

MEMBERS PRESENT: Chairman Horn
Vice Chairman Bedrosian
Mr. Barengo
Mrs. Cavnar
Mr. Hickey
Mr. Malone

MEMBERS ABSENT: Mr. Harmon

GUESTS PRESENT: Samuel Mamet, Clark County
Dick Mayne, Clark County Coroner
Joel Rosenthal, Public Administrator, Clark County
John T. Gorman, Las Vegas, Attorney
Ted Thornton, Carson City Clerk-Treasurer
David L. Howard, Chief Deputy Secretary of State
Betty Rosenthal
Patsy Becker
Assemblyman Bob Weise

Chairman Horn called the meeting to order at 3:10 p.m. He announced the agenda for March as follows: March 5, AB 212 and AB 368; March 12, subcommittee reports on AB 89, AB 145 and AB 147; March 20, AB 271 and SB 38; March 26 SB 37, SB 128 and AB 114.

Mr. Horn summarized the provisions of AJR 8 of the 59th session and said the committee would hear testimony from the proponents of this bill.

AJR 8 of the 59th Session: Proposes to amend Nevada Constitution by deleting public administrators from list of elective county officers.

Mr. Horn said that letters had been sent to all public administrators inviting them to testify but Mr. Rosenthal was the only one to accept. He added that he had received a few letters from other public administrators which are attached to these minutes as Exhibits A through C.

Samuel Mamet, representing Clark County, said that as directed by the committee he was submitting a synopsis of a 16-20 page bill which presently was in the bill drafter's office. This synopsis is attached to these minutes as Exhibit D. He explained that if AJR 8 should pass, this enabling legislation would create the office of county public trustee which would in effect combine the offices of public administrator, public guardian and administrator of trusts. He added that this legislation would only apply to counties with population of more than 250,000 but could be instituted by other counties if they chose to do so.

Mr. Mamet said that Mr. Mayne was there to explain some of the practical problems of the relationship between the coroner's office and the public administrator.

Dick Mayne, Chief Deputy Coroner of Clark County, said that in the past four or five years the coroner's office has assumed some type of role in the duties of the public administrator four separate times. He explained that his office is staffed with trained medical-legal investigators who are not equipped, prepared or desire to act as public administrators. He added that his staff is restricted by ordinance to only property that is on a body which is necessary for identification purposes only.

Mr. Mayne stated that he was very much in favor of AJR 8 because he feels it is definitely necessary for metropolitan areas such as Clark County. He explained that there is a wide, gray area between the duties of the coroner-medical examiner and the duties of the public administrator such as in the case of a person dying intestate in a hospital who is not under the jurisdiction of the coroner's office and whom the public administrator may or may not select to investigate. He added that since January 1st 24 people have expired under these conditions and ten of these remain unburied. He referred to two sheets of case histories supplied by local mortuaries citing attempts to contact the public administrator attached to these minutes as Exhibit E. He added that indigent funds being expended to bury people without any formal type of investigation with regard to assets is a burden upon the taxpayers.

Mr. Mayne continued saying that under Clark County ordinances covering his office they are authorized to notify the next of kin but that person may not be the heir. He said that they have no authority to release real property and questioned who was responsible for the safety of this property. He added that his department has devised affidavits for release of property found on the body or impounded by receipt for identification purposes.

Mr. Mayne stated that at present they have 38 cases pending notification of kin or letters of administration and it is fortunate that Clark County has the only central morgue in the state which can hold up to 50 bodies. He explained that persons encountering problems with regard to release of property were certainly not conducive to a good image. He added that he appreciated the position of the incumbent public administrator and his predecessors, that he did not feel the fault lay with the individual but with the system and the statutes covering the office of public administrator and his fees that are antiquated and archaic. He said that these statutes may be fine in a rural area but are untenable in Clark County. He submitted to the committee a copy of an investigation report from his office and a list of property management cases which are attached to these minutes as Exhibits F and G.

Mr. Malone asked why if this office functioned in the past, is there a problem now.

Mr. Mayne answered that it was because they were losing money. In answer to Mr. Malone's question of what difference it would make to have a public trustee rather than a public administrator,

Mr. Mayne stated that from past experience there is often money available through social security or veteran's insurance as shown in one of the cases in Exhibit E.

Mr. Malone asked Mr. Mamet why they chose the figure of 250,000 population in the bill to establish the office of public trustee.

Mr. Mamet said that there is a bill pending in the Senate Government Affairs Committee that raises all of the population statutes to that figure.

Mr. Malone asked Mr. Mamet how he thought Clark County could justify a \$70,000 a year job rather than changing an ordinance to make it pertinent to a constructive public administrator position.

Mr. Mamet stated that this was a necessary service and they felt this was the only solution. He added that they did not look at this as a money maker, but there are sources available and with the additional oversight provided by the enabling legislation the office would be self supporting in a reasonable length of time.

Mr. Horn asked who was to blame for the ten unburied bodies in Clark County two of which dated back to the first week of February.

Mr. Mayne stated that he was not in a position to fix blame, that Exhibit E was rather explanatory in that no investigation has been made.

Mr. Horn asked how Mr. Mayne justified his statement that the statutes were antiquated and archaic.

Mr. Mayne explained that the bulk of the laws pertaining to public administrator date back to the first of the century or before and even though these have been somewhat updated, they do not compare to the updated and sophisticated laws of neighboring states.

Mrs. Cavnar asked why the office of auditor was included in AJR 8.

Mr. Mamet answered that this was added as an amendment in the Senate Government Affairs Committee last session because in many counties auditors were already appointed and they felt this amendment would correct this situation.

Mr. Horn asked if the office of public administrator was functioning now.

Mr. Mayne stated that his office has notified the public administrator by telephone and by sending copies of every report where people die intestate but that Mr. Rosenthal, Public Administrator of Clark County, has declined to respond. He referred to a case in Exhibit E where he had responded.

