

MINUTES

PRIVATE INVESTIGATORS LICENSING BOARD

SEPTEMBER 19, 2007

MEMBERS PRESENT:

DANIEL CRATE: BOARD MEMBER

EDWARD GONZALEZ: BOARD MEMBER

JAMES NADEAU: BOARD MEMBER

DAVID SPENCER: BOARD MEMBER, ACTING CHAIRMAN

OTHERS:

JEFF MENICUCCI: BOARD COUNSEL

MECHELE RAY: EXECUTIVE DIRECTOR

RENE BOTELLO: SENIOR INVESTIGATOR

KRISTINE MAUTNER: INVESTIGATOR (Las Vegas)

ELAINE TRENT: ASSISTANT

Acting Chairman Spencer called the meeting to order. He asked that all cell phones be turned off for the duration of the meeting. He stated that the passage of Assembly Bill 531 removed the Attorney General from acting as Board Chairman. He said the new designee would be in attendance at the next meeting. He said he would be the Acting Chairman at the meeting. He asked if the Board wished to elect a chairman or wait until a future meeting. Board Member Crate said he would prefer to wait until the next meeting when the full Board would be in attendance. Board Member Nadeau moved to table the election of a chair until the December 2007 meeting, Board Member Crate seconded the motion, which passed. Board Member Nadeau moved that Board Member Spencer act as Chairman for the meeting, and Board Member Crate seconded the motion, which carried.

APPROVAL OF MINUTES:

The June 20, 2007 minutes were approved with a motion by Board Member Crate and a second by Board Member Nadeau (Board Member Nadeau noted that the minutes were very long). The motion carried.

FINANCIAL REPORT: Executive Director Ray said that she had provided the Board with copies of the closing financial statement for FY 2007. She said a balance was carried over from FY2007 to FY2008. She included both reports to show the realized funding. She said the FY2008 report showed the work program and the year-to-date expenditures. She noted that the financial report was for information only and was a non-action item. Board Member Nadeau asked about out-of-state travel. Executive Director Ray said the funds were usually used for training purposes and not for investigations. Executive Director Ray explained that the balance brought forward was \$200,000, which was the usual amount. She said citations and violations returned over \$17,000 to the general fund.

SWEARING IN: Acting Chairman Spencer asked Board Counsel Menicucci 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 reported that for the quarter beginning June 19, 2007, there were 18 new complaints, 5 had been closed, 170 pending complaints, 2 of those complaints concerned licensees, with 70 assigned to Senior Investigator Botello and 81 assigned to Investigator Mautner. She reported that Senior Investigator Botello had written 6 citations, 18 cease and desist letters, and had 6 pending citations. She said he had completed a total of 60 background investigations in the last quarter, with 28 of those for corporate officers, 17 were for corporations, and 15 were for qualifying agents or individuals. Senior Investigator Botello attended 5 conventions during the quarter. Investigator Mautner issued 5 citations for unlicensed activity, had not written any cease and desist letters and had 1 pending

citation. Investigator Mautner completed 18 background investigations, 7 for corporate officers, 4 for corporations, and 7 for qualifying agents or individuals. She performed no inspections for the quarter. There was 1 rejected background and 1 applicant withdrew an application. Senior Investigator Botello currently had 50 pending backgrounds, with 11 for corporate officers, 11 corporations, 3 were for Process Servers, 1 Repossessor, and 1 Canine Handler. She said there were 11 Private Investigator applications, 12 Private Patrolman applications, and 1 application continued to the next meeting. She stated that the final breakdown in applications was 12 Private Investigator, 12 Private Patrolman, 5 Process Server, 1 Repossessor, and 1 Canine Handler (none for Polygraph Examiner). Executive Director Ray said she had conducted 2 audits, issued 13 violations, and performed 1 inspection for the quarter. She noted that Senior Investigator Botello attended the Video Music Awards show in Las Vegas. She said a report on the event was included in the newsletter.

Senior Investigator Botello said the Board had first become aware of the VMA show because of an advertisement by a California company on Craig's List. That company had no license in Nevada, but was advertising for security guards for the VMA shows. He sent a cease and desist notice to Viacom, the parent company of MTV. He said he spent 5 days at the event. He checked 114 security guard individuals, 20 of which did not have work cards. There was 1 unlicensed bodyguard and 1 off-duty officer who were issued citations. There were 7 citations issued for unlicensed security consultants, with a total of 9 citations issued for the event. He said Viacom had contracted with security consultants for both the NBA weekend event and for the VMA show. Senior Investigator Botello said there were numerous problems with the security situation at the VMA show. When he told workers they must leave due to not having the proper paperwork, those people would return later and begin working again. Acting Chairman Spencer asked where the event was held, and Senior Investigator Botello said it was held at the Palms Hotel Casino.

Executive Director Ray said the Board had a wonderful working relationship with the Las Vegas Convention and Visitors Bureau. She said they were very cooperative.

Senior Investigator Botello said the gaming properties were also cooperative. He said the outside corporations were not so cooperative.

Acting Chairman Spencer asked if Senior Investigator Botello attended the Chiefs Meetings. Senior Investigator Botello said he had in the past, but Investigator Mautner was now attending them.

Acting Chairman Spencer asked if there was a possibility the Board could draft a document to present to the security chiefs stating that if the companies did not adhere to the rules of Nevada, there would be no security provided.

Senior Investigator Botello said that could be a possibility. He said the people who sponsor the events were independent businesses and were not affiliated with the gaming entities. He said there were also privacy and legal issues.

STAFF UPDATE ON PREVIOUS AGENDA ITEMS:

Executive Director Ray noted that the Board routinely made motions contingent on tasks that must be performed by staff (obtaining documents, performing further investigations, and the like). She said there were three items from the last meeting. She said one concerned liens and whether they had been satisfied. She said the liens had been satisfied and the proper documents had been received. She said another motion had been contingent that fees had been paid to the licensee and not to an unlicensed entity. She said staff had also received confirmation on that matter, as well. She said proposed regulatory changes to fees imposed by the Board had been discussed during the June meeting and that regulation change had to be withdrawn, per the Legislative Counsel Bureau. She said Board staff would continue to impose administrative fees, as it had in the past.

CONSENT ITEMS:

Executive Director Ray explained to the attendees that once the Board meeting concluded, staff would notify all new licensees by letter of fees and necessary documentation. She asked that people refrain from contacting staff the next day regarding this information, as the letters would be mailed out as quickly as possible. Multiple phone calls and e-mails slowed the process unnecessarily.

8. Robert D. Lawson Investigations, LLC requested a corporate Private Investigatory and Process Server license and that his individual Private Investigator license and individual Process Server licenses (#1027 and 1027A) be placed in abeyance. He requested qualifying agent status and corporate officer approval.
9. Acme Security, Inc. applied for a corporate Private Investigator license and corporate Private Patrolman license. Weston Conwell (#1391) requested qualifying agent status, corporate officer status, and to place his individual Private Investigator license and individual Private Patrolman licenses into abeyance.
10. Reponetwork, Inc. (#1344) applied for a corporate name change to Recovery Network of Nevada, Inc. Brad Robinson asked for qualifying agent and corporate officer status.
11. Hatch 1 Security, LLC applied for a corporate Private Patrolman license, Sherman Hatcher (#1441) requested qualifying agent and corporate officer status, and to place his individual license in abeyance.
12. Nevada Quick Search, Inc. applied for a corporate Private Investigator license, Doris Fuhrmann requested qualifying agent and corporate officer status, and to place her individual license into abeyance.
13. Worldwide Security Associates, Inc. (#616) applied for a corporate name change to WSA Security, Inc, and James Fleshood requested qualifying agent and corporate officer status.
14. Kroll Background America, Inc. requested corporate officer approval for Glenn King.
15. The Masto Group applied for a corporate name change to Universal Security Specialists. Paul Masto requested qualifying agent and corporate officer status.
16. First Advantage Background Services Corporation (#1327) requested qualifying agent status for Michael Fernandez and for corporate officer approval for Bret Jardine, Steven Flack, and Evan Barrett.

