

# Nevada Public Utilities Commission Loses Trespass Case.

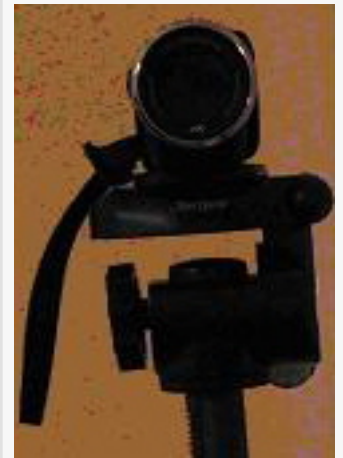
*Denial of a disabled person's right to an adaptive aid and reporter's right to use video camera at a state commission meeting.*

LAS VEGAS, NV, UNITED STATES, September 15, 2016  
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On September 12, 2016, a Las Vegas Justice Court Judge ruled that the PUC's outgoing Commissioner David Noble had no grounds to cite a long-time PUC participant and local reporter for trespass.

Last October 26th, Noble tried to stop Angel De Fazio from videotaping a PUC public meeting.

The issue concerned why a small video camera, used as a disability adaptive aid for four years, suddenly became disruptive.



Disruptive camera.

Even though De Fazio was a member of the press for this meeting, Noble refused to confirm her press credentials.

During the dispute, an administrative attorney of PUC Commissioner Burtenshaw, Matthew Fox, approached De Fazio claiming "We have no problem with you. You are more than welcome to come back into the room and watch, but until the camera is turned off, we are not holding the meeting."

Then, Fox threatened to close the meeting, alleging that there was confidential information to be discussed. Fox intentionally ignored that one week before, he was in the same type of meeting, with anything 'confidential' logged in as an exhibit with the notation of 'C' by the court reporter.

When Fox was questioned why the camera had become disruptive, Fox had no specific response beyond "Noble now decided it was."

With four other individuals trying to record the October 26th meeting, Noble targeted De Fazio alone. De Fazio and Noble have a history of numerous disagreements. Specifically, De Fazio has publicly chastised Noble on multiple occasions for his rulings that were inconsistent with comments he had previously placed on various other dockets.

Deputy Clark County District Attorney William Flinn prosecuted the case on behalf of the PUC. He attempted to initially plea bargain the case by dropping the charges if DeFazio would voluntarily stay away from PUC's building for six months. Flinn made a second offer to drop the charges if De Fazio would stay away from PUC's building for three months. Both offers were declined by De Fazio.

Just before the trial began on the 12th, Flinn tried to plea bargain a third time; the same three month time period, it was refused and the trial commenced.

De Fazio consistently pursued a full dismissal of the trespass charge with no conditions attached, citing Noble's intentional harassment and discrimination.

Flinn quickly left the court room in an angry state after the Judge ruled the trespass charge was inappropriate.

The Judge further stated that De Fazio had the ability to file a civil action against the PUC for its actions toward her. De Fazio is in the process of deciding whether she will proceed with such a case.

De Fazio was successfully represented by Craig Mueller, Esq., of Mueller, Hinds and Associates. Mueller has been the recipient of numerous awards: Top 100 Criminal Defense Attorneys Nationally and Top 50 DUI Attorneys in Nevada.

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