

MINUTES

PRIVATE INVESTIGATORS LICENSING BOARD

MARCH 21, 2007

**MEMBERS PRESENT:**

DANIEL CRATE: BOARD MEMBER

EDWARD GONZALEZ: BOARD MEMBER

JAMES NADEAU: BOARD MEMBER

DAVID SPENCER: BOARD MEMBER

**OTHERS:**

KEITH MARCHER: CHAIRMAN (Carson City)

GINA SESSION: ACTING BOARD COUNSEL

MECHELE RAY: EXECUTIVE DIRECTOR

RENE BOTELLO: SENIOR INVESTIGATOR

KRISTINE FARMER: INVESTIGATOR

ELAINE TRENT: ASSISTANT

BRANDI KING: ASSISTANT (Carson City)

**APPROVAL OF MINUTES:**

Chairman Marcher called the meeting to order. He asked if there were any comments on the December 6, 2006 minutes. As there were none, the chair accepted a motion. Board Member Crate moved to accept the minutes.

Board Member Nadeau seconded the motion, which carried.

**FINANCIAL REPORT:** Chairman Marcher noted that the topic was a non-action item. Board Member Crate asked if the report was for the current fiscal year. Executive Director Ray said the report was

current as of March 9, 2007, with a little more than a quarter of Fiscal Year 2007 left. Board Member Nadeau asked if the financial report had been approved by the financial committee. Executive Director Ray said that Andrew Clinger of the Budget Division approved the work program at the end of the fiscal year. Board Member Nadeau asked Executive Director Ray if the PILB budget was part of the Attorney General's budget, and she said it was not. There were no further comments on the financial report.

**SWEARING IN:** Chairman Marcher asked Acting Board Counsel Session to swear in all those present who were to testify during the course of the meeting in both Las Vegas and Carson City.

**STAFF REPORT:** Executive Director Ray said that, as of the last meeting, staff had experienced difficulties with the GL Suite program with regard to creating reports. She said the reports would now tally the statistics for each quarter, which would then be presented at each Board meeting. She reported that there were 18 new complaints, 31 had been closed since December, 133 pending complaints, 26 of those complaints were on licensees, with 52 in the north and 56 in the south. She reported that Senior Investigator Botello had written 1 citation, 15 cease and desist letters, and there were 3 pending citations. She said he had completed a total of 40 background investigations in the last quarter, 17 of which were for corporate officers, 7 were corporations, and 16 were qualifying agent or individual applications. Executive Director Ray said Investigator Farmer had issued 8 citations, 21 cease and desist letters, had 3 pending citations, and had not completed any background investigations.

Executive Director Ray noted that 2 backgrounds had been rejected and 2 applications had withdrawn. There were 54 backgrounds pending with the breakdown of categories as follows: 19 corporate officers, 8 corporations, 1 Process Server, 3 Repossessors, 3 Canine Handlers, no Polygraph Examiners, 7 Private Investigators, and 13 Private Patrolman. She stated that 4 pending applications were to be continued until the next Board meeting. She said 34 applications had been received and gave the breakdown: 11 Private Investigator, 13 Private Patrolman, 2 Process Server, 1 Repossessor, and 3 Canine Handler, and 3 Polygraph Examiners

Executive Director Ray noted that she had conducted 1 audit since the last quarter and had issued 7 notices of violations.

There were no questions from the Board members regarding the staff report.

Chairman Marcher said he was going to take Agenda Item #14 out of order at the request of the applicant. He requested a brief background from all applicants.

**PRESENTLY LICENSED CORPORATIONS REQUESTING NEW QUALIFYING AGENT:**

WORLDWIDE SECURITY ASSOCIATES, INC. dba WSA, #616, requested qualifying agent status for WALTER KODBA.

Mr. Kodba said he had 28 years of experience in law enforcement in Indiana. He said he had moved to the Las Vegas area in July 2006 with his wife, a schoolteacher.

Board Member Gonzalez asked where precisely Mr. Kodba had moved, to which he replied Henderson.

Board Member Crate asked what Mr. Fleshood's position was with WSA, and Mr. Kodba said Mr.

Fleshood was the president of WSA.

Board Member Crate then asked Mr. Kodba about his out-of-state driver's license, since he had lived in Nevada since July 2006. He said he was going to obtain a Nevada driver's license soon.

Board Member Nadeau asked Senior Investigator Botello about a 2005 tax lien in Mr. Kodba's financial background and if it had been cleared. Mr. Kodba said there were no issues with the tax lien.

Senior Investigator Botello said he had looked into the matter and it was his strong belief that the lien had been released.

Board Member Spencer asked if Senior Investigator Botello could look into the matter further, and he said he would do so.

Board Member Nadeau moved to grant an individual Private Patrolman license to WALTER KODBA so he could become the qualifying agent for WORLDWIDE SECURITY ASSOCIATES LLC, to place his

license into abeyance, and that Mr. Kodba provide information on the release of the tax lien, subject to all statutory and regulatory requirements.

Board Member Gonzalez seconded the motion, which carried unanimously.

**CONSENT ITEMS:**

6. Security Professionals of Nevada LLC applied for a corporate Private Investigator license and Private Patrolman license, Samuel Neuharth requested qualifying agent status, and corporate officers to be approved were Samuel Neuharth and Tylee Neuharth.

7. Diplomatic Protective Services, Inc. applied for a corporate Private Patrolman license, William Durr requested qualifying agent status, and Mr. Durr and Suzanne Durr requested corporate officer status.

8. Sagebrush Investigations LLC requested a corporate Private Investigator license and for Joe Germain to be the qualifying agent and corporate officer.

9. AbsoluteHire, #1390, applied for a corporate name change to ABSO, requested Frank Petrasich to be the qualifying agent, and requested to approve Jim Dabney as a corporate officer.

10. Loomis Fargo & Co, #848, applied for a corporate name change to Loomis Armored US, Inc., requested qualifying agent status for Robert Spinetta, and approval for Shirley Jeffries and Claes Thelin as corporate officers.

11. Advance Tech Security Inc., #1261, applied for a corporate name change to Andrews International, Inc., requested qualifying agent status for Robert Cox, and to approve corporate officer status for Michael Topf, Randy Andres, Ty Richmond, and James Wood.

12. Allied Security LLC, #421, applied for a corporate name change to AlliedBarton Security Services LLC and requested qualifying agent status for Kathleen Bolz.

Chairman Marcher stated that Items 6 - 12 were included in the Consent Items portion of the agenda.

He asked if there were any items the Board wished to pull at that time for any questions or comments. As there were none, he said he would accept a motion for the Consent Items.

Board Member Spencer moved to approve Consent Items 6 - 12, subject to all statutory and regulatory requirements. Board Member Crate seconded the motion.

As there was no discussion, the motion carried.

**PRESENTLY LICENSED CORPORATIONS REQUESTING NEW QUALIFYING AGENT:**

GLOBAL OPTIONS INC. dba CONFIDENTIAL BUSINESS RESOURCES, #1187, requested qualifying agent status for SCOTT CORNELISON.

Mr. Cornelison told the board he held a BS degree in Criminal Justice. He said he had been involved in the business of insurance investigation in California since 1994.

As there were no Board questions, Board Member Crate moved to grant SCOTT CORNELISON qualifying agent status for GLOBAL OPTIONS INC. dba CONFIDENTIAL BUSINESS RESOURCES, to grant Mr. Cornelison an individual Private Investigator license, to place that license in abeyance, subject to all statutory and regulatory requirements.

Board Member Gonzalez seconded the motion, which passed without further discussion.

ROADSHOWS INC., #1228, asked for qualifying agent status for JOHN GILES.

Mr. Giles said he had retired from the Washoe County Sheriff's Department 18 months ago after 25 ½ years of service. There were no Board questions for Mr. Giles.

Board Member Gonzalez moved to grant JOHN GILES qualifying agent status for ROADSHOWS INC., and to grant him an individual Private Patrolman license to be placed in abeyance, subject to all statutory and regulatory requirements.

Board Member Spencer seconded the motion, which carried.

SECURITY ARMORED EXPRESS, #1237, requested qualifying agent status for EUSEBIO CASTRO.

Mr. Castro stated he had been involved in the armored car business since 1989 and with SAE since September 2006.

Board Member Crate asked if Mr. Miles was present, and Mr. Castro said he was not.

Board Member Crate asked Senior Investigator Botello if Mr. Miles was authorized to work in the United States. Senior Investigator Botello said no documentation had been provided on that subject.

Board Member Crate noted that there was no contract of employment between SAE and Mr. Castro in the files. Mr. Castro said there was a contract. He asked if Mr. Castro would be able to provide that documentation, and he said he would do so.

Board Member Gonzalez moved to grant EUSEBIO CASTRO qualifying agent status for SECURITY ARMORED EXPRESS, to grant Mr. Castro an individual Private Patrolman license to be placed in abeyance, to approve JEFFERY CRAVEN and ROBIN MILES as corporate officers, subject to all statutory and regulatory requirements.

Board Member Spencer seconded the motion for discussion. It was noted that Board Member Crate had asked the applicant to supply the Board with documentation of the contract of employment.

Board Member Gonzalez stated he would like to amend his motion to state that EUSEBIO CASTRO must provide the Board with a contract of employment with SECURITY ARMORED EXPRESS in order for his request to be granted.

Board Member Spencer agreed with the amendment. The motion carried without further discussion.

#### **PRIVATE INVESTIGATOR:**

LISA SEPULVEDA-ADAMS was not present. Board Member Spencer moved to table her request and that the matter would be continued. Board Member Gonzalez seconded the motion to table.

Board Member Nadeau asked about the applicant's work experience and if Senior Investigator Botello would look into the matter, because he wanted to address the issue when the applicant was present.

Board Member Crate said he also had concerns regarding the work experience.

The motion to continue the item to the next Board meeting carried without opposition.

Acting Board Counsel Session questioned whether the motion was to continue the request until the next meeting. Her concern was that the applicant might appear later in the day and could then have her request discussed by the Board.

Chairman Marcher said if the applicant arrived later, the Board would then discuss the request.

LARRY HALPER applied for an individual Private Investigator license.

Mr. Halper said he had spent 29 years as a special agent with the United States Treasury Department and he had lived in Las Vegas for 27 years.

Board Member Spencer moved to grant LARRY HALPER an individual Private Investigator license, subject to all statutory and regulatory requirements.

Board Member Nadeau seconded the motion, which carried.

VICTOR MATERA requested an individual Private Investigator license.

He said he had lived in the Henderson area for nearly 50 years. He attended Drake University in Iowa. He held degrees in both marketing and insurance. He had worked in the hotel/casino industry for 15 years. He had performed research/mystery shopping for Ash Investigations. He said he had worked for MGM Grand and resigned after September 11, 2001. He said he set up a small business with his wife called Marketing Focus. He said a former colleague at the MGM Grand wanted him to fill a void in the mystery shopping area for that establishment. He said he had met Jim Ash to begin mystery shopping to perform work for the MGM Grand. Mr. Ash told Mr. Matera to obtain a work card to work under him. Mr. Matera said he enjoyed mystery shopping. He said he had met with Executive Director Ray and Senior Investigator Botello and learned he had incurred a violation by being paid by Marketing Focus. He noted that Marketing Focus did not perform mystery shopping, but conducted research. He had always informed businesses that he was working for Mr. Ash. He said he had no intentions to knowingly circumvent the law. He then applied for a license. He said he had taken the test twice and had passed with a 96% score.

Chairman Marcher asked if there were any Board questions.

Board Member Gonzalez asked if Mr. Ash would come forward to answer questions.

JIM ASH said he had held License #321 since 1985 in Nevada. He said his company primarily had performed work in insurance fraud and financial background investigations. He said he had been introduced to Mr. Matera for the business of mystery shopping. He said Mr. Matera's accountant had

advised Mr. Matera to be paid by Marketing Focus and not Ash Investigations. He said he was down-sizing and wished to remove himself from the mystery shopping aspect and concentrate on the investigation side of the business.

Board Member Gonzalez asked if Mr. Ash's name appeared on the citation, and he said it did not.

Board Member Crate asked Mr. Ash if Mr. Matera was paid as an individual employee of Ash Investigations. Mr. Ash said he paid Mr. Matera through Marketing Focus.

Board Member Crate asked about the invoices generated by Mr. Ash's office. He asked if there were any overhead charges withheld by Mr. Ash or if the payment was a direct pass-through. He also asked how much money went to Mr. Matera. Mr. Ash said he paid Mr. Matera \$1,000 - \$3,000 per month in a lump sum payment based on the amount of business.

Board Member Crate asked if Mr. Matera received a percentage of invoices, and Mr. Ash said he did not.

Board Member Crate asked Mr. Matera what the accountant's intent was by setting up the payments in the manner chosen. Mr. Matera said, as a start-up business, there was not a lot of revenue. He said his accountant advised him that the best way to be paid was through Marketing Focus, which would result in the least amount of taxes he would be required to pay.

Board Member Crate said that most corporations were formed to save money.

Mr. Matera said corporations were formed to reduce the amount of taxes owed, but again stated that he was unaware that he was in violation of the statutes and he had not intended to circumvent the law.

Mr. Ash said he didn't base Mr. Matera's employment on the manner in which he was paid.

