

PRIVATE INVESTIGATORS LICENSING BOARD

MINUTES

MARCH 18, 2009

MEMBERS PRESENT:

DANIEL CRATE: BOARD MEMBER

RICHARD PUTNAM: BOARD MEMBER (CARSON CITY)

DAVID SPENCER: BOARD CHAIRMAN

ROBERT UITHOVEN: BOARD MEMBER

LOIS WILLIS: BOARD MEMBER

OTHERS:

MECHELE RAY: EXECUTIVE DIRECTOR

KRISTINE MAUTNER: INVESTIGATOR

COLIN MURPHY: COMPLIANCE AUDITOR

ELAINE TRENT: ASSISTANT (CARSON CITY)

JEFF MENICUCCI: BOARD COUNSEL (CARSON CITY)

JOE DUPUIS: INVESTIGATOR (CARSON CITY)

BRANDI KING: ASSISTANT (CARSON CITY)

Chairman Spencer welcomed Robert Uithoven, newly appointed to represent the public on the Board.

Chairman Spencer asked Executive Director Ray to perform the roll call.

SWEARING IN:

Board Counsel Menicucci swore in those present who were to testify or speak during the meeting.

APPROVAL OF MINUTES:

Board Member Willis moved to approve the December 10, 2008 minutes and Board Member Putnam seconded the motion, which passed.

FINANCIAL REPORT:

Executive Director Ray noted the report was informational only. She provided a current financial report for the year to date. She said all the information was given in the document she provided to the Board and would not read the information that had been provided. The report did not require Board action.

STAFF REPORT:

Executive Director Ray reported that between December 2, 2008 to February 25, 2009, 30 new complaints were filed with the Board, 23 complaints were closed, 68 complaints were pending, 6 were in reference to licensees, all complaints were assigned to Investigator Whatley, Investigator Whatley issued 7 unlicensed activity citations, wrote 4 cease and desist, and 5 citations were pending; Investigator DuPuis completed 28 backgrounds (11 for corporate officers, 6 for corporations, 11 for qualifying agents or individual applicants), Investigative Assistant King completed 3 backgrounds and rejected 3 incomplete applications; 50 backgrounds were pending (24 corporate officers, 10 corporations, 7 Private Investigators and 9 Private Patrol); Investigator Murphy completed 8 audits, 4 audits were pending, and attended 5 convention/show inspections; Executive Director Ray issued 17 notices of violation, wrote 3 cease and desist letters, and completed 7 backgrounds.

CONSENT AGENDA:

6. L1 IDENTITY SOLUTIONS, the parent corporation for Biometrica (#1295), requested corporate officer approval for ROBERT LaPENTA.
7. DAN TAYLOR & ASSOCIATES LLC requested a corporate Private Patrolman license with DAN TAYLOR (#1067) as qualifying agent and corporate officer.
8. PROFESSIONAL SECURITY CONSULTANTS, INC. requested a corporate Private Patrolman license with MOSHE ALON (#686) as qualifying agent and corporate officer.
9. SOUTHWEST RISK INVESTIGATORS LLC (#1062) requested a corporate name change to MP INVESTIGATIONS LLC with MICHAEL PFRIENDER as the qualifying agent.
10. DRASE ADJUSTING SERVICES, INC. (#951) requested a corporate Private Investigator license with JOHN DRASE as the qualifying agent and corporate officer.

Board Member Crate moved to approve Items 6-10. Board Member Willis seconded the motion, which

passed.

PRESENTLY LICENSED CORPORATIONS REQUESTING NEW QUALIFYING AGENT:

NEVADA COURT SERVICES LLC (#828) requested qualifying agent status for JENNIFER CHANDLER. Ms. Chandler had been with the company since 2002. She explained the company held a Process Server license and was busy with evictions and foreclosures. She decided to become the qualifying agent, as she was the business owner and had plans for the future. The current qualifying agent, her husband, planned to travel extensively. Board Member Crate asked Ms. Chandler if, upon approval of her request, Jeffrey Chandler would place his license in abeyance. She agreed. Board Member Crate moved to grant JENNIFER CHANDLER an individual Process Server license to be placed in abeyance so she could become the qualifying agent for NEVADA COURT SERVICES LLC, subject to all statutory and regulatory requirements. Board Member Putnam seconded the motion, which carried.

INTELLICORP RECORDS, INC. (#1376) requested qualifying agent status for JOHN PRESSLER. Executive Director Ray said she informed Mr. Pressler his presence would not be necessary, as his request was a consent item. She noted Mr. Pressler had previously been approved as qualifying agent for ISO Screening Services, Inc., which would cease operations once he was approved as qualifying agent for Intellicorp Records, Inc. Board Member Crate said it was clear the item should have been considered on the consent portion of the agenda. Board Member Crate moved to grant JOHN PRESSLER qualifying agent status for INTELLICORP RECORDS, INC. subject to all statutory and regulatory requirements. Board Member Willis seconded the motion, which passed.

PINKERTON GOVERNMENT SERVICES, INC. requested qualifying agent status for CHRISTOPHER LETHER. Mr. Lether explained that Pinkerton Government Services was a legacy company which focused on providing security services where security clearances were necessary. The company operated in 35 states and had approximately 5,000 employees, but did not currently work in Nevada. Board Member Crate asked Mr. Lether to elaborate on his relationship with Mr. Roder. Mr. Lether said he was a

former boss and had been his friend for many years. Board Member Willis moved to grant CHRISTOPHER LETHER an individual Private Patrolman license to be placed in abeyance so he could become the qualifying agent for PINKERTON GOVERNMENT SERVICES, INC., and to approve KEVIN SANDKUHLER as corporate officer, subject to all statutory and regulatory requirements. Board Member Crate seconded the motion, which passed.

INTERNATIONAL RAM ASSOCIATES LLC requested qualifying agent status for RON CUNNINGHAM. Mr. Cunningham said he was the founder and owner of International RAM Associates LLC. He said the company began conducting screening at airports. He noted the company had been forced to decline contracts due to not having the proper licensure in place. Board Member Crate asked Mr. Cunningham to elaborate on Mr. Mashburn's reference to Threat Fusion Center in the background information. Mr. Cunningham said it was connected with the Department of Homeland Security and was a cohesive unit that recognized that not all disasters were natural, but some were man-made. The investigations of the aftermath of those types of disasters were treated as crime scenes. It was his job to secure those crime scenes as Lieutenant Watch Commander. Board Member Willis moved to grant RON CUNNINGHAM an individual Private Patrolman license to be placed in abeyance so he could become the qualifying agent for INTERNATIONAL RAM ASSOCIATES LLC, subject to all statutory and regulatory requirements. Board Member Putnam seconded the motion.

Board Member Crate asked if International RAM was currently licensed and asked for the status of the previous qualifying agent. Mr. Cunningham said he had gone to Afghanistan and was placing his license in abeyance. The motion carried.

