

SUB-COMMITTEE MEETING
OFFICE OF THE ATTORNEY GENERAL
PRIVATE INVESTIGATORS LICENSING BOARD
EXAM REVISION, REGULATION CHANGES
JULY 8, 2009

1. Call to order. Executive Director Ray called the meeting to order. Investigator Whatley called the roll of members were present and noted those who were absent:

Richard Morello
Jason Patterson- absent
Geoff Rivera
Richard Ross- absent
Tammy Whatley
Steve Baker
Board Member Crate
Robert Irwin
Colin Murphy-absent
Greg Rentchler

2. Executive Director Ray said public comment could occur throughout the course of the meeting. She asked anyone wishing to comment to state his or her name for the record and to keep the comments brief.

3. During the June 2009 meeting, there were two items on the agenda for discussion and possible action. One involved possible changes to NAC 648.345 – 648.355. The second item involved possible changes to the security guard exam and the consideration of minimum training requirements. Two committees were formed to discuss these issues. The function of both committees was to have discussion, allow for public comment, and make recommendations to the PILB at the next regularly scheduled meeting September 2009. Today's purpose was to determine what interest, if any, existed in developing a uniform curriculum and/or to discuss the advantages or disadvantages of such, to discuss possible changes to the existing security guard exam and possible training requirements to ultimately provide changes and direction for future sub-committee meetings. Executive Director Ray explained that the task of approving Certified Firearm Instructors had been delegated for the past 18 years to the executive director of the Board in the form of a management directive. The CFI applications were now reviewed and approved by Investigator Whatley.

Investigator Whatley introduced herself. She gave a brief history of her POST certifications. She said there was a great disparity among the curriculums and the applications she received. She explained that the ultimate goal of the meetings would

be the development of standards for the CFI applications and the required curriculum. She asked if there was any public comment, but there was none. She had asked the sub-committee members to read NAC 648 prior to today's meeting and to be prepared to present at the meeting reasons to either change the NAC or leave it as written.

Geoff Rivera stated that one of his main concerns with NAC 648 was the time requirements in training and that no recognition was given to class sizes. He noted 8 hours of classroom training and 3 hours of range training were required. He agreed with the training topics, but felt the timeframes required were difficult to implement with varying class sizes. He sometimes only had 2 or 3 people in a class, making it difficult to "stretch" the training to fill an entire 11 hours. He said either different class sizes could be taken into account to allow for more flexibility, or topics covered could be mandated and the time requirement removed altogether. He said the standardization of curriculum would be a great idea to a point. He said the curriculum still needed to allow for the unique experience of each instructor.

Steve Baker said there had to be standardization of hours. He felt the breakdown in NAC 648.347 regarding topics was not realistic. He said there should be more emphasis on the topics to cover in the class. He said standardized curriculum and tests were a good idea.

Robert Irwin concurred in general with Mr. Rivera's comments. He felt standards should be set for testing, rather than the curriculum itself. He agreed each instructor had different tools and backgrounds. He said the Board should avoid putting itself into the position of micro-managing the issue. He noted some instructors had more experience than others and had different types and amounts of training. He said the Board should set goals that were reachable. He had taught the class for 20 years, yet none of his students had ever encountered any problems with firearms after his training. He again cautioned against micro-management.

Rick Morello said he worked in several venues. He was a trainer for the Marine Corps, was a diplomatic security service contract agent, and was the operations manager for Frontside Firearms Training. Each entity required a specific curriculum to the letter, which was what the PILB CFI program needed. The input he received from his students showed that classroom experiences varied widely among the instructors. He said there should be standardization in the form of an outline or a script. Life experience and training could certainly be added, but basic topics should be in place and there should not be any deviation from the set curriculum.

Greg Rentchler said the standardization of training would mitigate the Board's liabilities for the state and instructors. He said case law showed that fact.

Investigator Whatley addressed the hand-out. She chose six states: Arizona, California, New York, Texas, Utah, and Washington. She provided the standards for

each of the states and said Nevada was deficient in its requirements. She said the committee should decide if Nevada should be at the bottom of the list with respect to training requirements or if it should raise the standards. Arizona had an 8-hour unarmed security guard class. She noted many states provided unarmed and armed guard training. Arizona also required that armed guards complete both a 16-hour armed course in addition to the 8-hour unarmed course. The refresher class was an 8-hour class on shotgun with a 4-hour refresher course in Arizona. California required an 8-hour class and no more than 8 hours for the initial firearms qualification (first 50 rounds are practice, second 50 rounds are scored). New York required a 47-hour firearms training course (8 hours pre-assignment, a minimum of 16 hours completed on the job, and 47 hours in firearms with an 8-hour in-service). Texas had different levels for guards. Utah required 8 hours of basic classroom instruction and 16 hours of additional training for the armed classroom instruction. Washington required an 8-hour firearms certification course and a 4-hour certification. Investigator Whatley said the 11-hour course required by Nevada every 5 years was extremely minimal compared to other states. She noted some states could require less training. She accessed various websites and included the websites for the committee members to access on their own.

