

PUBLIC WORKSHOP TO SOLICIT COMMENTS ON SECURITY AND NON-
SECURITY JOB FUNCTIONS/DUTIES
MINUTES
OFFICE OF THE ATTORNEY GENERAL
PRIVATE INVESTIGATORS LICENSING BOARD

FEBRUARY 8, 2008

1. Call to order. Executive Director Ray called the meeting to order. Board Member Crate was present in Las Vegas. Board Member Putnam was present in Carson City. Executive Director Ray asked anyone who wished to comment during the course of the meeting to state his or her name for the record. She also asked for the proper spelling of any names that were uncommon.
2. The group discussed the language of NRS 648.013 and NRS 648.016. Executive Director Ray noted that she had provided copies of definitions for the group to review.

Board Member Crate said much time could be spent on discussing definitions. He noted that NRS 648.016 contained the phrase "or in any other similar position". He said employees could either be called directional support of traffic control. He said reasonable arguments could be made either way. He said as a board member, he received phone calls and complaints often about the issue. He said he was aware that William Overly was seeking more definition about the positions such as ushers and ticket takers. He said Senior Investigator Botello was placed in an awkward position and mentioned the citation that the Board had discussed the previous day. He said the citation had been reasonably issued by Senior Investigator Botello when he observed what he believed was guard work. He then offered the scenario regarding a ticket taker whose job was to validate tickets. He said, if that person was given a fraudulent ticket, would that employee then act as a security employee or remain as only a ticket taker.

Executive Director Ray said the issue dated back to 1998 when Bill Bertram, Board Investigator at that time, witnessed the same actions as seen by Senior Investigator Botello and felt the ticket takers/ushers were behaving in a security capacity.

Senior Investigator Botello said during the past year, particularly during the MTV Awards, he had witnessed people actually providing security functions. He said Mr. Overly said he had received permission by former Investigator Bill Bertram and former Executive Director Carol Hanna to utilize volunteers without obtaining work cards.

Mr. Overly said he told Senior Investigator Botello that the employees were from the armed forces and not merely volunteers off the street.

Senior Investigator Botello said the issue for him was that there was no way to prove job functions without work cards.

Executive Director Ray said the issue had already been resolved concerning military/volunteer workers. She said those people received no compensation at all.

Mr. Overly said, during the December 5, 2007 board meeting, he had spoken about the issue. He said conclusion was that those individuals, who were providing security, even though they were active military personnel, should be hired by a Private Patrol company.

Board Member Crate said the discussion was heading down a different path. He said the issue at hand was different from the military issue.

Darrell Cronfeld asked Board Member Crate about the nature of the complaints he received. He specifically asked if the complaints were from licensees or the general public.

Board Member Crate said the calls were from licensees and not necessarily all complaints.

Mr. Cronfeld spoke about how long he had worked in Las Vegas and how much change and growth had occurred through the years. He noted the competitive nature of providing security. He said licensees should be careful to follow statutory requirements. He said licensees needed to segment their staff to clearly delineate job duties. He said ticket takers should not be used as security personnel.

Board Member Crate said there had been no overwhelming outcry on the issue. He said only people who had "their toes stepped on" had made comments. He said he did not wish to begin over-regulating the licensees or the business. He said many events took place in Las Vegas. He said the time was appropriate for an open forum among licensees.

Executive Director Ray then asked the attendees to identify themselves. The following people were in attendance:

Las Vegas:
Executive Director Ray
Senior Investigator Botello
Board Member Crate
Linda Childers

William Overly
Eric Wolf
Jose Antonio Revilla
Darrell Cronfeld
Arleen Sirois
Michael Spriggs

Carson City:
Board Member Putnam
Barbara Kitchen
Mike Hendi
Elaine Trent

Mr. Overly said he specialized in a special type of security. He said he attended a conference every year called ICMC, which concerned crowd control. He said in his work, it was unrealistic to expect security to perform the work of the ticket takers. He then mentioned ONET and the details of different job descriptions. He said two main duties were those of ticket takers/lobby attendants and security personnel. He gave the comparison of ushers/ticket takers to cooks/dining room attendants.