PRIVATE INVESTIGATOR:

GLOBAL RISK MANAGEMENT & INVESTIGATIVE SOLUTIONS applied for a corporate Private Investigator license and requested qualifying agent status for KYLE EDWARDS. Mr. Edwards said he was with the Las Vegas Metropolitan Police Department for 26 years and retired in 1999. He was experienced with casino security. He had conducted numerous investigations in criminal matters as well as completing background investigations. Board Member Willis disclosed that she knew Mr. Edwards

quite well, as they both worked for the Las Vegas Metropolitan Police Department and could attest to his character. Board Member Crate asked how Global Risk Management & Investigative Solutions would be segregated from Global Intelligence. Mr. Maheu said the two companies would remain as separate entities operationally. Board Member Willis moved to grant KYLE EDWARDS an individual Private Investigator license to be placed in abeyance so he could become the qualifying agent for GLOBAL RISK MANAGEMENT & INVESTIGATIVE SOLUTIONS, and to approve corporate officer status for PETER MAHEU, JULIE HAKMAN, and KYLE EDWARDS, subject to all statutory and regulatory requirements. Board Member Crate seconded the motion, which passed.

VENTI INVESTIGATIONS, INC. applied for a corporate Private Investigator license and qualifying agent status for DAVID VENTI. Mr. Venti had twenty years of experience in investigations. He was licensed in Arizona and California and provided investigative services for large insurance companies. Board Member Crate moved to grant DAVID VENTI an individual Private Investigator license to be placed in abeyance so he could become the qualifying agent for VENTI INVESTIGATIONS, INC., and to approve DAVID VENTI and ROBERT VENTI corporate officer status, subject to all statutory and regulatory requirements. Board Member Willis seconded the motion, which carried.

LP INNOVATIONS, INC. applied for a corporate Private Investigator license and JOHN FICE applied for qualifying agent status. Mr. Fice was experienced in loss prevention in the retail sector. He had 20 years of experience and was licensed as a Private Investigator in 12 states. Board Member Putnam noted that Mr. Fice held licenses in at least 10 other states. He asked if Mr. Fice was aware that he would be responsible as the qualifying agent for the day-to-day activities of the corporation in Nevada. He asked if Mr. Fice would have time to devote to that supervision of business in Nevada, given his full schedule and responsibilities in other states. Mr. Fice said he would be able to oversee the operation in Nevada. Board Member Willis moved to grant JOHN FICE an individual Private Investigator license to be placed in abeyance so he could become the qualifying agent for LP INNNOVATIONS, INC., and to approve corporate officer status for STEVEN MAY, MICHAEL O'MALLEY, DAVID VOGEL, JOHN FICE, and

ELIZABETH WEXELBLATT, subject to all statutory and regulatory requirements. Board Member Crate seconded the motion, which passed.

Investigator Mautner and an additional witness in Carson City were sworn in by Board Counsel Menicucci so she could testify at the meeting.

PRIVATE PATROLMAN:

PLATINUM PROTECTION GROUP LLC applied for a corporate Private Patrolman license with MARK VAN HOLT as qualifying agent. Mr. Van Holt had 23 years of experience in law enforcement. He said celebrities often travel to Nevada and required protection. He was seeking licensure to provide executive protection. Board Member Crate asked if Mr. Van Holt was currently employed with a police department. Mr. Van Holt said that was correct. Board Member Crate asked if Mr. Van Holt intended to place his license in abeyance and he said that was his intent. Board Member Crate asked if the issue of the similarity with his corporation and a currently licensed Nevada company. Mr. Van Holt said he was unaware of the issue. Board Member Crate noted Platinum Security, Inc. (#1401) was currently licensed in Nevada. Board Member Crate asked if Mr. Van Holt operated under other names. Mr. Van Holt said most clients referred to his business as PPG. Board Member Crate moved to approve an individual Private Patrolman license for MARK VAN HOLT to be placed in abeyance, recognizing his current status of law enforcement, subject to all statutory and regulatory requirements. Board Member Willis seconded the motion for discussion purposes. Board Member Crate said one option would be for Mr. Van Holt to withdraw the corporate license, as Mr. Van Holt had been granted an individual Private Patrolman license. He said a DBA with a name other than Platinum was necessary to avoid confusion on the part of the public. Mr. Van Holt said he would prefer to move forward and obtain an appropriate DBA for Nevada. Board Member Crate asked for a vote on the first motion, which carried. Board Member Crate moved to grant PLATINUM PROTECTION GROUP LLC a corporate Private Patrolman license to be placed in abeyance and its activation subject to authorization and Board approval, subject to all statutory and regulatory requirements. Executive Director Ray asked if the approval would require appearing at a subsequent Board meeting. Chairman Spencer suggested it appear as a consent item. Board Member

Crate noted the approval could be deferred to the Executive Director for approval and amended his motion, subject to all statutory and regulatory requirements. Chairman Spencer noted that the name approval would be granted by Executive Director Ray. The motion carried. Mr. Van Holt said he understood he needed to produce a satisfactory DBA and forward it to Executive Director Ray.

AMERICAN EXECUTIVE PROTECTION and SECURITY SERVICES, INC. applied for a corporate Private Patrolman license with STERLING MAGANN as qualifying agent. Mr. Magann said he had experience in military police work, on a special response team, SWAT team experience, worked with the Department of Defense, and was a certified NRA instructor. Board Member Crate asked about the status of fines. Executive Director Ray said they were all paid. Board Member Crate noted Mr. Magann's proficiency with firearms and wanted to make sure he understood the Private Patrol license was not a Certified Firearms Instructor license. He said he understood that. Board Member Crate moved to grant STERLING MAGANN an individual Private Patrolman license to be placed in abeyance so he could become the qualifying agent for AMERICAN EXECUTIVE PROTECTION and SECURITY SERVICES, INC., and to grant STERLING MAGANN corporate officer status, subject to all statutory and regulatory requirements. Board Member Willis seconded the motion, which passed.

ACE PROTECTION SERVICES, INC. applied for a corporate Private Patrolman license with ALEX KETSOYAN as qualifying agent. Mr. Ketsoyan began working as a reserve police officer at a young age for LAPD. He also was the qualified manager for Los Angeles Protective Services, which had been in business for 12 years. Board Member Crate noted on the backgrounds for both individuals there were references to Las Vegas Protective Agency. Mr. Ketsoyan said there was an existing company in Nevada with a name similar to the one they wished to use, so they changed the name to avoid conflict. Board Member Willis moved to grant an individual Private Patrolman license to ALEX KETSOYAN to be placed in abeyance so he could become the qualifying agent for ACE PROTECTION SERVICES, INC., and to grant corporate officer status to ALEX KETSOYAN and ARMAN ALAJAJYAN, subject to all statutory and regulatory requirements. Board Member Crate seconded the motion, which carried.