Mr. Irwin asked commented that Nevada should set its own standards.

Board Member Crate said it was helpful to learn what other states required. It was not his intent to include more hours of training than another state. He noted that Washington did not require much more training than Nevada. He agreed that there was often a disparity among the instructors in the training provided. The committee could focus on NAC 648.346 and NAC 648.347 and allocate time requirements.

Robert Irwin discussed New York's procedures.

Steve Baker agreed with Board Member Crate's suggestion. He said consistency in the teaching requirements would be very beneficial.

Board Member Crate said a more definitive program was necessary to prevent wide variations in curriculums.

Mr. Baker cautioned against making the curriculum too regimented which would hamper the instructor from personalizing the course.

Board Member Crate said there should be a basic curriculum that must be taught that could also be supplemented by the instructor.

Mr. Baker said some classes were attended by people with extensive training and knowledge who did not require detailed explanations of each point in the curriculum. Other classes had less experienced attendees who required more attention given to each point in the curriculum by the instructor.

Board Member Crate talked about changes made in the past for the purpose of keeping the class to one day to avoid a two-day class. He said 20 minutes was deemed sufficient for 30 minutes of training. He felt misunderstanding had arisen due to these changes.

Mr. Irwin also discussed the differences in each individual class (pace, prior training and experience of each attendee, and the like).

Darryl Cronfeld explained his in-house training. He said they had a definite time mapped out for each topic covered in training.

Geoff Rivera said he understood the need for setting times. He noted the differentiation between southern and northern Nevada. His clients sometimes only needed training for one individual. He agreed set minimum standards should be pursued. The time requirements were difficult to put into place because of the very small class sizes. He noted a class of 15 took much longer to complete. He suggested that if a timeframe was necessary, then different instructors could be tasked to teach the classes. His concern was that the NAC mandated 11 hours, which was difficult to meet if a class of one or two individuals was finished in 8 hours.

Board Member Crate said the point was taken. He referred to NAC 648.346(2). He said sufficient time must be devoted to teach the required topics. He thought the class hours were based on a class of six people. He said the instructors should provide an allocation of reasonable amounts of time necessary to present the material. A more detailed curriculum would solve the problem. Appropriate amounts of time should be given for teaching purposes.

Darryl Cronfeld discussed liability issues on the part of licensees. He said time was a factor. He wanted to see a timeframe and what was being taught during that time.

Mr. Morello worked with large groups in his training classes. He regularly had 400 students at a time. He said the class was no different with 6 attendees. He said the class was a presentation that the instructors have to make. He said the instructor who presents moral and ethical responsibilities to his classes always speaks for 1 hour, 50 minutes. That covered any liability on the part of the instructors and met the state requirement should court action occur. He said the lecture was a prepared presentation. The training needed to be outlined, professional, and presented according to time specifications. He noted all the instructors present were professionals. The people attending the classes represented a tremendous amount of liability for themselves and their employer as an armed professional.

Investigator Whatley said the majority of those present were in favor of a standardized curriculum. She asked the committee to look at NAC 648.346(1)(a)(1-5), determine what was needed for the curriculum, and bring those changes back to a subsequent meeting in order to set a curriculum. She wanted to take a section each meeting so the committee could present a standardized curriculum to the Board.

Board Member Crate suggested the committee work on NAC 648.346 in its entirety. Investigator Whatley agreed.

Mr. Rentchler asked if a deputy attorney general was also a member of the sub-committee. Executive Director Ray said the Board's legal counsel would become involved later in the process. Board Member Crate discussed Board counsel's role in the proceedings.

Investigator Whatley asked if all agreed to read NAC 648.346, make recommendations, and provide examples and hand-outs for the next meeting. Executive Director Ray said the attendees in Las Vegas were in agreement. Investigator Whatley asked if there was more discussion.

Board Member Crate suggested the findings of the group should be made available before the meeting. He said the information should be combined. Executive Director Ray said a packet containing recommendations could be assembled and distributed prior to each meeting for the committee to peruse.

Investigator Whatley asked if there was any public comment, but there was none. She asked for possible dates for the next meeting. The group chose the week of July 29, 2009, which would allow confirmation of the availability of a meeting room.

There were no further comments on the current agenda item.

4. Executive Director Ray allowed for public comment regarding possible changes to the current security officer exam and the consideration of possible minimum training requirements for the security industry and to provide recommendations to the Board at the next regularly scheduled meeting.

5. Executive Director Ray said the group did not have the same amount of time for the current agenda item as the previous agenda item to assemble a group of individuals. Board Member Crate asked to be included on the committee. The two individuals who were absent in Carson City had made a presentation at the previous Board meeting regarding a possible training course for security individuals. Those individuals had also asked to be a part of the committee.

Executive Director Ray turned the discussion over to Board Member Crate.

