TCAB to include the broader issue of digital privacy above and beyond just within the scope of crime, and also look at changing the composition of the Board to ensure that people with the right type of subject matter expertise are on that Board.

He added that the cell phone kill switch bill is another piece of legislation that may be of interest to the subcommittee. This piece of legislation was proposed by the Attorney General's Office and came from NAAG and their consumer fraud section. Mr. Kandt was not a part of the discussions that led to the recommendation that the Attorney General's Office carry that bill package.

Mr. Berghel stated that had this committee known about it, that bill could have been generalized. He thought the committee would argue for an RF kill switch bill and not just a cell phone. It would be nice to have a device that could kill GPS dots along with everything from RF tags to tracking of the products in your grocery cart. There is no reason to assume that someone who has bought Post Toasties has surrendered their right to the fourth amendment. It would be nice to be able to kill that at the point of sale. These things are all tied together and this committee is dealing with the piecemeal, just as those did with cybercrime 15 years ago. That speaks to the value of this committee. Mr. Berghel said he would personally be opposed to modifying the statute that authorizes the TCAB because it's just not a good fit. The two thrusts are entirely different. This committee is civil liberties oriented, and TCAB is law enforcement oriented. They can coexist, but he thinks it would be a mistake to try and fit them into one unit.

Mr. Bates agreed that its worth moving forward. The number of issues will only increase.

Mr. Lichtenstein stated that of this group, he is the least sanguine of the chances of success for any of this, but even in a worst case scenario, it is premature to talk about disbanding because they do not, at this juncture, know who the next Attorney General will be and how favorably that person will look upon trying to reach a resolution. At this point he favors moving ahead and refining some proposals that could be productive, and then presenting those proposals to see if they have any direction to go or if the committee is just spinning its wheels.

Mr. Elste recommended that the committee continue with the rest of the agenda and leave this item open and revisit it at the conclusion of the meeting to see if any of the agenda items changes or adds to the discussion on this item.

Mr. Lichtenstein said he would like to see the committee be a little more proactive to actually come up with some alternative ideas. If they have something to present, they will get a better response.

Mr. Kandt stated that the proposal to create a stand-alone privacy board, which was sent to Assemblyman Bobzien, was included in the meeting packet. The proposal includes a lot of what the committee has been talking about.

Mr. Elste said he would be happy to reach out to Mr. Bobzien to discuss the proposal.

Mr. Earl added that Mr. Bobzien is a former member of the IT advisory board. He thought it was really a question of timing and if Mr. Bobzien has interest, he is likely to express that interest through Mr. Kandt as the principal point of contact. He thanked Mr. Kandt for preparing the proposal. If Mr. Kandt sees an opportunity to initiate contact with Mr. Bobzien, Mr. Earl is more than happy to engage with Mr. Bobzien either individually or as part of a group.

Mr. Lichtenstein stated that the proposal given to Mr. Bobzien needs to be a little more fleshed out. Mr. Berghel stated that he thought they should take the institutional knowledge of this subcommittee, along with their point of view, to the Assemblyman and see where he would like to see them go. If he is not receptive to that, then it is a waste of time.

Mr. Elste suggested that Mr. Kandt coordinate a meeting with Mr. Bobzien. It would have more of an impact if the three northern members of the committee were to speak to him and share the different perspectives of their work on this committee, and work in previous roles surrounding either privacy or IT security.

Mr. Kandt stated that legislators are busy this time of year. When he met with Mr. Bobzien he seemed amenable and asked for something in writing. That is when Mr. Kandt quickly put together the proposal and emailed it to him while he still had his attention. Mr. Kandt placed a phone call to Mr. Bobzien last week to follow up but has not heard back from him yet.

Mr. Earl suggested that Assemblyman Paul Anderson and Assemblyman/Senate Majority leader Mo Denis, who are presently serving as members on the IT Advisory Board, might also be possible contacts to assist with legislation. Given the scope of their legislative responsibilities, Mr. Earl recommended developing a relationship with Assemblyman Anderson. He would be the most knowledgeable person in terms of IT operations to approach with this idea. Mr. Kandt noted that Assemblyman Anderson is the Assembly representative on TCAB and agreed that Anderson and Denis both have good tech backgrounds.

