



STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

5587 Wa Pai Shone Avenue
Carson City, Nevada 89701
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JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

AMENDED NOTICE OF PUBLIC MEETING (NRS 241)

NOTICE IS HEREBY GIVEN THAT STARTING AT **8:00 A.M. ON THURSDAY, OCTOBER 26, 2023**, THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING WILL HOLD A PUBLIC COMMENT, WORKSHOP AND REGULARLY SCHEDULED MEETING AT **THE SOUTHPOINT HOTEL/CASINO, 9777 LAS VEGAS BLVD., S., NAPA ROOM B, LAS VEGAS, NV 89183**.

The agenda will include the following items. The Commission, at their discretion, may take items out of order, combine two or more agenda items for consideration, and remove an item from the agenda or delay discussion relating to an item on the agenda at any time. A request to have an item on the agenda heard out of order shall be made to the Commission's secretary prior to the commencement of the meeting. Prior to the commencement or conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual the Commission may refuse to consider public comment. See NRS 233B.126.

I. PUBLIC COMMENT HEARINGS

1. Call to order
2. Roll call of Commission Members
3. Public Comment Hearing on Proposed Regulations LCB File R004-23, R005-23, R006-23, R007-23.

THE PURPOSE OF THE HEARING IS TO RECEIVE COMMENTS FROM ALL INTERESTED PERSONS REGARDING THE ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS PERTAINING TO CHAPTER 289 OF THE NEVADA ADMINISTRATIVE CODE (NAC) (THIS PUBLIC COMMENT HEARING HAS BEEN PREVIOUSLY NOTICED AS REQUIRED BY NRS CHAPTER 233B):

TOPICS

- A. **LCB File R004-23** – Amend NAC 289.110 to accommodate recent law changes regarding marijuana. NAC 289.110(5) *The provisions of subsection 4 do not apply to a person who has been convicted of an offense involving the unlawful use, sale or possession of marijuana if the offense is not unlawful at the time the person submits an application for certification as a peace officer.*

- B. **LCB File R005-23** – Amend NAC 289.300(1)(b) “*a person enrolling in a basic training program may be required to pass....*”
- C. **LCB File R006-23** – Amend NAC 289.200(4)(a) to remove the requirement that the physical fitness examination be passed “not later than 16 weeks after the first day” and instead require the physical fitness examination to be passed “during” the academy.
- D. **LCB File R007-23** – Amend NAC 289.200(8) to remove the “full-time” requirement to maintain the basic certificate.

II. WORKSHOP

- 1. Workshop on proposed regulation change.

THE PURPOSE OF THE HEARING IS TO SOLICIT COMMENTS FROM INTERESTED PERSONS ON THE FOLLOWING TOPIC THAT MAY BE ADDRESSED IN FUTURE PROPOSED REGULATIONS (THIS WORKSHOP HAS BEEN PREVIOUSLY NOTICED PURSUANT TO THE REQUIREMENTS OF NRS CHAPTER 233B):

TOPIC

NAC REGULATION

- A. Discussion regarding the creation of standards, pursuant to SB 323, *for the reciprocity of a person who has been certified as a category III peace officer or its equivalent by the certifying authority of another state or who has successfully completed a federal law enforcement training program that is equivalent to a category III peace officer in this State.*

New Regulation

- 2. **PUBLIC COMMENT.** The Commission may not take action on any matter considered under this item until the matter is specifically included on an agenda as an action item.

III. REGULARLY SCHEDULED MEETING AGENDA ITEMS

1. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

- a. Approval of minutes from the July 27, 2023 regularly scheduled meeting.

2. **INFORMATION** Executive Director’s report.

- a. Training Division
- b. Standards Division
- c. Administration

3. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

The Commission to discuss and take possible action to adopt, amend or repeal their regulations as follows:

- A. **LCB File R004-23** – Amend NAC 289.110 to accommodate recent law changes regarding marijuana. NAC 289.110(5) The provisions of subsection 4 do not apply to a person who has been convicted of an offense involving the unlawful use, sale or possession of marijuana if the offense is not unlawful at the time the person submits an application for certification as a peace officer.