Acting Chairman Spencer asked if the Board wished to pull any items from the consent agenda. As no one did, he asked for a motion. Board Member Crate moved to approve Consent Items 8-16, subject to all statutory and regulatory requirements. Board Member Gonzalez seconded the motions, which passed.

PRESENTLY LICENSED CORPORATIONS REQUESTING NEW QUALIFYING AGENT:

NUMARK INVESTIGATIONS LLC (#603 and 603A) requested qualifying agent status for RICHARD MACKLIN.

Mr. Macklin said he was currently the acting qualifying agent for Numark Investigations, LLC and had been employed there for 2 years and 10 months.

Acting Chairman Spencer asked if there were any questions. There were no questions.

Board Member Crate moved to grant RICHARD MACKLIN an individual Private Investigator license and an individual Process Server license to be placed in abeyance so he could be qualifying agent for NUMARK INVESTIGATIONS, LLC, subject to all statutory and regulatory requirements. Board Member Nadeau seconded the motion, which passed.

LEXIS NEXIS RISK & INFORMATION ANALYTICS GROUP, INC. (#1369) requested qualifying agent status for KIM KERR.

Mr. Kerr said he had not been previously licensed in Nevada. He said he had been involved with AT & T and corporate security for 28 years. He was experienced with fraud investigations and embezzlement investigations.

Board Member Nadeau moved to grant KIM KERR an individual Private Investigator license to be placed in abeyance so he could be qualifying agent for LEXIS NEXIS RISK & INFORMATION ANALYTICS GROUP, INC., subject to all statutory and regulatory requirements. Board Member Gonzalez seconded the motion, which carried.

PRIVATE INVESTIGATOR:

RIGID WATER, LLC requested a corporate Private Investigator license and qualifying agent status for JENNA JOHNSON.

Ms. Johnson said she had worked for Elite Investigations for 5 years and 9 months. She said she would like to start up Elite Investigations Northern Nevada. She said she had been an adjustor before working at Elite.

Senior Investigator Botello said the 5 years and 9 months and hours of experience had been verified.]

Board Member Crate asked if there was a conflict with the DBA Elite Investigations Northern Nevada with Mr. Girard's company, Elite Investigations.

Mr. Girard said there was no conflict. He said Ms. Johnson had been a manager for over 5 years and had done an outstanding job. In order to have ownership with the company, she needed to be licensed.

Board Member Crate asked how the companies would be connected.

Mr. Girard said the connection would be through affiliation and the network.

Board Member Crate noted that the affiliation with two separate licenses might be too close. He said there could be confusion on the part of the public as to the differences between the companies or if the companies were the same.

Mr. Girard said the clients in southern Nevada would use Elite Investigations and the clients in northern Nevada would use Elite Investigations Northern Nevada. He said the line of demarcation was Tonopah. Board Member Crate asked why Mr. Girard didn't merely open a branch office in Northern Nevada. He said he already had one, but did not plan to keep it in operation. He said Ms. Johnson had liability insurance. He said he was not allowed to sub-contract work.

Acting Chairman Spencer asked who would pay Ms. Johnson's salary. Mr. Girard said she would be paid by the clientele.

Executive Director Ray read the name for which Ms. Johnson was applying for licensure, Rigid Water LLC, DBA Elite Investigations Northern Nevada, and Ms. Johnson said that was correct.

Acting Chairman Spencer asked for a motion. Board Member Nadeau moved to grant RIGID WATER, LLC a corporate Private Investigator license, and to grant JENNA JOHNSON an individual Private Investigator license to be placed in abeyance so she could become the qualifying agent, subject to all statutory and regulatory requirements. Board Member Gonzalez seconded the motion, which carried. Board Member Crate wanted to emphasize that the Board had approved Rigid Water, LLC and not an approval of the DBA. Executive Director Ray said the Board did not typically do that, and Ms. Johnson could file for a DBA at a later date.

PAUL PITSNOGLE applied for an individual Private Investigator license.

Mr. Pitsnogle said he had been a police officer for 11 years and held an Associate's Degree in Criminal Investigation.

Board Member Crate noted that the applicant's hours were 11 years, and 22,000 hours were all earmarked toward private investigations.

Mr. Pitsnogle said that was correct.

Acting Chairman Spencer asked if Mr. Pitsnogle worked in investigations.

Mr. Pitsnogle said he worked mostly in the field serving warrants and making arrests. He said during the undercover work he completed numerous investigations.

Acting Chairman Spencer said that, by attesting to the 22,000 hours as private investigator hours only, Mr. Pitsnogle would be unable to apply for a Private Patrolman license or other licenses in the future. He said he understood that.

Board Member Crate asked Senior Investigator Botello for clarification on certain charges in the background information against the applicant and the resolution of those charges.

Senior Investigator Botello said he eventually was able to talk to individuals. He said he had written verification. Board Member Crate asked if the charges had been dropped. Senior Investigator Botello said that was the case. Board Member Nadeau asked if there was an acquittal. Senior Investigator Botello said there was an acquittal.

Board Member Gonzalez moved to grant PAUL PITSNOGLE an individual Private Investigator license, subject to all statutory and regulatory requirements. Board Member Nadeau seconded the motion, which carried.

HIRERIGHT, INC. requested a corporate Private Investigator license and qualifying agent status for RONDA BELVILLE-PEREZ.

Mr. Richard Bryan spoke as counsel for the applicant. He introduced Mr. Sean Elicegui, who was also in attendance. He asked Acting Chairman Spencer if he could make a brief opening statement, and was told he could proceed. He said HireRight, Inc. provided background screening services and was a Fortune 500 company. He noted that the company had appeared at the June 2007 Board meeting for licensure, and the matter had been continued. He said the company had immediately stopped serving Nevada-based clients. He said the work had been done through a licensed private investigator. He said Ms. Belville-Perez understood the Board's position in June. He said he understood full well himself, as he previously served the Board as counsel. He apologized to the Board for the actions of HireRight. He said he understood that HireRight had made numerous mistakes. He said the company was not as

diligent as it should have been and had erred in the attempted hiring of Mr. Hess to become the qualifying agent. He said he wished to do all in his power to follow the Board's rules and requests. He said the citation issued by the Board was the only one ever received by HireRight. He introduced the general counsel for HireRight, Mr. Jorgenson and said he was working diligently to make sure all rules and regulations were followed.

Board Member Gonzalez moved to grant HIRERIGHT, INC. a corporate Private Investigator license, to grant RONDA BELVILLE-PEREZ an individual Private Investigator license to be placed in abeyance so she could become the qualifying agent, and to approve JEFFREY WAHBA, DAVID NACHMAN, and ERIC BODEN as corporate officers, subject to all statutory and regulatory requirements. Board Member Nadeau seconded the motion, which carried.