Mr. Berghel stated there is no reason, in principle, why a member of this committee should not contact the assemblyman of their choice. Mr. Elste noted that there is a limit to the number of times you can contact a legislator outside your district without registering as a lobbyist. That being said, he thought they had identified some legislators that would be good candidates.

Mr. Berghel asked the members to contact the legislators identified and to report back to the committee.

Regarding the proposed BDR, Mr. Bates suggested adding a section regarding the collection, transmission, storage, and online use of digital data acquired using cameras and other sensors mounted on vehicles and other mobile systems including, but not limited to, unmanned aircraft systems. Mr. Bates agreed to email the details to Mr. Kandt and the committee agreed to include his suggestion in the BDR. Mr. Kandt will incorporate the suggestion and send a revised copy to the committee.

7. Report from Allen Lichtenstein on project to identify all Nevada Revised Statutes that affect privacy rights. (Discussion only.) Action may not be taken on any matter brought up under this agenda item until scheduled on an agenda for action at a later meeting.

Mr. Lichtenstein stated that this has sort of hit a brick wall. At the time he started this project, he was General Counsel for the ACLU and working with the cooperation of the Legal Director of the ACLU. Interns were gathering that information. Mr. Lichtenstein is no longer with the ACLU, and neither is the Legal Director. To the best of his knowledge there are not currently any interns. He is no longer privy to any of the information that had been gathered and is not aware of anyone working on this project.

Mr. Berghel suggested that this agenda item be dropped from the next agenda.

Mr. Earl said he understood that the change in administration at the ACLU has temporarily derailed the project, but the committee should be mindful that there are a number of other possible alternatives in terms of having the research undertaken. One alternative is that this would be an excellent third-year paper for a law student at the Law School at UNLV.

Mr. Lichtenstein agreed that the information is still obtainable, but thinks that the project should be put on hold until the committee has a better sense of where they are going.

8. Report from James Elste on request for assistance from Electronic Frontier Foundation to develop legislation to expand online privacy rights. (Discussion only.) Action may not be taken on any matter brought up under this agenda item until scheduled on an agenda for action at a later meeting.

Mr. Elste stated that, based on the results of their proposals to TCAB, he has not really followed up with EFF or continued to keep them apprised of what the committee is doing. Until the committee gets some clarity on what's going to happen and until they can affirmatively demonstrate that interacting with the committee will be fruitful, he

suggests that they work to establish themselves in a way that they can reconnect with the EFF representatives, and other representatives from privacy organizations, in a way that will provide a value in the relationship. Their work and contributions will be part of bringing forward the committee's recommendations and seeing those recommendations acted upon. He requested that this agenda item be dropped from future agendas for the time being.

Mr. Berghel agreed. This item will be dropped from the next agenda.

9. Discussion and possible action on proposed amendments to NRS 205.473-.513, *inclusive*, "Unlawful Acts Regarding Computers and Information Services."

Mr. Berghel stated that he would like to follow along with Mr. Lichtenstein and Mr. Elste and recommend that until there is some clarification on the status of the committee, they drop this agenda item. He rewrote the statute but could not go any further without advice of counsel. In its current state, he did not think it was worthy of discussion and needs to be vetted by an attorney. He thinks this is important and should be revisited after there is some clarification regarding the direction and the scope of this committee after the new AG takes office.

10. Discussion and possible action on possible revisions to the statutory definition of "personal information" In NRS 603A.040.

Mr. Kandt reviewed a previous discussion in connection with the NIST standard for PII. The current statutory definition of personal information is, perhaps, outdated and may need to be revisited. The committee previously discussed whether something should be put into statute, or referenced in statute (such as the NIST standard). The Legislative Counsel Bureau is interested in whether the committee had any recommendations in this regard.

Mr. Elste stated that there are lots of standards and regulations at various levels that refer to personally identifiable information and it probably makes good sense to find exemplars of those definitions and then see how our definition reconciles with their exemplars. To the extent that we are trying to be consistent with international and federal regulations, standards, or other guidelines, they should try and find those descriptions of what is meant by personal information, personally identifiable information, and private information so that they can build good legislation. The term is well defined, but that there needs to be a consistent nomenclature that maps into those higher-level standards.

