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Letter to the Editor
Las Vegas Review Journal
P. O. Box 70
Las Vegas, NV 89125

I am writing in response to your recent editorial questioning "where the Attorney General is on the Bob Loux criminal case."

On September 11, 2008, I received a constituent complaint requesting "an investigation of Bob Loux, Director of Nevada's Agency for Nuclear Projects, for malfeasance in office and possible criminal activity."

Upon receipt of the complaint, I decided the issue must be fully and fairly investigated to the fullest extent of the law. However, I also recognized there was a conflict of interest, and a perceived conflict of interest, for my office to investigate and potentially prosecute this issue. Over the last twenty years, Mr. Loux has had an ongoing working relationship with my office in this State's fight against the federal government regarding Yucca Mountain. Particularly, Mr. Loux has been utilized by my office as an affiant in two federal court cases: US v State, CV-00-0268-RLH (USDC, Nevada) and Nuclear Energy Inst. V. EPA 373 F.3rd 1251 (DC Court of Appeals). Additionally, I was aware that an ethics complaint had been filed against Mr. Loux, and pursuant to state law, I was required to represent him in that proceeding.

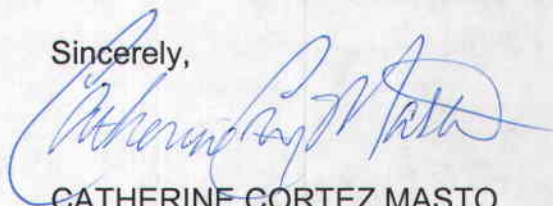
Under the Supreme Court Rules of Professional Conduct in the State of Nevada, lawyers are ethically obligated to refrain from conflicts of interest when representing a client. Because of my office's ongoing working relationship with Mr. Loux and its potential representation of him in the ethics proceeding, I made the appropriate decision to refer the criminal case to an independent law enforcement agency to investigate.

It is commonplace for one law enforcement agency in this state to seek assistance from another law enforcement agency if there is a conflict or the appearance of a conflict in a particular criminal case. I immediately referred the case to the Washoe County Sherriff's Office to insure an independent and speedy investigation of the matter. Additionally, I contacted the District Attorney in Carson City and sought approval for the Washoe County Sherriff's Office to refer the case to him for potential prosecution.

My decision on this matter had nothing to do with politics, partisanship or sympathetic leanings. It had everything to do with protecting the integrity of the legal process. I do not condone the actions taken by Mr. Loux. However, it is not my duty to usurp the role of the courts in this matter. I believe it is in the people's best interest that, whatever the outcome of the criminal investigation and potential prosecution, there should be no question that the outcome is based on a full and fair review by independent parties.

The latest editorial from your newspaper asks where I am in this case. The answer is that I have fulfilled my duties by insuring a fair and impartial investigation and potential prosecution by independent sources to resolve this matter to the satisfaction of our state laws.

Sincerely,



CATHERINE CORTEZ MASTO
Attorney General