Board Member Crate asked Senior Investigator Botello if there were any tax returns for Marketing Focus provided by the applicant, and Senior Investigator Botello said there were tax returns.

Board Member Crate asked if the information was consistent and if there was any reason to ask if additional revenue had gone to Marketing Focus other than that paid by Ash Investigations..

Senior Investigator Botello said there was no indication that it had occurred.

Board Member Nadeau asked about the hours of experience. He said that Mr. Matera had claimed 4 years and 3 months at Ash Investigations and that Mrs. Matera had vouched for 5 years (10,000 hours).



He asked if Mr. Matera had a contract with anyone else and where the additional 1,300 - 1,400 hours had been accumulated.

Mr. Ash stated that Mr. Matera had earned more than 4 years and 3 months due to overtime hours worked. He said, even though Mr. Matera had worked many overtime hours, he had been paid a fixed amount every month.

Board Member Nadeau noted that it was more difficult to document the hours of experience, as the overtime hours were not compensated and he was paid a fixed amount per month.

Board Member Crate asked about Performance Insights. Mr. Ash said it was now a DBA of Ash Investigations.

Board Member Crate asked Mr. Matera about his relationship with Performance Insights. Mr. Matera said he had been working with Performance Insights and he said for 5 years. He said Performance Insights had retained Marketing Focus.

Board Member Crate asked if Mr. Matera was owner of Marketing Focus. Mr. Matera said he owned it along with his wife.

Board Member Spencer again asked about the hours of mystery shopping performed and the amount of payment Mr. Matera received. Mr. Ash reiterated that Mr. Matera was paid a salary and not hourly wages.

Board Member Spencer asked if Mr. Matera had performed other investigative duties.

Mr. Ash said it was sub rosa contained in mystery shopping. He explained all the areas of a casino that were involved in mystery shopping.

Board Member Spencer asked if there were additional duties other than mystery shopping.

Mr. Ash said Mr. Matera had developed check lists, of which there were over 100. He said that was very time consuming and check lists were still being developed.

Board Member Spencer asked if Mr. Matera had been involved in conducting background investigations on executives. Mr. Ash said he was responsible for those.

Board Member Spencer asked what the average amount of time was spent on any given mystery shopping assignment. Mr. Ash said the process often took 3 – 4 days. He said the shopper checked in to a facility, performed the mystery shops, and compiled reports in the room.

Board Member Spencer asked about the attestation of hours worked. Mr. Ash said the hours varied and were not the same from week to week. He said Mr. Matera often worked more than 40 hours a week.

Board Member Spencer noted that the documentation of hours for Mr. Matera were different from most mystery shopping hours the Board had previously received from other applicants. He said Mr. Matera appeared to spend much more time than most performing a mystery shop.

Mr. Matera explained that he worked with the client, starting with a basic template, which was modified as needed, utilizing his vast experience in the casino industry. He said he developed a comprehensive check list and identified areas that needed to be checked. He noted that his reports were much more detailed than those created by most mystery shoppers. He said there could be up to 80 areas that needed to be addressed in the mystery shopping reports for one property. He said he would present the reports to a team from the property to see what changes needed to be made, what areas were working well, and the like.

Board Member Spencer asked if Mr. Matera received a flat fee or an hourly rate. Mr. Ash said flat fees were paid and gave the examples of \$70 per contact or \$60, depending on the client. He gave a list of all the “contacts” (rooms, dealers, front desk, hostesses, etc.) that were made during mystery shopping assignments as requested by the client.

Board Member Crate asked Mr. Ash about the 10,053 hours of investigative experience claimed by Mr. Matera. He noted that Mrs. Matera had attested to 10,000 hours through Marketing Focus. He noted that, as Marketing Focus was not licensed, the hours could not be accepted, as they were gained through unlicensed activity.

Mr. Ash said he employed Mr. Matera and not Marketing Focus. He said Marketing Focus was only the means used to pay Mr. Matera.

Board Member Crate asked if Marketing Focus paid Mr. and Mrs. Matera, to which Mr. Matera agreed.

Board Member Crate asked if money was funneled through Marketing Focus as initiated by Performance Insights or Ash Investigations and asked if money was being channeled that way to avoid paying taxes. Mr. Ash said there was no intent to defraud any statutes and that Mr. Matera needed a way to be paid. He said Mr. Matera should not be penalized, as he was a man of integrity. He said Mr. Matera had accumulated more than enough hours of experience.

Board Member Nadeau asked what company appeared on the work card. Mr. Ash said it was Ash Investigations.

Board Member Nadeau stated, regardless of the intent, the question was if the applicant and Ash Investigations were in compliance with the law.

Mr. Matera said, once Executive Director Ray and Senior Investigator Botello told him he was in violation of statutes, he immediately paid the fine and submitted the documents to become licensed.

Executive Director Ray said that Mr. Matera had obtained a work card and been a registered employee since he was hired by Mr. Ash in July 2002.

Board Member Crate asked if W-4s had been issued and how far back those documents went. Executive Director Ray said they were recent.

Board Member Spencer noted that there should be no confusion and that sub-contracting was not allowed. Mr. Ash said he understood that and had corrected the matter.

Board Member Spencer asked Senior Investigator Botello if anything further was awry with the applicant. Senior Investigator Botello said the applicant and been very cooperative and forthcoming.

Board Member Spencer said he was not questioning the man's integrity, but a violation had occurred.

Chairman Marcher asked if staff had any questions for the applicant, but there were none. He then asked for brief public comment.

Peter Maheu said he did not believe a mystery shopper could accumulate 10,000 in 5 years. He said he was a competitor with Ash Investigations. He said he knew shoppers performed a mystery shop for 3 days and were paid for 24 hours of work. He said all mystery shopping reports were similar. He said his

was the only company in Nevada to provide a 110-hour intern program with UNLV for mystery shoppers. He said he wanted to preserve a record for future actions.

Mr. Ash noted that Mr. Maheu was a competitor and felt his comments were self-serving. He said Mr. Maheu had no idea what checklists Mr. Ash used. He said his checklist was much more detailed and contained many more comments than other mystery shopping firms.

Chairman Marcher asked for a motion.

Board Member Spencer moved to deny VICTOR MATERA an individual Private Investigator license, and he could re-submit his application request at a later meeting, subject to all statutory and regulatory requirements.

Chairman Marcher advised Board Member Spencer to state the exact basis for the denial for the record.

Board Member Spencer added that the denial was based on the hours of experience and the violation and that further documentation was necessary before a license could be granted.

Board Member Nadeau seconded the motion to deny the request.

Chairman Marcher asked if there was further Board discussion.

Board Member Nadeau noted that he was also concerned about the validation of the hours of experience claimed by the applicant. He said he was not questioning the veracity of Mr. Matera or Mr. Ash. He was concerned about the hours claimed and the employer/employee relationship.

Chairman Marcher said Mr. Ash could not comment, as the Board was in its discussion phase.

Board Member Spencer asked if Mr. Ash could provide a report, as it would assist in attesting to the applicant's hours, to be held in confidence. Acting Board Counsel Session said once a document was presented to the Board, it became public record; therefore, there could be no guarantee that documents would remain in confidence. Mr. Ash asked if he could show the document to Mr. Spencer only.

Chairman Marcher said it was an issue for the Board as a whole, as there was a motion and second on the floor. He said the item could be tabled until the requisite information was supplied to the satisfaction of the Board. He called for the question.

Board Member Crate wanted to re-confirm that the motion to deny was based both on the hours of experience and the unlicensed activity.

Board Member Spencer said that was correct.

Chairman Marcher asked for a vote. He said the motion was to deny the applicant at the present time and the applicant could re-apply at a later date.

Board Member Gonzalez, Board Member Spencer, and Board Member Crate voted “aye” on the motion, with Board Member Nadeau voting “nay” on the motion.

Chairman Marcher noted that the applicant could re-apply at any time.

Board Member Spencer said the accountability for the hours of mystery shoppers would continue to be an issue for the Board for some time to come. He wanted to know if there was any way to provide for the confidentiality of documents to render a decision.

Chairman Marcher said he did not know why the information could not be assimilated by the staff investigators and then forwarded in report form to the Board. He said the actual confidentiality matter would need to be researched.

Board Member Spencer brought up the fact that the individual Board members were the ones who decided countable hours.

Chairman Marcher said the issue would need to be placed on a future agenda.

Acting Board Counsel Session noted that the issue was not an agenda item for the current meeting.

Mr. Ash said he would need input from the Board as to the next steps in resolving the issue, as he was unsure what actions needed to be taken. He said he did not believe Mr. Matera should be punished for a mistake made by Mr. Ash. Board Member Crate said staff would be very helpful with the issue.

Peter Maheu said he would provide copies of his company’s reports, as well as those of his competitors, to the Board.

Mr. Ash countered by asking Mr. Maheu, “Do I know you?”

Acting Board Counsel Session recommended moving on to the next agenda item.

JIM HOLMES & COMPANY requested qualifying agent status for JIM HOLMES.

Mr. Holmes stated that he had spent 6 years in the army and 15 years working for the FBI. He had worked for 13 of those years in the Kansas City office. Under then-Governor John Ashcroft, he was asked to become the head of the Missouri Lottery. He said he had been a gaming consultant since that time. He said he founded the Jim Holmes & Company in 1991. He said he also knew Board Member Spencer.

Board Member Nadeau moved to grant JIM HOLMES & COMPANY a corporate Private Investigator license, to grant JIM HOLMES an individual Private Investigator license, to place that license in abeyance so he could become the qualifying agent, and to approve JIM HOLMES as a corporate officer, subject to all statutory and regulatory requirements.

Board Member Spencer seconded the motion, which carried without further discussion.

ROBERT CLYMER applied for an individual Private Investigator license.

Mr. Clymer said he had worked for the FBI for 22 years, with 10 of those years in the Kansas City office as a financial analyst. He had spent 12 years in the Las Vegas field office as a special agent.

Board Member Gonzalez moved to grant ROBERT CLYMER an individual Private Investigator license, subject to all statutory and regulatory requirements.

Board Member Nadeau seconded the motion, which carried.

GENERAL INFORMATION SERVICES INC. applied for a corporate Private Investigator license and for ALBERT BUENO to be the qualifying agent.

Mr. Bueno said his company was seeking licensure to be able to provide background investigations and drug testing for casinos.

Board Member Gonzalez asked where Mr. Bueno resided, to which he replied Chapin, SC.

Board Member Gonzalez asked where Mr. Bueno would be providing services, and he stated Nevada.

Board Member Nadeau said he had a bit of confusion in the investigative report that dealt with reported unlicensed activity by the company in Nevada. Senior Investigator Botello began to answer the question, but said he needed a moment to look over his notes.

Mr. Bueno said he could explain the situation. He stated that the company had an over-zealous salesperson who responded to an RFP (request for proposal) to provide fingerprinting services in Nevada. He said the salesperson responded to the RFP, but the company was not licensed in Nevada. He said the salesperson should not have submitted the response.

Senior Investigator Botello said he just happened to see the RFP.

Board Member Nadeau asked if there was any other activity.

Senior Investigator Botello said the company was issued a citation and he followed up on the matter. He said it appeared the company had not attempted to solicit any business in Nevada since that time.

Board Member Nadeau asked if the citation had been paid, and Senior Investigator Botello said that it had.

Board Member Nadeau asked what year the citation was issued, and Executive Director Ray said it was in 2005.

Senior Investigator Botello said the notation of the year 2003 was a typographical error, as he was not working for the Board at that time. The actual year was 2005.

Board Member Nadeau asked Senior Investigator Botello if there had not been any further unlicensed activity since the citation was levied and paid, and he said there was none. Mr. Bueno agreed.

Board Member Crate asked if the citation was for the response to the RFP or for actually providing the service. Senior Investigator Botello said the citation was given because of the response. He said since they had submitted a proposal, it was an attempt to “engage in the business of” in Nevada.

Board Member Crate said he wanted to make the distinction that they had submitted a proposal, but had not actually provided the services in the proposal.

Mr. Bueno said his company had no chance of winning the proposal, which really made him annoyed with the salesperson.

Board Member Crate moved to grant GENERAL INFORMATION SERVICES INC. a corporate Private Investigator license, to grant ALBERT BUENO an individual Private Investigator license, to place that license in abeyance so he could become the qualifying agent, and to approve RAYMOND CONRAD and JEANNE CONRAD as corporate officers, subject to all statutory and regulatory requirements.

Board Member Nadeau seconded the motion, which carried.

**PRIVATE PATROLMAN:**

A WATCH DOG SECURITY, INC. requested a corporate Private Patrolman license and qualifying agent status for SHAYNE GLOVER.

Mr. Glover said he attended a community college and Arizona State University where he double-majored in history and sociology. A knee injury ended his football career. He said he had been living in the Las Vegas area He said he was currently employed at the Department of Juvenile Justice Services as a probation officer. He said he had worked there since September 2001. He said he specialized in prevention and intervention with youth and gang involvement.

Board Member Crate asked if Mr. Glover could equate the work he was currently doing with private patrol work. Mr. Glover said he worked in detention with juveniles in site and supervision, investigations, and in consulting and counseling of youth.