CHENEGA SECURITY and PROTECTION SERVICES LLC requested a corporate Private Patrolman license with STEWART BENTLY, JR. as the qualifying agent. CHENEGA CORPORATION, the parent corporation of CHENEGA SECURITY and PROTECTION SERVICES LLC also requested corporate officer status approval. Mr. Bentley noted that Chenega Security and Protection Services LLC was a wholly-owned subsidiary of Chenega Security. The company was approached by the Bureau of Land Reclamation, Department of the Interior, to provide security at various dams and was currently providing security at Shasta Dam in California. Board Member Crate asked about Paul Raggio and Chenega Corporation listed on the agenda as requesting corporate officer status. Executive Director Ray said both were listed as corporate officers. Executive Director Ray directed the Board's attention to the second paragraph regarding Chenega Corporation on the agenda. Board Member Crate asked how a motion would be properly made. He questioned how to handle the possibility of a change in corporate officers in the future. Executive Director Ray said if changes were made in officers for the parent corporation, the request would need to come before the Board. Board Member Crate moved to grant STEWART BENTLEY, JR. an individual Private Patrolman license to be placed in abeyance so he could become the qualifying agent for CHENEGA SECURITY and PROTECTION SERVICES LLC, and to approve PAUL RAGGIO and CHENEGA CORPORATION, consisting of ROBB MILNE, JEFFREY HUENERS, and CHARLES TOTEMOFF as corporate officers, subject to all statutory and regulatory requirements. Board Counsel Menicucci said he had never seen a case where a corporation entity asked for corporate officer status approval. He said interlocking officers could exist (where the individuals were corporate officers for two corporations). He asked if the officers were to be approved were those as listed by Board Member Crate in his motion. Board Member Crate said that was the direction he was seeking initially. Board Member Crate amended his motion to state that STEWART BENTLEY, JR. would be granted an individual Private Patrolman license to be placed in abeyance so he could become the qualifying agent for CHENEGA SECURITY and PROTECTION SERVICES LLC, and that its corporate officers be recognized as PAUL RAGGIO, ROBB MILNE, JEFFREY HUENERS, and CHARLES TOTEMOFF, subject to all statutory and regulatory requirements. Board Member Willis seconded the motion, which passed.

Chairman Spencer asked Mr. Bentley how often corporate officers were likely to change. Mr. Bentley said it would not be very often. Chairman Spencer noted that any changes must be approved by the Board.

CHARLES LONG's request for an individual Private Patrolman license was put on hold, as he was not present in Las Vegas or Carson City.

REPOSSESSOR:

BAY CITIES RECOVERY, INC. DBA DIGITAL DOG AUTO RECOVERY applied for a corporate Repossessor license with MICHAEL EUSEBIO as the qualifying agent. Mr. Eusebio purchased Bay Cities Recovery, Inc. in 1998 and started with 6 employees. The company currently had 52 employees and performed 10,000 repossessions annually. Mr. Eusebio wanted to begin working in the Reno area. He and his wife were both members of the ARA (American Recovery Association). Board Member Crate moved to grant MICHAEL EUSEBIO an individual Repossessor License to be placed in abeyance so he could become the qualifying agent for BAY CITIES RECOVERY, INC. DBA DIGITAL DOG AUTO RECOVERY, to approve MICHAEL EUSEBIO and ESPERANZA EUSEBIO corporate officer status, subject to all statutory and regulatory requirements. Board Member Putnam seconded the motion, which passed.

ADMINISTRATIVE BUSINESS:

Mr. Smith would not be present until noon, so the topic was tabled until later in the meeting.

William Callaghan, Century Security (#1315) asked for an exemption to utilize out-of-state peace officers at the upcoming JCK Show. Mr. Callaghan said JCK was a manpower-driven show. He had approximately 350 registered guards in Nevada. He said more people were needed from Florida and Chicago and needed 8 sworn peace officers, which represented 10% of the workforce needed. Board Member Crate asked for clarification and asked Mr. Callaghan if he needed a total of 180 armed officers. Mr. Callaghan said that was correct. Board Member Crate asked if all positions would be armed. Mr.

Callaghan said 180 would be armed and a total of 480 employees would be present. Board Member Crate asked if Mr. Callaghan anticipated importing 80 individuals, to which he agreed. Mr. Callaghan said the number could be smaller by May. He reiterated that only 8 were out-of-state sworn peace officers. He understood that all would be registered employees of Century Security per NRS 648. Chairman Spencer cautioned Mr. Callaghan to carefully follow all statutory requirements.

David Groover commented that there were provisions in the statute that prevented sworn peace officers from working, yet exemptions were being granted for out-of-state officers to do that very act in Nevada. He found it hard to believe there were not enough qualified people in Nevada to perform the work.

Chairman Spencer said he understood Mr. Groover's comments. The issue had come before the Board frequently during the past few years. He said the Board had to admit there were not enough people available for the large shows to handle the armed guard needs. He said if there was a better way to handle the issue, the Board would like to do that. Board Member Crate said the exemptions were granted specifically for out-of-state peace officer who did not have peace officer status in Nevada. The individuals were working under Mr. Callaghan. He asked Mr. Callaghan why 8 of the officers were peace officers. Mr. Callaghan said they were experienced in handling jewelry. Board Member Crate said the need for the exemption was more venue-driven than peace officer status-driven. Mr. Callaghan agreed. Board Member Crate moved to approve the request for an exemption by William Callaghan (Century Security, #1315) to utilize up to 8 out-of-state sworn peace officers, subject to providing the Board in writing the number of employees needed prior to their assuming of duties to allow the tracking of proper registration, subject to all statutory and regulatory requirements. Board Member Putnam seconded the motion, which carried. Chairman Spencer advised Mr. Callaghan to inform Executive Director Ray prior to the event of the numbers of employees to work in Nevada and to follow the proper registration requirements.

William Durr (Diplomatic Protective Services, #1094) asked for an exemption to utilize local reserve deputies as company employees. Mr. Durr had been in the industry for 18 years. He had been the qualifying agent for Diplomatic Protective Services for 2 years. Several employees were attempting to pursue law enforcement careers. Some of those employees had been offered reserve deputy status with

the Carson City Sheriff's Department (CCSD). Those employees would like to continue to be employed by Mr. Durr in Reno, which is where the company's work was performed. He noted that Carson City was not located in Washoe County. He did not believe there would be a conflict of interest, as his company did not have any interests in Carson City. The employees would hold reserve deputy status and would not be paid for their services by CCSD. They would have limited peace officer powers, which were in effect only when they were performing as reserve peace officers. Chairman Spencer asked if any of the employees were currently sworn personnel. Mr. Durr said two were sworn and two were in the reserve academy.