FACTUAL PHOTO, INC. asked for qualifying agent status for GEORGE OLIVER.

Mr. Oliver said he was the president of the company. He said he had a Bachelor's degree in law enforcement. He had worked for 9 years in photo surveillance. He worked in insurance claims from 1985 to 1990. From 1990 to 1994 he managed a group of investigators for that same company. In 1994 he started Factual Photo, Inc. He received a license in Illinois and now wished to expand into Nevada.

Board Member Gonzalez asked if the Illinois license was a Private Investigator license, and he said that was correct.

Board Member Nadeau asked if Mr. Oliver planned to open an office in Nevada. Mr. Oliver said he was not planning to open a physical office in Nevada. He was seeking licensure so he and his employees could work in Nevada from time to time.

Acting Chairman Spencer asked if the employees would all work in investigations. Mr. Oliver said that was correct and there would be no sub-contractors. He said the employees would be both full-time and part-time.

Board Member Nadeau moved to grant FACTUAL PHOTO, INC. a corporate Private Investigator license, to grant GEORGE OLIVER an individual Private Investigator license to be placed in abeyance so he

could become the qualifying agent, and to grant him corporate officer status, subject to all statutory and regulatory requirements. Board Member Gonzalez seconded the motion, which passed.

Executive Director Ray stated that ROSS STEWART was out of the country. Board Member Crate moved to continue the request by PROBE INFORMATION SERVICES, INC. to the next meeting. Board Member Gonzalez seconded the motion, which carried.

BACKGROUND PROFILES, INC. requested qualifying agent status for STEVEN JAMES.

Mr. James said he was the CEO for the company. He said the company performed background checks. Acting Chairman Spencer asked for background information. Mr. James said his entire career encompassed working for consumer reporting agencies. He had worked for TRW, which was now known as Experian. Prior to that, he had worked in Texas performing pre-employment screening.

Board Member Gonzalez moved to grant BACKGROUND PROFILES, INC. a corporate Private Investigator license, to grant STEVEN JAMES an individual Private Investigator license to be placed in abeyance so he could become the qualifying agent, and to grant STEVEN JAMES and SCOTT MORAN corporate officer status, subject to all statutory and regulatory requirements. Board Member Nadeau seconded the motion, which passed.

PRIVATE INVESTIGATOR AND PROCESS SERVER:

DONALD FRITSCH applied for an individual Private Investigator license and an individual Process Server license.

Mr. Fritsch said he was president and CEO of American Legal Investigation Services. He said he began his career in private investigations in 1984. He said he began working for a licensed investigator. He then began working as an investigator at a law firm. He ran Fritsch and Associates for a number of years. He had entered into a partnership that lasted less than a year. The business was sold to First Legal Support Services, where he was employed for a brief period of time. He then formed American Legal Investigation Services.

Board Member Gonzalez asked Mr. Fritsch if he understood the concern of the Board concerning the citation sent to First Legal Support Services. Mr. Fritsch said there was confusion as to his connection

with that company as to whether he was an owner or an employee. He said the Board had found that he was not in violation.

Board Member Gonzalez asked Senior Investigator Botello about the citation status.

Senior Investigator Botello said there was no outstanding issue concerning Mr. Fritsch.

Mr. Fritsch said he would like to form a corporation. Board Member Gonzalez said that topic was not on the agenda.

Board Member Nadeau asked if any new information had come forward since the appeal hearing. Senior Investigator Botello said there was no new information.

Board Member Crate moved to grant DONALD FRITSCH an individual Private Investigator license and an individual Process Server license, subject to all statutory and regulatory requirements. Board Member Gonzalez seconded the motion, which carried.

PRIVATE INVESTIGATOR AND PRIVATE PATROLMAN:

ST. MORITZ SECURITY SERVICES, INC. requested qualifying agent status for J. ANTONIO REVILLA.

Acting Chairman Spencer said the Board would consider both Item 26 and Item 39.

Mr. Revilla introduced Paul Harris. Mr. Revilla said he would be the qualifying agent of St. Moritz Security Services, Inc. with the DBA of O & R Protective Services.

Board Member Crate asked if O & R was currently a corporation license or a DBA. Executive Director Ray said License #1025 was for a corporation and Mr. Revilla held an individual Private Investigator license.

Board Member Crate asked what Mr. Revilla intended to do with the #1025, O & R Protective Services.

Mr. Revilla said O & R would cease to do business. Board Member Crate said he wanted to make it clear for the record that O & R would no longer be in business, but St. Moritz Security Services, Inc. would hold the DBA of O & R Protective Services. Mr. Revilla said that was correct.

Board Member Crate asked Senior Investigator Botello a question regarding Mr. St. Moritz and charges from the Garrett County Sheriff's Office. Senior Investigator Botello said he called the agency and the charges had been dropped.

Board Member Nadeau asked when an individual left one company to become the qualifying agent for another, if a wants and warrants check was run on that individual. Executive Director Ray said a new background check was run if it had been longer than 18 months since the previous check had been performed.

The group then discussed both the Private Patrolman license and the Private Investigator license issue. Board Member Crate summed up the concern by stating the St. Moritz Security Services, Inc. requested a Private Patrolman license, Mr. Revilla's individual Private Investigator license would remain in abeyance, and O & R Enterprises would effectively shut down operations.

Mr. Revilla again stated that St. Moritz Security Services, Inc. would use the DBA of O & R Protective Services. He said the entity was called Enterprises.

As there was still confusion, Executive Director Ray said O & R Enterprises, Inc. held the DBA of O & R Protective Services as #1025 and #1025A. She said during the June 2007 renewal period, Mr. Revilla renewed his corporate Private Patrolman license to continue operating in Nevada. He cancelled his corporate Private Investigator license and activated his individual Private Investigator license. St. Moritz Security Services, Inc. purchased O & R and requested licensure as a Private Investigator and Private Patrolman company. She said Mr. Revilla wished to keep his individual Private Investigator license. She said St. Moritz said they would not perform private investigator work in Nevada. They wished to use Mr. Revilla's individual Private Investigator license for the investigation side of the business.

Board Member Crate asked if it was acceptable to St. Moritz Security Services, Inc. to receive only the Private Patrolman license. Mr. Harris said that was acceptable. Executive Director Ray said if the company wanted to hold a Private Investigator license, they would need to reappear before the Board.

Board Member Gonzalez asked about the corporate officer request. Executive Director Ray said the request would go forward.

Board Member Crate noted that the reference to private investigator for the company as shown on the agenda was no longer to be considered.

Board Member Nadeau moved to grant ST. MORITZ SECURITY SERVICES, INC. a corporate Private Patrolman license, to grant J. ANTONIO REVILLA qualifying agent status, and that his Private Patrolman license be placed in abeyance, subject to all statutory and regulatory requirements. Board Member Crate seconded the motion, which carried. Board Member Gonzalez asked that all abeyance licenses be placed properly, and Executive Director Ray said she would make sure that happened.

Item 39 was taken next from Administrative Business, as it also pertained to Mr. Revilla.

Mr. Revilla requested an exemption to utilize 10 out-of-state peace officers for a show from December 26, 2007 to January 13, 2008.

Mr. Revilla said the request was for the Consumer Electronic Show and was less than half the number requested by him the previous year.

Board Member Crate asked if the request was being made on behalf of St. Moritz Security Services, Inc. Executive Director Ray said she did not want to be presumptuous and make the request on behalf of the company, as the corporation had not been approved at the time the exemption was placed on the agenda.