Board Member Crate asked if Mr. Glover had a POST II category status, and he said he did. Board Member Crate asked when he had received that status, and Mr. Glover said it was in March 2002. He said he was hired in 2001 and went to POST in the spring of 2002.

Board Member Crate said he was having some difficulty trying to equate the supervision duties with private patrol duties, but then read the job description concerning his POST II classification, which included many requirements for private patrol work. He said he did not see the time when the POST II certification was given; hence, he asked Mr. Glover for the specific timeframes.

Mr. Glover said he had the documentation and it was March or April 2002.

Board Member Crate asked what Mr. Glover's intent was for licensing A Watch Dog Security.



Mr. Glover said he wished to work as a consultant, as well as provide security at urban/hip-hop events in Las Vegas, as the crowds could be difficult to manage.

Board Member Crate noted that Mr. Glover was still in the PERS system and held a POST certification, and that Mr. Glover had written a letter asking for an exemption. He noted that the Board had yet to receive any documentation from Mr. Glover's current employer regarding the matter. Mr. Glover said he had documentation signed in 2001 and if he needed a more current document, he could request it from his employer.

Board Member Crate said a copy would be needed for staff. He noted that the date of the letter pre-dated the POST certification. Senior Investigator Botello agreed.

Board Member Crate said Mr. Glover had incorporated in June 2006. He asked if Mr. Glover had been providing any services in Nevada. Mr. Glover said he had done everything "backwards" in becoming licensed.

Board Member Crate said it would be his intent, as Mr. Glover was paying into PERS and had a POST status, to place Mr. Glover's license in abeyance.

Chairman Marcher asked for a motion.

Board Member Crate moved to grant A WATCH DOG SECURITY, INC. a corporate Private Patrolman license, to grant SHAYNE GLOVER an individual Private Patrolman license, to grant SHAYNE GLOVER corporate officer status, and to place both licenses in abeyance, that any action pulling that license from abeyance be predicated on providing documentation regarding conflict of interest in his current employment situation to the Board for review, subject to all statutory and regulatory requirements.

Board Member Nadeau seconded the motion, which carried.

ZOE SECURITY CORPORATION LLC requested a corporate Private Patrolman license and qualifying agent status for EDWARD MATTSON.

Mr. Mattson said he was a licensed private investigator in California. He had 18 years of experience in private investigator and private security. Mike Stanley said he graduated from UCLA and had been

doing business in the Las Vegas area for approximately 5 years. Walt Walters said he was a member of Zoe Security Corporation and Michael Stanley was his partner. He said his main business was developing and investing in real estate and apartment buildings. He said he had also lived in the Las Vegas area since late 2001.

Chairman Marcher asked for Board questions.

Board Member Crate asked for the circumstances of the unlicensed activity citation the company received.

Mr. Walters said 2 apartment buildings were purchased in Las Vegas. He said they were located in an area called Meadows Village, located behind the Stratosphere. He said their intent was to rehabilitate the properties. He said the area was prone to crime and graffiti. He said they had contacted Metro, but the problems continued. He said they hired outside security companies. Upon checking on the security guards hired, it was found these people were asleep, had abandoned their posts, and one guard admitted leaving because he feared for his safety. He said they decided to start their own company to watch their own property. He said they were contacted by the manager of the Baltimore Gardens Apartments who were experiencing the same problems in providing security as Zoe. She asked if they would look at her property. She had said they were very successful in upgrading security in the area. He said the Board had informed Zoe Security Corporation that they were performing unlicensed activity. He said they immediately stopped providing the service and paid the fine. He said they had not willfully intended to break the law and it was done out of ignorance.

Board Member Crate asked if properties were still owned in Las Vegas. Mr. Walters said that they did.

Board Member Crate asked if they were still providing in-house security to these properties, and Mr. Walters said they were providing security for their own properties.

Board Member Crate then asked who owned the properties. Mr. Walters said he owned them, along with other corporations and Mike Stanley.

Board Member Crate asked if there was currently an entity called Zoe Security Corporation, and Mr. Walters said that was true.

Board Member Crate then asked if the guard service was provided by Zoe Security. Mr. Walters said there were employees.

Board Member Crate asked if the employees were on a contract basis. Mr. Walters said it was on a more informal basis. He said the patrols occurred usually once a night.

Board Member Crate asked what name appeared on the employee check stubs as to the payor. Mr. Walters said a company that owns other properties called Toring Investments.

Board Member Crate asked what the relationship was between the two companies. Mr. Walters said Zoe did no business at all.

Board Member Crate asked if Zoe owned Toring. Mr. Walters said Zoe Security did no business at all. He said their security people watch the properties for Mike and for himself.

Board Member Crate asked who employed the security people, and Mr. Walter said it was Toring Investments.

Board Member Crate asked if Toring Investments had ownership interest in the properties the officers guarded. Mr. Walters said that was correct.

Board Member Crate asked if the security guards were direct employees of the owners, and Mr. Walters agreed.

Board Member Nadeau asked about investigative notes. He asked Mr. Mattson about a suspended driver's license. Mr. Mattson said he had just learned about the issue 2 days before. He learned that a citation had been issued for his son. He said he was Edward Mattson III and his son was Edward Mattson IV, which caused confusion. He said the fine actually belonged to his son.

Board Member Nadeau said that Mr. Mattson failed to reveal a couple of items when he submitted his application. Board Member Nadeau said he was referring to a bankruptcy in New York. Mr. Mattson said both of those were not his.

Senior Investigator Botello said unfortunately the information returned to his social security number. He said he was made aware that the information was incorrect 2 days before by Mr. Mattson and Senior Investigator Botello had not had enough time to investigate the situation.

Mr. Mattson said there was an item regarding Jeep-Eagle. He said when he ran Trans-Union for himself, nothing adverse had been shown.

Board Member Crate asked if Mr. Mattson had received a copy of his background, and he said he had received it 2 days ago.

Board Member Nadeau asked how long Mr. Mattson had been licensed in California, and he said 6 years.

Board Member Nadeau asked if any of the adverse information had turned up during that licensing process, and Mr. Mattson said it had not.

Mr. Mattson said he conducted investigations for the County of Los Angeles Sheriff's Department. He said nothing came up from the backgrounds run on him there, so he was surprised the information appeared in his background for Nevada.

Board Member Crate asked Mr. Mattson if he had no knowledge of the state tax liens or the judgment for Jeep-Eagle. Mr. Mattson said the state tax lien was for his property, but regarded payments being made on state taxes, which had been satisfied.

Board Member Crate asked about the Jeep-Eagle matter, and Mr. Mattson said he had never been to Jeep-Eagle.

Board Member Crate asked about the Chapter 7 matter. Mr. Mattson said that he was only 19 years old in 1988, so that did not involve him, either.

Senior Investigator Botello said there was new information on the applicant and asked Chairman Marcher if he could speak about it.

Chairman Marcher said it would be appropriate.

Senior Investigator Botello referred to the suspended/revoked driver's license. Investigator Farmer checked with DMV and found that the license was still currently suspended or revoked. He said there was a warrant for failure to appear for \$457, Docket #146104. The applicant provided a copy from the California Franchise Tax Board which referenced an amount of \$457 which had been paid, but had a different docket number. He said the warrant did show as active and his license as suspended.

Chairman Marcher asked if the information could refer to Mr. Mattson's son. Senior Investigator Botello said the information was tied to Mr. Mattson's license number and date of birth.

Mr. Mattson said he telephoned the San Bernardino Court yesterday and confirmed that \$457 had been withheld from his California state taxes was for that violation, and it had been satisfied.

Board Member Crate asked if Mr. Mattson had just told the Board that it was his son's license.

Mr. Mattson said he had never received the ticket. He said perhaps his son had received a ticket and the vehicle was registered to him, Mr. Mattson. He said he was surprised when the issue arose.

Chairman Marcher asked for a motion.

Board Member Nadeau moved to table the request until the next meeting until details could be determined and that the blurriness and confusion could be clarified before approving a license.

Board Member Crate seconded the motion.

Chairman Marcher said for the benefit of the applicant and audience, he wanted the exact issues for the motion to table stated for the record. He said he assumed the driver's license suspension/revocation was one issue.

Board Member Nadeau said the second issue was the information found during the background investigation, but not revealed on the application. He said the information dealing with bankruptcy and 2 judgments needed to be clarified.

Chairman Marcher restated that the motion was to table the item, the applicant would work out the details with staff, and the matter would be brought before the Board at the next meeting.

Board Member Nadeau agreed.

Chairman Marcher asked if there was a second

Board Member Crate said he had provided the second, but wanted to make a clarifying statement. He said he would like to see documentation as to the relationship between Toring Investments and the security guards on the properties.

Board Member Nadeau said he would accept that statement on his motion. The motion passed unopposed.

PRAETORIAN GROUP & ASSOCIATES LLC requested a corporate Private Patrolman license and qualifying agent status for QUENTIN GOINS.

Mr. Goins said he moved to Las Vegas in 1991. He said he said he had been honorably discharged from the Marine Corps. He said that since 9-11-2001, he had been handling private security contracts in the Middle East for the State Department and the Department of Defense. He said his experience was in threat protection.

Chairman Marcher asked for Board questions.

Board Member Crate asked Mr. Goins about the DUI in 1996. He noted that there was no disposition on file. Mr. Goins said he pled guilty and believed he had performed community service.

Board Member Crate asked if the matter was closed and if a fine had been paid.

Mr. Goins said he had paid a fine and received a 90-day suspension on his driver's license.

Board Member Crate then asked about a second DUI in 1992, and Mr. Goins said that was correct.

Board Member Crate asked about the possession of an unregistered firearm.

Mr. Goins said that was true. He explained that he had attended training in Reno and he was training police officers at nighttime. He said they had switched out weapons in order to be able to use lights, and he had neglected to switch his weapon back. He said he realized the error 5 months later.

Board Member Crate asked Acting Board Counsel Session if there was a tie between the current matter and 648.110 pertaining to conviction/use or possession of a dangerous weapon. Acting Board Counsel Session asked for the number of the precise statute and Board Member Crate said it was NRS 648.110 (d)(2) Acting Board Counsel Session then read the statute aloud. She said it sounded like a conviction of a possession of a dangerous weapon. She said she did not see any discretion on that item.

Chairman Marcher asked when the conviction occurred, and Board Member Crate said it was September 2000.

Board Member Crate said the Board appreciated the background service of Mr. Goins to the country. He said he was hesitant to deny a license. He said it may be helpful to obtain a full report from Metro on the

disposition of the case. Board Member Crate said he would like to defer the request until the next meeting so the Board could obtain more information on the circumstances surrounding the conviction.

Mr. Goins asked what information the Board needed.

Chairman Marcher explained that the Board was prohibited by statute from granting licenses to anyone convicted of having illegal use or possession of a dangerous weapon. He said more information was needed on the conviction, or it would be helpful if the conviction could be expunged from the record of Mr. Goins. Chairman Marcher said he felt Board Member Crate was looking for more information behind the conviction from the law enforcement agency that issued the citation and obtained the conviction. Chairman Marcher said, rather than deny the license, it would be helpful if more information could be gathered before the Board made its final decision.

Board Member Spencer asked Mr. Goins where the weapon was found. Mr. Goins said the weapon was in his vehicle in the back seat. He said the reason he had the weapon was that, on the team, everyone had the same weapon so they could be easily switched out. He said he was arrested because the gun was registered in Richmond, CA and not in Las Vegas.

Acting Board Counsel Session said it would be helpful for the Board to have all the records regarding the conviction.

Board Member Spencer asked Mr. Goins if he had a card from Richmond, CA and he said he did not. He said the officer had requested his weapon. He said he did not maintain possession of the weapon, as it was taken from him.

Board Member Spencer asked if the weapon was registered by him, and Mr. Goins said it was not.

Board Member Crate said he was trying to buy more time to resolve the issue, because, with only the information the Board had before it at the current time, the only option would be for them to deny the license. Mr. Goins asked what the Board was trying to learn.

Board Member Crate said he did not recall that there was an issue involving a weapons-related charge on previous licensure for Mr. Goins. He said he wished to see what Metro's records entailed and if those facts could provide the latitude to grant a license.

Board Member Nadeau said he felt clarification was needed as to whether possession of an unregistered weapon in Clark County met the standard as required by the statute. He wanted clarification since the conviction was made in Clark County involving a local ordinance and whether the conviction fell under the mandates of NRS 648.

Mr. Goins asked if the Board's standards may be different from Metro's concealed weapons standards and Acting Board Counsel Session said that was true, as the Board operated under a specific statute relating to weapons.

Chairman Marcher said there should be a police report on file regarding the incident, which would be very helpful to the Board. He said any other documentation with regard to the incident not already provided to the Board would also be beneficial. He stated that the police report would give the Board enough information to make a decision.

Board Member Spencer asked if the weapon was in plain sight.

Mr. Goins said he told Metro the gun was in his vehicle. He said the police reports were often very vague and probably would not provide the information the Board was requesting.

Board Member Spencer said if the report stated that Mr. Goins had told Metro about the gun in his car, it would speak volumes.

Board Member Nadeau said the statute stated "possession of a dangerous weapon" and not "possession of an unlicensed weapon". He again said he needed clarification on the interpretation of the statute.