Joel Rosenthal, Public Administrator for Clark County, stated that he felt his office should remain elective rather than become appointive. He said that he had worked very closely with Mr. Mayne in attempting to do the job on the basis of the precedent which had been set over the years. He added that even though he was fully aware of the difficulties in previous years he welcomed the challenge of making it work right. He stated that he had the assurance of the people in the county government, in the event that he was successful in being elected, that his proposals and suggestions would be discussed in the attempt to cure the situation. He said that after election he met with the county legislative committee which discounted point by point his proposals. He added that he researched the laws in which he was functioning and attempted several times to get interim assistance from the county to make the position a viable one on a private basis. He explained that the county was not unwilling but did not have the authority to give assistance. He further explained that after his meetings in November with the legislative committee the only consideration available on that level was the plan of making public administrator an appointive position. He reiterated his belief that whether it be a public administrator or public trustee or whatever no one can be expected to privately fund the public good.

Mr. Rosenthal testified that it was difficult for him to understand special legislation for one county because he believed in government for all the people of the state. He said until this moment he has sat back and let the people and the media form ideas based on what the public administrator has not been doing. He then quoted from NRS 253.040 which he said tells what a public administrator is supposed to do in less than a sentence: "Public administrators are authorized to administer on the estates of any deceased persons in any cases where by law they are entitled to administer by virtue of their office,..." He stated that this is the entire sum and substance of the law governing the public administrator in our state. He agreed with Coroner Mayne in that the coroner's duties stop at a certain point and leave a giant void in the law. He stated that no one feels any worse than he does that since the first of the year these things have not been properly cared for but that he knew of no other way to protest the system and the void in the law. He added that everyone basically wants the same thing which is to cure the void in the law.

He then referred to the original issue of whether offices should be elective or appointive and his feeling that the people should be represented on a direct basis. He said he would be very happy to work together with the people in his county for the benefit of the county and the people of the county and the state but he feels he has been shut out like the trial before the hanging waiting to see what was going to happen. He said that he felt this was the beginning of a long, complex, soluble problem which he would like to work out with county officials.

Mr. Horn asked Mr. Rosenthal if he was currently performing his duties as public administrator.

Mr. Rosenthal replied that he was working on cases where he had been appointed by the court as administrator but that he had not been investigating all the new cases that were requested because there is no specific provision for compensation.

Mr. Horn asked Mr. Rosenthal when was the last time that he had carried out his duties.

Mr. Rosenthal stated he would like to paraphrase the question to the last time he performed his duties by precedence of what was thought a public administrator should do and not as stated by law.

When Mr. Horn said that he thought you either performed your duties or you did not, Mr. Rosenthal said that this is why this situation exists and he has not been supported in trying to obtain legislation so that the job can function as everyone believes it ought to be done.

When Mr. Horn asked what Mr. Rosenthal would do if AJR 8 fails and the county refuses to work with him, he replied that he felt that the county commissioners would be happy to work with him to make the position function properly if AJR 8 fails but that at present they hope to have a public trustee.

When Mr. Horn asked if he would want the appointive position if AJR 8 passes, Mr. Rosenthal answered that he had not thought this far ahead because he was attempting to keep a positive attitude.

Mrs. Carnar stated that she did not like to see elected positions become appointed and asked Mr. Rosenthal what solutions he had suggested for the problems of his office.

Mr. Rosenthal replied that in situations where people have rights to property and a service has been done, they would like the authority to charge a reasonable fee for services rendered.

When Mrs. Carnar asked what was a reasonable fee, Mr. Rosenthal answered that the average investigation costs between \$50 and \$100 to complete.

Mr. Hickey asked Mr. Rosenthal if he was aware of AJR 8 and of the problems of the office when he ran for public administrator, and who had given him assurance from the county government.

Mr. Rosenthal answered that he was aware and when questioned again answered that he had assurance from Richard Bunker, Bruce Spaulding, Bob Broadbent and all the commissioners.

When Mr. Hickey asked if Mr. Rosenthal would get written statements of assurance from these people, he said that it appears that the complexion has changed now.

Mr. Hickey asked what the past practices have been concerning unburied bodies and Mr. Rosenthal stated that up to and including the first of this year the public administrator has voluntarily done this work.

Mr. Hickey asked Mr. Rosenthal if he did not in fact forego the past practices because statute did not support it by his interpretation. Mr. Hickey then referred to Mr. Rosenthal's remark stating that no one can be expected to support public good and suggested that a public servant should be supporting public good. Mr. Rosenthal responded that this was only half a statement and that what he had said was that no one can be expected to support public good out of his own private funds. Mr. Hickey then suggested that maybe the chairman should ask for Mr. Rosenthal's resignation and support AJR 8 because he agreed that it should not come from private funds but also there were ten bodies unburied which was shocking and unacceptable.

Mr. Hickey stated that he thought a letter of intent should be sent to Mr. Rosenthal and to the county for immediate burial of these ten bodies or legal action will be taken.

Mr. Horn referred to the case of Thomas Mains in Exhibit E where it states that the public administrator did not have time to pick a check and wallet up from a hotel room and asked Mr. Rosenthal if this was an accurate statement. Mr. Rosenthal replied that he was not familiar with the case, but after further perusal said that he had explained in this case that the statute provides for certain procedures that allows the mortuary in due course to make their case in a situation like this in priority to the public administrator if they wish.

Mr. Bedrosian asked if this position had cost Mr. Rosenthal money personally to which he replied yes. Mr. Bedrosian asked if the office of public administrator performed the public service of handling probates and estates of dead persons and if the reason that these ten persons had not been buried was that it would cost Mr. Rosenthal money personally. Mr. Rosenthal replied that the investigation and servicing of the case would cost him money. Mr. Bedrosian said he did not understand why the state would expect an individual to pay for a public service. Mr. Rosenthal said that the statute dated back to 1866 and at that time it was felt that there would be a sufficient amount of probate cases for a person to make a living and also take care of indigent cases but with the growth of Las Vegas to 400,000 population the situation had changed and it was not possible to make a living under the present system. He added that AJR 8 did not address this problem only that of elective or appointive.

Mr. Barengo stated that in reading the statutes he felt it was clearly the duty of the justice of the peace or the coroner's office to bury indigents and he would like to know why these ten bodies had not been buried.

