



NEVADA LEGISLATURE

NEVADA SILVER HAired LEGISLATIVE FORUM

(Nevada Revised Statutes 427A.320 through 427A.400)

SUMMARY MINUTES AND ACTION REPORT

The third meeting of the Nevada Silver Haired Legislative Forum (NSHLF) for the 2013-2014 interim period was held on Tuesday, December 17, 2013, at 10:00 a.m. in Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was video-conferenced to Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada, and to the Conference Room, Berg Hall, Great Basin College, Elko, Nevada.

A copy of this set of "Summary Minutes and Action Report," including the "Meeting Notice and Agenda" ([Exhibit A](#)) and other substantive exhibits, is available on the Nevada Legislature's website at <http://www.leg.state.nv.us/Interim>. In addition, copies of the audio-video record may be purchased through the Legislative Counsel Bureau's Publications Office (e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835).

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Herbert E. Randall, Ed.D., President, Silver Senator
Barbara Altman, Senatorial District No. 9
Clo Banks, Senatorial District No. 3
Joann M. Bongiorno, Senatorial District No. 7
Colleen Brown, Senatorial District No. 5
Evelyn A. Canestra, M.S.W., Senatorial District No. 8
James Downer, RTRP, Senatorial District No. 20
Verlia Davis Hoggard, Senatorial District No. 4
Rick Kuhlmeier, Senatorial District No. 2
Lucy Peres, Silver Senator
Mary D. Roberts, Senatorial District No. 1
Betty Rumford, Senatorial District No. 6
Russ Schoenbeck, Silver Representative
Ronald E. Stoller, Senatorial District No. 6
Clare Tobler, Senatorial District No. 12

COMMITTEE MEMBERS PRESENT IN CARSON CITY:

Reba June Burton, Senatorial District No. 15
John (Jack) Paul Ginter, Jr., Senatorial District No. 14
Margaret Spooner, Senatorial District No. 17
John Yacenda, Ph.D., M.P.H., P.A.H.M., Senatorial District No. 16

COMMITTEE MEMBER PRESENT IN ELKO:

Ray B. Jones, Senatorial District No. 19

COMMITTEE MEMBERS ABSENT:

Harriet Trudell, Senatorial District No. 10

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Mary Shope, Coordinator, NSHLF, Administrative Division, Las Vegas Office

CALL TO ORDER AND OPENING REMARKS

Herbert E. Randall, Ed.D., Forum President, called the Nevada Silver Haired Legislative Forum's (NSHLF) meeting to order. President Randall welcomed guests, new members and members of the public.

Ms. Shope conducted the roll call and a quorum was determined to be present.

PUBLIC COMMENT

President Randall called for public comment; however, no testimony was presented.

PRESENTATIONS CONCERNING ELDER FINANCIAL ABUSE AND CONSUMER PROTECTION FOR SENIOR CITIZENS

President Randall introduced Commissioner George E. Burns, Financial Institutions Division (FID), Nevada Department of Business and Industry (B&I).

Commissioner Burns mentioned FID protects the public interests by regulating and licensing depository institutions, fiduciary institutions, and non-depository companies. He stated FID is organized into specialized teams for licensing, depository and fiduciary institutions, and non-depository institutions. ([Exhibit B](#)) and ([Exhibit C](#))

Commissioner Burns referenced NRS 200.5091 as the basis for FID's mission-protection against abuse, neglect, exploitation and isolation of older persons and vulnerable persons by licensees, but not all. Specifically, he stated the statutory protection does not cover fiduciary institutions for retail trust companies and non-depositories. Even though the statutory language does not contain the exploitation provisions, Commissioner Burns suggests the public file a complaint for investigation of an alleged abuse.

Commissioner Burns stated FID is evaluating the regulations governing title lender loan companies and the processes by which the ability of the borrower to repay is determined. He stated the Nevada Supreme Court is considering two enforcement cases involving debt treadmills.