Mr. Goins asked who would make that clarification, and Board Member Nadeau said the Board had legal staff for that purpose.

Acting Board Counsel Session said a motion was needed.

Board Member Crate moved to defer a determination on Agenda Item #25 until the next meeting, subject to advice from counsel and further investigation.

Board Member Spencer seconded the motion to table the item, which carried.



G4S INTERNATIONAL INC. requested a corporate Private Patrolman license and qualifying agent status for JOHN BARTUNEK.

Mr. Bartunek said he was a retired New York City police officer. He said he had been working in the armed courier service for approximately 7 years. He said he served as the lead guard for G4S in New York and wished to become the vault manager for trade shows in Las Vegas.

As there were no Board questions, Board Member Nadeau moved to grant G4S INTERNATIONAL INC. a corporate Private Patrolman license, to grant JOHN BARTUNEK an individual Private Patrolman license to be placed in abeyance so he could become the qualifying agent, and to approve CHRISTOPHER FERGUS as the corporate officer, subject to all statutory and regulatory requirements. Board Member Gonzalez seconded the motion, which carried.

**PRIVATE INVESTIGATOR AND PRIVATE PATROLMAN:**

JOSE TRONCOSO applied for an individual Private Investigator license and an individual Private Patrolman license.

Mr. Troncoso said he had lived in Clark County for over 40 years. He had spent 28 years in law enforcement.

Board Member Gonzalez moved to grant JOSE TRONCOSO an individual Private Investigator license and an individual Private Patrolman license, subject to all statutory and regulatory requirements.

Board Member Nadeau seconded the motion, which carried.

STT SECURITY SERVICES INC applied for a corporate Private Investigator license and a corporate Private Patrolman license, and for qualifying agent status for DAVID RUSCH.

Mr. Rusch said he was the owner and president of STT Security Services INC. He said he had received a 4-year degree from Michigan State in Criminal Justice. He said he had worked for 2 years for the Lansing Police Department. He said he had been licensed in the state of Michigan since 1979 and was

licensed in 15 or 16 other states. Mr. Rusch said he had pointed out to Mechele that he was from St. Louis, MI and not St. Louis, MO.

Board Member Nadeau moved to grant STT SECURITY SERVICES INC a corporate Private Patrolman license and a corporate Private Investigator license, to grant DAVID RUSCH an individual Private Investigator license and an individual Private Patrolman license to be placed in abeyance so he could become the qualifying agent, and to approve DAVID RUSCH as corporate officer, subject to all statutory and regulatory requirements.

Board Member Gonzalez seconded the motion, which carried.

GOLD SHIELD GROUP INC requested a corporate Private Investigator license and a corporate Private Patrolman license, and qualifying agent status for MARK SLOVENSKY.

Mr. Slovensky said he had worked as a detective for the New York Police Department for 20 years. He said he had a Master's degree in Criminal Justice from LIU. He said he was a private investigator in New York.

Chairman Marcher asked for Board questions.

Board Member Crate asked Mr. Slovensky to describe the circumstances and the resolution of the unlicensed activity citation that Gold Shield Group had received. Executive Director Ray noted that it was a cease and desist order and not a citation.

Mr. Slovensky said he had received a verbal cease and desist order. He said they ceased right away. He said it was a misunderstanding and once he was told to cease and desist, he did so.

Board Member Crate asked Investigator Farmer if that was a fair assessment of the matter. She said that they had been very cooperative and had even followed up by finding out how to become licensed in Nevada. She said they had exchanged several e-mails and had conversed quite often.

Board Member Crate asked why the cease and desist order had not been mentioned in the application.

Mr. Slovensky said he did not think it was necessary to mention the cease and desist order, as it had been verbal and not on paper, and he had cooperated fully.

Darrell Cronfeld was sworn in to make public comment. He then said Gold Shield Group had come to Las Vegas after receiving the cease and desist order and had solicited business without a business license. He said they had met with security companies, including his, in order to solicit bids for trade show security without a business license. He said he had met with the owners of Gold Shield Group and explained that they were operating illegally in Nevada.

Mr. Slovensky said Mr. Cronfeld had come to Gold Shield Group. He said he was friends with a man with whom Mr. Cronfeld wished to do business. He said the company did not choose to do business with Mr. Cronfeld. He said neither he nor Gold Shield Group solicited business from Mr. Cronfeld. He said he had no idea what Mr. Cronfeld was talking about regarding phantom hours, that Mr. Cronfeld asked Mr. Slovensky to have his friend work with him, and that it was "sour grapes" on Mr. Cronfeld's part because he did not receive a contract to do business.

Board Member Crate asked Mr. Cronfeld if he knew whether or not Gold Shield had solicited business with other companies, in addition to his own conversations with them.

Mr. Cronfeld said Gold Shield Group had solicited a business called International Council of Shopping Centers and that there were no sour grapes on his part.

Board Member Crate asked if this was the same client to whom Mr. Slovensky had referred in his previous statement, and he said it was the same.

Senior Investigator Botello said there was an investigative follow-up to the matter. He said as of March 15<sup>th</sup> or 16<sup>th</sup>, 2007, he had checked the website of International Council of Shopping Centers. It identified Gold Shield Group as the security coordinator for their upcoming show for May 2007, and he was concerned that Gold Shield was still shown as providing that service. He said neither the applicant nor the International Council of Shopping Centers could provide him with a contract or any identification of who exactly was providing the service.

Board Member Crate asked for further clarification of staff's concerns. Senior Investigator Botello said he was concerned that Gold Shield was the security consultant for the May 2007 show for International Council of Shopping Centers.

Mr. Slovensky said he would like to draw attention to the website page to which Senior Investigator Botello had referred. He said Gold Shield Group was listed as national security. He said Gold Shield Group had not requested to be put on the webpage and were not listed as security consultants or a security company. He said he fully cooperated with Mr. Botello. He said as soon as Senior Investigator Botello contacted him, Gold Shield Group's name was removed from the webpage.

Chairman Marcher asked if the webpage had been included in the information packets distributed for the Board's review. Senior Investigator Botello said the addendum was e-mailed to everyone.

Mr. Slovensky provided a copy of the page which had been removed from the website.

Acting Board Counsel Session read from the addendum, which stated that International Council of Shopping Centers utilized Gold Shield Group Inc. as the coordinator of all security needs at various shows in the United States and that GSG would refer clients to licensed companies to provide security. She said there was a name and contact number for GSG. She said the May 2007 show was referenced and that SOA and Elite Security Specialists to provide security.

Chairman Marcher asked if there was a specific reference made in the document that Gold Shield Group would provide or coordinate security for the May show. Acting Board Counsel Session said there was no reference on the document.

Chairman Marcher said the reference was referring people to the licensed security firms. Acting Board Counsel Session said that appeared to be the case.

Chairman Marcher asked Senior Investigator Botello if that was the document he remembered seeing. Senior Investigator Botello said that was page 112 of a document that was approximately 136 pages. He said that document was part of the website that was specific to the May 2007 show. He said there were 2 sheets of paper that identified Gold Shield as the security coordinator. He said most shows hired a security coordinator and that security consultant was responsible for hiring the licensed companies.

Board Member Spencer asked John Theel if he had any insight on the matter.

Mr. Theel said he did not have a contract with Gold Shield Group, but with Elite Security. He said he did not know the relationship between Gold Shield Group and Elite.

Board Member Spencer asked if Mr. Theel knew if there were other companies involved. Mr. Theel said Elite Security was the company that hired him, so he would assume they were coordinating security for the show.

Board Member Spencer asked if he knew about Gold Shield Group's involvement for the show. Mr. Theel said he knew Gold Shield Group had a relationship with the owner of Elite, but did not know if they were going to be at the show.

Mr. Cronfeld said he had several e-mails that he had not brought with him between Gold Shield Group and himself. He said Gold Shield Group said they did not have final plans or schedules, as they were still being formed. He said it was a matter of dollars. He said when he asked Gold Shield Group whom they hired, they said it was Elite. He felt that the reason Elite was hired is that the owner was a former New York City police officer. He said Gold Shield Group had actively solicited business without a license in Nevada. He said he was the one who showed them how to clean up their website.

He said he was working on a commission schedule of how he was going to pay Gold Shield Group and when he told him he would have to hire them as his employees, the deal fell through.

Senior Investigator Botello said since the addendum was written, he contacted Ted Farace of Elite Security. He said Mr. Farace mentioned that he did not have the security consultant contract with International Council of Shopping Centers for the May 2007 show. He said he was not able to tell Senior Investigator Botello who did have the contract. Senior Investigator Botello stated that neither International Council of Shopping Centers nor the applicant were able to tell him the name or company who held the contract for security coordinator for the show. He said, as of the previous week, the website had identified Gold Shield Group as the coordinator for the upcoming show.

Mr. Slovensky denied that Gold Shield Group was listed as the security consultant for the May 2007 show. He said they were the national security company.

Board Member Crate said the webpage did make reference to the preferred providers of security for the show. Mr. Slovensky said he had nothing to do with choosing the licensed companies.

Board Member Crate asked if Gold Shield Group had chosen the companies, and Mr. Slovensky said he had nothing to do with that.

Board Member Crate asked why Gold Shield Group was shown as the company recommending SOA and Elite. Mr. Slovensky said the information was put in a flyer without Gold Shield Group's knowledge. He said once he learned that information was presented, he immediately had it removed.

Board Member Crate questioned how Gold Shield Group's logo appeared on the website if Mr. Slovensky did not provide it. Mr. Slovensky said the logo and Gold Shield Group's information was on file.

Board Member Crate asked what Mr. Slovensky's relationship was at the current time with International Council of Shopping Centers. Mr. Slovensky said Gold Shield Group provided security in shows in New York.

Board Member Crate asked if Gold Shield Group had provided security last year. Mr. Slovensky said they had provided/coordinated security until they were told to cease and desist.

Board Member Crate asked if he had been working with Ted Farace of COP Security at that time. Mr. Slovensky said he had known Mr. Farace from the New York police force.

Board Member Crate again asked if he had been working with Mr. Farace at the time of the cease and desist order, and he said that was true.

Investigator Farmer said she had spoken to Mr. Farace. She said he told her he had flown to New York in September 2006 to meet with the Gold Shield Group to discuss handling security for the International Council of Shopping Centers for 2007. Mr. Farace said it was still in verbal negotiations and there was not an actual signed contract. Mr. Farace said he was handling security for the event and not Gold Shield Group.

Board Member Crate asked what options would be available to International Council of Shopping Centers for security if Gold Shield Group did not receive a license. Mr. Slovensky said that SOA and Elite Security were listed as the companies providing security at the event.

Board Member Crate asked if there were other security considerations in addition to booth security and uniformed security, and Mr. Slovensky said there were not. Board Member Crate asked about the previous year when COP Security was utilized and who was invoiced. Mr. Slovensky said he did not know.

Board Member Crate asked if the invoice for 15 officers for Sunday the 21<sup>st</sup> and Monday the 22<sup>nd</sup> were for Gold Shield Group employees. Mr. Slovensky said that was correct.

Board Member Crate then asked if COP Security was asked by Gold Shield Group to wear some sort of insignia on the uniforms that represented Gold Shield Group. Mr. Slovensky said he did not know what the COP security people wore.

Board Member Crate asked about the identity of Ronald Lawson. Mr. Slovensky said he was an employee and right-hand man.

Board Member Crate asked about a letter provided by Mr. Lawson to International Council of Shopping Centers in a proposal indicating COP Security as the director of security personnel. He wanted to know if any of the personnel were required to wear Gold Shield Group insignias. Mr. Slovensky again said he knew the Gold Shield Group people did.

Acting Board Counsel Session swore Mr. Ronald Lawson in so he could speak.

Mr. Lawson said some of the people from COP Security may have been wearing Gold Shield Group's insignia. Board Member Crate asked why, and Mr. Lawson said that, at the time, they did not think they were doing anything wrong, He said as soon as they were told to cease, they did.

Mr. Slovensky said that prior to coming to Las Vegas, he called the Board, but there was miscommunication about the matter.

Mr. Lawson said they believed that, as they were coming to Nevada as employees of International Council of Shopping Centers, they were not disobeying the statutes, as they were working with a licensed company in Las Vegas.

Senior Investigator Botello said he did not believe there was any miscommunication between Mr. Slovensky and Board staff. He said it was difficult to misunderstand the difference between W-2 and 1099 employees. He said he made the situation quite clear to Gold Shield Group.

Mr. Lawson said he had spoken 4-5 times several times and said he felt he had made it quite clear that the misunderstanding was on his part and not the fault of Senior Investigator Botello. Mr. Slovensky agreed that the misunderstanding was on the part of Gold Shield Group.

Chairman Marcher asked for the Board's recommendation.

Board Member Spencer asked Board Member Spencer for his insight. Board Member Spencer said, as far as he could see regarding the document from International Council of Shopping Centers, it seemed Gold Shield Group had done nothing to resolve the issues from the previous year.

Board Member Crate said the concern was that, even though Gold Shield Group had been given a cease and desist verbal order, nothing had particularly changed on the internet and the only effort made by Gold Shield Group was to turn in an application for licensure. He said International Council of Shopping Centers had again named Gold Shield Group as the security coordinator for the May 2007 show.