Executive Director Ray said for the record, the individuals would be bona fide employees, would be registered with the Board and, if armed, have the proper firearm credentials.

Ty Neuharth asked, if the exemption was granted, would the allowance be a one-time event, or would it be ongoing. Acting Chairman Spencer said the exemption requests were taken on a case-by-case temporary basis. He said that peace officers from other states were not peace officers in Nevada.

Ms. Neuharth asked if her company could also apply for an exemption. Board Member Crate said the exemptions were granted on a temporary basis. He also noted that Mr. Revilla also held a Nevada license.

Acting Chairman Spencer said the exemptions were granted for temporary employees, but not those on a full-time basis.

Board Member Nadeau said the exemptions were granted on a case-by-case basis and companies were not allowed to exercise the exemption indefinitely.

Board Member Nadeau moved to grant the exemption to Mr. Revilla of St. Moritz Security Services, Inc. as outlined in NAC 648.338(2) to utilize 10 out-of-state peace officers for the Consumer Electronic Show from December 26, 2007 to January 13, 2008. Board Member Crate seconded the motion for discussion purposes. He said he appreciated the fact that Mr. Revilla had requested only 10 people. He said he was concerned that these employees must be properly registered. He said the burden should not be on staff to check the company's compliance with regulations (properly registered, the requested number of employees had not actually exceeded 10, and the like). He asked if Board Member Nadeau could amend his motion to reflect that the names of the individuals to be used under the exemption be provided to staff in advance of the actual show, auditable copies of invoices, and payroll invoices.

Mr. Revilla said the invoices were proprietary and there was a concern for privacy. He said his invoices would not necessarily break down the information exactly as Board Member Crate had requested.

Executive Director Ray said a good suggestion would be to provide a list of names prior to the show and payroll records at the end of the show.

Board Member Nadeau said he accepted Board Member Crate's suggestion. Mr. Revilla asked for clarification on what the Board was requesting of him.

Board Member Crate said, for the record, that Mr. Revilla should provide to staff in advance a list of names of those individuals who were to be used under the exemption and any invoices or payroll records to substantiate the employees who worked at the event. The motion carried.

Mr. Revilla wanted to publicly thank Senior Investigator Botello for his efforts in compliance enforcement at the VMA awards. Mr. Revilla's company became involved with the event as a direct result of Senior Investigator Botello's efforts.

CIVEIL, INC. requested qualifying agent status for JOHN HARVEY, Private Investigator, and qualifying agent status for VICTOR GIRON, Private Patrolman.

Mr. Harvey introduced Mr. Giron. Mr. Harvey said he had 4 ½ years of experience in private investigations in a corporate setting. He had performed investigations involving larceny, integrity, sexual harassment investigations and the like. He had worked for Wal-Mart and Shop-Ko.

Acting Chairman Spencer asked if the hours of experience were sufficient. Senior Investigator Botello said Mr. Harvey also had a college degree. Mr. Harvey said he had a BA in Criminal Justice from University of Nevada-Reno.

Mr. Giron said he had 6 ½ years of experience in private patrol work. He said he was experienced in surveillance and loss prevention. He had worked with Mr. Harvey at Wal-Mart.

Board Member Nadeau noted the name change from Sentinel to Civeil.

Board Member Gonzalez asked if the hours stated for Mr. Giron and if they were adequate.

Senior Investigator Botello said the hours were verified. He said the employment and financial records verified the information to his satisfaction.

Board Member Gonzalez moved to grant CIVEIL, INC. a corporate Private Investigator license and a corporate Private Patrolman license, to grant JOHN HARVEY an individual Private Investigator license to be placed in abeyance so he could become the qualifying agent for the private investigator side of the business, to grant VICTOR GIRON an individual Private Patrolman license to be placed in abeyance so he could become the qualifying agent for the private patrolman side of the business, and to grant both corporate officer status, subject to all statutory and regulatory requirements. Board Member Nadeau seconded the motion, which carried.

FPK SECURITY, INC. requested qualifying agent status for MARK DAVID.

Mr. David said he had 35 years of experience. He had been in the military police in the army. He also had worked for the Los Angeles County Sheriff's Department for 12 years. He had 3 years of experience at an insurance company. He was a qualifying agent in several states. He noted that his request for licensure had been denied due to a citation written by Senior Investigator Botello. He said he had begun to take care of the problem the next day. He said he spoke with both Senior Investigator Botello and Executive Director Ray regarding the unlicensed activity. He paid the \$2,500 fine.

Board Member Crate asked Mr. David to recap the letter written to Executive Director Ray. He noted that Mr. David could not employ security guards, but could use loss-prevention specialists.

Mr. David said a client asked him to place security guards at a site. He asked Executive Director Ray for advice. He said he did everything in his power to make sure those employees were loss-prevention investigator. He said he offered no argument to the Board or Executive Director Ray and that he should have known better.

Board Member Nadeau noted that Mr. Thiesen was no longer with Mr. David's company. He said he was not sure he knew Mr. Thiesen. They were introduced.

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

Board Member Crate seconded the motion for discussion purposes.

Board Member Crate then addressed his concerns of the speed of compliance by a licensee once cited. He then said there were apparently security officers on-site at a time when Mr. David should have been aware that the activity must cease.

Executive Director Ray said the entire matter had been discussed at length and could be found in the June 2007 minutes.

Board Member Nadeau said Mr. David was licensed and should be aware of regulations and standards.

Board Member Gonzalez said he had similar concerns.

Mr. David said the points were well taken and he hoped there was not a question of his integrity. He said he honestly believed he was following the Board's direction. He said the opinions of Executive Director Ray and Senior Investigator Botello counted, and not his.

Board Member Crate said the Board was not questioning Mr. David's integrity. He said he had reviewed the minutes of the June 2007 meeting. He said he still supported the motion to approve, and it carried.

MARTIN RADEMACHER DBA T-WALL RISK MANAGEMENT requested licensure.

Mr. Rademacher said he had spent 12 years in the United States Marine Corp. He had taken part in Desert Storm (special operations) and had been sent on active duty to Mogadishu and Somalia. He had also participated in Operation Iraqi Freedom. He had also provided security in Afghanistan and Baghdad. Board Member Crate asked Mr. Rademacher for the citation status. Executive Director Ray said it was paid in full.

Acting Chairman Spencer said he had never seen better comments in any background he had read than the ones provided for Mr. Rademacher.

Ty Neuharth said Mr. Rademacher had worked under the Neuharth license, Security Professionals of Nevada, since the citation and he had complied with all the matters addressed. He had removed the T-Wall signage, and all checking account information, ads, and the like had been changed to Security Professionals of Nevada.

Board Member Gonzalez moved to grant MARTIN RADEMACHER DBA T-WALL RISK MANAGEMENT an individual Private Patrolman license, subject to all statutory and regulatory requirements.

Board Member Crate seconded the motion, which carried.

Quevius Hooker did not appear at the meeting. Board Member Crate asked what action should be taken on the item. Executive Director Ray said Mr. Hooker was advised of the time and location of the meeting. She noted that Magdalene Pratt refused to accept the citation letter issued to her by certified mail.

Board Counsel Menicucci noted the question of the address had been discussed at the August appeal hearing.

Executive Director Ray said she had provided the Board with a copy of the statement written by Ms. Pratt and Mr. Hooker. She again stated that the citation sent by the Board had been refused by Ms. Pratt. The point was that the citation was deliverable, but it was refused.

