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NV PUC Commissioner David Noble Calls Police, Claiming a Video Camera Was Being Disruptive.

Who would have imagined, that a state agency would be so fearful over a video camera that they called the police? After 4 years being 'good', now the camera was deemed to be 'disruptive'.

Another example of imperial government agencies attempting to suppress public participation surfaced on Monday, October 26th at a public hearing of the Public Utilities Commission (PUC) in its Las Vegas office.

The presiding commissioner, David Noble, denied the civil rights of a disabled senior member of the public, Angel De Fazio, by arbitrarily banning her from videotaping this public hearing and barring her from attendance at subsequent PUC meetings and hearings.

As a long-time attendee and activist for consumer input and representation at the PUC, De Fazio has videotaped numerous (in excess of 250) other PUC meetings and hearings over the last four years. Her portable camera routinely resides on a tripod at the side of the meeting room and disturbs neither individual attendees nor the proceedings. Her videotaping is a reasonable solution to an absent transcript, unless the PUC's court reporter is paid hundreds of dollars for a paper copy. Only named parties in a particular docket are afforded complementary copies.

De Fazio suffers from toxic encephalopathy, a neurological malady to the many chemicals in personal care and cleaning products, pesticides and building materials that most Nevadans can endure without health side effects because of

stronger immune systems. The PUC has been unable and unwilling to enforce its posted signage that in-person attendees at its meetings refrain from wearing chemical fragrances. De Fazio has been made physically sick when she spends significant amounts of time at the PUC offices between fragrances and unresolved mold problems in its so-called LEED-certified building. The PUC is unconcerned that people with disabilities are denied access to its public meetings and hearings, a double and illegal standard.

De Fazio's disability affects her short-term memory and prevents her from taking notes. Her requests for telephone participation at Commission meetings and hearings have been regularly denied by the PUC's General Counsel, Carolyn Tanner, although witnesses and Commissioners have been regularly allowed telephone participation...another double standard. The Nevada Legislative Counsel Bureau without any reservations, allowed De Fazio to appear telephonically during their last session, even the Clark County Commission granted this reasonable accommodation.

Tanner and Noble have now conspired behind the scenes to claim that the PUC's routine 'contested hearings,' where two sides are arguing different claims, suddenly cannot be videotaped by the general public, but it is acceptable for the media to do so.

Noble stated that the media has to call him and get his 'approval' 24 hours in advance. So he has basically unilaterally decided who he will and not allow to video tape the hearings.

No public hearing was held about this sudden 'rule.' The Commission never voted to enact such an onerous rule and notice the public accordingly. This double standard has been concocted by Tanner and Noble to suppress De Fazio's presence and participation as a consistently concerted attempt to suppress general public knowledge of PUC policy misadventures.

Tanner further claims that the PUC's quasi-judicial status exempts it from the state open meeting law. What Tanner failed to acknowledge as she struggles to find some way of legally defending the PUC's deplorable actions is that virtually all PUC meetings are open to public attendance as a public body creating public policy. Tanner goes so far as to liken the PUC to the Nevada Supreme Court, a logically-flawed comparison given the enormous difference in operations and total absence of legal education and formal legal work experience characterizing some of the PUC's "judges."

What Tanner has forgotten is that these 'meetings' that she won't allow to be video taped, are conveyed into a 'proposed order' to be discussed at an agenda meeting and voted on then. At these agenda meetings, the PUC allows the public to comment on the proposed order. How is a member of the public suppose to make an educated and coherent comment, when they try to suppress what the

orders have been predicated on? These proposed orders are the PUC's summary interpretation of filings etc.

De Fazio had been issued press credentials by The Vegas Voice, a Clark County publication, by its Political Editor, Rana Goodman. Noble intentionally lied to Metro claiming that De Fazio had no such credentials, even though in the presence of a sergeant from Metro, DeFazio placed a call to Goodman, who confirmed De Fazio's press status.

The PUC apparently fears exposure to and examination by the public of its regressive actions, which can be accurately and collectively characterized as consistently anti-consumer and unabashedly against the public interest as its spends billions of utility ratepayers dollars on foolish, poorly planned and completely unnecessary projects unsupported by impartial evidence or complete vetting of issues by the 96-person PUC staff.

Noble called Metro to force De Fazio to turn off her camera, she was not required to leave, as she was not disruptive, only her small camera. Then the PUC called in their 'state security cop', and the reception staff notified him that Metro was on the scene. To add more fuel in their determination to aggressively harm De Fazio, when she asked him if he had cologne on, as she was starting to lose her voice and ability to communicate, he chuckled and the receptionist say 'ignore her'. Fortunately, Assemblywoman Shelly Shelton was there and watched the rapid decline of De Fazio's health, along with it being video taped by another member of the public.

Noble refused to speak with elected officials or their representatives over this issue.

A reporter from the Las Vegas Review Journal was present during the interactions both pre and post appearance by Metro. He even went in to record the meeting for a few minutes without being accused of trespassing.

Noble intentionally lied to Metro about the disruption in the meeting room and wanted her cited for obstructing the meeting. When it was Noble who demonstrated to all present, including members of the public, and parties to the hearing his petulant arrogance and need to control a disruptive 'crisis' he pointlessly fomented. Noble aggressively went to 'handle' the video camera, De Fazio then interjected, 'that's my property keep your hands off of it', only at that point did he stop and back off.

Then, Noble had De Fazio cited for trespass and interrupting the meeting when she took no such actions. After all, how can a member of the public commit trespass at a public body's public meeting? Especially when he admitted only the camera was cited as being 'disruptive'?

When there were three other members of the public video taping and one with audio on their cell phone. Two of them were in the first row and not cited or accused of disrupting the meeting. Noble and Tanner are guilty of conspiracy to deny De Fazio's civil rights.

De Fazio must now defend her civil rights in Clark County Justice Court on December 7th. What a fitting court date since it is also the 74th anniversary of Pearl Harbor's unprovoked bombing. The Allies subsequently fought totalitarianism to protect individuals' rights in World War II and now we have the PUC behaving as though it holds dictatorial powers over the public it should be grateful to humbly serve.

The reward for uncompensated participation in PUC public meetings is now fear that threatened public officials will become punitive and onerous if anyone dares to challenge their perceived omnipotent autonomy.

Ultimately, we, the general public, must fear those appointed public servants who believe they are above Federal disability law, the U.S. Constitution and state open meeting law requirements and foolishly insist they can do as they please, when they please, regardless of the chilling pall they cast on public participation in public bodies paid for by the public.

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