B. LCB File R005-23 – Amend NAC 289.300(1)(b) “a person enrolling in a basic training program *may* be required to pass....”

C. LCB File R006-23 – Amend NAC 289.200(4)(a) to remove the requirement that the physical fitness examination be passed “not later than 16 weeks after the first day” and instead require the physical fitness examination to be passed “during” the academy.

D. LCB File R007-23 – Amend NAC 289.200(8) to remove the “full-time” requirement to maintain the basic certificate.

The Commission to fully consider all written and oral comments received on these proposed regulations before taking any action.

4. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.

Discussion by the Commission to continue the rulemaking process regarding the creation of standards pursuant to SB 323, *for the reciprocity of a person who has been certified as a category III peace officer or its equivalent by the certifying authority of another state or who has successfully completed a federal law enforcement training program that is equivalent to a category III peace officer in this State.*

5. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.

Request from the North Las Vegas Police Department for an Executive Certificate for their employee Deputy Chief Michael Harris. Possible action may include issuance or denial of the requested Executive Certificate.

6. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.

Discussion and possible rulemaking on changing the physical fitness requirements (NAC 289.200(2)(f)) for reciprocity applicants.

7. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.

Hearing pursuant to NAC 289.290(1)(g) on the revocation of Joshua M. Miller’s (formerly employed with the Nevada Department of Public Safety) Category I and III basic certificates based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to a felony. The conviction(s) which have led to this action are: COUNT I – ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category B Felony-NRS201.230(2)-NOC 60471) (Clark County) and COUNT I-ATTEMPT MISCONDUCT OF A PUBLIC OFFICER (A category “E” Felony, in violation of NRS 197.110 and NRS 93.153) (White Pine County). Possible action may be revocation of the Category I and III basic certificates.

8. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.

Hearing pursuant to NAC 289.290(1)(g) on the revocation of Michael O’Farrell’s (formerly employed with the Nevada Cannabis Compliance Board) Category I basic certificate based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to a felony. The conviction(s) which have led to this action are: COUNT I-DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR CONTROLLED OR PROHIBITED SUBSTANCE, ABOVE THE LEGAL LIMIT, RESULTING IN SUBSTANTIAL BODILY HARM (Violation of NRS 424C.110 and NRS 484C.430, a category B Felony) and COUNT II-DUTY TO STOP AT SCENE OF CRASH INVOLVING DEATH OR PERSONAL INJURY (Violation of NRS484E.010, a category B Felony). Possible action may be revocation of the Category I basic certificate.

9. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Hearing pursuant to NAC 289.290(1)(e) on the revocation of James E. Vega's (formerly employed with the Laughlin Township Constables Office) Category I and II basic certificate(s) based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to a gross misdemeanor. The conviction(s) which have led to this action are: COUNT I: FALSE RESIDENCY STATEMENT BY CANDIDATE (Gross Misdemeanor – NRS293.1755-NOC 52502). Possible action may be revocation of the Category I and II basic certificates.

10. **PUBLIC COMMENTS**

The Commission may not take action on any matter considered under this item until the matter is specifically included on an agenda as an action item.

11. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Schedule upcoming Commission Meeting

12. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Adjournment.

POSTED AT THE FOLLOWING LOCATIONS:

Commission on POST Administrative Office
Carson City, NV 89701

State Library, Archives and Public Records
100 Stewart Street, Carson City

<http://post.nv.gov>

<http://notice.nv.gov>

<http://leg.state.nv.us>

Pursuant to NRS 241.020(2)(c), a copy of supporting materials for the meeting may be obtained by contacting POST Standards Division, at (775) 687-7678, ext. 3335, Commission on Peace Officer Standards and Training at 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701.

NOTE: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Commission on Peace Officer Standards and Training at 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701 or call Kathy Floyd at (775) 687-7678, Ext. 3335, no later than 2 working days prior to the meeting.