Board Member Crate referred to Mr. Durr's letter to the Board where he noted one of his employees was a Carson City reserve deputy when Mr. Durr hired him. Mr. Durr said that was correct and the individual temporarily stepped down from that position pending the resolution of the matter. Mr. Durr elaborated by saying the individual had suspended himself from duty with CCSD. Board Member Crate asked when Mr. Durr hired him. Mr. Durr said he did not have the exact date, but it was this year. Mr. Durr said the employee was present and the Board could speak with him, but he was not asked to speak. Board Member Putnam reiterated that the employees were sworn. Mr. Durr again said two were sworn and two were not. Board Member Putnam noted that a sworn officer, regardless of the jurisdiction in which he was sworn, has peace officer status in every part of the state. Mr. Durr agreed that was true. He again stated the individuals had limited powers since they were reserve officers. They only had those powers while they were actually working for the sheriff's department. They were supervised by deputies whenever they went out to the field to work. He said they did not operate alone without supervision. Board Member Crate asked if Mr. Durr was currently a sworn peace officer, and he said he was not. Board Member Crate noted that Mr. Durr included himself under the exemption he had requested. Mr. Durr said that was correct. He said he was in the reserve academy and would like to place his license in abeyance if needed. The CFO was currently planning to complete an application to take over as qualifying agent of the company. Board Member Crate asked if Mr. Durr was anticipating that there would probably be cause he couldn't maintain the license. Mr. Durr noted NAC 648.330 noted the license holder could not be law enforcement officer and again noted he would place his license in abeyance. If his employees were exempted by the Board for NRS 648.338, he would become a registered employee so he could receive the same exemption.

Chairman Spencer said that NRS 648 specifically stated that sworn peace officers could not be employees. Mr. Durr said that was correct. Mr. Durr said it was at the discretion of the Board if a conflict of interest or abuse of powers was found. He said he was hoping for an exemption since the place of employment was Reno, but the work done as reserve officers occurred in Carson City. Board Member Uithoven asked if NRS 648 allowed for exemptions for reserve officers. Chairman Spencer said the statutes dealt with sworn officers. Mr. Durr said the statute stated that any sworn officer or those who contributed to PERS could not be licensees or employees; he again noted that the peace officer reserve individuals were not paid. He said they were much like those who worked for Search and Rescue. Board Member Putnam said those people were not sworn, but Mr. Durr said they were sworn. Mr. Durr noted that the statute stated that any one employed by any federal, local, or government agency could not hold a license. He again noted the non-paid status of the reserve officers. Chairman Spencer asked if Mr. Durr had listened to the previous exemption granted to Mr. Callaghan to use out-of-state peace officers for the JCK Show. Mr. Durr said those people were out-of-state and had no peace officer powers in Nevada. Chairman Spencer said one of the reasons the exemption was granted was that they were not peace officers in Nevada. Chairman Spencer asked if CCSD had any thoughts on the matter. Mr. Durr said the reserve commander said that as long as the individuals made their living in a legal manner, there was not a conflict. Chairman Spencer asked if the reserve commander was the sheriff. Mr. Durr said he was not, but was also a reserve officer for the CCSD. Chairman Spencer noted that individual's opinion didn't count. Board Member Putnam asked Board Counsel Menicucci for his thoughts on the subject. Board Counsel Menicucci said the law provided an exemption. He did not believe the exception depended on the jurisdiction where the peace officer was operating. He said the Board should be concerned there was no conflict of interest. He asked if there was any way to know that the Carson City reserve officers would not be operating where business for Diplomatic Protective Services occurred. Mr. Durr said he had no business in Carson City, but it all occurred in Washoe County. He didn't believe there would be a conflict or abuse of power. Chairman Spencer again stated that sworn peace officers had jurisdiction throughout the state. Mr. Durr again reiterated that the individuals only had limited powers while on duty for CCSD. Board Counsel Menicucci asked how Mr. Durr separated his business between Washoe County and

Carson City. Mr. Durr again said his company had no business in Carson City. He had no plans to expand into Carson City. Chairman Spencer said he was not willing to allow the variance. Mr. Durr said he would not like to tell his employees they would need to make a choice between working for him or pursuing the law enforcement work at CCSD. He noted they would encounter financial hardships if forced to quit their jobs to pursue a law enforcement career. Board Counsel Menicucci asked Mr. Durr if the reservists were unpaid even while on duty with the CCSD. Mr. Durr said that was correct. Chairman Spencer asked if the individuals were full-time employees with Mr. Durr, and he said that was correct. They worked 40 hours per week. Board Member Willis motioned to deny the request for exemption by William Durr. Board Member Crate seconded the motion. Mr. Kirkman said he was against granting the exemption to William Durr. He said granting the exemption was dangerous and would open the door for problems in the future that did not currently exist. Christopher MacMahon, one of the employees of DPS, spoke. He agreed with what Mr. Durr had just stated. He said he stepped down temporarily as a reserve officer while waiting for the Board to address the issue. The reservists were unpaid and had limited peace officer power. The Board had approved an exemption to allow out-of-state peace officers to work in Nevada, as they had no peace officer powers in the state. The reserve officers only had peace officer powers while on duty. He noted that the reservists only worked 1-2 times a week or month with limited power and did not see how that differed with allowing the exemption to Mr. Callaghan. They were normal citizens except for the times they were on duty. He said denying the application for DPS would mean the Board would allow a person without authority to work in Nevada because he/she was from out-of-state, but those individuals living in the state who volunteered their time were not allowed to have the same exemption. He felt it was unfair and affected the livelihood of the individuals. He said the denial of the exemption would force him to make the choice between being a reserve officer or having a paying job. Chairman Spencer said the Board did not take the matter lightly. Board Member Putnam stated that the NAC had specific verbiage that a licensee may not employ an unlicensed person who becomes or is employed as a peace officer as defined in NRS 169.125. Executive Director Ray read NRS 169.125 for the record. Board Counsel Menicucci said the question may be whether or not a reserve officer is a peace officer during the times he is not actively performing service. Chairman Spencer said part of the reason that those people were

excluded as employees was their access to sensitive information while performing peace officer duties. Board Member Crate said the Board had an obligation to maintain a line between private patrolman duties and peace officer duties. He said there were not overlying responsibilities between the two groups. He was strongly opposed to the elimination of the segregation between the two professions. The argument regarding the exemption granted to out-of-state peace officers did not stand, as that exemption was given for a limited time for a specific event, and not an ongoing basis. He said the possibility to abuse the powers as reservists existed. He was in favor of the motion on the floor. Chairman Spencer said Mr. Durr would not misuse the ability to gather information and that was not the point the Board intended to convey. He said other people may wish to abuse that capability. Board Member Crate said he was influenced by the anticipated responsibility of misuse of the position for personal advantage. He noted Mr. Durr hired a reserve peace officer, though that was against statutes. Mr. Durr said he understood what Board Member Crate had stated. The motion carried.