Board Member Crate moved to deny the request by Hookers, Inc. for licensure, based on the Board's experience with both applicants and a question of their credibility and integrity. Board Member Nadeau

seconded the motion. Board Counsel Menicucci said he saw no legal prohibition on the Board's taking action on the item based on information on hand. The motion carried unopposed.

TNT EVENT SERVICES, INC. requested qualifying agent status for TIMOTHY WIMBLEY.

Mr. Wimbley said he had worked for Argenbright as a security officer from 1997 to 2002. He had held many different positions and ultimately became the operations manager in the greater Orlando area. He became an independent contractor after leaving Argenbright and became a security consultant. In 2005 he joined TNT Event Services as a security manager/consultant.

Acting Chairman Spencer asked about the citations. Mr. Wimbley said he received the first citation in February 2006 and received a second citation this morning. He said both citations were paid. He said the second citation was in conjunction with the first. He said the first citation was issued in Las Vegas as TNT Event Services. He said the show manager said TNT was performing unlicensed activity. Mr. Wimbley said he called Senior Investigator Botello, who came to Las Vegas to perform a site inspection. He said he had been working since the first citation to become legally licensed in Nevada. He said he took the exam and passed. He said he e-mailed IBM and said he was not licensed and could not provide security. He said, in hindsight, the information he studied for the exam did state that no RFP's or advertising should be undertaken by anyone who is not licensed in Nevada.

Mr. Wimbley again stated that both citations had been paid immediately.

Senior Investigator Botello said that the first citation had been issued to Mr. Wimbley and his partner, Tony, for the IBM show in February 2006. He said he made them aware of the statutes pertaining to security consultants. Senior Investigator Botello said Mr. Wimbley was told in February 2006 that he needed a license. He said Investigator Mautner issued the second citation that very morning because Mr. Wimbley and his partner had again provided an RFP for security at the upcoming IBM show. He said they could not use the excuse that they were ignorant of the law.

Mr. Wimbley said the IBM show involved in the second citation was not the exact same show as the one listed in the first citation. He said he failed to understand the law pertaining to having no dealings, even submitting a proposal. He thought the law only dealt with the actual providing of security.

Board Member Crate moved to deny TNT EVENT SERVICES, INC. a corporate Private Patrolman license under NRS 648.100(f) "while unlicensed performed any act for which a license is required by this chapter". Board Member Gonzalez seconded the motion to deny, which carried.

Acting Chairman Spencer explained that Mr. Wimbley could re-apply for a license at a later date. Board Member Nadeau cautioned Mr. Wimbley to study the NRS again completely. Mr. Wimbley said he agreed and would study more. Acting Chairman Spencer told him not to repeat the unlicensed activity a third time.

AMERICAN PROTECTION AGENCY, INC. DBA AMERICAN SAFEGUARD requested qualifying agent status for KEITH THIESEN.

Mr. Thiesen said he enlisted in the United States Army November 14, 1968. He worked as a military policeman. He then worked in California. He re-enlisted in the Army in 1972 and left the service in 1980. He joined the reserves and retired in 1992. He became a security officer in 1980. He provided security for 14 ½ years. In 1995 he moved to Nevada. He worked for 3 years with the Arrow Creek Homeowners Association.

Board Member Crate said he must recuse himself from the agenda item, as he had a prior relationship with American Safeguard.

Board Member Nadeau moved to grant AMERICAN PROTECTION AGENCY, INC. DBA AMERICAN SAFEGUARD a corporate Private Patrolman license, to grant KEITH THIESEN an individual Private Patrolman license to be placed in abeyance so he could become the qualifying agent, and to approve SHIRLEY LANE as a corporate officer, subject to all statutory and regulatory requirements. Board Member Gonzalez seconded the motion, which carried.

CLASSIC PARKING OF NEVADA, INC. requested qualifying agent status for PAUL COTTRELL.

Mr. Cottrell said was a police officer for 7 years in California. He retired for medical reasons in 1997. He started a security company in 1998 and provided security at arenas and airports. He said his company had over \$4,000,000 in revenue.

Board Member Gonzalez moved to grant CLASSIC PARKING OF NEVADA, INC. a corporate Private Patrolman license, to grant PAUL COTTRELL an individual Private Patrolman license to be placed in abeyance so he could become the qualifying agent, and to grant corporate officer status to CATHRYN ULLMAN, RICHARD ULLMAN, SR. and RICHARD ULLMAN, JR., subject to all statutory and regulatory requirements. Board Member Nadeau seconded the motion, which carried.

TITAN INTERNATIONAL SECURITY SERVICES, LLC requested qualifying agent status for SCOTT DUCHENE.

Mr. Duchene said he had 20 years of experience in security with major corporations in Florida. He said he managed over 500 employees for Elite Protection Services for 10 years. He then began working for Fox Group International and had performed CEO duties for 7 years. He then opened his own company with 150 employees. He provided consulting work for Panama and Venezuela, as well as other locations.

Board Member Gonzalez moved to grant TITAN INTERNATIONAL SECURITY SERVICES, LLC a corporate Private Patrolman license, to grant SCOTT DUCHENE an individual Private Patrolman license to be placed in abeyance so he could become the qualifying agent, and to approve him as a corporate officer, subject to all statutory and regulatory requirements.

CONTROL SECURITY SERVICES, INC. requested qualifying agent status for WILLIAM VAUGHAN.

Mr. Vaughan said he served as president of the company since 1989. He said he had 26 nationwide licenses. He worked for a property group prior to that and was a security director. He also had loss prevention experience for retail stores.

Board Member Crate asked about a question in the background regarding a relationship between his company and Control Security Services, Inc.

Mr. Vaughan said in 1906 a window-washing company was started by an immigrant from Austria. He said after World War II, the business became a contract cleaning service. He said the business spread nationwide. He said that, while they performed janitorial services, clients constantly asked for security service as well. He said separate and distinct corporations were formed to provide the two services.

The only commonality was the shareholders. He said they were independent corporations. He said he was the president, secretary, and treasurer of Control Security Services, Inc. Mr. Vaughan said Senior Investigator Botello was very diligent about the distinction. He again stated that his company was separate from all other Control Security entities.

Board Member Nadeau moved to grant CONTROL SECURITY SERVICES, INC. a corporate Private Patrolman license, to grant WILLIAM VAUGHAN an individual Private Patrolman license to be placed in abeyance so he could become the qualifying agent, and to approve him as corporate officer, subject to all statutory and regulatory requirements. Board Member Crate seconded the motion, which passed. SECURIGUARD, INC. was continued. Executive Director Ray said she had been contacted by Mr. Charles Boring that he would be unable to attend the meeting.

Board Member Crate moved to continue the item. Board Member Nadeau seconded the motion, which passed.

ADMINISTRATIVE BUSINESS:

RYAN FLOOD asked to provide a Voice Stress Analysis presentation to the Board. He asked the Board to decide if he could provide VSA for the purpose of detecting truth without a license.