Commissioner Burns mentioned FID depends on the public for the first line of defense and protection. He recommended individuals, especially seniors, file complaints if they suspect violations and abuse. He reminded the public that the Federal Fair Debt Collection Practices Act has provisions to protect them against abusive collection practices. Similarly, Commissioner stated debt managers provide services to rid consumers of debt, but warned of situations when they might charge up-front fees for services. He indicated that the money transmitter businesses have strict regulations that include licensure and posting. He reiterated his recommendation to notify FID if the consumer encounters problems.

President Randall inquired about usury laws in Nevada. Commissioner Burns stated that Nevada does not have usury limits and that lending businesses can charge whatever amounts they desire.

Ms. Joann Bongiorno asked about private hard moneylenders involving mortgage lending and foreclosures. Commissioner Burns stated FID does not have jurisdiction to handle these cases, but suggested these complaints be directed to the Mortgage Lending Division of B&I.

Ms. Colleen Brown queried about the biggest challenges with State law and FID. Commissioner Burns identified one challenge as the lack of statutory language for some licensees that require training of licensees for abuse and exploitation identification.

Mr. Clare Tobler requested more information about retail trust companies, i.e. banks that do not take deposits, but hold themselves out to the public. Commissioner Burns confirmed trust funds hold themselves out to the public; however, the statutes do not address provisions for financial exploitation and abuse for retail trust companies.

Ms. Barbara Altman had concerns about the outreach efforts, which inform seniors to report financial exploitation and abuse. Commissioner Burns reported FID has an extensive outreach program, but that validation of abuse was still difficult. He indicated that reporting of abuse and exploitation was hindered because victims were reticent to file criminal charges against friends or family members.

Dr. John Yacenda questioned the breadth of the retail trust companies and non-depository business. Commissioner Burns stated FID receives the largest volume of public complaints regarding non-depositories, payday and title lenders, and collection agencies. Additionally, Dr. Yacenda had concerns about money transmitter businesses. Commissioner noted that FID's regulatory auditing processes and controls have curtailed problems concerning absconded funds.

Sergeant Joshua Bitsko, Abuse and Neglect Detail, Las Vegas Metropolitan Police Department (LVMPD), provided an overview of the Detail's responsibilities to investigate allegations of elder abuse, neglect, and exploitation as governed by NRS 200.509. He stated elder crime is increasing as supported by the increased number of complex investigations conducted in 2013. ([Exhibit D](#)) and ([Exhibit E](#))

Sergeant Bitsko mentioned elderly exploitation involves relationships based on trust and confidence or situations when a vulnerable or older person depends on others, and through this control, the person could be deprived of their money, property or assets. Sergeant reported most of the crimes involve deception, isolation and taking advantage of the goodwill of the person. He said these cases are the most difficult to investigate and prosecute, especially when determining the competency of the victim for the prosecution.

Sergeant Bitsko encouraged everyone to be an advocate for the vulnerable person and to report concerns of abuse and exploitation to local law enforcement. He stated LVMPD Abuse and Neglect Detail works collectively with Nevada's Elder Protective Services unit (EPS), in the Aging and Disability Services Division, for protection and placement of seniors, if need be.

Mr. James Downer requested information on the reporting process for abuse and exploitation. Sgt. Bitsko stated any law enforcement agency would investigate concerns, and if after investigation, the case does not rise to criminal activity, the victim could seek civil remedies.

Ms. Evelyn Cannestra raised concerns about elder physical abuse and health care providers. Sgt. Bitsko stated immediacy is of the utmost importance when physical abuse is in question. To better serve the community, he stated LVMPD Abuse and Neglect Detail continue training for law enforcement officers to investigate complaints.

Ms. Lucy Peres asked about the complaint process and the sources of complaints. Sgt. Bitsko stated the Abuse and Exploitation Detail collaborates with many community partners when answering complaints and requests for investigations.

Dr. John Yacenda inquired about the hesitancy of the victim or family to report abuse and isolation. Ms. Bongiorno stated many seniors are afraid of retribution. Sgt. Bitsko stated the Detail works in conjunction with EPS, as well as receiving anonymous complaints from the "Crime Stoppers" program, which provides protection for seniors.

Ms. Verlia Davis Hoggard inquired about the social service assessments of the investigations. Sergeant stated the officers maintain the human aspects of the investigations, as many of the officers have experience and education in social sciences.