The Board discussed the American Bar Association's Resolution 301 that asked regulatory agencies to refrain from requiring Private Investigator licenses for persons engaged in computer or digital forensic services, etc. Executive Director Ray stated the Board had already taken a position on the matter. The Board did not license data recovery, but what was done with that information would require a Private Investigator license. Chairman Spencer noted the Board had discussed the topic at length. He agreed that document retrieval was not licensed by the Board; what was done with that information after its retrieval fell under the Private Investigator license. He could not understand why the American Bar Association (ABA) felt those people should not be licensed. Mr. Kirkman (the Nevada Society of Investigators) did not support the recommendation. Board Counsel Menicucci had reviewed the ABA's proposals. While they had some legitimate concerns, Board Counsel Menicucci's opinion was that nothing they said would preclude regulation. He said there was no reason regulation would cause the ABA the harm they feared would occur should regulation and licensure be necessary. He noted the first point regarding investigation and expert testimony. He said nothing in regulation would prohibit any part of that statement. Chairman Spencer felt that anything done with the information once it was retrieved required licensure. Board

Counsel Menicucci said it would seem the ABA was concerned a Board may say that anyone licensed as a Private Investigator would automatically qualify as a computer forensic specialist. He advised the Board to consider the ABA's concerns, but those concerns did not rise to the level which precluded regulation, should the Board require it.

The Board discussed the possible approval of a form to be completed by attorneys, not licensed in Nevada, who sought to claim an exemption from licensing under NRS 648 as provided in NRS 648.018(8). Peter Maheu said his concern was that there was no way to protect the citizens of Nevada if attorneys were allowed to hire whomever they chose. Executive Director Ray explained that the form was discussed during the previous meeting. Board Counsel Menicucci drafted that form for an exemption. The original draft did not show the exemption was for the attorney only. Board Counsel Menicucci agreed with her statement. Board Counsel Menicucci said there was an exemption already in place in the statutes regarding an attorney performing his duties as such. He said the concerns expressed by Mr. Maheu had not been covered. As a result, Board Counsel Menicucci added B5 to the form stating that activities would not be delegated to staff or contractors, but done by the attorney only. Out-of-state attorneys were allowed to come to Nevada to work and were regulated by the Bar Association. Board Counsel Menicucci said the Board's intent with the form to insure that an attorney who claimed not to need a Private Investigator license would not delegate his duties to a contractor or employee. Chairman Spencer asked if language could be added to the form that anyone else performing the duties that should be carried out by the attorney would be subject to fines. Mr. Maheu read the agenda item. Board Counsel Menicucci noted that B5 contained language that was specific to the attorney. Mr. Maheu asked about hiring a Private Investigator. Executive Director Ray said the attorney would personally perform the work and those activities would not be delegated to employees or contractors. Chairman Spencer wanted to make it clear to the attorney that he or she should not delegate any of the work. Board Member Crate felt the loophole had been closed. Chairman Spencer asked if it was necessary to include disciplinary language on the form. Board Counsel Menicucci said he didn't think it was necessary to include further language as to what would happen in terms of fines or citations should work be done by anyone other than the attorney.

The attorney was making the representation to both the Bar Association and the PILB that he would not delegate his responsibilities to anyone else; if he were to do so, the attorney would subject himself to a citation from the Board. Chairman Spencer said he was concerned about the attorney subjecting himself to a fine. He noted that implied discipline would be handled by the Bar Association and not the PILB. Board Counsel Menicucci stated that a Nevada attorney would not need an exemption. Mr. Maheu asked if a Nevada attorney would use a Private Investigator as an employee. Board Member Crate said the aim was to restrict the activities to the attorney only. Executive Director Ray said the issue was specific to Nevada agency which hired out-of-state attorneys to perform an investigation. Mr. Kirkman said an out-of-state attorney should not be allowed an exemption to perform investigation in Nevada, as that person was not familiar to Nevada laws. Chairman Spencer explained that attorneys had specialties not specific to Nevada. Mr. Kirkman asked about an exemption provided by NRS 648. Board Member Crate explained that this very conversation had preceded today's agenda topic during previous Board meetings. The original discussion involved attorneys, then broadened to include out-of-state attorneys. The specific language stated that attorneys were excluded from licensure. Mr. Kirkman asked if the position of Board Counsel was that "attorney" included all attorneys, and not just those licensed in Nevada. Board Member Crate said the purpose of the form was to hold the attorneys accountable. Mr. Kirkman said that made sense. Mr. Kirkman said there was no objection based on the explanation, since the attorney knows he or she cannot bring in an investigator into Nevada. Executive Director Ray said if the Board learned an attorney was coming to work in Nevada, the Board would forward the form to him or her to complete. Board Counsel Menicucci agreed. The attorney would complete the form and the Board would provide a copy to the State Bar. Chairman Spencer asked if attorneys were obliged to contact the Bar if he/she intended to come to Nevada to work. Board Counsel Menicucci said there were provisions, but may not require immediate notification to the Bar. There were reports due yearly. He said the attorneys needed to follow the rules of professional responsibility. Chairman Spencer said he had misunderstood the procedure and believed the Bar would provide the form. Board Counsel Menicucci said the Board would supply the form to the attorneys and would send it to the State Bar upon completion. Chairman Spencer asked why the form could not be given to the State Bar to administer. Board Member Crate didn't believe

the Board could require the Bar to use or administer the form. He again noted any sanctions would come from the State Bar. He said the Board would need to police the matter. Chairman Spencer said the form should be included and discussed in the next newsletter. Mr. Kirkman recommended sending the form to all 50 State Bar Associations. Chairman Spencer noted that many associations would not appreciate the form. Board Member Crate said the form could be made available on the website. Board Member Crate moved to approve the form with the additional language (B5) as written by Board Counsel. Board Member Willis seconded the motion, which passed.

David Groover, Groover and Associates (#419) sought support from the Board in requesting an amendment to NRS 648.157. Mr. Groover said the NRS dealt with Private Investigators who obtained information from the Department of Motor Vehicles. It was in direct contrast to NRS 481 which allowed Private Investigators a wide range of reasons to gather information from the DMV. He noted NRS 648.157 pertained to Private Investigators only, with no exclusions for other licensees. His initial request was to abolish the statute. He said it was too late to introduce a bill, but could attach the request to an existing bill, SB 265. He was asking for permission to do that. Board Member Crate tried to recall the circumstances which brought about the change in NRS. Mr. Groover believed the change came about in the mid-1990s. Board Member Crate asked if the change came as a result of the Soldana murder. Mr. Maheu explained that the change occurred as a reaction to a movie star who was murdered due to accessing of DMV information in California. Mr. Groover said internet access to records was readily available to all, but limited for Private Investigators. He also discussed SB 194, a bill supported by public administrators to eliminate the need for licensure under 648 and thus be able to hire anyone to investigate. Mr. Groover had spoken to Senator Care, who was willing to sponsor Mr. Groover's bill. Board Member Crate moved to accommodate Mr. Groover's request to amend the statutes. Board Member Willis seconded the motion, which passed.