Mr. Horn informed Mr. Mamet that the committee would like a letter from Mr. Spaulding and the county commissioners regarding their current position on the public administrator.

Mr. Mamet replied that the current position of the county commissioners was in support of AJR 8 and went on record in support of this when it was voted as a resolution before the Nevada Association of County Commissioners at the convention in November.

Mr. Barengo stated that there was an apparent gap in the law as to who was responsible for burying these bodies, and if this is true, there should be some legislation drafted to solve the problem.

Mr. Mayne stated that Mr. Barengo was correct, that this was the gray area that he attempted to define existing between those duties of the coroner and the public administrator. He explained that these ten cases have never been under the jurisdiction or perusal of the coroner's office and that those that do fall under their jurisdiction are currently being investigated. He added that there was a problem of who should investigate those cases not falling under the coroner's jurisdiction to determine available assets. He felt that many cases were being turned over to social services and being buried at county expense needlessly because of the lack of investigation.

In discussion between Mr. Barengo and Mr. Mayne it was established that a person dying on the streets or a traumatic death would fall under the jurisdiction of the coroner's office but a person dying in a hospital or nursing home or under a doctor's supervision for twenty four hours would not and that the law did not designate jurisdiction for these types of deaths.

John Gorman, an attorney from Las Vegas representing Joel Rosenthal, stated that the law governing the public administrator was inadequate and that neither this bill nor the proposed legislation creating the office of public trustee addressed the problems that had been discussed at this meeting. He suggested taking the present legislation and embellishing it with a few amendments to make it more workable by more carefully defining the authority and duty of the office and by preventing a distant relative from stepping in to administer an estate which would allow the public administrator to collect a fee for his services. He gave several examples of situations where the public administrator does the investigating but does not collect any fee. He reiterated that he felt that the present constitutional job should be made a viable one by amendment to the statutes and offered to provide the committee with recommendations of these amendments.

Mr. Horn assured everyone that the committee would get to the bottom of these problems. He then summarized AB-189 and asked Mr. Barengo to explain his bill.

AB 189: Requires incumbents of certain public offices to provide their elected successors with information pertinent to future administration.

Mr. Barengo said he never thought there would be a necessity for such a bill but that it addressed a specific problem in Nye County. He said the newly elected sheriff there was totally barred from the incumbent sheriff's office and was not able to learn about or take part in the drafting of the budget for his term of office.

Ted Thornton, Clerk-Treasurer from Carson City, stated that he was in favor of this bill for several reasons. He explained that four days after he took office the budget for his department was due and had not been prepared. He stated that shortly after he was elected he asked the incumbent if he could come to the office and work with him in certain areas but that the incumbent was in the office only two days from the time of the election until Mr. Thornton took office. He said he felt this legislation was very necessary in fairness to the city and to the newly elected official to properly prepare budgets, be advised of any personnel problems and learn various areas of responsibility.

Mr. Horn questioned how this legislation can be enforced. Mr. Thornton answered that he thought if it was in the statutes an incoming official would have access to records even though the incumbent was not present.

AB 109: Provides for placement of candidates' names on ballots in a selected random order.

David Howard, Chief Deputy Secretary of State, noted that the sponsors of this bill were all towards the end of the alphabet. He stated that his office was neither for nor against this bill but was concerned about suits that had occurred in other states, such as Arizona, California and Oregon, that resulted in the courts directing the election officials to initiate a particular type of order of names on ballots. He added that the one that they were particularly leery of was a rotation of names on the ballot and that states which they contacted using this method had found that their costs had quadrupled. He said that he did not know if the costs would be affected in rural counties but that Clark and Washoe Counties costs would be tremendous.

Mrs. Cavnar asked if each precinct would be different under this rotation system.

Mr. Howard explained that if you had ten precincts and ten candidates, in each one of those precincts each candidate would have to appear at the top of the ballot some specified period of the day. He added that it is a very complicated procedure and that he did not feel in his experience that the top of the ballot was a great advantage except possibly in a case where there are a great number of candidates such as the 39 candidates for public administrator in Clark County.

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Assemblyman Bob Weise said that the bill was self-explanatory and that his motivation was obvious. He explained that he did not care how the selection was made but felt it should be anything rather than alphabetical. He referred to two court cases which are described in Exhibit H prepared by the Research Department of the Legislative Counsel Bureau. He added that he felt if the legislature did not pick its own means of selection it would be challenged before the next election which might allow the courts to decide on the selection process.

Mr. Horn questioned the proof that the alpha sequence was disadvantageous.

Mr. Weise said that the list of studies found at the end of the memo from the Research Department gave this proof.

Mr. Horn stated that last session he had compiled a 48-page research paper that challenged Mr. Weise's premise.

Mr. Malone asked Mr. Weise if he thought it would be feasible to have the names on a first-come, first-serve basis.

Mr. Weise said he had no objection to that method and felt it might inspire earlier candidate registration. He reiterated that he felt any decision from the legislature was preferable to a court decision.

Mr. Horn said that the subcommittee on AB 147 would meet tomorrow February 27 to hear testimony from the rural counties and the northern part of the state and that the committee would meet again next Monday, March 5th, to hear testimony on AB 212 and AB 368. He then adjourned the meeting at 5:00 p.m.

Respectfully submitted,

Patricia Hatch

Patricia Hatch
Assembly Attache

A letter from Mr. William L. Pursel regarding AJR 8 is attached to these minutes as Exhibit I.

A letter from Mr. Vaughn L. Smith, former Clerk-Treasurer of Carson City, regarding AB 189 is attached to these minutes as Exhibit J.

Miss Pat Vath
Public Administrator
Elko County
876 Third Street
Elko, Nevada 89801
February 16, 1979

Mr. Nicholas J. Horn
Assemblyman
Clark County, District No. 15
2543 Boise Street
Las Vegas, Nevada 89121

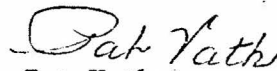
Dear Mr. Horn,

I am in receipt of your memorandum concerning AJR 8 of the 59th Session. Unfortunately, I will not have a representative, nor will I be present to testify on this bill on February 26, 1979.