Board Member Crate noted that, under the statutes, certain activities may be recognized as security functions than usher/ticket taker duties. He said Item #5 of ONET online, maintaining order and safety was an issue. He said that 60% of the proposals he sent out had a similar tab included. He said the documents provided by Mr. Overly were good, but not exclusive of statutes.

Mr. Overly said from a business standpoint, the duties of ticket takers/ushers were viewed differently than security, including Workmen's Comp and liability insurance policies. He said the Board also needed to realize that the industry also had a point of view on the subject.

Mr. Spriggs said there were two issues that had been introduced previously, one of which concerned companies that utilized armed guards, but did not carry the appropriate insurance.

Executive Director Ray said the proper insurance must be carried for the work performed.

Mr. Spriggs said licensees could state whatever they liked on insurance policies. He said the second issue regarded employees. He said there were specific guidelines. He felt some of the rules were not being followed.

Board Member Crate said he was aware of the issue of insurance and the impact. He said there was still no clear way of distinguishing between armed and unarmed guards.

Mr. Cronfeld said there was a new way of declaring employees on the insurance forms that had recently been introduced.

Board Member Crate said the classification of the employees had been a concern of licensees. He said good businessmen tracked accordingly.

Arleen Sirois said, as far as insurance was concerned, licensees quickly learned the effects once a claim was made. She said that the job of ushers did not require a tremendous amount of skill. She said if something went wrong while the usher was performing his or her duties, that usher should then turn to a trained security person to handle the situation.

Mr. Overly said he appreciated the point just made. He said supervisors were in place at every event who were also registered employees. He said those supervisors were on hand to address issues/problems. He then noted that ushers/ticket takers and security personnel wore different uniforms.

Mike Hendi said that, in reference to ticket takers, only a handful of tickets might be fraudulent at any given event. He said the rule should be set for the general and not the exception. He said that he agreed that different job functions among ticket takers/ushers and security officers. He said the workers were well trained in their jobs, whether it was security or not.

Mr. Overly said there were separate manuals for ushers and security personnel.

Board Member Crate said the growth and changes as mentioned previously by Mr. Cronfeld had been defined and met by the industry itself, and not as much by the Board. He said the issue had been individually defined as opposed to direction given on a state level. He noted that Mr. Overly had set up internal definitions. He noted that Mr. Overly had made a huge effort to keep the two job duties outlined and separate. He again stated that it was not his wish for Board staff to over-regulate the industry.

****(Position 37:40 on recording) noted that the issue may involve that of reporting of ushers and the reaction of security guards to that reporting.

Mr. Overly said that at a theatre, if an issue arose, the manager would be summoned. He said his own ticket takers would ask a security person to handle a situation. He asked if the larger theatres wished to contract out for security, the Board would wish to regulate that activity.

Board Member Crate said the Board would not regulate such activity because it was more obvious who was a ticket taker and who was handling security. He said that the larger venues presented a different problem. He said the larger venues claim they have in-house security. He said they did wish to hire ticket

takers/ushers. He said it was an internal accounting problem and those venues could not cause licensees to break the law. He said the licensees should self-declare what functions his/her employees performed.

Senior Investigator Botello said MGM contracted with Mr. Overly and other licensees. He said his concern at the Latin Grammy awards concerned the outer perimeter and the inner perimeter. He said he made a point of attempting to enter the arena. He said 2 ushers stopped him. He said one of the ushers put her hand on him to stop him from entering. He said it was in his opinion that the employee was not merely acting as an usher, but was performing a security function. He said the outer perimeter personnel dressed and were labeled as security.

Board Member Crate said the Board would need to proceed on a case-by-case basis. He said the example that Senior Investigator Botello had just given would lead him to side that the employee was acting as an usher.

Mr. Overly said recently he had observed employees at a hockey game who held up signs that read, "Ticket, Please" and "No Seating" so the public would clearly know the function of the employees.

Mr. Cronfeld said the issue opened a quagmire. He said no two venues were the same. He said it was difficult to have clear-cut definitions between ushers/ticket takers and security. He said there was still the element of the human factor.

Mr. Revilla said the workshop topic would not be occurring if Mr. Overly were not a licensee.