Michael Spriggs spoke regarding exemptions (not an agenda item). He felt licensees should be allowed exemptions to bring in armed guards, but not out-of-state peace officers. Board Member Crate noted that

historically, the JCK Show travelled throughout the country to various cities. He said that some of the employees had expertise in handling the jewelry for JCK at the different venues. There were only a small amount of employees allowed in the exemption for the specific events who performed supervisory duties.

The representatives from Martin-Ross were not present at either location, so their request was tabled.

Board Member Putnam (#353) requested Board support for proposed polygraph changes to NRS 648. His intent was to update the statute for the 21st century. To his knowledge, there had been no changes since the early 1970s. He added language to the definition of Polygraph Examiners. He read through and explained the changes that he proposed as shown in the documentation provided to the Board. He removed the term “expert” from the language. He added language regarding devices “purported” to record and removed “measured” from the language. He also added that the polygraph examiner must perform all aspects of the test, including the interview phase. Board Member Crate asked if there was a requirement to videotape or record the interviews. Board Member Putnam explained that his question would be answered later in the presentation. He added a definition for polygraph technique. He added a subparagraph that stated a licensed person or intern may not hire a non-licensed person to perform any portion or phase of polygraph examinations. He included language that, effective June 2010, an applicant for renewal or reinstatement as a Polygraph Examiner License must complete 40 classroom hours of advanced polygraphic instruction satisfactory to the Board during the two years prior to the application. The added language provided for continuing education. Board Member Putnam also included new language regarding Board approval of instruments that were commercially manufactured devices only. He briefly discussed that movement could compromise the testing. He also deleted old language regarding instruments. He then spoke about 195, which dealt with not allowing an examiner or intern to render an oral or written opinion concerning the veracity of the person tested based on his/her analysis of the indices recorded during the examination unless the analysis covered two or more repetitions of the same question used for comparison or a sound or video recording was made during the process. A minimum of 1 ½ hours was devoted to the examination process. Board Member Putnam said a polygraph examiner

should not conduct more than 4 examinations in 24-period immediately preceding the examination. He said if an examiner attempted to perform more than 3 examinations per day, the examiner was subject to fatigue. He also included language that examinations were to be performed under the minimum standards of ASTM for detection of deception. Several large polygraph organizations had their own standards and ethics which did not apply outside the individual organizations. Board Member Crate asked if the Board currently approved an intern before they began working. Executive Director Ray said there was an application for interns. Board Member Putnam said it was a separate category of licensure. Board Member Crate stated that an intern by definition was a non-licensed person. He then asked why the word "permanently" was deleted from NRS 648.185(B). Board Member Putnam explained that instruments today were state of the art. A digital record was not permanent. Board Member Crate asked if that was the only place where retention of records was mentioned. Board Member Putnam said retention was addressed elsewhere in the law. The retention time was for 3 years. Chairman Spencer asked if Board Member Putnam had contacted any potential sponsor, but he had not. Chairman Spencer said he approved of the proposed changes. Board Member Putnam asked if the rationale made sense to the Board. Chairman Spencer agreed that it did. Board Member Crate said much updating was necessary. Chairman Spencer asked if the hours necessary for an intern had been changed to be more realistic to attain. Board Member Putnam said three years were required for an internship. Chairman Spencer said that Ty Neuharth had made the point that the number of examinations required for polygraph interns were almost unreachable. Board Member Putnam said that 250 or 300 exams were needed in the three-year time span. Chairman Spencer asked if that number was practical. Board Member Putnam said the APA (American Polygraph Association) required 300 examinations for full membership. He said a person could have associate or intern status with less than that amount, but the examiner needed the full 300 exams. Chairman Spencer asked if Board Member Putnam felt that number should be changed. Board Member Putnam said that was the number used by the APA for full membership. Executive Director Ray read from the current statute concerning a baccalaureate degree and 1 year of investigative or polygraphic examination experience were acceptable for an intern. She also read from the statute that an associate degree required with 3 years of experience and a person with a high school diploma was required to have

5 years of investigative or polygraphic examination experience. She noted that statute also required that an intern must complete a basic course of instruction in polygraphic techniques satisfactory to the Board. Executive Director Ray said the statute continued with other requirements for polygraph examiners once the intern phase was complete. Chairman Spencer again returned to his question if the required number of examinations could realistically be achieved in 2 years. Board Member Putnam said it was extremely difficult for someone to enter the private sector as a Polygraph Examiner. Most people who started a career as a Polygraph Examiner were in law enforcement. Those people received multiple opportunities to conduct tests. A person in private practice would have extreme difficulty to run the needed amount of examinations. Chairman Spencer asked if Board Member Putnam felt the number was significant for the ability to properly administer polygraph examinations. Board Member Putnam said that would depend on who was supervising the intern. He said the number was difficult to determine, as it depended on the individual and his/her ability to learn to administer examinations. Chairman Spencer said some people would have a very difficult time becoming licensed Polygraph Examiners. Board Member Putnam said the number could be too high. It also depended on the qualifications required by other states. Chairman Spencer suggested 50 examinations with the input and approval of the mentor as a matter which could be discussed later. Board Member Putnam said he was a supervising examiner for law enforcement. Some of the practices were not in keeping with what was taught in school. He noted the possibility for abuse that could exist between a mentor and an intern. Chairman Spencer asked if law enforcement used interns. Board Member Putnam said that law enforcement examiners were not required to be licensed. He was able to work under a supervisor the first 6 months before retirement. Board Member Putnam said a law enforcement examiner could run polygraph examinations the first day after he finished school. Board Member Putnam asked if the Board could either assist in introducing the statutory changes to the legislature or support the language changes. Board Member Willis moved to support Mr. Putnam's proposed language changes to NRS 648. Board Member Crate seconded the motion, which passed. Board Member Uithoven said it was too late to introduce that bill as a stand-alone bill, but could be attached to another bill. Mr. Groover said the proposed change should be attached to a similar bill concerning 648. Chairman Spencer said the changes were not a matter of opinion, but for updating

purposes. Mr. Groover said the format was already established. Board Member Crate said the proposed changes could be attached to the bill that was introduced by Mr. Maheu and the Nevada Association of Private Investigators, which had polygraphists as members. Board Member Putnam asked for a contact name. Chairman Spencer suggested Mr. Maheu. Executive Director Ray said the BDR number was 1102. The sponsor was Commerce and Labor.

Mr. Groover said time was of the essence. Executive Director Ray provided Board Member Putnam with Mr. Maheu's contact information.