Mr. Flood asked Board Member Gonzalez to abstain from voting on the matter due to possible conflict of interest. He said he was from North Las Vegas and was a firefighter/paramedic. He said he was a certified Voice Stress Analyzer. He asked the Board to determine if he needed a license to perform this work. He said voice stress analysis was not a form of lie detection. He said it was a method of verifying the truth. He said the Private Investigator license had been suggested as a possible method of licensing voice stress analysis. He read the definition. He also read all the licenses provided by the Board. He read the definition of Polygraph Examiner. He said that license did not apply to VSA. He read the license description. He said in 1989 the state recognized multiple lie detectors as shown in the statutes. He said VSA was being used increasingly by law enforcement, but was not included in the Polygraph Examiner licensing description. He read the definition of "polygraph" as found in the Encyclopedia

Britannica. He said VSA would not be required to obtain a Private Investigator license. He said VSA was not a polygraph device; therefore, VSA should not be licensed as such.

Acting Chairman Spencer asked how Mr. Flood described the use of VSA by law enforcement.

Mr. Flood said VSA was used to see if a person was telling the truth during an investigation. He said it could not be used without the subject's knowledge in Nevada. Acting Chairman Spencer asked if Mr. Flood would call VSA an investigative aid, and he said it could be used that way. Acting Chairman Spencer asked why Mr. Flood didn't believe he shouldn't be licensed as an investigator. Mr. Flood said that polygraph examiners were not required to have a Private Investigator license, so he shouldn't, either. Acting Chairman Spencer asked if VSA evidence was admissible in court. Mr. Flood said it was not admissible in Nevada.

RICHARD PUTNAM said he had been a polygraph examiner for over 30 years with both law enforcement and the private sector. He asked the Board to consider the definition of polygraph. He said regardless of Mr. Flood's statements, VSA instruments were instruments which recorded stimuli to form an opinion concerning veracity of statements made. He said the statutory language was clear and concise. He said VSA had several similarities with other polygraph devices. He said a bill had been introduced (AB223) in 2007. He said the bill had died, but had been introduced because there were people who believed VSA should fall under 648 and be regulated. He said VSA could operate unchecked. He urged the Board to serve an injunction against the use of VSA.

There were no questions for Mr. Putman.

TY NEUHARTH said she had attended Baxter School of Lie Detection. She asked if VSA was to be used as a pre-employment verifier or used in conjunction with an investigation. She asked for clarification on the application of VSA.

Mr. Flood said the NRS did not allow VSA to be used for pre-employment purposes. He said VSA was not included in the 1989 definition. He said he had submitted the bill to the State Assembly. He said he did not feel VSA met the polygraph standard, though it did need licensure. He said the intended use for

VSA would be private, domestic matters. Ms. Neuharth asked if those matters included infidelity, and he said that was correct.

JAMES HANNAH said he was licensed in Nevada as a Polygraph Examiner intern. He had also attended the Baxter School of Lie Detection. He said he had received training at the school in computerized VSA. He said that training made it clear that VSA was very unreliable. He said he had a DVD that showed an interview of the founder/spokesperson of VSA and asked for the Board's permission to play that DVD. He said VSA did not detect lies. He asked the Board to not allow VSA in any form to be used in Nevada. The DVD was then viewed. The video presentation showed a report made by ABC's Brian Ross.

Mr. Flood said he had seen the DVD presentation referenced by Mr. Hannah before and he did not believe "Dr." Humble was a reputable representative of VSA. He said that individual's company had actually created much of the negativity related to VSA. He said a polygrapher actually decided that VSA was not valid. He said officers at Guantanamo Bay had their licenses revoked and were disciplined for improper use of the VSA device.

Board Member Nadeau asked if any independent studies had been done for VSA that verified its validity.

Mr. Flood said he was not aware of any tests that had been done, other than those which attempted to discredit VSA. He said the tests might exist, but he was unable to find any information himself.

Board Member Crate asked Mr. Flood about his unfavorable opinion of Dr. Humble. Mr. Flood said Dr. Humble was an excellent salesman for his company, but Mr. Flood did not think he was credible. Board Member Crate asked Mr. Flood how he knew his machine was better than that used by Dr. Humble. Mr. Flood said he did not believe in Dr. Humble's credibility, but did believe in VSA devices.

PETER MAHEU said he was having a difficult time following the current agenda item. He said he didn't know why the Board was concerning itself with a VSA device. He said Mr. Flood had asked the Board for clarification regarding VSA and NRS 648 and if he could use that device in Nevada for the purpose of detecting truth. He said it was very specific that the NRS stated a Private Investigator license was

required for that purpose. He asked why the Board was wasting time discussing the validity of the machine.

Acting Chairman Spencer said Mr. Flood had asked to be placed on the agenda, so the Board gave him the opportunity to present his case and action would be taken on his request.

Mr. Maheu said the Board should not take on the task of deciding the validity of VSA devices.

Acting Chairman Spencer said that there had already been discussion regarding the option that VSA devices may be described as investigative tools, as they clearly were not listed as polygraph devices.

Board Member Crate said Mr. Flood was entitled to make his request for consideration by the Board. He said he was unsure if Mr. Flood wished to have VSA considered as polygraph devices or investigative tools. He then read NRS 648.185(2). He said the consideration was not a waste of time.

Mr. Maheu said if the Board granted the conditional approval, then the individual was subject to licensure under NRS 648. He felt it was dangerous of the Board to approve or disapprove of new science.

Board Member Crate again said that Mr. Flood was entitled to the time before the Board.

MIKE KIRKMAN said he was a trained polygraph examiner from the Baxter School of Lie Detection (1978). He had read the NRS to try to understand the reason for the request. He felt the request was legitimate. He read the definition of polygraph devices from the NRS. He re-read NRS 648.185. He said the Board needed to consider new technology. He said NAC 648.630 which told which devices were approved for use, and did not include VSA. He said the request should be denied, since computerized VSA did not appear on the list.

The assistant city attorney for Henderson said one of the individuals referenced in the DVD presentation was his case. He said a father in Nevada was arrested and several charges were made against him. He was ultimately acquitted. He sued the city of Henderson, the chief of police, and two investigators, along with Dr. Humble and his company. He felt VSA was "junk science". He said the case went all the way to the Ninth Circuit Court of Appeals. He said the computerized VSA data should never have been used in the affidavit of arrest. He said investigators had a duty to inform individuals of the tools they were using in their investigations. He noted that Henderson had stopped using VSA and felt it was worthless. He said

the city did not want to risk “getting in more hot water” by continuing to use VSA. He disagreed with Mr. Flood’s statement that the detectives in a case were disciplined for using the VSA test incorrectly. He said if Mr. Flood was indeed referring to the case in Henderson, he had never heard those accusations before. He said the detectives were never disciplined or investigated. He asked Mr. Flood for clarification as to who exactly misused VSA.

Mr. Flood said he was referring to the Henderson detective who conducted the exam. He said the discipline was not done by the police force, but by the training authority who trained the detective to use VSA. He said the detective was told to take remedial training, but refused and his license was suspended.

Mr. Sailon said he represented the detective in question and had never heard about the suspended license. He felt there was a lack of candor on the part of the VSA licensing company. Mr. Flood said Charles Humble made the decision and, while Mr. Flood disagreed with him personally, he still stood by VSA.

Mr. Sailon said the manufacturer of the VSA device had stated that the findings of the device should not have been used in the affidavit of arrest.

AL KAPLAN, License #220 and had been licensed since 1978. He said if the machine really worked, he would want one. After looking into the matter, he concluded that the machine was not good enough to buy. He said Mr. Flood’s statements were confusing in his statements as to what VSA was and was not. He then gave a brief background on Frank Ruiz. He was a polygraph examiner. He said Attorney General Richard Bryan had asked Mr. Ruiz to write NRS 648A in the early 1980’s.