Executive Director Ray said the issue had been discussed 10 years ago.

Mr. Revilla said he felt the lady who put her hand on Senior Investigator Botello to restrain him from entering an arena was clearly performing security. He said not all people would be as willing to go to take the same steps and precautions Mr. Overly had in terms of training, producing the little duty books, planning for different uniforms, and the like. He said the Board could adopt what Mr. Overly had already done. He again stated that Senior Investigator Botello's scenario did appear to be security work to him.

****51:50 on audio said Mr. Overly was teaching his usher employees to call security if problems arose. He said Mr. Overly was enforcing and training his employees.

Mr. Cronfeld said there was a protocol in place. He said if an usher scanned a bad ticket, the manager/supervisor of the venue/hotel would be informed. The issue would then be out of Mr. Cronfeld's hands. He then described the separate

entity of the manager of the usher and the security element. He talked about maintaining order.

****55:44 on audio said he felt the issue involved a reporting problem.

Mr. Overly said he felt the group was trying too hard to define usher personnel versus security personnel. He said ushers, ticket takers, directional ushers, lobby attendants, and greeters all were existing jobs. He then discussed the various jobs of each category and how those jobs were not security.

Board Member Crate noted that Senior Investigator Botello was the one faced with making determinations at events. Mr. Overly agreed. He asked how the individual standing at a door and classifying credentials only. Mr. Overly said that was a security function.

Mr. Overly again stated that ushers were instructed to contact the supervisor if a problem with a citizen arose.

Board Member Crate said the usher employee should not act as security in any fashion.

Mr. Cronfeld again noted that the human factor came into play. He said there could always be one person who did not follow the rules the way Mr. Overly or other licensees expected. He said Senior Investigator Botello would then cite that person.

Board Member Crate said additional staff had been hired to check events for unlicensed activity. He said the problem 10 years ago was unlicensed activity, but ushers were not part of the problem at that time.

Mr. Overly again discussed the duties of ushers and security people. He asked Board Member Putnam for his views. Board Member Putnam said his only concern was that ushers acting as such were indeed ushers. He said he could also see how a contractor who was providing the services could classify a person as an usher, but that person would provide security. He said he did not have a ready resolution, other than perhaps the contracts between the providers and the recipients of the service. He said the contract could limit the functions of the ushers and describe the security functions. He gave the scenario of a contractor who may promise 200 security personnel to the person with whom he is making a contract, but 50 of those were identified internally as ushers and 150 were identified as security. He said he did not want the term "usher" was being used as a smokescreen to circumvent the law. He said he was not sure there was any indication such a thing had occurred.

Mr. Overly asked if Board Member Putnam if he had not made a clear distinction between ticket takers/ushers and security. Board Member Putnam said there was

a clear distinction made between the two, but his concern was the actual function of each employee.

Mr. Overly said he appreciated Board Member Putnam's comments. He said he could have executive directors of security and entertainment in Las Vegas who could clearly define in writing their expectations of ticket takers/ushers and security. He said there was no over-lap in duties.

Executive Director Ray said other than the uniform distinctions, if there was any further identifications between ticket takers/ushers and security. Mr. Overly said there was no sign stating the personnel were ticket takers/ushers. He said some may have nametags.

Executive Director Ray asked if work cards were displayed. Mr. Overly said they were not. Executive Director Ray said those should be displayed, as it would greatly assist Board staff.

Board Member Crate said if Executive Director Ray said work cards should be displayed, then it should be done.

Mr. Overly said some venues did not like the display of work cards.

Mr. Revilla said he had his employees wear suits and ties in the past, but the venue did not want the lapel pins worn indicating the employees were acting in a security capacity. He said other states required the company to be identified by name versus ticket takers/ushers.

Executive Director Ray said that, with respect to the armored car industry and the JCK Show, she had asked that labor and security be clearly identified for the benefit of Board staff.

Board Member Putnam asked if perhaps an ushers duties should be outlined with not only what that person should do, but also what that person should not do.

Mr. Cronfeld again said once again that there would be one individual who would not stay within the guidelines of usher duties.

Mr. Revilla said the public perception was a consideration. He said perhaps the regulation should be changed or a letter of recommendation could be written.