The Board revisited Item 27, the ABA's resolution computer and digital forensic work should not be required to possess Private Investigator licenses. Chairman Spencer explained to Mr. Kaplan that the Board had already discussed the agenda item earlier in the meeting, but wished to hear his input. Mr. Kaplan said he had been licensed in Nevada for more than 30 years and had been an investigator for 45 years. He stated that the Board had approved 10 years ago Computer Forensic Examiner/Investigator as a new category for licensing. He introduced a bill for the new category during the previous legislative session. The Senate unanimously approved his bill, but it died in the Assembly. The bill would have eliminated the problem. He was against the ABA proposal. He said there was no sane reason for the ABA to attempt to prevent the need for licensure. He said problems existed since there was no category for Computer Forensic Examiner/Investigator licensure, such as no background investigation performed on the individuals and there was no measurement of qualifications. He said there should be a balance to keep from over-licensing and under-licensing of individuals. Chairman Spencer said the Board's position was that data recovery itself did not require a Private Investigator license, but anything beyond strictly data recovery required a Private Investigator license. He noted a person he knew who was a former police officer and performed strictly data recovery. He said if he wished to use the individual as an investigator, he could hire the individual as an employee to perform work beyond data recovery. Chairman Spencer said he was trying to convey to the ABA that the Board would follow statutory requirements and not the ABA's recommendations. Board Member Crate said he was reminded of all the work done by Mr. Kaplan in December 2006 and his presentation at the Board meeting.

Jim Smith, Esq., represented Orion Security Services, Inc. and wished to discuss an unlicensed activity citation dated February 1, 2008. Mr. Smith thanked the Board for allowing him time to speak. Mr. Hohenstein supervised the two individuals who were carrying jewelry from place to place. He said those employees of Orion Security were merely carrying jewelry, but were not acting as armed guards. Mr. Hohenstein was making sure the employees wore proper attire, were sober, and arrived to work on time. Senior Investigator Botello contacted Mr. Hohenstein. It was Mr. Hohenstein's feeling that Senior Investigator Botello was attempting to cause Mr. Hohenstein to admit that Private Patrolman work was being done, but Mr. Hohenstein did not believe he was doing that. Mr. Smith wanted the recording to be reviewed of that conversation. Senior Investigator Botello also was not on friendly terms with Mr. Schmitt. Mr. Smith said it was very difficult for Orion Security to respond to the citation and was aware of the 30-day timeframe for response. The company had to locate and hire an attorney and was unable to respond within 30 days. He said there were extenuating circumstances. He wanted the Board to revisit the issue. Mr. Smith said Orion Security was only working for contract observance and was not performing Private Patrol work. Orion Security did business in many states. He said they did not have a clear picture of statutory requirements in Nevada at the time, of which he had since informed them. He asked the Board to consider reducing the fine. Chairman Spencer's first question was what would occur if someone were to attempt to steal the jewelry while Orion Security employees were transporting it. Mr. Smith said they were to call 911 and not respond themselves. Chairman Spencer believed a security company would take some type of action should an attempted theft occur while they were transporting jewelry. Board Member Crate noted Mr. Smith indicated that Orion Security was concerned about undertaking future business in Nevada as a reason for revisiting the citation. That did not preclude the company from seeking and proceeding with obtaining proper licensure. Board Member Crate noted that, based on the information provided, Orion Security appeared to perform investigative duties in the observance of the conduct of the employees. He said the issuance of the citation should not prevent Orion Security from becoming properly licensed in Nevada. He was inclined to uphold the citation based on the information offered. Mr. Smith said the work done by Orion Security was not investigative because Mr. Hohenstein

was there to verify the employees were fulfilling the contract. Board Member Crate said if the client was prepared to appear personally at the meeting and explain how he followed through on contracts, made one of his clients available to answer questions as to the expectations of the contract, asked the insurer to be available for the discussion, the Board could have more easily determined if Private Patrol work was performed or not. He noted that was one option, but wasn't sure the situation warranted that option, as Orion Security was a security provider and was secured with the idea that security would be provided. Board Member Crate said, as the company indicated the likelihood it would wish to do business in the future in Nevada, paying the citation would be the best course of action.

Board Counsel Menicucci explained that the requirement that the citation must be appealed within days may seem harsh, but the case illustrated why that necessity existed. Senior Investigator Botello would not be available to testify if the matter were reopened. Senior Investigator Botello had provided recordings of two telephone conversations that Board Counsel Menicucci had reviewed. The sound quality was poor, making the conversations difficult to hear. Senior Investigator Botello interviewed Mr. Hohenstein via telephone on two separate occasions. Mr. Hohenstein had not said anything that was inconsistent with what Mr. Smith had presented. Mr. Hohenstein did not consider himself as providing security. Board Counsel Menicucci said Board Member Crate had noted, the Board had a history of finding that checking on employees, such as mystery shoppers, were investigative in nature. Should the matter be reopened, Board Counsel Menicucci asked that the two telephone conversations could be used and that Orion Security would be required to produce witnesses to testify as to what actually happened, as suggested by Board Member Crate. Mr. Smith asked if it were possible to review the matter and discuss it at another meeting. Chairman Spencer said he was not inclined to reopen the matter, as the citation was a year old. Board Counsel Menicucci clarified that Orion Security had attempted to appeal the citation, but had done so after the proper time had expired. He said the appeal did not require legal representation, though counsel may be needed at a Board hearing. He said the appeal arrived two weeks after the 30 days expired. Board Member Crate referred to Mr. Smith's letter dated December 22, 2008. He asked when Orion Security initially contacted Mr. Smith and asked why Orion Security waited so long to do that. Mr. Smith didn't give a specific date. Chairman Spencer asked if it wasn't more than a month before the letter

was written. Executive Director Ray discussed the request to appear on the agenda. The company did not appear at the October meeting, as they wished to pursue a different course. She then received the December 22, 2008 letter and that Mr. Smith was going to represent Orion Security. She recalled that Mr. Smith believed the company was going to pursue the application process. Mr. Smith noted that Nevada had strict laws. Board Member Crate asked what Orion Security's intent was regarding licensure. Mr. Smith said he had received no clear direction and had no definite answer. He had explained the necessary forms to his client and the necessary steps and statutory requirements for the application process. He discussed subcontracting with a licensee. Board Member Crate asked Mr. Smith if the company felt their actions did not require licensure. Mr. Smith said he would recommend licensure to Orion Security if he had to provide advice to them today. Board Member Crate asked Mr. Smith if it was his opinion that the activity performed by Orion Security was covered under statute. Mr. Smith would not agree and felt they were not providing Private Patrolman work in the contract. He asked the Board for its indulgence and understanding. Chairman Spencer asked if Mr. Smith was aware Orion Security had been cited in 2004. Mr. Smith said his client explained that he felt he was contracting with a licensee. Senior Investigator Botello had placed an advertisement in the newspaper for Private Investigator work. The client believed Senior Investigator Botello was licensed at that time. His business plan was not related to Private Patrolman work. Board Member Willis asked if the Board had the ability to reduce the size of the fine. Executive Director Ray said she didn't believe that was possible, but would defer to Counsel. Board Counsel Menicucci agreed with Executive Director Ray, as the statute imposed fines, but did not allow the Board discretion with regard to the amount. He said the total amount must remain the same. Board Counsel Menicucci asked if the company had received one or two citations. Executive Director Ray said the citation currently under discussion was the second citation. Executive Director Ray said for the record no action was noted regarding the matter in the October 23, 2008. There was no reference made at all. Board Member Crate asked if the 2004 citation had been paid and Executive Director Ray said it had been paid. Chairman Spencer asked for the circumstances of the first citation. Board Member Crate reiterated that Senior Investigator Botello responded to an online ad, was hired, and then issued the citation to Mr. Schmitt. Board Counsel Menicucci asked if action were required. Executive Director Ray

said if there was no action, then the citation would stand. Board Member Crate moved that the citation stand and that there was an outstanding balance. Board Member Willis seconded the motion.