Board Member Spencer said he noted that International Council of Shopping Centers was not providing any information on the security for the upcoming show.

Investigator Farmer said Gregory Peterson, general counsel, said there was no signed contract and that they had been working with Elite Security. She said she had spoken to Lorraine Maza, who stated there was no signed contract at that point.

Board Member Crate again asked if the cease and desist was verbal, rather than written. Investigator Farmer said it was verbal.

Board Member Spencer asked for Investigator Farmer to clarify if Ms. Maza said there was no signed contract with Gold Shield Group or with anybody. Investigator Farmer said Ms. Maza said they were in negotiations with Ted Farace, but there was no signed contract at the time.

Chairman Marcher asked for a motion for the sake of discussion.



Board Member Crate moved to deny Agenda Item #29 based on the continued solicitation of business and prior unlicensed activity.

Chairman Marcher said the motion died for the lack of a second.

Board Member Spencer seconded the motion to deny for the sake of discussion.

Chairman Marcher said he did not have any heartburn over the issue of the website, as it was not Gold Shield Group's website. He said it was difficult for a company to control what information a client may or may not include on a website. He said when Gold Shield Group was notified of the problem, it was immediately removed. He also noted their cooperation with the verbal cease and desist.

Board Member Crate said the concern was not the solicitation so much as a representation by International Council of Shopping Centers that Gold Shield Group had already been determined as the coordinator and the preferred vendors had already been chosen.

Chairman Marcher said the motion to deny was based on continued solicitation and asked Board Member Crate's motion to show that.

Board Member Crate said the idea that International Council of Shopping Centers had already determined Gold Shield Group was already chosen as the coordinator for the upcoming event showed that there had already been a solicitation for that work.

Chairman Marcher said Gold Shield Group said they had no contract and had not asked International Council of Shopping Centers to put their names on its website. He said the stories conflicted.

Board Member Spencer said in his reading of the situation Gold Shield Group would only refer people to carefully selected, licensed companies in the state where the event was to be held. He said Gold Shield Group was acting as a national coordinator. He said the only problem he could see was the previous unlicensed activity.

Board Member Crate said the problem was that whether Gold Shield Group was or was not licensed, they were contracting with the show as the security consultant and coordinator.

Board Member Spencer said if the coordination was being done from New York, then perhaps Gold Shield Group was fulfilling an obligation to International Council of Shopping Centers and not infringing on statutory requirements in Nevada.

Board Member Crate said there was merit in that statement, but the Board had cited Gold Shield Group in the previous year for doing the same thing they were trying to do at the present time.

Acting Board Counsel Session said the previous year before was different, as there was no citation, but a verbal cease and desist was given. She said there were people in Nevada wearing Gold Shield Group uniforms.

Board Member Nadeau said he wanted to add to Board Member Spencer's statement and to explain the difficulty he was having with the matter. He noted that a company licensed outside Nevada could hire a licensed Nevada private investigator. He said the outside company was not conducting unlicensed business, as they were using a licensee. He asked how that was different with private patrol work

Board Member Spencer agreed that that scenario happened all the time in private investigative work.

Board Member Nadeau asked how the situation with Gold Shield Group was different.

Board Member Crate said there was concern that there was an invoice generated for consultants to be on the floor in Las Vegas last year. He said the perception he had was that the same thing had occurred this year.

Chairman Marcher asked if Gold Shield Group had a present contract with International Council of Shopping Centers to provide consulting services for the May 2007 show, and Mr. Slovinsky and Mr. Lawson spoke at once and denied it.

Board Member Spencer asked if it was logical to assume that if Gold Shield Group received their license today, they would be the security coordinator for the International Council of Shopping Centers show.

Mr. Slovinsky and Mr. Lawson both said they did not know.

Board Member Spencer asked if there was an understood agreement between International Council of Shopping Centers and Gold Shield Group for security consultation. Again, both men said that was not the case.

Mr. Lawson said at the present time, International Council of Shopping Centers was in negotiations with Ted Farace and Elite Security, and Mr. Slovensky agreed. Mr. Lawson said they had no way of knowing whether or not they would receive a license today. He said they had made a mistake last year they did not want to repeat. He said Gold Shield Group consulted International Council of Shopping Centers on other upcoming shows. He said the two companies had offices very close together in New York.

Board Member Spencer said that it appeared to the Board that Gold Shield Group was still in negotiations to be the security consultant for the show.

Mr. Lawson said they were not in negotiations with International Council of Shopping Centers. He said the negotiations were being made between International Council of Shopping Centers and Ted Farace. Board Member Spencer asked if Gold Shield Group were licensed today if they would forgo working the show in 2007. Mr. Lawson again stated that Ted Farace was the contact person.

Board Member Spencer asked if Gold Shield Group would not work the show, and Mr. Lawson said they would not.

Board Member Crate asked Chairman Marcher if he had a copy of the investigator's supplemental packet, page 6 of 25. He said it was the webpage for International Council of Shopping Centers. He said the concern was to what extent Gold Shield Group was involved in the show in Las Vegas. He said at the top of the page was Gold Shield Group's logo and how to contact the company. He said it appeared to be more than just an inserted logo, but an actual page of Gold Shield Group's stationery.

Mr. Slovensky again stated that Gold Shield Group had not asked International Council of Shopping Centers to put information regarding Gold Shield Group on their website and he was unaware it existed until he was contacted by Board staff and immediately had it removed.

Board Member Crate said he felt the documentation showed there was an ongoing relationship between the 2 companies for the upcoming show.

Board Member Spencer referred to Board Member Nadeau's previous statement. He said he did business with companies located on the East Coast and his company name appeared on advertising for

some of those companies. He said he was still having difficulty seeing the difference between that and the current issue.

Chairman Marcher called for the question on the motion to deny.

Chairman Marcher called for a vote on the motion and a second to deny.

Board Member Crate voted aye. Board Member Spencer and Board Member Nadeau voted nay.

Chairman Marcher said the motion failed. He asked for a new motion.

Board Member Spencer moved to grant GOLD SHIELD GROUP INC a corporate Private Investigator license and a corporate Private Patrolman license, to grant MARK SLOVENSKY an individual Private Investigator license and an individual Private Patrolman license, to place those licenses in abeyance to allow him qualifying agent status, that the motion was reliant on the statements of Mr. Slovensky and Mr. Lawson that they were not currently in negotiations to participate in the International Council of Shopping Centers show in May , 2007, nor will they be involved in the show, and to grant MARK SLOVENSKY corporate officer status, subject to all statutory and regulatory requirements.

Board Member Nadeau seconded the motion for discussion.

Chairman Marcher said he did not believe the motion could set restrictions on the licensee and their involvement in the show. He said the Board could strongly encourage them to be true to their word.

Acting Board Counsel Session agreed with Chairman Marcher's analysis.

Board Member Gonzalez said if the company was licensed, the Board could not restrict that license.

Chairman Marcher said the motion should be amended.

Acting Board Counsel Session said the motion could be made to write a recommendation and not a condition.

Board Member Spencer said he felt it would be beneficial to Gold Shield Group to firm up what they told the Board about not soliciting business, especially after the verbal cease and desist.

Board Member Crate asked if the license could be approved effective June 1, 2007.

Chairman Marcher said that could be done, but didn't feel it was necessary. He asked if the second agreed with the amendment. Board Member Nadeau agreed.

Chairman Marcher asked for all those in favor.

Board Member Nadeau, Board Member Gonzalez, and Board Member Spencer voted for the motion.

Board Member Crate opposed the motion. The motion carried.

**PRIVATE INVESTIGATOR AND POLYGRAPH EXAMINER:**

DAVID WOOD was not present. Board Member Crate moved to table the request until the next Board meeting. Board Member Spencer seconded the motion, which carried.

GARY POTTER applied for an individual Private Investigator license and an individual Polygraph Examiner license.

Mr. Potter said he had worked for the Sparks Police Department for 29 years. He said he had many assignments during that time, including patrol commander. He held a BS degree in Business Management.

Board Member Gonzalez asked if Mr. Potter understood the requirements for number and types of exams he had completed. Mr. Potter said he did. He further stated that he had graduated in 1988 and received his certification in 1989. He had continued to maintain his certification through the Baxter School of Lie Detection.

Board Member Gonzalez and Mr. Potter discussed Mr. Baxter's health. He said he was stating for the record that Mr. Potter understood the requirement of hours and that he in fact had the requirement of hours. Mr. Potter said he understood.

Board Member Spencer moved to grant GARY POTTER an individual Private Investigator license and an individual Polygraph Examiner license and to place those licenses in abeyance, subject to all statutory and regulatory requirements.

Board Member Gonzalez seconded the motion, which carried.

## **ADMINISTRATIVE BUSINESS:**

Robert Schmitt from Biometrica asked for permission from the Board to be the acting qualifying agent for Biometrica until he could be approved at the June 2007 meeting.

Executive Director Ray stated for the record that a correction needed to be made on the agenda. She said BRUCE GATES was asking to be the acting qualifying agent, and not Mr. Schmitt. Chairman Marcher asked if Mr. Schmitt was in Las Vegas, and Executive Director Ray said both gentlemen were present.

Mr. Schmitt said he lived in Buffalo, New York. He said he background was in technology. He founded Biometrica Systems in 1998. He ran the company from 1998 to 2002. The company was sold to Viisage in 2002. He left that company about 6 months later as part of an agreement. He went into a different business. About the first of the year, he was asked by Viisage if he would be interested in returning to head up Biometrica once again. There were obvious problems with the division and the current head had resigned and was leaving the company. He returned on February 5<sup>th</sup> to take over Biometrica.

Mr. Gates said he was had been a licensed private investigator in Nevada since 2002 and he requested to become the qualifying agent for Biometrica.

Mr. Schmitt said he had documentation which outlined the past 15 months of activity between Biometrica and the Board. He said he was horrified by the activity. He explained that Viisage had become part of L1. He said their area of expertise was in the area of identity management. He said Viisage made about 30% of driver's licenses and all passports in the United States. He said another company called Spectal, which consulted with the CIA and the FBI. He said the company had changed considerably since 2002. He noted that Charles Guenther had resigned as qualifying agent in January 2006. He said that in February 2006 an acting qualifying agent was named and was to be scheduled to take the exam to become the new qualifying agent. He said between February and June 2006, there was no activity. He stated that the application was submitted incomplete, so it could not be placed on the June 2006 agenda. He said from June to October, the application was completed, but the individual failed the test. He said in December 2006, the Board gave Biometrica until the March 2007 meeting to have a qualifying agent in

place. He noted that Biometrica was told by the Board in the December 2006 meeting they were not to solicit or write new business. He said he was very concerned because the predecessor had not communicated to the staff the mandates of the Board. He said he did not know of any new business or solicitation of business. He said there was a trade show in early February where he felt Biometrica should not have had a presence, but they did attend. He said he got all the work cards up to date in February. He began in March to discuss with Bruce Gates the plan for him to become the new qualifying agent and submitted the application. He said the file at the Secretary of State's office did not have updated information yet.

Acting Board Counsel Session wanted to make sure the Board and chairman had a copy of the letter from Beverly Griffin and a copy of documents for the World Game Protection Conference, and pages from the Biometrica website.

Investigator Farmer clarified that the pages Acting Board Counsel Session mentioned were part of the World Game Protection Conference website documents she had compiled. She also said she had spoken with Mary Yates, who was affiliated with GE2 (a gaming conference) and that Jim Pepin had signed up Biometrica to be exhibitors at a fall conference in Las Vegas. She said she had received another contact who said Biometrica had been soliciting business, but couldn't provide her a name until later today.

Board Member Crate asked how she had received the name, and she said she had received the name by an anonymous caller.

Mr. Schmitt said he thought the show was at the Bellagio. He said he knew Biometrica should not have been there. He said he had not thought about the website and that the information should be removed. He said he had not read Ms. Griffin's letter yet.

Board Member Nadeau said the information given to the Board said there was a contact number on the website regarding the Las Vegas office. Mr. Schmitt apologized again for the oversight regarding the website.

Board Member Crate said his personal opinion that attending a national conference did not necessarily constitute advertising or the solicitation of business. Mr. Schmitt said companies had to sign up early to attend conferences or the space given is undesirable. He said he had been signing up for conferences for over 10 years and if a company failed to sign up early enough, they would lose their "position" and have to start all over again.

Board Member Crate said unless something was presented to the contrary, not all attendees at a trade show must be licensed in Nevada. He then asked Executive Director Ray if an application had been received by staff and she said both items were on file and in order.

Board Member Spencer said he had known Mr. Gates professionally for many years and felt his experience with the Gaming Control Board and his investigative experience would be an asset to Biometrica.

Board Member Crate asked if Ms. Griffin was present. Acting Board Counsel Session swore in Ms. Griffin.

Ms. Griffin said she had been in business for almost 40 years. She said the purpose of the booths was to show people products, sell services, and to sign up clients. She said different shows had different clientele.

Board Member Crate said he was going to ask if, outside of the World Game Protection Conference, she was aware of any other instances where Biometrica was promoting sales in Nevada.

Ms. Griffin said it was true, but she and her clients had signed a confidentiality agreement. She said she assumed the investigators could find out this information and the burden of proof would not be on her.