Ms. Anne M. Schiller, LSW, Director of Program Operations, Catholic Charities of Northern Nevada and St. Vincent's Programs, and Deputy Sheriff Shawn Marston, Vulnerable Person's Unit, Washoe County Sheriff's Office, presented information about Kids to Seniors Korner, a mobile outreach program. She stated Kids to Seniors Korner provides services to high risk, low-income populations living in Washoe County, regardless of income. Ms. Schiller stated their alliance targets neighborhoods with the use of law enforcement officers, nurses, and social workers to provide immediate services to vulnerable citizens, as well as ongoing case management and referrals. ([Exhibit F](#))

Deputy Sheriff Shawn Marston stated one the greatest challenges involve the lack of resources for displaced seniors. In these situations, he works with non-profit social services to find appropriate housing and services.

Ms. Burton requested contact information for reporting abuse. Deputy Sheriff Marston stated local law enforcement agencies have jurisdiction to investigate.

Dr. Yacenda inquired about elder abuse and case management of the seniors. Ms. Schiller stated because of the collaborative services, they could identify abusive situations where seniors have been isolated or lack proper medical support. She stated Kids to Seniors Korner provides immediate resources and referrals.

DISCUSSION AND APPROVAL OF THE LATEST AVAILABLE BUDGET REPORTS, APPROVAL OF RECENT EXPENDITURES AND DISCUSSION AND APPROVAL OF ANY PROPOSED EXPENDITURES

Mary Shope, Coordinator, NSHLF, and Brian L. Davie, Legislative Services Officer, Legislative Counsel Bureau (LCB), Las Vegas Office, provided an overview of the “Nevada Silver Haired Legislative Forum Summary of Receipts and Expenditures of Sources/Uses of Funds and Encumbrances,” for Fiscal 2013-2014 Period Ending 09/30/2013, 10/31/2013 and 11/30/2013. ([Exhibit G](#))

Ms. Peres asked about the Reserve Funds and its inclusion on the Budget Report. Dr. Yacenda requested a simpler presentation of the Budget Report. Mr. Davie clarified the Budget Report and reassured the Forum of the availability of the Reserve Fund, even though the fund is not listed on the monthly report. He explained reimbursement requires expenditures benefit the Forum. Mr. Davie reassured the members that the monthly Budget Report would be simplified for future reporting.

Ms. Bongiorno inquired about the expenditure procedures and requested additional deliberation for the Forum’s policy of reimbursement, addressing the transparency concerns raised. Mr. Davie reiterated the expenditure guidelines must have the beneficial nexus to the Forum.

The NSHLF APPROVED THE FOLLOWING ACTION:

VERLIA DAVIS HOGGARD MOVED TO APPROVE THE TREASURER’S REPORT AND EXPENDITURES FROM SEPTEMBER 01, 2013 TO NOVEMBER 30, 2013. THE MOTION WAS SECONDED BY LUCY PERES AND PASSED UNANIMOUSLY.

APPROVAL OF MINUTES OF THE OCTOBER 15, 2013 MEETING

President Randall presented the minutes for October 15, 2013 and requested the members review the meeting minutes.

The NSHLF APPROVED THE FOLLOWING ACTIONS:

VERLIA DAVIS HOGGARD MOVED TO APPROVE THE OCTOBER 15, 2013 MEETING MINUTES AS SUBMITTED. CLARE TOBLER SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

DISCUSSION AND REVIEW OF NEVADA SILVER HAIRED LEGISLATIVE FORUM'S GOALS AND OBJECTIVES

President Randall provided an update on the Goals and Objectives. He reported on the improved progress concerning the Forum appointments and the Forum's webpage listing future meetings.

Mr. Davie stated that he was researching webpage designs and would report findings at a future meeting.