Executive Director Ray asked if anyone was present for Item 28 (Martin Ross and Associates requested to present a proposed security training program). No one was present at either location. The request will be rescheduled.

Executive Director Ray asked if anyone was present for Item 22 (Charles Long's request for an individual Private Patrolman license). No one was present. Chairman Spencer moved to continue the matter and Board Member Crate seconded the motion, which passed.

Executive Director Ray explained that Martin Ross wanted to seek Board approval for a curriculum for a security guard training program they had developed. Executive Director Ray said she believed they wanted the Board to adopt the curriculum and make a similar change to the regulations that included this training as a minimum standard for employees of the security industry. They would possibly offer a class. Board Member Crate noted the 281-page document that had been provided to the Board by Martin Ross.

Executive Director Ray gave an update on the new Private Investigator exam. She said the new exam would have its first trial run during April testing. She suggested the Board could elicit feedback from those applicants at the June 2009 meeting who took the new Private Investigator licensing test. Chairman Spencer asked if it would be proper to see the new test. Executive Director Ray said he had already seen it. She said Board Member Willis and Board Member Uithoven, as representatives of the public, would be excluded from the agenda item. Board Member Crate asked if the Board was given a hard copy of the new test. Executive Director Ray said she would research his comment.

Chairman Spencer commended staff, the new investigators, and Executive Director Ray on the work they accomplished for the Board.

Executive Director Ray planned to introduce old opinions and various documents for Board review. Her goal was to insure the Board hadn't changed its positions on the items she planned to revisit. Chairman Spencer said that using search engines such as Google were key in investigations. Mr. Groover said there were cases where law enforcement did not cooperate with background investigations. Records that were sealed and, therefore, not available to investigators could very well contain information that would preclude licensure. Mr. Groover also recommended the use of Google to gather information during background investigations. Executive Director Ray said that current backgrounds contained more detailed information than in the past. She credited Investigator DuPuis with the increased background information. Board Member Willis was surprised by the seemingly sensitive information that had been provided to the Board. Board Member Crate agreed. Investigator DuPuis commented that as a matter of routine he checked Google during the course of his investigations for all applicants. He explained the information provided to him by Metro for one of the agenda items. Metro had allowed Investigator DuPuis to see the executive summary of an internal affairs file. It contained the information provided to the Board. Mr. Groover said in the past Metro had been less than forthcoming with information. Board Member Crate said part of the problem was that the Board did not receive the official record of resolution of matters. There was discussion regarding an individual who was arrested in New York during an FBI sting within 45 days of receiving a license. Executive Director Ray talked about expunged records. Board Member Crate said applicants were asked if he or she had ever been arrested. Even though the records may be expunged or sealed, and the applicant failed to disclose that information, should the Board learn an arrest had occurred, the application was falsified. Chairman Spencer said that was a valid point. He mentioned the unlicensed activity question included on the application. Executive Director Ray said the application asked if the applicant had ever been convicted. Chairman Spencer asked if it was possible to ask about expungement. Board Counsel Menicucci said expungement was not an easy question to answer. He said applicants were subject to other state laws regarding what was expunged and why. He said the applicants may not have to disclose the information as a matter of being expunged for all purposes. He said they did not have to disclose it as a conviction, but there were other considerations regarding whether or not the information had to be disclosed for licensing purposes. Chairman Spencer asked if the application could

ask the applicant to report criminal arrest convictions, even those that were expunged and failure to do so could ultimately result in loss of licensure. Board Counsel Menicucci said he wanted to investigate the suggestion further, but felt it was permissible for a licensing Board. Chairman Spencer said there were situations where employers refused to provide information for the simple fact that the individual was no longer an employee. Board Member Crate said those people often complained immediately after an individual was licensed. Chairman Spencer said that had happened more than once. Mr. Groover said there was a provision in the gaming statute regarding arrests which also applied to public safety, peace officers, and firemen. Investigator DuPuis said that was correct. In his investigations for law enforcement personnel for the Attorney Generals' office, the agencies were required to disclose any detention, arrest, contact, expungement, etc. The waivers also contained a clause for unsealing any records that may have been sealed by mutual agreement between the parties. Board Member Crate asked what would preclude the Board from making the same language and waiver a part of its application. Investigator DuPuis said he was not aware of any reason that should not happen, but would defer to Board Counsel Menicucci. Board Member Crate noted that licenses were privileged. Investigator DuPuis said the backgrounds were mandated by law. He felt the same coverage afforded to law enforcement personnel backgrounds would also extend to the PILB application backgrounds. Executive Director Ray said Investigator DuPuis noted a statute which regarding disclosure and backgrounds reports. Investigator DuPuis said the statute was NRS 49.025 which dealt with disclosure of privileged information. In regards to law enforcement backgrounds, the information is not subject to disclosure under that particular NRS section. He said the NRS was designed primarily to protect the sources. They provided helpful information, but believed it would be held in confidence. If the information was ever made public, it could be easily identified by the thwarted applicant for retribution. Mr. Groover said the reports were being conducted by a public agency by public employees. He wondered how it could be said the information was not public. Investigator DuPuis said he was not suggesting that. He was suggesting that the information may be considered privileged under NRS 49.025 and would again defer to Board Counsel Menicucci to interpret what could or could not be released. Executive Director Ray said the discussion came about because historically Board staff had provided a copy of the background to each applicant. She said more discussions with

Board Counsel would occur. Board Member Crate asked for the reason the topic was being discussed; he wanted to know if the Board wanted to avoid the topic or pursue it. Executive Director Ray said the topic was only brought up for discussion at this point. The topic was a non-action item. A couple of changes to the application would be forthcoming. Chairman Spencer said those changes should be made. Executive Director Ray said the application at one time had read "any arrests". Chairman Spencer noted that some people may truly believe their records were sealed. He asked if any applicants had ever denied having a record, but the opposite was found to be true in FBI records. Executive Director Ray said that had occurred. Mr. Groover said Metro was good about forwarding information to various agencies for information requests. He noted that sealed district court records were marked as such. Board Member Willis made a motion to adjourn and Board Member Putnam seconded the motion, which passed.