Board Member Spencer if Ms. Griffin could give a timeframe of the activity she was describing and she said it had happened since the last Board meeting (December 2006). She said Biometrica should have said they were not licensed to do business in Nevada, but had failed to do so.

Board Member Spencer asked if either Mr. Schmitt or Mr. Gates had solicited business, and she said they had.

Mr. Schmitt said the Board had told them not to seek new business, not cease business altogether.



Board Member Spencer asked who was in control of Biometrica at the present time, and Mr. Schmitt said he was in charge.

Board Member Spencer asked for the identity of Mr. Pepin, and Mr. Schmitt said he was a sales representative. He then asked if Biometrica was a subsidiary of another company.

Mr. Schmitt again stated they were a subsidiary of L-1, which was the parent company.

He said the MGM had just put out an RFP for documentation verification. He said that was not a product provided by Biometrica, but a different branch of the company under the L-1 umbrella bid on the job.

Peter Maheu said he was concerned that Biometrica had a continuing change of management. He said the Board had given the company specific instructions during the December 2006 meeting, but they had been violated. He noted that Investigator Farmer had said she had been advised that Biometrica had been conducting sales on the Strip. He felt Biometrica had a total disregard of the Board's directions. He said he was not blaming either Mr. Schmitt or Mr. Gates.

Chairman Marcher asked Investigator Farmer if there was a witness who would come forward or if it was hearsay.

Investigator Farmer said she was given the name the day before and she had followed up on it right away, but the caller was unavailable. He told her he knew that Biometrica was soliciting business. The person said he would provide her with the names of both the people from Biometrica who were promoting its services and the clients who were buying that service.

Acting Board Counsel Session said one possibility that the Board could entertain would be a disciplinary action against Biometrica. Chairman Marcher said they had not received notice for that.

Acting Board Counsel Session said the Board could initiate a complaint. She said a complaint had been provided to the Board today.

Board Member Spencer asked if there were any employees on board since the December 2006 meeting.

Mr. Schmitt said the employees were sales and support.

Board Member Spencer asked who was responsible for making the Board's directives clear to the employees, and Mr. Schmitt said it was his predecessor. Mr. Schmitt said the directions of the Board were not communicated to the staff.

Board Member Spencer said Mr. Maheu's statements were on point, but the fault lay with the former qualifying agent and not with Mr. Schmitt or Mr. Gates.

A member of the audience made a comment that was inaudible for Chairman Marcher. Chairman Marcher said he could not hear or ascertain who was speaking. He asked for the identity of the person who had just spoken and admonished the public to state his or her name and approach the microphone in order to make a statement.

Ms. Griffin said the prior qualifying agent was not present at the December 2006 meeting. She said Mr. Gates had the opportunity previously to be the qualifying agent. She said it was not a new ploy on the part of Biometrica. She said Biometrica was still not following the Board's direction.

Peter Maheu said one of his concerns was that Mr. Schmitt was asking for qualifying agent status, but had changed it to Mr. Gates. Executive Director Ray said it was a typographical error on the part of staff when the agenda was compiled.

Chairman Marcher asked counsel if the fact an incorrect name had been shown on the agenda was a violation of the open meeting law.

Acting Board Counsel Session said staff had contacted her after the agenda was posted and she had advised the correction to be made by Executive Director Ray at the beginning of the agenda item.

Executive Director Ray said she would clarify the issue. She said normally the Board did not approve an acting qualifying agent. She said what often occurred was that a qualifying agent left a company, the company would name a person to be the acting qualifying agent. She said the Board didn't approve the new qualifying agent until after the background investigation was run. She said she had included the agenda item, due to the fact that Biometrica had appeared before the board in December 2006.

Chairman Marcher said it was just an error in compiling the agenda. Executive Director Ray said that was true and that Dave Rapp was the former name given who was going to be the qualifying agent.

Board Member Crate said he was the one who made the restricted motion in December 2006. He said he did not necessarily expect within that 3-month period that an application should be processed and a full background run. He said he felt Biometrica had met the intent of his motion. He said the only issue now was the anonymous potential evidence regarding continued sales.

Chairman Marcher asked if the Board was willing to make a motion.

Board Member Spencer said he had not attended the December 2006 meeting. He asked again if no one had appeared on behalf of Biometrica at that meeting.

Executive Director Ray said Dan Roy had told her he would not be in attendance. She had e-mailed Biometrica repeatedly after the December 2006 meeting, but received no response from them. She said she then called the office directly, and then e-mailed the minutes of the meeting to Mr. Schmitt.

Board Member Spencer noted that Biometrica had dropped the ball, and asked if there had been any problems since Executive Director Ray began dealing with Mr. Schmitt. She said he had been very cooperative and wanted to resolve the problems with Biometrica. She noted he was extremely embarrassed by the turn of events with the company.

Board Member Crate said it appeared since Mr. Schmitt came on board, he had attempted to do as the Board asked.

Peter Maheu said he would like for a Board member to ask Mr. Schmitt if he had solicited business in Nevada.

Board Member Spencer asked Mr. Schmitt if he had made any sales calls, advertised, or made any other requests for business in Nevada. Mr. Schmitt said he met with the project manager of the RFP for the MGM Grand. He said he met with Kyle Edwards at that time to say he was back in business.

Board Member Spencer asked if, since February 14, 2007, it had been Mr. Schmitt's intention to solicit business in Nevada. Mr. Schmitt said absolutely not.

Board Member Spencer asked if, since February 14, 2007, Mr. Schmitt could provide documentation that he had specifically told the employees of Biometrica not to solicit business in Nevada, and he said he had and could provide that information.

Board Member Spencer asked Mr. Maheu if he knew something the Board did not. He said Mr. Schmitt was testifying under oath, so he had no comment.

Board Member Spencer said Ms. Griffin's comments were duly noted.

Ms. Griffin said the fact that Biometrica had appeared at a trade show, made a sales call, and Mr. Schmitt had met with the head of security for MGM Grand should be considered by the Board.

Board Member Crate noted that an established relationship existed between Mr. Schmitt and MGM Grand.

Ms. Griffin said she was not the investigator for the Board, but she thought the Board should be keeping track of the situation with Biometrica.

Acting Board Counsel Session said that Ms. Griffin should ask and answer questions, but the back-and-forth comments were inappropriate.

Board Member Crate noted the follow-up done by Investigator Farmer where she had contacted Mr. Austin, and she said that was correct. He said contact was also made with the director of surveillance, Mr. Bueno, who indicated an ongoing relationship with a subsidiary of Biometrica. He said there was an established relationship.

Board Member Spencer moved to allow BIOMETRICA to continue business with BRUCE GATES as the acting qualifying agent until his qualifications could be considered at the next Board meeting, subject to all statutory and regulatory requirements. .

Board Member Gonzalez seconded the motion.

Board Member Spencer said before the next meeting any credible, verifiable information should be provided to staff.

Chairman Marcher said anyone was free to file a complaint against Biometrica at any time.

Board Member Crate said, under NRS 648.039, except in a proceeding brought by the state, the Board may refuse to reveal the identity of an informant or information gained from the informant. He noted that anyone who had information considered privileged or confidential should feel comfortable providing that information to be addressed or reviewed by staff.

Board Member Spencer said the responsibility was now on Mr. Schmitt's shoulders and should make the situation clear to the employees of Biometrica.

The motion carried. Executive Director Ray reminded Mr. Gates to be aware of his responsibilities as the acting qualifying agent.

Michael Spriggs asked for an exemption to employ off-duty peace officers.

Mr. Spriggs said at the last Board meeting, companies requested off-duty peace officers from other states for the JCK show in Las Vegas. He said he wanted to utilize off-duty Nevada peace officers. He said the reason was that the people in the state of Nevada should be given first choice of jobs that were going to out-of-state people. He said he had spoken officers. to Henderson, North Las Vegas, Las Vegas Metropolitan Police Department, and would like to see Nevada peace officers given the same opportunity as out-of-state officers.

Chairman Marcher noted that Mr. Spriggs was not asking for the exemption for a specific show, but an open-ended exemption for any shows in the future.

Board Member Spencer asked if the request was for security-related matters, and Mr. Spriggs said it was.

Board Member Spencer asked if the question hadn't arisen before when a company asked for an exemption. He believed the Board had told the company to try to hire people in Nevada first. Executive Director Ray said that was a separate issue.

Board Member Spencer said if out-of-state peace officers could work in Nevada, then Nevada peace officers should be given the same choice. Mr. Spriggs said he was a retired peace officer from California, and he agreed with Board Member Spencer wholeheartedly.

Board Member Spencer said approaches had been made to Metro for people to work at JCK, but Metro had said they could not spare as many people as requested. Executive Director Ray explained that was correct and the request had been made about a year ago. The person was told to try to find people in Nevada first before hiring the out-of-state people.

Mr. Spriggs said he worked with an off-duty coordinator from the police department. He said another option was to hire people on their days off could have the opportunity to work the events.

Acting Board Counsel Session said she was concerned by the phrase that noted there would be no conflict of interest by the activities of the unlicensed employee with his current employer.

Chairman Marcher agreed with Acting Board Counsel Session and stated that he felt the intent of the statute was not to grant wide-open exemptions. He felt the intent was that a licensee needed to put his request in writing for a specific event/timeframe and explain to the Board why the issues in the statute would not be violated before the Board could grant an exemption.

Chairman Marcher said he felt the request made by Mr. Spriggs would require a regulation change.

Board Member Nadeau said an out-of-state peace officer who came to work for a short period of time in Nevada did not bring his police powers with him. He said the state of Nevada had specific delineations of peace officer powers, based on I, II, and III. He said full-time officers were not allowed to carry an active license, but could only have a license placed in abeyance. He felt it would be a contradiction of statutory authority to allow a Nevada peace officer to work at events. He said the basic issue was a conflict with not allowing a peace officer to carry a license.

Board Member Spencer said, though he would like to see the officers in Nevada given the same opportunity to work at events off-duty, he was not sure what the Chief of Police would have to say about the matter.

Board Member Crate said per counsel's suggestion, as well as the chair, the request needed to be more specific. He said prior to 15 months ago, the exemptions were not common. He said there had been only hypothetical requests to hire instate peace officers. He said there was already an action in the works by the Board to repeal the regulation.

Mr. Spriggs said he was confused that out-of-state officer could be brought in, but the instate people could not work.

Board Member Nadeau said the out-of-state officers did not have the liability issue.

Board Member Crate said out-of-state officers did not have the obligation to act as peace officer in Nevada, as they were employed elsewhere. He said instate peace officers would have an obligation to act as peace officers if a situation arose at an event requiring police action and there would be a conflict. Mr. Spriggs noted that the Homeland Security bill allowed peace officer to carry a gun on an airplane in all 50 states. He said there were many factors that the Board and the licensees may not know.

Board Member Spencer said his recommendation was to communicate with law enforcement agencies to see if the peace officers would even be allowed to work off-duty in a security capacity.

Board Member Crate said the possibility of repealing the regulation entirely would entail the advisement of each law enforcement agency.

Chairman Marcher said Mr. Spriggs was asking for a complete exemption. He said it would be appropriate to deny the request or simply take no action at all.

Board Member Spencer said he felt there should be no action taken.

Chairman Marcher asked if there was a motion on the agenda item. As there was no motion, the item was closed.

Philip Schiotis of Dunbar Armored asked for an exemption to use out-of-state off-duty peace officers for the JCK show from Memorial Day weekend to the first week of June, or until the end of the show.

Mr. Schiotis said in his case, there were employees who were employed by Dunbar and were part of staff to conduct the show. He said the difference was that out-of-state peace officers received a permit from a police department to work off-duty. He said he was asking for 2-10 people. Mr. Schiotis noted some of the people were retired.

Board Member Spencer asked Mr. Schiotis if any employees would be armed. He said some employees would be armed as Dunbar employees.

Board Member Spencer asked if Mr. Schiotis was familiar with all the requirements in Nevada for the armed employees. Mr. Schiotis said he was aware of the requirements. He said he made the exemption request first, and would follow all processes accordingly.

Board Member Crate asked if Dunbar had brought in off-duty peace officers in the past. Mr. Schiotis said that had occurred. He said a typical armored branch contained 100-150 employees. He said it was largely volunteer program.

Board Member Crate said Mr. Schiotis was not making the request merely for convenience, but was a part of how Dunbar had operated previously.

Board Member Gonzalez asked what tasks the out-of-state people would perform. Mr. Schiotis said Dunbar armored employees had background checks performed, and were given the ability to act as an agent and be insured by the company.

Board Member Gonzalez said he was looking for more specific tasks. Mr. Schiotis said he was trying to make that point. He said the employees had the power to sign for liability. They were drivers, signed for cargo, assisted in moving cargo from the airport, took the cargo to the site, helped in setting up, and distribution.

Board Member Gonzalez said each employee would need to be qualified, and Mr. Schiotis said they were well qualified.

Board Member Gonzalez asked if the off-duty peace officers were also screened by Dunbar, and he said absolutely. Mr. Schiotis said he was contracting locally for support staff, but he needed a specific amount of Dunbar employees for insurance purposes.

Board Member Crate moved to grant Dunbar Armored's request for an exemption be granted from May 25, 2007 to June 5<sup>th</sup>, 2007, contingent on their obligation to assure that all personnel are properly registered by the Board and have received the appropriate work cards, and any other statutory and regulatory requirements.