However, I felt that you should have my thoughts on this matter. I am definitely opposed to this amendment to the Nevada Constitution, I do not feel that public administrators should be deleted from the list of elective county officers, to me this would constitute a disruption of our county elective procedure.

I appreciate you bringing this matter to my attention.

Sincerely,



Pat Vath

Elko County, Public Administrator



Nevada Legislature

SIXTIETH SESSION

MEMORANDUM

TO: JOEL ROSENTHAL, PUBLIC ADMINISTRATOR

FROM: ASSEMBLYMAN NICK HORN, CHAIRMAN
ASSEMBLY ELECTIONS COMMITTEE

RE: AJR 8 of the 59th session: Proposes to amend
Nevada Constitution by deleting public administrators
from list of elective county officers.

This is to advise you that the Assembly Elections Committee has rescheduled a hearing on this bill for February 26, 1979 at 3:00 p.m. in Room 222.

We would appreciate knowing if you or your representative will be present to testify.

*We will be present at the meeting of 2/26/79
Thank for the news.*

Joel

NICHOLAS J. "Nick" HORN
ASSEMBLYMAN
CLARK COUNTY, DISTRICT No. 15
2543 BOISE STREET
LAS VEGAS, NEVADA 89121



EXHIBIT C
CHAIRMAN
COMMITTEE ON ELECTIONS
MEMBER
COMMITTEE ON COMMERCE
COMMITTEE ON JUDICIARY

Nevada Legislature

SIXTIETH SESSION

M E M O R A N D U M

TO: LYLE MATTICE, PUBLIC ADMINISTRATOR

FROM: ASSEMBLYMAN NICK HORN, CHAIRMAN
ASSEMBLY ELECTIONS COMMITTEE

RE: AJR 8 of the 59th session: Proposes to amend
Nevada Constitution by deleting public administrators
from list of elective county officers.

This is to advise you that the Assembly Elections Committee has rescheduled a hearing on this bill for February 26, 1979 at 3:00 p.m. in Room 222.

We would appreciate knowing if you or your representative will be present to testify.

Sorry, I will be unable to attend.

Lyle Mattice

LYLE MATTICE
1330 S. BRIDGE ST.
WINNEMUCCA, NEV.
89445

COUNTY PUBLIC TRUSTEE

SCOPE OF THE OFFICE

The concept of a public trustee as delineated in Clark County's proposed legislation stands as an alternative solution to the current dilemma surrounding the elected office of public administrator in Clark County. This proposal melds the current functions of public administrator, public guardian and administrator of trusts. These offices are closely related in function; therefore, a consolidated approach achieving a professional and streamlined operation makes a great deal of sense. Wasteful duplications and antiquated, cumbersome procedures would be eliminated.

The legislation has been drafted in such a manner so as to mandate that in Clark County the new position be appointed by the commissioners. All other counties may avail themselves of this option at the discretion of the commissioners, otherwise, the office of public administrator shall continue to operate in its present form generally under NRS 253.

Duties of the public trustee would include the recovery and protection of the property of any settlor, ward or deceased person. Before assuming any estate administration, the trustee would be required to investigate whether the office is eligible to assume the

trust, guardianship or estate by searching for any relatives, friends, or creditors legally responsible to assume it. If the public trustee discovers that he would be eligible, he must petition the court for the necessary confirmation. In all these legal necessities he would be assisted by the district attorney who is to be his legal counsel.

FINANCIAL PARAMETERS

General Compensation

As an appointed county official, the public trustee would be on a fixed salary and all revenue generated would go to the county general fund for costs of office operation. The income for the office would be derived from the fees which are granted all administrators and executors pursuant to NRS 150.020. In addition, this proposed legislation directs the court to reimburse the public trustee for services performed in preserving personal property of a deceased person prior to the appointment of another administrator if one is found, (current law, NRS 253.050(2), only makes such reimbursement permissive). Additional revenue is generated by the office through fees it may charge for acting as trustee of a trust.

Services performed in the officer's capacity as public guardian, however, generate no immediate income. Such guardianships are uncompensated until either the guardianship is terminated or the ward dies. At that time, compensation for services may be claimed against the

estate of the ward. Expenses in acting as guardian may, however, be recuperated from the ward, if the ward is deemed financially capable of assuming those costs. The guidelines by which a ward's capability is determined are outlined in the proposed legislation.

County Public Trustee Trust Fund

With the exception of real property which serves as the residence of a ward or trust beneficiary, the public trustee must sell all assets of the trusts and guardianship estates and invest the proceeds in the county public trustee trust fund. Each ward or trust beneficiary then owns a percentage of the general trust fund in relation to his investment. The monies herein may be invested in a manner as outlined in detail in the law. The income from the trust fund may only be dispersed upon order of the board of trustees of the trust fund or by order of the district court; principle may only be dispersed by order of district court.

The board of county commissioners is the ex officio board of trustees of the trust fund. They establish the regulations governing the acceptance and investment of trust monies. For these fiduciary services they may charge an annual fee which constitutes a direct charge on the principle of the trust fund and which will be deposited in the county general fund.

CONTROLS

The public trustee would be directly accountable to the county manager, or in those counties not having a county manager to the board of county commissioners. With board approval, the county manager would establish the policies and regulations governing the office. In addition, the board or county manager would be mandated to investigate any complaints which may surface against the public trustee and report findings to the district attorney.

Furthermore, in January, April, July and October of each year, the public trustee would be mandated to submit, under oath, to the county clerk a statement of all fees collected; and each January and July he must submit to the board of county commissioners and the district court a detailed written report on all estates and trusts handled. The reports are to be made public upon receipt by the county and district court.

With this extensive system of direct accountability and outside checks, improprieties as have been experienced in the past would be avoided.

SUMMARY

The proposed legislation goes into far greater detail than has been outlined here. It addresses every aspect of trust administration to assure correct and uniform operation.