DISCUSSION OF ISSUES RELATING TO SENIORS FOR POSSIBLE INCLUSION IN LEGISLATION FOR THE 78th (2015) SESSION

Dr. Yacenda explained the significance and specific details of his working document. He encouraged members to use the chart to identify, collect and channel deliberation on prospective bill draft topics. ([Exhibit H](#))

STATUS REPORT ON THE NATIONAL SILVER HAIRED CONGRESS (NSHC) AND NATIONAL COUNCIL OF SILVER HAIRED LEGISLATORS

Mr. Davie, identified previously, provided an overview of the creation and activities of the National Silver Haired Congress and the operations of its Nevada Delegation. ([Exhibit I](#)) Based on Congressional reports, he stated the NSHC was created from the endorsement of separate House and Senate, even though the resolutions were not technically adopted by the other House. ([Exhibit J](#)) Similar to the Forum's creation, NSHC is a nonpartisan body of citizens, over 60 years of age, whose purpose is to advocate for Federal-level issues and concerns of importance to older citizens. Mr. Davie shared relevant information, including documents highlighting its mission and vision ([Exhibit K](#)), current Nevada Delegation of the NSHC ([Exhibit L](#)), bylaws and articles of incorporation ([Exhibit M](#)), brochure ([Exhibit N](#)), and membership application. ([Exhibit O](#)) He referenced NRS 427A.350 which delineates the NSHC membership, which includes the NSHC delegation as ex officio members having the full rights and responsibilities as the Forum members.

Ms. Lucy Peres, President of the Nevada Delegation of the NSHC, praised the NSHC members for their participation and support of the Forum.

Ms. Bongiorno shared her appreciation of the Nevada Delegation of NSHC. She raised the concern regarding the Forum's expenditure and reimbursement policy and requests for financial support, specifically addressing Nevada Delegation of NSHC's requests for funding. She recommended revisions be considered to strengthen the policy to address any perceptions of conflict and lack of transparency.

Ms. Peres and President Randall reassured the Forum members that full disclosure would accompany any discussion on expenditures.

Mr. Davie reiterated that NSHC's expenditures would require a nexus to the Forum's business to warrant reimbursement.

In addition, Ms. Reba June Burton asked that background information and supporting documents, if available, accompany NSHC discussions. Ms. Peres agreed to provide information.

In response to Ms. Davis Hoggard's inquiry about the National Council of Silver Haired Legislators, both President Randall and Ms. Shope stated that they have not received any current information.

DISCUSSION OF FUTURE AGENDA ITEMS, MEETING DATES, AND EXPENDITURES

President Randall opened the discussion on future agenda items, meeting dates, and expenditures.

Ms. Davis Hoggard, identified previously, made the recommendation to schedule the Forum's Work Session in one meeting location. She reasoned this would improve deliberation among members. President Randall requested Ms. Shope provide expenditure information for a joint meeting location.

Ms. Shope referenced informational items, including A Proclamation by the Governor proclaiming October 2013 as National Long-Term Care Residents' Rights Month in Nevada ([Exhibit P](#)), United States Senate's Press Release titled "Senate Aging Committee Launches New Anti-Fraud Hotline, Enhanced Website to Assist Seniors", dated Wednesday, November 13, 2013 ([Exhibit Q](#)), the Interim Committees of the Nevada Legislature, a Citizen's Guide ([Exhibit R](#)), and reappointment memo ([Exhibit S](#)).

Ms. Burton, identified previously, requested the *Senior Connections* magazine be provided on a monthly basis.

Additionally, Ms. Shope expressed the Forum's condolences to the wife and family of Paul LaCombe, Ph.D., NSHLF member representing Senatorial District No. 21, who recently passed away.

PUBLIC COMMENT

President Randall called for public comment; however, no testimony was presented.

ADJOURNMENT

There being no further business to come before the Forum, President Randall entertained a motion to adjourn the meeting.

The NSHLF **APPROVED THE FOLLOWING ACTION:**

LUCY PERES MOVED TO ADJOURN THE MEETING. THE MOTION WAS SECONDED BY CLO BANKS AND PASSED UNANIMOUSLY.

President Randall adjourned the meeting at 12:30 p.m.