FRANK RUIZ said he retired 8 years ago. He had been a polygraph examiner. He said, with regards to VSA, in 1969 all OSI examiners were required to record all examinations. He said those tapes were sent to Washington, D.C. He said VSA kept coming to the fore. He said the Department of Defense wanted to conduct a study to see if there was a correlation between polygraph techniques and the voice recordings. He said the DOD asked them to stop recording after two years. He said the validity between VSA and the polygraph techniques correlated at about 75%. He said valid studies needed a control group. He said

VSA had no control group. He said stress took many forms. He gave the example that there was no one to take the placebo and no one to take the actual medicine. There were no questions for him.

RON SLAY said he was a citizen first and a Polygraph Examiner second. He felt Nevada should be protected from fraud in truth verification or lie detection. He said a man could divorce his wife because of VSA, but there was no verification whether the device was valid or not.

Board Member Gonzalez said he had been a Polygraph Examiner for 30 years. He asked Mr. Flood about his statement that VSA could be used to determine fidelity. He said that statement was very frightening to him. He said with issues of domestic violence in the forefront, he wondered if a VSA examiner would want to tell a couple of infidelity as detected by the device, and then be responsible for the actions that occurred at the home later.

Mr. Flood said he did not use CVSA. He said the device he used would give an accurate assessment whether or not truth was being told. He said the instrument tested for deception or lack of deception. He said the examiner would need to render an opinion.

Board Member Gonzalez asked if Mr. Flood had conducted a fidelity examination using VSA in Nevada, and he said he had not.

ROBERT ALLEN said he was a 35-year veteran of Las Vegas Metropolitan Police Department as a detective. He had attended polygraph school and also attended VSA school. He felt the training for VSA was very short and unacceptable. He asked how much training Mr. Flood had received to perform VSA examinations.

Mr. Flood said he had taken two courses that were 96 hours. He said Nevada did not allow VSA to be used in employee theft cases. Mr. Allen said federal guidelines allowed it. Mr. Flood said the NRS superseded federal level, as it was stricter. He said it only applied to polygraph tools.

Mr. Allen said that Las Vegas Metropolitan Police Department did not utilize VSA and those law enforcement agencies that had used VSA in the past had stopped for obvious reasons.

Executive Director Ray said she told Mr. Flood he could not use VSA without a polygraph examiner license. He raised the issue of possibly being licensed as a private investigator. She said he did not

have the experience to receive a Private Investigator license. She said the polygraph license was the only category that applied.

Mr. Flood said the NRS was broad, but did not include VSA.

Board Member Nadeau said he would like to make a motion that VSA fell under private investigative category. He said VSA examiners needed a Private Investigator license.

Board Member Crate disagreed. He said VSA was similar to the polygraph devices.

Board Member Nadeau said the legislature had opted to not recognize VSA the same way as polygraph examinations. He said VSA did not meet the scientific criteria of polygraph machines. He said he did not recognize VSA as an independent license. He felt the device operators needed a Private Investigator license.

Acting Chairman Spencer said the device lacked a history of scientific testing to show it as a usable tool and its effectiveness. He said agencies had used it and had ceased. He said there was a lack of credibility. He said there was a huge liability issue in the use of the VSA device. He said the device should be licensed, but the lack of information made that very difficult.

Board Counsel Menicucci said Mr. Flood had asked to make a presentation. He said the Board was not under an obligation to make a ruling. He said VSA did not come under the Board's licensure. He said Mr. Flood said he needed neither a Private Investigator license nor a Polygraph Examiner license. He said the Board had a memorandum which addressed if VSA fell under the Polygraph Examiner license or Private Investigator license. He said there were rule-making procedures for such a request. He said the Board should decide if the VSA was a licensable activity or not, and act accordingly.

Board Member Nadeau said the tool was investigative in nature. He said the action should be licensed.

Acting Chairman Spencer said he tended to agree.

Board Member Crate said VSA could be recognized as a polygraph tool and the Board could include the machine as a recognized device. He said there was a responsibility to the general public. He said it was an instrument, but not authorized for use.

Board Counsel Menicucci said another option would be to seek an opinion. He said the same procedures that current polygrapher examiners machines were required to follow.

Board Member Gonzalez asked Mr. Flood about a previous meeting where he had been asked how many states outlawed VSA. Mr. Flood said 8 states. Board Member Gonzalez said the number was now 9. Mr. Flood said the Board could outlaw the private use of VSA, if that was their pleasure, but did not see that the Board had that authority. Board Member Gonzalez said that would require a legislative change. Board Member Gonzalez noted that most of the polygraph examiners who had spoken were also private investigators.

Board Member Gonzalez asked Mr. Flood who actually licensed VSA and he said there were states that did, but did not have the information with him.

Acting Chairman Spencer asked Board Counsel Menicucci to find out licensing requirements for VSA from other states and information from states that outlawed VSA. He said more information was needed.

Board Member Crate said it was not the Board's job to find documentation on the subject.

Acting Chairman Spencer said the Board should approve, disapprove, or ban VSA.

Board Counsel Menicucci said information from other states who license VSA would be helpful if the statutes were similar. He said the agenda item was a non-action item.

Mr. Flood asked if he needed a license and, if so, which license.

Board Member Crate moved that VSA cannot be used for purposes of detecting truth as it falls under Polygraph Examiner licensure. Board Member Nadeau asked if the motion was made as the VSA device was not an approved device. Board Member Nadeau then seconded the motion, which carried.

Board Member Nadeau told Mr. Flood he needed a polygraph examiner license and could only use approved devices. The VSA device could not be used until approved.

CONTINUED APPEAL HEARING:

STERLING MAGANN, SECRET SERVICE PROTECTION, INC. appealed Citation Number 047-07.

Board Counsel Menicucci presented the exhibits for the state. He said Mr. Magann appeared before the Board on August 30, 2007. He discussed the information presented by both the state and Mr. Magann at

that time. He noted Steven Baker had taken photos of the placards on pickup trucks and building signage used by Secret Service Protection, Inc. He said there were e-mails between Investigator Mautner and Mr. Baker concerning the dates those photos were taken. He said there were also various letters regarding the citation. There was also a two-page document representing part of the front page of a newspaper submitted by Mr. Magann showing how photos could be altered. He said the Board was presented with the issue to determine if Mr. Magann and Mr. Esparza had been offering bodyguard services through advertisements, which would require a Private Patrolman license. Investigator Mautner contacted Mr. Magann in March 2007 and said the website had been changed as she had required. Board Counsel Menicucci said there was a conflict between the testimony of Mr. Magann and Mr. Esparza, who said the photos were taken in March 2007 because they had changed the placards at that time, but Mr. Baker said that he had indeed taken the photos in July 2007. The matter was continued until the current meeting. He said there was additional evidence and witnesses he wished to recall. Board Counsel Menicucci asked Steven Baker to speak. He asked Mr. Baker about the photos. Mr. Baker said the black and white photos represented the color photos he had actually taken. He said he used a Nikon 35 MM, Model D80. He said he had purchased the camera online and received it the morning of July 16, 2007. He said he supplied the Board with the purchase receipt and the UPS tracking document for the camera.

Mr. Magann asked for the relevance of the camera's purchase date. Acting Chairman Spencer said the relevance was to show the device used to take the photos.