Board Member Nadeau seconded the motion.

Board Member Crate said he wanted to state that he made the motion because the historical need had been established and an ongoing relationship had been made outside Nevada. Board Member Gonzalez noted the rider in the request that mentioned until the end of the show. Mr. Schiotis said the show wrapped up on the 5<sup>th</sup> of June, 2007. The motion carried.



There was discussion and clarification whether or not laborers and clerical personnel hired in the armored car industries should comply with NRS 648.060 and NRS 648.140.

Executive Director Ray explained she had put the item on the agenda, as the subject had been touched on in the December 2006 meeting. She said there was much interest to re-visit the topic.

Executive Director Ray said she had a specific person, Gary McGeough, who wished to speak.

Mr. McGeough said he was from Malca-Amit. He requested clarification of the definition between security and labor employees. He explained the process. He said Malca-Amit had just received its license. He did not feel laborers should be required to hold sheriff's cards. He said 70% or more of the hired armed security was supplied by 2 licensed Nevada companies. He said the other 25% came from Malca-Amit. He said the remainder of employees was administration and laborers. He said all employees had backgrounds performed before they were hired and laborers were handled separately. They unloaded trucks and containers. They also operated at the vaults at the shows. He said that was their sole purpose. He said another supervisor was in charge of security and there were separate security details who worked throughout the process of moving the valuables from place to place. He said vaults were set up at the shows and the laborers were assigned to the vaults. He said the pieces were 75-125 pounds each and there was much heavy lifting. He said some vaults were larger than others. The girls at the table reported back to the vault supervisor as to the pieces requested. He said there was security around the perimeter and at the front by the sign-in tables. Once the goods were brought to the table and the client signed for the piece or pieces, the responsibility for the safety of the goods ended for Malca-Amit.

Board Member Spencer asked if Malca-Amit assisted clients in moving heavy merchandise. Mr.

McGeough said the goods could not leave the vault until signed for at the table. Once they were signed for, the contract for Malca-Amit was complete. He said, if the client requested it, Malca-Amit would supply 1 or 2 people to assist.

Board Member Spencer asked if they would also supply security. Mr. McGeough said they would not, as their end of the contract was complete, and they were merely helping them as a service.

Executive Director Ray asked if the laborers were armed, and Mr. McGeough said they were not. He said 25% of his armed people were his own employees.

Senior Investigator Botello asked if each bag was insured up to \$1,000,000. Mr. McGeough said the amount was more like \$300,000 per bag. Senior Investigator Botello asked if Lloyd's was Malca-Amit's underwriter. Mr. McGeough said that was true. Senior Investigator Botello asked if Lloyd's required that the person in the vault should be able to protect the containers. Mr. McGeough said that was not the case. He said the underwriter appeared at the show previously to watch the proceedings. Senior Investigator Botello asked if Lloyd's assumed that everyone who was wearing a Malca-Amit shirt was a full-time employee. Mr. McGeough said they knew they were either full-time or part-time employees. Senior Investigator Botello asked if the employees were allowed to be sub-contractors, and Mr. McGeough said it was allowed, so long as Malca-Amit had performed the background checks.

Board Member Crate asked if Lloyd's understood that not all Malca-Amit employees were security. Mr. McGeough said that was understood. He said it was a very large operation and Malca-Amit moved goods all over the world.

Board Member Spencer said he felt that a Malca-Amit employee allowed to assist a client to carry goods should have a sheriff's card.

Board Member Crate said the question was actually concerned the expectation of the person retaining Malca-Amit and what services they expected. He wanted to know if they expected security to be provided and security guards to do the work or merely laborers. Mr. McGeough said as soon as the client signed for the goods, Malca-Amit was no longer liable. He said the show also provided security once the jewelry is allowed to go out on the floor.

Board Member Spencer said the purpose of a work card was to insure that the people hired did not have a history of jewelry theft. Mr. McGeough said all employees were required to have a background check performed.

Board Member Spencer asked if Malca-Amit was placing some of its people at risk by allowing them to help carry jewels for the clients. Board Member Crate noted that, as long as the employees were not represented to the clients as security, it was not for the Board to regulate.

Board Member Spencer said if an overall assessment were performed, advising the companies what should and shouldn't be done should be made clear.

Board Member Crate said that because a person handles valuables, the Board could not mandate that the person be security.

Board Member Spencer asked if the clients knew that, when Malca-Amit allowed an employee to help move valuables, that did not mean Malca-Amit was assuming liability for those goods. Mr. McGeough said the clients knew that.

Board Member Crate said he was concerned that laborers were allowed to move merchandise, but were indistinguishable from other employees, including security.

Executive Director Ray asked how laborers identified. Mr. McGeough said there was no difference in shirts. Executive Director Ray said it was difficult to tell the difference between the laborers and the security people.

Board Member Crate said it could be misleading to the public as to the types of employees. He said the result could be a violation, since the distinction was being made internally, but was not obvious to the casual observer. Mr. McGeough said people hired from local security were required to wear their own shirts. He said the security people would have that designation on their shirts. He said the laborers would have shirts that stated their status, as well.

Board Member Spencer said the shirts should be different colors, as people often did not read the verbiage printed on the shirts.

Mr. McGeough asked if all the employees would be registered with the Board and go through the same process, the only difference being the work card issue. Board Member Crate said as Mr. McGeough explained the roles of the employees, he did not think the employees would need to be registered. He also said sales people have to be registered.

Executive Director Ray said clerical employees also needed word cards. Mr. McGeough said the employees who used the computers would be considered clerical and registered as such, and Executive Director Ray said they would also need a work card.

Executive Director Ray said it was important to be able to clearly identify the different types of employees at the show. Senior Investigator Botello agreed with her. Board Member Spencer again asked if different colored shirts would be helpful. Senior Investigator Botello said it depended, and perhaps armbands would be helpful.

Licia Angeno from SORT, Los Angeles, said she had a similar situation. She said she was a subcontractor to many foreign companies and international concerns. She said there were shipping concerns. She said merchandise would be flown to Las Vegas, but the majority of the people they had working for them did not qualify for work cards. She wanted to know how her company could render support to these companies and not violate statutes. She said they had similar procedures as Malca-Amit in terms of bringing merchandise to Las Vegas. She said she understood that SORT employees must be registered, but the support staff posed the problem. She said she needed the experienced people to do the work, but they would not be able to obtain the necessary work cards. She said the identification issue was also a concern, and she would make sure that there was a distinction among the jobs provided.

Mr. McGeough said he had similar concerns as SORT. He said Metro had stated that the international people would not be eligible for work cards.

Board Member Crate said there was some necessity for the employees to be with the cargo. He said the underwriters understood that. He said the companies needed to meet the local ordinances and statutes. He said that the statutes and requirements in Nevada met or exceeded the expectations of other areas of the country for security of merchandise.

Licia Angeno, SORT, said her company also was responsible for the safety of the merchandise from the time received to the time relinquished at the show. She said every point of movement of the merchandise was under her company's responsibility.

Mr. McGeough said the question being raised was that Malca-Amit went above and beyond the requirements of safety. He said he did not want to have a foreign employee to be mistaken as an employee with a work card.

Ms. Angeno said she could provide the names of all support staff who were to work at the show.

Executive Director Ray said she wanted to know if Gary and Licia needed the same points of clarification on laborers or if there was different issues.

Mr. Schiotis said there was a financial burden his company faced to move domestic people to meet the requirements. He said he was contractually bound, and he would recommend that Dunbar walk away from the show. He said everyone had to be flown in to obtain a sheriff's card. He understood the need to register the employees, but also felt the laborer issue needed to be resolved.

Board Member Crate said that a workshop needed to be planned to address the issue. He said there was a definite class of labor that did not need to be registered.

Executive Director Ray said staff would develop a policy on what was required from each security company with regard to different types of employees and how they would be identifiable to the Board and the public.

Chairman Marcher reminded Executive Director Ray that any policies must be placed on the agenda.

Executive Director Ray said a guideline would be created.

Board Member Spencer said Metro would be unable to process people.

Monica Koblyn from G4SI asked if all sales staff needed a work card. Executive Director Ray said they did need work cards.

Board Member Crate said he was trying to make the point earlier that not everyone who attends a show in Las Vegas needs a work card. He said as long as sales people were not going up and down the Strip, soliciting sales, they would not need a work card.

Ms Angeno said her international people could not obtain work cards, but Executive Director Ray noted that they were not security. Executive Director Ray said she would contact the people when the guidelines were developed.

Robert Irwin asked for Board approval for his training program. to train security firearm instructors as an option to the requirements in NAC 648.345.

Mr. Irwin said he owned the Gun Store in Las Vegas. He stated that he had been a certified firearms instructor for over 15 years. He said the regulation stated that certified firearm instructors needed to hold an NRA certificate. He said he taught a class for Nevada POST for training instructors for police officers. He had submitted a lesson plant to replace or augment the training program. He said the NRA only taught the class in Reno. He said it was expensive and time consuming to send people to Reno for the training.

Acting Board Counsel Session said the regulation was NAC 648.345(2)(c)(3), which stated that evidence of the applicant's successful completion of at least 40 hours of firearm safety. She said Mr. Irwin was asking the Board to accept his course to meet that provision.

Chairman Marcher asked if the course was equivalent to the NRA course. Mr. Irwin said the NRA course was a national course that did not deal with Nevada law at all. He said the course was tailored to the needs of firearm safety in Nevada. He said his course was 56 hours.

Board Member Gonzalez asked what the length of the NRA course was, and Mr. Irwin said it was 40 hours.

Board Member Gonzalez asked about costs. Mr. Irwin said the NRA charges \$565 and he charged \$350.00.

Board Member Gonzalez asked what Mr. Irwin's motivation was, as his cost was much less. Mr. Irwin said he trained an incredible amount of security officers. He said he had sent 2 people to Reno to the class. He said he did not like the way the class was taught. He said the program he taught was accepted by Nevada POST to train police instructors. He said his outline was 192 pages. He said his course included a section on NRS 648. He said it was designed to also teach CCW and POST instructors. He said the NRS 648 was added for the purpose of training security officers.

Board Member Nadeau asked about the qualifications of the instructors, and Mr. Irwin said they were all NRA certified.

Board Member Crate asked what exactly Mr. Irwin was asking of the Board. He answered that he was asking to be able to use his program.

Board Member Crate stated that Mr. Irwin wanted the Board to recognize the completion of Mr. Irwin's program to be recognized as meeting the requirements to allow those taking his class to become firearm instructors, and he agreed..

Board Member Nadeau asked if the only approved 40-hour training course of instruction was the NRA. He wanted to know if that came about as a result of Board action. Executive Director Ray said the statute did not specifically state that the course must be taken through the NRA. She said, however, that the NRA was the only organization who had offered the course.

Board Member Nadeau said Mr. Irwin was asking for approval today, but another person could come and ask for the same consideration at a later date. Executive Director Ray said that was true.

Board Member Gonzalez noted that the 56 hours showed his course was qualified.

Board Member Nadeau said his request met the criteria as required by POST.

Executive Director Ray asked if Mr. Irwin taught all 56 hours. Mr. Irwin said he taught half the course and had trained instructors to teach the other half. They were also authorized by POST. Mr. Irwin said all his instructors were NRA instructors.

Board Member Nadeau asked if, in order to be certified, POST required that the instructors or the course needed to be certified. Mr. Irwin said that both he and the course needed to be certified. He said he was currently the only Nevada resident authorized by POST to train police instructors. He said he had 2-3 instructors he had taught assisted him. He said the other instructors were peace officers who had taken his course, but they were not certified by POST to be police trainer instructors. He said they were authorized to train policemen.

Executive Director Ray asked Mr. Irwin to send her a list of his instructors.

Board Member Crate asked if Executive Director Ray had received a request for instructor certification for anyone other than NRA. Executive Director Ray said she had not, because NRA was the only entity who taught the course.

Board Member Crate asked Senior Investigator Botello if he had taken the instructor classification, and he said he did not.

Board Member Crate moved to approve the request, subject to staff review and comparison of Mr. Irwin's course with the NRA course, and if the syllabus meets or exceeds the NRA course.

Board Member Nadeau added the statement the course should meet or exceed existing course curriculum and minimum current instructor certification. He said both criteria should be met regarding both the instructor and the course taught.

Board Member Crate said that, theoretically, Executive Director Ray could be asked to approve a firearm instructor who had taken Mr. Irwin's course, but had never received the NRA certification.

Mr. Irwin suggested that the instructor must meet POST standards.

Chairman Marcher asked for the motion to be re-stated.

Board Member Crate moved to approve the request subject to staff review to assure that Mr. Irwin's program meets or exceeds all the currently recognized minimum criteria.

Board Member Gonzalez seconded the motion, which carried.

#### **PUBLIC COMMENT:**

Board Member Spencer said he wanted to set forth for the next meeting public discussion regarding the potential for an increase in salary for the Executive Director for the Board.

Chairman Marcher said typically most agendas contained an item for "NEXT AGENDA ITEMS" for adding future topics to be discussed. He recommended that Board Member Spencer send an e-mail to Executive Director Ray and ask that his request be placed on the next agenda.