Mr. Earl added that his understanding was that Nevada's definition of personal information—if you look just at the definition and not at the consequences that fall from the definition, Nevada's statute is very close to the California definition of personally identifiable information, and California was the first state to adopt that type of definition. Something very much like it has been adopted by the vast majority of states. Different states have attached different consequences to that definition. At the state level, the definitions are very much the same, but they vary significantly from the NIST definition. In the two previous US congressional sessions, there have been multiple bills

introduced that define PII differently from the state definition. Some have introduced multiple definitions. These bills have not gone anywhere. He recommends that since Nevada essentially shares a definition with a lot of other states, the committee should not do anything with that definition, at least until the future of the privacy board is ironed out. Nevada is not behind in its definition, although Nevada may be behind in terms of some of the requirements once a situation arises where the definition of personal information comes in to play.

Mr. Elste noted a difference between California's definition of personally *identifiable* information, versus Nevada's definition of personal information. He thinks that is where some of the confusion lies. The overarching issue of what the form the committee will take seems to auger in favor of putting some of the work on hold.

Mr. Earl stated that all of the Nevada statutes refer to personal information, not personally identifiable information. Within the statutory scheme, it operates in the same way that California's definition does.

Mr. Kandt asked if it would be helpful, and decrease confusion, if the Nevada definition was amended to call it personally identifiable information, or if that would just be a mindless exercise.

Mr. Earl did not think it was worth a stand-alone bill, but may useful if it were introduced as part of a larger scheme.

Mr. Kandt said he would let the LCB analyst who was interested know, and then LCB can put it in their technical correction bill. Mr. Earl suggested that the best way for LCB to move forward is that LCB expedite the drafting of any Bobzien sponsored bill on privacy, and then consider the change in language as a consequential change that can be added to the bill.

Mr. Kandt stated that LCB decides whether its germane. There is also the issue of unintended consequences when the language is changed from "personal information" to "personally identifiable information."

Mr. Elste noted that there is a difference between the two terms. The Nevada definition of personal information is equivalent to the SB1386 PII definition which about an identifier for an individual such as a name plus a bank account number and password, or a social security number. It's not about things like banking transactions or health information. Personal information, from a privacy perspective, could cover a much broader scope. There is an opportunity to broaden the definition to cover more sensitive information under a privacy construct and move beyond the notion of an identifier.

Mr. Earl stated that that type of correction and expansion would entail a lot of work and, ideally, they would undertake it if there were not some kind of federal statute that preempted the field. One of the major drives by a number of different industries is to come up with a national definition of PII that would preempt state legislation and expand the entire field. His perception of the legislation that has been introduced at the

federal level is problematic because it does not wholly preempt the field, although it would attempt to. One of the concerns that he expressed personally to Senator Reid's staff was that were some of those changes to go into effect at the federal level, state Attorneys General would be placed in the position of having to enforce both the federal definition of PII and a separate and distinct state definition of PII. At that time, the pending legislation did not preempt the state definitions because of the way in which it was constructed. It was satellited on particular federal agencies and their scope of operations.

11. Discussion and possible action on proposed legislation to prohibit Automatic License Plate Reader Systems in Nevada.

Mr. Bates said he thought this topic should also wait until the committee has firmer footing.

12. Discussion and possible action on proposed legislation to require full disclosure when metadata is captured and retained by government entities in Nevada.

The committee also deferred discussion on this topic until the future of the committee is more certain.

13. Discussion and possible action on proposed telematics black box legislation.

Mr. Berghel suggested deferring this discussion.

Mr. Earl noted he remains concerned that the type of information gathered by driverless cars is underestimated. Information collection associated with routes, peoples' use of the cars, where they stop and where they have been, is not limited to a specially designed box that would record information with regards to a particular vehicle. Some of that will be innately acquired by any driverless car and his understanding is that, at present that information is not stored in the vehicle itself, but in the case of Google, is transferred to the Google cloud. One of his concerns, even with information collected during a trial of the device, is that no one is considering how that information is going to be used by the collector.

Mr. Berghel agreed that driverless cars bring forth a lot of challenges for people concerned with privacy. He pointed out that "black box" is used generically even in the current situations. A lot of the information is infrastructure oriented, and recorded in the cloud. That underlies the case in Sothern Nevada known as operation G-Sting. In that case, the information was recorded from the telematics capabilities of the vehicle but it didn't stay there, it went to the cloud to be recorded by the FBI.