This proposal does not amend existing probate law or alter laws governing administrators and executors in general so as to attempt to increase possible profits for the office. It merely combines three basic fiduciary functions into one office and establishes a mechanism for estate administration by a public official when no private person or agency is present, capable, or willing to administer the trust estate, or guardianship. The fees going to the office are instituted to allow the office to attain a level of financial support and an organizational framework to allow an efficient and effective operation.

-6-79 JOSEPH PALMIERI - NOT A CORONER CASE

IED B.C. HOSPITAL

his man died in Boulder City Hospital. At the time of death he had \$400+ at the hospital. e had a car, he had in his possession two (2) uncashed SS checks. Bob Simmons called he P.A. and asked that he go to the hospital and get the money so that they could bury this an. The man has sufficient funds to cover burial but Palm Henderson could not get the money. hey asked the PA if he would not go to hospital and get money would he at least apply for he SS benefits. The PA also refused to do this. Said that he would do nothing. Palm uried the man but they have got not one penny because they cannot get any funds. There s more than enough. Palm has his vehicle there at their place but they also can do othing about it.

hey said that he has only chose to handle one case that they know of and that one had some oney involved. This was prior to the first of the year though.

ALM - LAS VEGAS

alked to Bill Matson and he can only think of one case they have had since Jan. 1. hey have a Henry Montroy - DOD 2-15-79. pparently this man has no family or no funds so a Mrs. Roman took it upon herself to go see A on Tuesday 2-20-79. Palm has heard nothing further back from her as to if PA helped her r not or whether she was referred to Social Services. No arrangements made yet on his man.

UNKER

- 5-79 Benjamin Hicks - Not buried - Family has no money. Maybe a vet. otherwise County
- 10-79 John Hawkins - Not buried - PA notified. This man has a 1972 auto but PA did not do anything. Will refer for county burial.
- 12-79 Geo. Weil - Will refer to County - P.A. notified Not buried
- 11-79 Albert Sunshine - Will refer to County - PA notified Not buried
- 2-79 Gordon Francet - Refer to county - PA notified Not buried
- 4-79 Fremont Ambler - Will refer to County- Not buried PA notified
- 3-79 Jessie Cannon - No family Will be notifying PA and then to County Not buried
- 15-79 Catrice Davis - No family - Not buried - Will refer to County after PA
- 22-79 Jack Strickland - Will be referring to PA and then to County.
- 23-79 John Fitzthum - Will call PA and then County

~~XX~~
ome of these people may have money to bury but since no one investigates it the County ends p burying them.

PALDING

2-2-78 HARLAN MATHEWS - Notified P.A. at his home on 12-3. Called again on 12-5 and was told the man had noting. On 12-7 gave to Count. 1-15-79 an insurance adjuster called Spalding and told them they would pay for burial. Spalding suggested that this man talk to the P.A. Adjuster was never able to reach P.A. 1-22-79 Spalding again called adjuster and he ask them how much for burial and they told him and he said to go ahead and they would pay. Decedent buried 2-6-79.

2-5-78 FRANK HAMRYSIAK- Not coroner - No family 12-6-78 P.A. notified by Spalding and he told them they would have to wait 2 or 3 days until he had time to go through things. Decedent had property at convalescent center and PA said he did not have time to

ick it up so Spalding picked it up for him. He had \$260.00 in cash and a check for 280.25. turned check over to P.A. and he signed back to Spalding. Had check book -checking account. palng got money for burial finally and decedent was buried 1-24-79.

2-13-78 THOMAS MAINS - No relatives. Gave to P.A. & county for burial. County turned down week later because of bank account. P.A. contacted by Spalding. Told PA where bank account was. 1-18-79 P.A. told Spalding to go to bank with letter and get funds. \$551.23. Gave money to Spalding with letter. Spalding went to Conv. home because P.A. did not have time and picked up his wallet and cash consisting of \$310.00 and a SS Check which was at W. Charleston Hotel. They would not release check they said PA had to get it. PA called them and told them to give it to Spalding. Spalding got check and took it to P.A. to have him get it signed over to Spalding and PA said that he did not have anything to do with this because it was under \$1000. Spalding sent check back to SS and are waiting for them to issue it to them. Finally buried on 1-23-79.

2-19-78 Henry Kellam - Trailer, no relatives. Gave to P.A. 1-219-78. Check with P.A. off and on until 1-4-79 when he told them he found some mail from someone in NY P.A. told Spalding to contact them. Spalding sent a night letter stating to contact P.A. and a sister in NY responded. On 1-9-79 brother gave authorization for cremation. Contacted PA for him to get VA Number and SS. 1-18-79 P.A. finally got VA number for Spalding. on 2-7-79 P.A. signed application for VA benefits.

2-26-78 PAUL SIMARD - On 1-18-79 Spalding contacted P.A. and was told that there was an estate and that he needed a D.C. to get papers filed. On 1-24-79 Spalding filed a creditors claim. Buried 2-5-79 and Spalding still has no money from P.A.

PARADISE VALLEY CHAPEL

1-3-79 CARR NELSON - PA contacted but informed Paradise Valley he was not going to do anything about this case. He was at the scene. Told Paradise Valley to contact County for burial. Has been into county for approval. Not buried yet. Brother in Conv. Home in L.A.

1-2-79 CARLOS FARIAS - Buried 1-15-79. Friend which was named as beneficiary on insurance paid for burial and gave balance of money to mother. Friend wanted to give all insurance money to mother as he said she was very poor. and he said that he had enough assets here to bury him but P.A. would not handle. He has car and money in bank. Car in police impound and money still in bank they presume.

1-4-79 EZRA GOOLSBY - Buried 1-9-79. P.A. handling this in conjunction with family. Paradise buried but had not been paid yet by P.A.

4 other cases that Paradise did not bother to contact P.A. as he told them he was not going to handle any cases. 2 of these they got buried with VA and SS. I had money in a convalescent home and SS. I an attorney in Chicago is handling.

There could be more but the mortuaries could not come up with anymore on such short notice.

10 Bodies not Buried as of 2/22/79

Library Note:

Due to the presence of personal identifying information, parts of this document have been masked in order to maintain this record in a confidential manner as required by *Nevada Revised Statutes 239B.030 (5)*. The complete original document is on file with the State Library and Archives.