Mr. Cronfeld said clients did not want that. Mr. Revilla said if the regulation stated that the company name must be visible, then that rule should be followed. Mr. Cronfeld said the option for the client would be to hire an unlicensed company. Mr. Revilla asked Mr. Cronfeld if he believed he could lose a client because of a lapel pin. Mr. Cronfeld said that could definitely happen due to the large egos that

dictated to security companies what was desired and what was not. Mr. Revilla said that was not his belief. Mr. Cronfeld said his world was perhaps different from Mr. Revilla's world.

Mr. Overly then discussed destination management companies used by venues in Las Vegas. He described the duties as performed by ticket takers/ushers by those companies. Senior Investigator Botello mentioned Sierra Employment. Mr. Cronfeld said many hotels had their own people to take tickets and the like.

Ms. Sirois said she thought it was inconceivable to expect ticket takers/ushers to not use their hands in the course of carrying out their jobs.

Barb Kitchen said ushers, according to ONET, searched for lost articles or for lost children. She said her concern was that she had seen people who had lost their work cards because they had broken the law. She said those people were then not allowed to work as security personnel. She said those same people were allowed to act as ticket takers/ushers.

Mr. Wolf said he was attending the meeting on behalf of John Theel. He said 95% of SOA's business was at the events center in Las Vegas. He said the employees could be classified as ticket takers/ushers. He described the work of the ticket takers/lobby attendants. He said SOA's employees wore work cards for easy identification.

Board Member Crate said he was trying to make a point between ticket takers/ushers and credential checkers.

Mr. Overly said the public did not expect ticket takers/ushers to act in a security capacity.

Board Member Crate said it was a valid argument that ticket takers/ushers were not security people. He said it was not Senior Investigator Botello's job to locate one person.

Mr. Cronfeld said licensees were expected to follow the rules.

Board Member Crate said licensees could not be overly lenient in the interpretation of job duties. He said the difference lay between what the licensee expects of the employee and what that employee decides he will do himself.

Senior Investigator Botello said he realized events varied and Board staff would use common sense. Mr. Overly said he had been approached to staff ticket takers/ushers and he had done so.

Executive Director Ray noted the enforcement report the staff investigators use at events. She said the report showed the name of the employee, the work card number, the proof of exam card.

Mr. Overly said his supervisors should work with Senior Investigator Botello, walk with him around the property, and clearly identify the employees and their duties.

Executive Director Ray said the employees should match the registrations with the Board.

Board Member Crate asked about traffic control. Mr. Overly said that was a security function.

Mr. Overly said some companies tried to show traffic control as other than a security function.

Executive Director Ray asked if Gaming Control cared about the ticket takers/ushers issue, but Mr. Cronfeld said they did not.

Mr. Revilla asked if the objective of the workshop was toward more regulation. Executive Director Ray said the workshop was formed for discussion purposes. Mr. Revilla said he did not think more regulation was needed. He asked if the Board needed to form a recommendation letter to distribute to security directors in Las Vegas.

Executive Director Ray said she would make a report to the Board, who would direct staff if changes needed to be made. She said if a line had been crossed, the Board would deal with it on a case-by-case basis.

Senior Investigator Botello noted that the opinion from 10 years ago had not changed.

Board Member Crate asked to poll the attendees to see if they thought more action was needed.

Mr. Overly asked if the Board needed to revisit the two statutes and the description of the duties. He said Senior Investigator Botello would be left in a quandary at times.

Board Member Crate said he said there was a bigger obligation to the Board investigators. He also noted that Senior Investigator Botello and Investigator Mautner should not be told what Bill Bertram or Ken Kreider said in the past.

Mr. Overly said Senior Investigator Botello had been nothing but professional in his demeanor.

Executive Director Ray said employees under licensees are required to have a work card. She said she wanted to make the point that she did not want licensees to mistakenly believe from today's discussion that employees did not need to be registered or obtain work cards.

Board Member Putnam said he had one last comment. He said one consideration was not the label put on someone, but rather the type of job that person performs.

Mr. Overly said he agreed that the function was important. Senior Investigator Botello said he would be more diligent.

Executive Director Ray adjourned the meeting.