Mr. Lichtenstein stated that, in terms of the scope of this, the constitutionality of that has been left wide open by the Supreme Court decision a few years ago. A split court that said there was an invasion of privacy to place something on a car. But we don't know if that kind of gathering of information involves any privacy right what so ever. That issue will be revisited in the near future.

Mr. Berghel stated that it was his understanding that with operation G-Sting, the Ninth Circuit overturned the conviction of the primary defendant, but after he took a plea deal and served his time.

Mr. Berghel noted that this issue is another good argument for finding an appropriate way to sustain the work of this committee, because this issue should be further discussed.

14. Discussion and possible action on proposed revisions to Nevada Unmanned Aircraft systems (UAS) Test Site Privacy Policy (available at <http://www.nias-uas.com/content/nevada-uas-test-site-privacy-policy>).

Mr. Berghel said that there was a presentation on this agenda item at the last meeting. His first association with the UAS Committee gave him pause because there wasn't anything beyond lip service paid to the issue of whether or not they should develop a privacy policy. After the presentation at the last meeting, he is not convinced that anything has changed. If the committee reconvenes as a more formerly approved body, this is a topic they should get into immediately.

Mr. Earl stated he would like to identify this as one of the key issues which will be most intelligible to a Nevada legislator when they look at the issue of whether to go forward with a privacy board or privacy committee. There clearly needs to be some kind of balancing of public interest. Clearly it is in Nevada's interest to be a test site for drones. Although he hasn't heard yet in Nevada the same publicity from groups that want to blast drones out of the sky when they encroach on private property or public lands, he is sure there is some segment in Nevada that feels that way. The reason to have a privacy committee would afford the state of Nevada, at a very early stage in drone development, a forum to balance between these two competing interests. As a state, we have an interest in both camps. This might be a compelling argument for state legislators who were considering the question of whether should be a privacy board moving forward.

Mr. Berghel agreed.

15. Committee comments. (Discussion only.) Action may not be taken on any matter brought up under this agenda item until scheduled on an agenda for action at a later meeting.

Mr. Elste commented that at the last meeting, he had asked for an agenda item for a synopsis of issues that they should consider and prioritize. He suggested that a synopsis of the most critical privacy issues they face would be helpful while they socialize the notion of a privacy committee. He volunteered to start compiling a list of issues that would include a description of a each privacy issue in a few sentences or paragraph to provide a context for the type of issues the committee can address, and also the scope of the different kinds of privacy issues that are out there. His guess is there are sufficient areas of privacy not on this committee's agenda. As synopsis would

be helpful for both promoting the privacy committee as well as the work they are undertaking.

Mr. Bates stated that the Governor's Office asked the law school for a memo on privacy law related issues that may arise with regard to drones, in particular a tell/inform policy going forward. They would welcome input from experts. There is a rather tight timeline—it is needed by next month. Mr. Bates is helping assemble information and thoughts. If anyone on the committee has would like to submit their thoughts, that would be very helpful and he will pass them on to the law school.

16. Discussion and possible action on time and location of next meeting.

Mr. Elste suggested they continue to meet regularly as a subcommittee of TCAB until such time as they are dissolved by TCAB or find another alternative to exist as a committee. Mr. Berghel would like to tie the next meeting in with some kind of official recognition from the next Attorney General and favors a short meeting with the new AG, if possible. Mr. Kandt said that from his experience with previous transitions, the possibility of that happening would depend on the individual.

Mr. Earl added that as the legislative session progresses, it is possible that legislative contacts develop in such a way so that Mr. Berghel, as Chair, might feel it was appropriate to convene a meeting simply to iron out concepts to be shared with legislators. He is comfortable with leaving the date and time of the next meeting up to the Chair based on feedback from the Attorney General Elect, or legislators.

The committee discussed meeting in December. The next meeting was subsequently set for January 23, 2015, at 1:30 p.m.

17. Discussion and possible action on future agenda items.

There was no further discussion on this agenda item.

18. Public Comment. (Discussion Only.) Action may not be taken on any matter brought up under this agenda item until scheduled on an agenda for action at a later meeting.

There was no public comment.

19. Adjournment.

Mr. Bates made a motion to adjourn the meeting. Mr. Lichtenstein seconded the motion and the meeting was adjourned.