Research Library
July 2010

REPORT OF INVESTIGATION

OFFICE OF THE CORONER MEDICAL EXAMINER, COUNTY OF CLARK, STATE OF NEVADA
1704 Pinto Lane, Las Vegas, Nevada 89106

DECEDENT SANDERS MC GUFFEY M S W D, DOB [REDACTED]

Age 68 Sex Male Race White Tel. No. 451-9721

Residence address 3751 South Nellis, Sp. 329, Las Vegas, Nevada

Height 70" Weight 177 Hair Hazel Eyes Brown Scars None observed.

Tattoos None observed.

Other identifying features None observed.

Rigor Mortis Fixed throughout body. Livor Mortis Dependent areas.

Clothing None.

Trauma None observed.

Drugs & Medications Doxidan, Inderal, Indocin, Digoxin.

Occupation Retired Employed by [REDACTED] S.S. [REDACTED]

Reported by LVMPD Address & Tel. [REDACTED]

Date & Time reported 2-19-79 10:22 A.M. Location of body 3751 S. Nellis, Sp. 329, Las Vegas

TYPE OF DEATH: Apparent Natural Violent At work Not at work

CIRCUMSTANCES | DATE | TIME | NAME & ADDRESS

Death Occurred-Pres. of [REDACTED]

Found Dead by [REDACTED] 2-19 9:00AM John Sustak, 3751 S. Nellis, Sp. 313

Last Seen by [REDACTED] 2-19 8:30PM John Sustak

Pronounced Dead by [REDACTED] 2-19 10:44AM S. Browar

Body Viewed by [REDACTED] 2-19 10:44AM S. Browar

Identified by [REDACTED] 2-19 10:44AM Papers and I.D. in home.

Witness #1 [REDACTED]

Witness #2 [REDACTED]

Law Enforcement Agency LVMPD Officers Waller

Property Receipt # 9673 In Custody of Coroner's Office

CUSTODY OF BODY: Removed by Mortuary Vehicle To CCCME

Driver Broten Assisted by Davis

Requested by Rotation - Bunker Brothers Mortuary

DEATH NOTIFICATION: Next of Kin Glenn McGuffey - Brother

Address Fackler, Alabama 35746 Tel. No. 205-437-2726

Person notified if other than N.O.K. [REDACTED]

Address [REDACTED] Tel. No. [REDACTED]

Means of Notification Telephone.

Notification made by S. Browar Date 2-19-79 Time 3:30 P.M.

VEHICULAR DEATHS: Driver [REDACTED] Passenger [REDACTED] Seat location [REDACTED]

Pedestrian [REDACTED] Vehicle [REDACTED] Lic. No. [REDACTED] State [REDACTED]

Accident [REDACTED] Miles from residence (or hotel or motel)

SAFETY EQUIPMENT USED: Seat Belt, 2 point [REDACTED] 3 point [REDACTED] Air bag [REDACTED] Other [REDACTED]

Cor/M.E. [REDACTED]

NARRATIVE SUMMARY: Include medical history, names and addresses and telephone numbers of all doctors known to have attended decedent. All pertinent details found at the location of the body.

EXHIBIT F

ANDERS MC GUFFEY

Case No. 235-79

2-19-79

Age: 68

Viewed decedent lying on his left side on the bathroom floor of his residence. The body is cool. Pupils fixed and dilated. Dependent lividity is present on the left side of his body. Rigor is fixed throughout.

Per information supplied by decedent's neighbor, Mr. John Sustak, he last saw the decedent alive last evening at approximately 8:30 P.M. This morning, Mr. Sustak saw water flowing out of the trailer so he summoned the park manager who unlocked the mobile home door. The decedent was found lifeless.

Mr. Sustak states the decedent has a long history of hypertension and heart "trouble." Medication found at decedent's trailer confirms this history.

Property impounded per Receipt # 9673. Public Administrator on scene but did not impound or lock and seal mobile home. (See attached Supplemental Report.)

Decedent's mobile home locked and Coroner's Office Seals placed on all doors and window.

Body removed to CCCME pending disposition.

MPD called and a watch will be placed on decedent's mobile home until next-of-kin arrive in Las Vegas.

ACTION TAKEN:

EXAMINING PHYSICIAN Dr. Green AUTOPSY _____ VIEW XX CASE NOT ACCEPTED _____

TOXICOLOGY TAKEN _____ TEST(S) REQUESTED _____

CLARK COUNTY CORONERS OFFICE

EXHIBIT F

SUPPLEMENTAL REPORT

FILE NO. 235-79

NAME OF DECEASED SANDERS MC GUFFEY

SCENE OF CALL 3751 South Nellis, Sp. 329, Las Vegas, Nevada

CALL RECEIVED FROM LVMPD

INVESTIGATING CORONER S. Browar

OFFICERS ON SCENE R. Waller

DETAILS: Responded to decedent's mobile home. At approximately 11:00 A.M., Joel Rosenthal and his attorney arrived. I asked Joel if he was going to handle this case. He said he would until he found a note written by the deceased stating that his brother in Alabama would be the executor of his estate. Mr. Rosenthal's lawyer advised him that since an executor has already been named, it was not Joel's case or responsibility. I stated that since the nearest relative lived out of the state of Nevada, it was my understanding that the Public Administrator was to be called. Mr. Rosenthal's attorney advised me that it was not Joel's jurisdiction, with that the gentlemen left. I impounded the decedent's personal belongings per Receipt # 9673 and locked and sealed all the trailer doors and windows.