Respectfully submitted,

Mary Shope, Coordinator
Nevada Silver Haired Legislative Forum

APPROVED BY:

Herbert E. Randall, Ed.D., President
Nevada Silver Haired Legislative Forum

Date: _____

APPROVED BY:

Clo Banks, Secretary
Nevada Silver Haired Legislative Forum

Date: _____

LIST OF EXHIBITS

[Exhibit A](#) is the “Meeting Notice and Agenda” for December 17, 2013, provided by Mary Shope, Coordinator, NSHLF, Administrative Division, Legislative Counsel Bureau.

[Exhibit B](#) is the document titled “FID PRESENTATION, SILVER HAIRED FORUM, December 17, 2013”, provided by George E. Burns, Commissioner, Nevada Department of Business and Industry, Division of Financial Institutions.

[Exhibit C](#) are the documents titled “Nevada Department of Business and Industry, Division of Financial Institutions-Welcome and Complaints”, provided by Mary Shope, Coordinator.

[Exhibit D](#) is the document titled “Current Trends in Elder Crimes, Sgt. Joshua Bitsko, December 17th, 2013”, provided by Sergeant Joshua Bitsko, Las Vegas Metropolitan Police Department.

[Exhibit E](#) is the webpage for the “Abuse and Neglect Detail of the Las Vegas Metropolitan Police Department”, provided by Mary Shope, Coordinator.

[Exhibit F](#) is the document titled “Kids to Seniors Korner Program”, provided by Mary Shope, Coordinator.

[Exhibit G](#) are the “Budget Reports, For Fiscal 2013-2014 Period Ending 09/30/2013, 10/31/2013, and 11/30/2013, provided by Mary Shope, Coordinator.

[Exhibit H](#) is the document titled “Discussion of Issues Relating to Seniors for Possible Inclusion in Legislation for the 78th (2015) Session of the Nevada Legislature”, dated October 15, 2013, presented by Dr. John Yacenda, NSHLF Member.

[Exhibit I](#) is the memorandum regarding the “National Silver Haired Congress and Nevada Delegation”, dated 12/05/2013, authored and provided by Brian Davie, Legislative Services Officer (LSO).

[Exhibit J](#) are the Congressional Records regarding the “Resolutions Senate Concurrent Resolution 52, Senate Concurrent Resolution 66, and House Concurrent Resolution 176” which recognize and encourage the convening of a National Silver Haired Congress, provided by Brian Davie, LSO.

[Exhibit K](#) are documents titled “National Silver Haired Congress- About NSHC and 2012 Annual Legislative Session”, provided by Brian Davie, LSO.

[Exhibit L](#) are the documents titled “Nevada Silver Haired Congress – Member of National Silver Haired Congress and the Nevada Silver Haired Congress – Our Vision”, provided by Brian Davie, LSO.

[Exhibit M](#) is the document titled “By-Laws of the Nevada Delegation of the National Silver Haired Congress”, provided by Brian Davie, LSO.

[Exhibit N](#) is the pamphlet titled “Nevada Delegation-National Silver Haired Congress”, provided by Brian Davie, LSO.

[Exhibit O](#) is the application form for the “National Silver Haired Congress-Nevada Delegation”, provided by Brian Davie, LSO.

[Exhibit P](#) is the document titled “State of Nevada Executive Department-A Proclamation by the Governor–National Long-Term Care Residents’ Rights Month in Nevada”, dated October 2013, provided by Mary Shope, Coordinator.

[Exhibit Q](#) is the press release titled “Senate Aging Committee Launches New Anti-Fraud Hotline, Enhanced Website to Assist Seniors”, dated Wednesday, November 13, 2013, provided by Mary Shope, Coordinator.

[Exhibit R](#) is the publication titled “Interim Committees of the Nevada Legislature, A Citizen’s Guide”, published by the Research Division of Legislative Counsel Bureau, November 2013, provided by Mary Shope, Coordinator.

[Exhibit S](#) is the memorandum regarding the “Appointments to the Nevada Silver Haired Legislative Forum”, dated 12/17/2013, authored and provided by Mary Shope, Coordinator.

This set of “Summary Minutes and Action Report” is supplied as an informational service. Exhibits in electronic format may not be complete. Copies of the complete exhibits, other materials distributed at the meeting, and the audio record are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the Library online at www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm or telephone: 775/684-6827.