Board Member Nadeau said he wanted to bring up the same topic. He wanted to know if "NEXT AGENDA ITEM" could be added to the Board's agenda.

Acting Board Counsel Session said "BOARD COMMENT" and "AGENDA ITEMS FOR NEXT MEETING" could be added to the Board's agenda. Chairman Marcher agreed that was a good idea.



## **DISCIPLINARY HEARINGS/SETTLEMENTS:**

Chairman Marcher asked the deputy who was acting as Board Counsel for the disciplinary hearings to identify herself. She stated her name was Aikaterine Vervilos.

Acting Board Counsel Session said Mr. Hadnot was present and asked him to come forward. She apologized that Chairman Marcher did not have a copy of the complaint notice of hearing.

Chairman Marcher said he had some of the exhibits he needed to review, but agreed he did not have the complaint.

Acting Board Counsel Session said she had prepared a complaint and notice of hearing for disciplinary action in the matter. She said she had conversed with Mr. Hadnot and they had agreed to a settlement to present to the Board.

Chairman Marcher asked for a brief synopsis of the allegations in the complaint.

Acting Board Counsel Session said she would read the complaint into the record. She read that 5 Simmons employees had not obtained the proper work cards, had not taken the required exam, and were not registered with the Board for an assignment at the Las Vegas Convention and Visitor's Authority in October 2006. There were 8 Simmons employees at the Sands Convention Center in February 2007 with the same allegations.

Chairman Marcher asked if the alleged violations were for each employee.

Acting Board Counsel Session said the complaints were based on the two events. She said the violations were based on NRS 648.150(2). She said Mr. Hadnot had agreed to settle

Chairman Marcher asked for the details of the settlement agreement.

Acting Board Counsel Session said the proposed settlement agreement was a \$1,000 fine to be paid within 6 months.

Chairman Marcher asked if there were Board questions.

Board Member Gonzalez asked if the \$1,000 fine was all inclusive for each alleged violation, and she said that was correct.

Acting Board Counsel Session asked whether she or Chairman Marcher should ask Mr. Hadnot questions, and he asked her to proceed.

Acting Board Counsel Session asked Mr. Hadnot if he was voluntarily entering into the agreement, and he stated that he was.

Acting Board Counsel Session asked if Mr. Hadnot knew that, by entering into the agreement, he waived his rights to a hearing and an appeal. Mr. Hadnot said he was aware of those facts.

Board Member Crate asked if he could ask Mr. Hadnot the summary of the proposed defense.

Chairman Marcher said it was not appropriate. He explained that the settlement agreement could be rejected by the Board. If the Board could not produce a satisfactory settlement agreement, then the matter would go to a hearing at a later time. He said the hearing would be the appropriate time to hear the arguments of counsel and the respondent. He said he was not comfortable with the Board's questioning Mr. Hadnot's proposed defense, but could ask for more information about the events of the violations.

Acting Board Counsel Session said Mr. Hadnot had extensive conversations with the Board investigator and had a better grasp of Board requirements for registered employees.

Board Member Spencer moved to accept the settlement agreement as proposed.

Board Member Gonzalez seconded the motion, which passed.

Acting Board Counsel Session asked the Board to dismiss the violation for Mr. Hadnot.

Board Member Nadeau moved to dismiss the violation.

Board Member Spencer seconded the motion, which carried.

Chairman Marcher said his understanding the Agenda Item #37 was going to go forward involving Mr. Mercer. He said he also understood that Item #38 had been settled. Acting Board Counsel Session said Mr. Robinson had withdrawn his appeal.

Chairman Marcher said to proceed with #37. Acting Board Counsel Session said Mr. Mercer wished to speak privately with her.

Chairman Marcher then went back to #38 regarding Mr. Terence Robinson. Acting Board Counsel Session again stated that Mr. Robinson had withdrawn his appeal and had set up a payment plan to pay his fine. Chairman Marcher said #38 was closed, as no action was needed. He advised Acting Board Counsel Session to take a few minutes to converse with Mr. Mercer.

Acting Board Counsel Session said Mr. Mercer's attorney was not available to attend the meeting. She said her understanding was that Mr. Mercer did not wish to contest the citation, but wanted to express to the Board his hardship and inability to pay the citations. She said one citation was \$2,500 and one was \$5,000.

Board Member Spencer asked if Mr. Mercer wished to continue the item, as his attorney was not present. Acting Board Counsel Session said Mr. Mercer was not seeking a continuance.

Chairman Marcher asked Mr. Mercer again if he was absolutely sure he did not wish to continue the matter until the next meeting. Mr. Mercer said he would like to try to resolve the issue today. He said the Board had been very lenient in granting him time because of medical problems. He said his attorney had a conflict this morning. He said Acting Board Counsel Session said the Board would be able to reduce the fine.

Chairman Marcher asked Mr. Mercer the name of his attorney, and he replied that it was Robert Glennon III. He said the Board could not reduce fines, but could dismiss the complaint or citation. He said that was fairly rare. He asked Acting Board Counsel Session if it was her recommendation to continue the item. She agreed. Chairman Marcher said he did not want to violate Mr. Mercer's rights. Acting Board Counsel Session said she could contact Mr. Glennon to discuss the matter before the next meeting. Chairman Marcher said that was not her job. It was noted that Mr. Glennon should contact Board Counsel.

Chairman Marcher asked if Mr. Mercer was currently licensed, and he said he was not. Chairman Marcher cautioned Mr. Mercer to be careful so as not to receive a third citation.

Chairman Marcher asked if Acting Board Counsel Session thought it was appropriate to continue the matter, and she agreed. She said witnesses had waited all day for this portion of the meeting.

Chairman Marcher said the matter could be continued to the next meeting. Another option was if Mr. Mercer was willing to stipulate to the factual allegations of the citation and that it was properly issued, but then he would be fined. He said the other option would be to hold the hearing today, with Acting Board Counsel Session providing her evidence and Mr. Mercer giving his defense. Chairman Marcher said another potential option would be a settlement agreement if Mr. Mercer offered to dismiss one charge and pled to the other one.

Acting Board Counsel Session said one thing Mr. Mercer mentioned was setting up a payment plan. She noted that he said that paying both citations would be a hardship.

Acting Board Counsel Session said that, as Mr. Mercer's counsel was not present, he moved to continue the item until the next Board meeting.

Board Member Nadeau seconded the motion.

Under the discussion phase, Board Member Nadeau asked if the Board could continue without Mr. Mercer's request to continue. Chairman Marcher said the matter could be continued by advice of counsel or the motion of the Board. He said the continuance was not harming Mr. Mercer.

The motion carried unanimously. It was noted that an audience member had a question.

Chairman Marcher said he was not taking a question at that time. He asked how many Board members had voted for the motion, and was told the vote was unanimous.

Chairman Marcher asked for the person's question.

Acting Board Counsel Session said she would speak with the audience members. She noted that the people in the audience wanted the matter to be addressed when the Board was physically meeting in Las Vegas. They did not want the matter continued until December 2007, however.

Executive Director Ray said there was flexibility with the meeting schedules, and the matter did not have to wait until the December meeting.

Board Member Nadeau asked if it would be possible in the future to provide a specific time for an agenda items. He said it was unfortunate that people attended the meeting all day, only to have the matter continued.

Executive Director Ray said perhaps the meetings could be 2 days and have regular business the first day and appeal hearings the next day.

Chairman Marcher said the appeal hearings could be scheduled at a separate time and did not have to be included with the regular Board meeting. Chairman Marcher asked if #37 was concluded, and Executive Director Ray said it was concluded.

Chairman Marcher noted that Item #40 regarding Simmons Agency, Inc. and his appeal for a hearing of violation had been dismissed.

The final agenda item regarded Mr. Arthur Faram, CheckMate Services, Inc., who received an unlicensed activity citation and requested an appeal hearing pursuant to NRS 648.165(5). Acting Board Counsel Session said Mr. Faram sent a motion to dismiss the citation. She noted that Executive Director Ray was providing copies of the citation to the Board. She provided the documentation to the Board. Acting Board Counsel Session read the citation into the record before addressing the motion to dismiss. She noted a cease and desist letter was sent by the Executive Director Ray on March 30, 2005. She said the letter was signed for April 2005. She said Mr. Faram sent a letter to Mr. Sandoval that same month. Senior Investigator Botello sent a letter on April 29, 2005 explaining all the details of the laws that CheckMate had violated. Senior Investigator Botello checked the website in 2006 and the same services were still shown as being offered in Nevada. She said the company had been advised twice to cease and desist.

Acting Board Counsel Session said Mr. Faram was arguing that the Board did not have jurisdiction over his business in Nevada. She said he said he was not offering services in Nevada. She said he was offering services in Nevada. She felt his argument had no merit.

Chairman Marcher asked Acting Board Counsel Session if Mr. Faram's motion to dismiss should be denied. She agreed.

Chairman Marcher asked if Acting Board Counsel Session was prepared to go forward if the motion was denied. She said she was prepared.

Chairman Marcher said the Board should either grant or deny Mr. Faram's motion to dismiss, even though he was not present.

Board Member Spencer moved to dismiss the motion and proceed with notification of a formal hearing.

Board Member Crate seconded the motion. The motion carried.

Chairman Marcher then moved to the citation appeal hearing.

Acting Board Counsel Session submitted 3 exhibits. She said the first was a cease and desist letter sent to Mr. Faram dated March 30, 2005. The second exhibit was the cease and desist letter dated April 29, 2005 sent by Senior Investigator Botello to Mr. Faram. The third exhibit contained copies from the CheckMate website dated November 8, 2006.

Chairman Marcher said he would admit Exhibits 1, 2, and 3.

Acting Board Counsel Session said some of the pages for Exhibit 3 had not been copies, but felt she had enough to proceed.

Chairman Marcher said his Exhibit 3 had only one page. He said the one page was sufficient.

Acting Board Counsel Session asked Investigator Farmer to state and spell her last name, which she did.

Acting Board Counsel Session asked where Investigator Farmer was employed, and she stated the PILB.

Acting Board Counsel Session asked what her position was with the PILB, and Investigator Farmer said she was an investigator.

Acting Board Counsel Session asked if Investigator Farmer wrote citations, and she said she did.

Acting Board Counsel Session asked if Investigator Farmer knew Mr. Faram. Investigator Farmer said she did know Mr. Faram. She said there was an active case when she was hired by the Board in May 2006. She said reviewed the case, followed up on it, and that was how she met Mr. Faram.

Acting Board Counsel Session asked Investigator Farmer to briefly describe Mr. Faram's business.

Investigator Farmer said he said his business provided both a dating service and ran background checks and criminal checks for the clients regarding potential people to date/marry.

Acting Board Counsel Session asked if Mr. Faram had been issued a cease and desist order.

Investigator Farmer said there were 2 cease and desist letters, the first sent by Executive Director Ray on March 30, 2005.

Acting Board Counsel Session asked if the letter indicated that the services offered by Mr. Faram required licensure in Nevada. Investigator Farmer said Executive Director Ray had made that clear.

Acting Board Counsel Session asked about Exhibit 2. She asked if a second letter had been sent to Mr. Faram in response to a letter written by him. Investigator Farmer said there was, and the letter was dated April 29, 2005.

Acting Board Counsel Session asked who had written the letter and the length of it, and Investigator Farmer said it was Senior Investigator Botello and it was 5 pages long.

Acting Board Counsel Session asked if Senior Investigator Botello had specified what contact by Mr. Faram was in violation of Nevada statutes, and Investigator Farmer said he had done so.

Acting Board Counsel Session asked for specific issues as to how Mr. Faram had violated statutes. Investigator Farmer said he was providing background checks, which required a license in Nevada.

Acting Board Counsel Session asked if Mr. Faram stated that he checked criminal records in Nevada, and Investigator Farmer said he did.

Acting Board Counsel Session asked if Investigator Farmer had seen the website, and she said she had done so. She asked Investigator Farmer what dates she had viewed the website, and she said August 2006 and November 8, 2006. She asked what Investigator Farmer found on the website, and she said he was still offering criminal record searches in Nevada.

Acting Board Counsel Session asked what Investigator Farmer did in response to that finding. She said she called the company and asked if they offered the services in Nevada. She said the female at the company said they did.

Acting Board Counsel Session asked if Investigator Farmer issued a citation. Investigator Farmer said she attempted to call Mr. Faram. He left her a message stating that he had nothing to say to her. He advised his employees to not speak with Investigator Farmer any longer. Acting Board Counsel Session asked if she issued a citation at that point, and Investigator Farmer said she did.

Acting Board Counsel Session asked Investigator Farmer if the citation was #C-04-086, and she said that was correct.

Chairman Marcher asked if there were Board questions. As there were none, he said a motion needed to be made to overturn or dismiss the citation.

Board Member Spencer moved that the citation be upheld.

Board Member Gonzalez seconded the motion.

Chairman Marcher asked for discussion. Board Member Crate asked if the Board was actively monitoring internet representations of services offered in Nevada as they were brought to the Board's attention.

Investigator Farmer said that was true.

Chairman Marcher asked if there was any other Board comment. As there was none, the motion carried unanimously.

Board Member Spencer moved to adjourns, and Board Member Gonzalez seconded the motion.

The meeting was adjourned.