PROPERTY MANAGEMENT CASES

- (BEGINNING JANUARY 1, 1979)

1-79	1-1-79	Robert Ingraham	611 So. 1st Street	Sealed	No known N.O.K.
12-79	1-2-79	Juan C. Farias	4280 Escondido #207	Sealed by P.D.	No known N.O.K.
20-79	1-3-79	Carr E. Nelson	130 W. Cleveland, #40	No notation of seals, brother in conv. home in L.A.	Status unknown. Friend of bro. given P.A. #.
138-79	1-24-79	David Sandweiss	5441 Paradise Rd., Rm. C255	Sealed of locked-out	Friend is to call to get into room for family.
156-79 157-79	1-28-79	Dennis Funk & Sherrri Douglas	3540 Villa Knolls	Locked-out	Awaiting Letters of Administration from family.
160-79	1-29-79	Joyce Vernon	2937 Aloha, L.V.	No notation of seal or lock-out.	Son & Dau. in Calif., Ex-wife here in town.
180-79	2-4-79	Everett Thomas	455 E. Twain, # 8	Sealed	Have not heard from family in N.Y.
95-79	1-16-79	Charles Wilhide	701 Encanto, #B106	Sealed	Mailed Cor. Prop. to them. Disposition of residence unknown.

Released 2-17-79

Released 2-16-79

EXHIBIT G

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710



ARTHUR J. PALMER, *Director*
(702) 885-5627

EXHIBIT H
LEGISLATIVE COMMISSION (702) 885-5627

DONALD R. MELLO, *Assemblyman, Chairman*
Arthur J. Palmer, *Director, Secretary*

INTERIM FINANCE COMMITTEE (702) 885-5640

FLOYD R. LAMB, *Senator, Chairman*
Ronald W. Sparks, *Senate Fiscal Analyst*
William A. Bible, *Assembly Fiscal Analyst*

FRANK W. DAYKIN, *Legislative Counsel* (702) 885-5627
JOHN R. CROSSLEY, *Legislative Auditor* (702) 885-5620
ANDREW P. GROSE, *Research Director* (702) 885-5637

January 24, 1979

TO: Assemblyman Bob Weise
FROM: J. Kenneth ^{JKC} Freighton, Research Analyst
SUBJECT: Randomized Alphabet System for Election Ballots

There are two court cases which have addressed alphabetical listing of candidates. In Kantenberger v. Jackson, 333 P. 2d 293 (Arizona, 1958), the Arizona Supreme Court held that if the names of candidates were not alternated on voting machines, as they were on paper ballots, but listed in alphabetical order instead, it would discriminate against candidates whose surnames begin with a letter toward the end of the alphabet. In the second case, Gould v. Grubb, 536 P. 2d 1337 (California 1975), the California Supreme Court held that the ballot listing of the incumbent first and the remainder of the candidates in alphabetical order was unconstitutional. It's conclusion on the alphabetical listing procedure is worth noting:

We have concluded that a procedure which invariably reserves advantageous ballot positions for candidates whose names begin with letters occurring early in the alphabet is unconstitutional. The substantial advantage which accrues to a candidate in a top ballot position may significantly distort the equality and integrity of the electoral process.

The court left it up to the legislature to adopt an alternative process. California adopted a lottery system in 1975 whereby the Secretary of State draws the letters of the alphabet three times in even-numbered years and three times in odd-numbered years (Division 8, Chapter 2, Sec. 10217, Elections Code). Whether Nevada's statutes are unconstitutional or not is a matter you should discuss with Frank Daykin.

In August 1976, Nevada's alphabetical listing of candidates' names on the ballot was challenged because of the advantage it gave to the first person listed on the ballot. However, Las Vegas District Judge Michael J. Wendall, dismissed this case (Schoefer v. Colton) because there was not enough evidence in Nevada to conclude that appearing first or last on the ballot makes a difference. There are, however,

several studies which might contradict this finding.* While they disagree on the extent of positional bias they all conclude that it does exist, especially in races where the office is listed lower on the ballot, where there are a number of unknown candidates running and/or where the race is nonpartisan. All of these studies are available in the research library, and I would be happy to discuss them with you.

In 1976 a bulletin entitled, "State Election Laws," was published by the Legislative Counsel Bureau. A proposal was made to adopt a random method for arranging candidates' names. Proposed legislation to do this, similar to yours, was presented. There might be a problem, however, with both the bulletin's proposal and yours. Both call for a drawing to be held only in each even-numbered year. No provision is made for odd-numbered years in which most city elections occur and this could significantly increase the possibility of ringers (people who are not seriously running but helping another candidate by drawing votes) because the alphabetical order would be known well in advance of city elections. In addition, city elections are nonpartisan and are not usually "high priority" elections, thereby increasing the number of voters that would simply vote for the first person (possibly a ringer) listed on the ballot. This is a problem you may want to consider.

If you have any questions regarding the above, please see me.

JKC/llp

*"California Ballot Position: An Unconstitutional Advantage to Incumbents," Southern California Law Review, Vol. 45 (Winter 1972), pp. 365-95; C. R. Bagley, "Does Candidates' Position on the Ballot Paper Influence Voters' Choice? - A Study of the 1959 and 1964 British General Elections," Parliamentary Affairs, Vol. 19 (Spring 1966), pp. 162-74; Delbert A. Taebel, "The Effect of Ballot Position on Electoral Success," American Journal of Political Science, Vol. 19 (August 1975), pp. 519-26; G.J.G. Upton and D. Brook, "The Importance of Positional Voting Bias in British Elections," Political Studies, Vol. 22, pp. 178-90; John E. Mueller, "Choosing Among 133 Candidates," Public Opinion Quarterly, Vol. 34 (Fall 1970), pp. 395-402; Krishan Nanda, "An Experiment in Voting Choice: Who Gets the 'Blind' Vote," Experimental Study of Politics, Vol. 4 (February 1975), pp. 20-35.



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1976-77
All-Stars

February 15, 1979

Mr. Nick Horn, Chairman
Assembly Elections Committee
Nevada State Capital
Carson City, Nevada

Re: Assembly Joint Resolution 8

Dear Mr. Horn:

In the matter under committee consideration concerning a constitutional change affecting the office of public administrator, allow me to add my thinking.

The credentials I bring to this discussion are not vast, having served as Clark County Public Administrator for only six days. However, my background includes twenty years of estate planning work as a life insurance underwriter. I am a chartered life underwriter (C.L.U.), a member of the Southern Nevada Estate Planning Council, and past president of both the Southern Nevada Life Underwriters Association and the Nevada State Life Underwriters Association. I am also registered with the National Association of Security Dealers and hold an active Nevada State Real Estate Brokers license. This background has been utilized principally in helping others to insure their economic value as well as the creation of and preservation of their respective estates. Consequently, my interest in the proper disposition of a persons estate is well grounded and deeply rooted.