Board Counsel Menicucci said the relevance was not only to show the device used, but also to show Mr. Baker's recollection of the date and time the photos were taken.

Board Counsel Menicucci asked why Mr. Baker took the photos. Mr. Baker said he saw the vehicle with the placards in a CVS Pharmacy parking lot. He then e-mailed Board staff to learn if the company was licensed. He decided to take the photos and send them to the Board. He said there was no doubt the photos were taken in July 2007.

Investigator Mautner was called to speak. She said she had testified in the initial hearing in August 2007. She said she recalled that the matter was continued pending the gathering and submission of additional evidence. She said she enlarged the photos taken by Mr. Baker. She saw a realty sign, but that sign didn't verify when the photo was taken. She then noticed a construction site. She went to that site and showed the project engineer, Mr. DeLong, the photo. She said he carefully looked at his project sheets and said without a doubt the photo was taken in July. Investigator Mautner said Mr. DeLong provided a written statement, which he signed in her presence. Her signature was also witnessed. He was very confident the photo showed his construction project on Reno and Fort Apache streets.

Mr. Magann said he had two invoices from the contractor who had been in business for 33 years. That gentleman was removing shelves and performing drywall work. He said an invoice showed that the magnets had been removed from the sides of the vehicle at the request of Investigator Mautner.

Mr. Esparza said he agreed the documents were valid. He said he changed the website and the magnets in April as requested by Investigator Mautner.

Board Counsel Menicucci asked for the significance of the invoice for painting. Mr. Esparza said the invoice verified the construction was going on inside the business in February.

Board Counsel Menicucci said the matter boiled down to the date the photos were taken. He said the evidence that Mr. Baker had taken the photos in July 2007 was very strong. He said the signs still showed advertisement for services for which Mr. Magann and Secret Service Protection, Inc. had no license. He said the citation should be upheld.

Mr. Magann said he had done everything by the book. He said no unlicensed acts had been committed. He again said the magnets on the vehicle had been replaced as soon as Investigator Mautner told him to do so. The website had also been changed as quickly as possible. He said the contractor had been in business 33 years and had changed the magnets in April. He said it seemed very unlikely that, since the website had been changed, that he would not have also changed the magnets, too.

Board Member Crate asked if the company had received a cease and desist letter first or a citation.

Board Counsel Menicucci said the citation was issued July 20, 2007.

Investigator Mautner said she first contacted Mr. Esparza by phone sometime in March 2007.

Board Member Nadeau asked when the name change from Secret Service Protection, Inc.

Mr. Esparza said that occurred in August after the relocation. The United States Secret Service contacted the company and advised him the phrase "Secret Service" could not appear in the company name. He said the Nevada Secretary of State did license their company as Secret Service Protection.

Board Member Nadeau noted that none of the invoices contained signatures or dates.

Mr. Esparza said the gentleman worked out of his garage and was very informal in his dealings with Mr. Magann and Mr. Esparza. He said there were check stubs at the office to show the paper trail of their payments to the contractor. He said the invoice for Bishop Painting was signed. Board Member Nadeau said there was a phrase "by my signature below" on the invoice, yet there was no signature shown. Mr. Esparza said he did not have the signed documents with him, as they had been left at the office.

Board Counsel Menicucci referred to the April 20, 2007 invoice and said the change information did not specifically state what changes were to be made concerning the magnets. Mr. Esparza said none of the invoices gave specific changes to doors, magnets, etc. He said the contractor was a small-time businessman.

Investigator Mautner said she spoke to the owner, and he said he was a small-time businessman who worked out of his home. He said he had done work for Mr. Magann and Mr. Esparza. He said the last time he had done any letter changes was 3-4 months ago. He said he did recall changing the phrase "post certified", but he didn't keep any notes concerning the work he had done.

Board Member Crate asked Board Counsel Menicucci the reason for the original citation. He also asked what was actually being argued by Board Counsel Menicucci in Mr. Baker's photos. Board Counsel Menicucci said the signs clearly showed Mr. Magann was advertising to provide bodyguard and protection services through Secret Service Protection, Inc. He said the company was not licensed to provide that service.

Acting Chairman Spencer said he did not feel the evidence was very strong. He also said he must recuse himself from voting on the matter, as he was absent during the August 30, 2007 appeal hearing.

Board Member Crate then acted as Chairman for the remainder of the agenda item.

Board Member Nadeau asked Investigator Mautner about the pictures of the business with the ongoing construction shown entered as Exhibit E. She said she had taken that picture, not Mr. DeLong.

Board Member Gonzalez discussed the timeline of events. He said the citation was issued in July. There were photos taken in April, May, and July. He said the April photos were important.

Acting Chairman Crate clarified that Investigator Mautner had seen the advertisements for bodyguard services in March or April and had contacted the company to tell them that was unlicensed activity. Mr. Baker said he took the pictures in July. He said Mr. Magann produced invoices to show they had changed the signs when Investigator Mautner told them to do so.

Board Counsel Menicucci said the initial contact by Investigator Mautner was made due to the internet advertising by Secret Service Protection, Inc. and Mr. Magann. He said the date the photos were taken by Mr. Baker was shown.

Acting Chairman Crate said the initial citation was written without independent verification, but was based on the photos. He did note that the construction supervisor did corroborate the time the photo was taken showing his construction site.

Board Member Nadeau said that three months with regard to the photos would allow for quite a bit of construction to be done in Las Vegas. He said the project engineer's statement that the construction phase shown in the photo was definitely July. He moved to uphold the citation. Board Member Gonzalez seconded the motion.

Board Member Nadeau stated the project engineer's verification of the July construction phase and the fact that none of Mr. Magann's invoices were signed or dated left much to be desired. He said the information on hand was compelling enough to sustain the citation. The motion carried.

Executive Director Ray discussed the ramifications of the passage of AB531 during the recent legislative session. She had distributed a memo to the Board outlining the changes. Board Member Nadeau moved to accept the report.

There was no Board comment.

Executive Director Ray said, with regard to future agenda items, that the new Board member would attend the December 2007 quarterly meeting. She said there would be a public hearing to adopt regulations, as well as a workshop. Board Member Crate asked if the public hearing would be part of the agenda, and she said that was true. Executive Director Ray said there was a class for rule-making and she did not believe the workshop and the hearing could not be held the same day. Board Member Crate said the public hearing should be held prior to the motion to adopt.

Acting Chairman Spencer talked about provisions the Board may encounter in the future and how to deal with those provisions. Board Counsel Menicucci said one of the issues that could have occurred today with an applicant regarded public records and private matters. He said one of the statutes indicate an application became a public record and had to remain as such. He said some records could be considered confidential, such as financial conditions or criminal records, if obtained from other than public sources. He said the Board could close a portion of the hearing by a motion. He said an applicant could move to close the meeting. He said any decision made must remain in the public part of the meeting. He said the meeting attendees should be advised that the closing of a meeting could occur. Acting Chairman Spencer said he was concerned with the overuse of the closing of meetings. Board Member Crate said, though an applicant may request a closed session, that did not mean the Board must do so. Board Counsel Menicucci read the statutory language. Acting Chairman Spencer said the issue for today's meeting was alleged misconduct. He said staff may be the ones who should advise on having a closed session. Board Counsel Menicucci said, if no one objected, there was no reason to close the meeting. He said a Board member could ask to close the meeting if more information was needed.

Board Member Crate moved to adjourn. Board Member Nadeau seconded the motion, which carried.