It is my belief the estate of any deceased person is sacred. Furthermore, it is my belief the conduct of the office of public administrator not only requires the highest fiduciary relationship, but a great deal of compassion and service as it relates to heirs and the general public. It is absolutely wrong to expect, or except, a less than thorough settlement of any estate, and conduct controlling disposition of an estate should not be measured by the size of the estate.

As presently constituted, there is inadequate incentive to finance this position of public trust out of one's own pocket in order to maintain or establish the dignity of proper estate settlement. Consequently, a perpetuation of a haphazard system of marshalling and safeguarding estate assets, proper bookkeeping and auditing, and service to heirs of the

2.

deceased lacks formality and operates under a cloud of distrust. This is especially true in indigent cases, which constitutes the bulk of the work.

This is precisely why I resigned after six days in office.

The acknowledgment of needed change is obvious, especially in rapidly growing counties such as Clark and Washoe. What form such change should take, however, is debatable.

Under Assembly Joint Resolution 8 your committee is being asked to amend the Nevada Constitution to allow County Commissions to appoint a public administrator or assign these duties to an appointed public trustee. I do not support such a solution. There are too many governmental bureacracies now, and the area of estate settlement is a delicate position in which the public should have a voice via the voting process.

However, I do recommend a constitutional change from partisan to non-partisan, like a judgship or any fiduciary position of public trust. This seems to me to be the proper setting from which to start.

From this fundamental premise the following suggestions are made as to the ongoing operation of the office.

1. The elected public administrator would be compensated in one of the following ways. (Clark and Washoe Counties).
 - A. Percentage of the size of the estate plus an annual salary of \$18,000.
 - B. Salaried in the area of \$32,000 to \$40,000 annually.
2. The office would be budgeted to include a secretary, chief deputy, warehouseman and night watchman. All these county employees would be paid by the county, and covered by the same benefits as other county employees. Provision would be made for any special investigators auctioneers or appraisers needed from time to time, or for increased fulltime staff as the workload would demand supported by an approved county budget.
3. All personnel, including the public administrator, would be bonded by the county.
4. The physical facilities would include a properly equipped office, a bonded and sprinkled warehouse and secured holding yard for the proper maintenance and storage of marshalled effects and assets. All these facilities, plus the required vehilces, machinery and supplies, would be owned and maintained by the county.

3.

5. The bookkeeping and record system would be made uniform and comply with county standards, and would remain intact for the orderly transition of one public administrator to the next. Outgoing public administrators would be credited with work in progress when they leave office honorably and would be compensated on a case by case disposition. Special disposition would be made for delayed settlements or continuing management situations, but record keeping and auditing would not be removed from the County office of the elected public administrator except by court order.
6. Auditing of records and estate assets would be made periodically by a county auditor.
7. No comingling of funds or estate assets would be allowed without proper identification or unless by order of the district court where extraordinary circumstances make such more feasible.
8. Funds derived from auction or accruing from closed estates, or from the ongoing management of estates would go to the county treasurer as an offset for the taxpayer costs involved, except that portion earned by the office of public administrator. No funds would accrue to the State of Nevada except that amount over and above the budgeted amount in the county of origin.
9. Continuing quarterly reports to the County Commission, and semi-annual reports to the district court would be maintained.
10. Legal probate work would be provided by the office of the District Attorney in all indigent cases or estates of \$2,000 or less.
11. Private estate settlement would be allowed subject to county audit and a fee schedule, a portion of which would accrue to the county.
12. The elected public administrator would hold offices for four years and would be eligible for reelection to successive four year terms as often as the voting public would approve. Certain qualifications, such as a recognized college degree, would be required by those seeking this fiduciary office.

The foregoing suggestions are submitted as the direction I feel the legislature should take in affecting a meaningful change in the office of public administrator.

These thoughts are offered in the spirit of respect for a deceased's estate, and as an open public understanding of the necessary trust which should accompany any position carrying this burden of fiduciary responsibility.

Respectfully yours,

Wm. L. Pursel

Wm. L. Pursel

1217 Goldfield Avenue
Carson City, Nevada 89701
February 28, 1979

Mr. Nicholas J. Horn, Chairman
Elections Committee
Nevada State Legislature
Carson City, Nevada 89701

Re: AB 189 - NRS Chapter 281

Dear Mr. Horn,

Smooth transition from incumbent to successor in public office is very desirable. AB 189 could be helpful.

Line 6 - The suggestion of a "brief" is a good one; however, the contents of that document could be spelled out, thereby setting a guideline for the incumbent to follow in its preparation. Otherwise, it might be worthless.

Line 7 - The budget is public information and is available from other sources. If the bill is referring to the "proposed budget" that document may not even exist at that point in time. The tentative budget is due at the Nevada Tax Commission by February 20th.

Line 7 - The "other documents of the office, whether or not confidential," seems to be of questionable judgment. If a document is confidential, can anyone who has not taken the oath of office be allowed to examine it? Perhaps other wording would be more desirable.

Line 12 - Does this exception of judicial and legislative branches of government make this legislation unfairly discriminatory? Very often these offices overlap into the administrative, or executive branch.

My feeling in regard to this bill is influenced by the fact that I have been the public official who found himself in both positions, incumbent and successor. The intent of the bill is commendable, but you can't legislate a feeling of friendliness between two opposing (perhaps bitter) candidates. Also, care must be taken to be sure that too much authority is not given to one who legally has none.

I think AB 189 will create as many problems as it will solve.

If you feel that my personal testimony would help you in any way, please feel free to call me. (882-3693)

Respectfully,



Vaughn L. Smith
former Clerk-Treasurer of Carson City

cc: Ted Bedrosian
Robert R. Barengo
Harley L. Harmon
Thomas J. Hickey
Peggy Cavnar
Mike Malone