Board Member Crate discussed the history of the security guard exam. It was adopted years ago. The intent was that every security officer would have a rudimentary knowledge of what actions could and could not be done on the job. The test was offered as open-book in an attempt to make clear to each employee taking the test the basic legal duties of a patrol officer and that each test-taker would know the answers to the test. There were attempts to raise the bar over the years. He also noted that there was no training program in place prior to the testing. There were two versions of the test. He discussed the feasibility of offering the test online. Methods should be in place to insure the person taking the test was the actual security guard employee.

Licensees should not allow employees to sign a previously completed test answer sheet without actually taking the exam. A review and possible recommendations should be developed.

Board Member Crate asked if the bar was sufficiently high for security officers. There had been discussion regarding security training academies and possibly requiring more training. He did not want to create a cottage industry through regulation. He noted that certified firearm training certification was good for all employers. The same should hold true for the security guard training. A certificate should be given. The training would be tied to the registration process.

Darryl Cronfeld asked if the Labor Commission had been contacted regarding the issue. In some markets, the employer must bear the costs of training. Board Member Crate said training was not being discussed. Rather, Board Member Crate was discussing a requirement of the state in order for a person to become a registered security guard employee. Mr. Cronfeld again discussed contacting the Labor Commission. Executive Director Ray said the requirement would be considered a part of the application. Board Member Crate asked why the Department of Labor would contact a licensee because a potential employee failed an online test. Mr. Cronfeld and Board Member Crate discussed the topic further. Mr. Baker said Texas had an online program which allowed people to read material and take an online test. He said it may be a good model to research. Executive Director Ray said it was similar to having a certificate sent by e-mail. Mr. Morello asked if it was a violation to expect potential employees to obtain the certificate prior to employment. Executive Director Ray said the topic involved a new program that would be implemented in the near future. She said she was not an employer, but the licensees may have concerns she did not have. Mr. Cronfeld again discussed state labor laws and minimum wage concerns. Board Member Crate clarified the issue by saying the program was transitional. He requested a review and suggestions for a new bank of questions for the security officer exam. Executive Director Ray said anyone participating in the meeting could offer suggestions and comments. Mr. Cronfeld said it was a good idea to upgrade the exam. Board Member Crate asked the group to provide questions for the next meeting.

Executive Director Ray said the group would be advised of the next meeting date and time. The minutes would be distributed to the committee and posted on the website. She asked the group to collect as much information as possible prior to the meeting. She gave the group Mr. Crate's e-mail address for the submission of security exam questions. Investigator Whatley said the certified firearm information could be sent to her the week of July 20, 2009. Her e-mail address was also provided for the group. Board Member Crate asked about the security officer training aspect. Executive Director Ray said the individuals interested in that topic were not present to make their case. Geoff Rivera said he would like to address the additional training topic in his recommendations.

6. The meeting was adjourned.

SUB-COMMITTEE MEETING
OFFICE OF THE ATTORNEY GENERAL
PRIVATE INVESTIGATORS LICENSING BOARD
EXAM REVISION, REGULATION CHANGES
JULY 29, 2009

1. Call to order. Investigator Whatley called the roll of members who were present and noted those who were absent:

Richard Morello
Jason Patterson- absent
Geoff Rivera-absent
Richard Ross- absent
Tammy Whatley
Steve Baker
Board Member Crate
Robert Irwin
Colin Murphy
Greg Rentschler-absent

Investigator Whatley asked those wishing to comment to state his name loudly and to speak clearly for the record. All were given copies of the minutes from the previous meeting. There was a consensus to standardize the curriculum, send suggestions to the office to distribute, and then meet today to discuss the possible changes. She appreciated all the comments and the proposed changes the office received. She advised that public comment was welcome during the course of the meeting and again asked that speakers announce their names.

2. Item 2 provided for discussion and comments to change NAC 648.345 – 648.355 with recommendations to be provided to the Board at its next regularly scheduled meeting. Some of the comments received showed interest in standardizing the curriculum and increasing the continuing education requirements. She said she would ask each person to give a brief description of his proposal. Once everyone had the opportunity to speak, the NAC would then be addressed for proposed changes. She asked John from A-Plus Firearms Training to speak about his recommendations. Mr. Glatthar had three main points. He agreed the firearms training course should be standardized. He believed the timeframe of 11 hours was adequate to cover the material. He said increasing the time would diminish the results. Quality should trump quantity. Non-crucial material should be deleted whenever possible. With regards to continuing education, he wanted the PILB to consider developing a symposium. The instructors learn from both the students and other instructors. He did not agree with one proposal of 18-24 hours. He felt one day was adequate. Common knowledge should be shared among the instructors. He said it could be held annually, bi-annually,

or quarterly. His final suggestion was to have a representative from the Attorney General's Office to present case law at a symposium relative to the course curriculum. He personally was uncomfortable to research case law on his own, add it to his curriculum, and then present it like a law professor. He would raise the question whether or not the instructors were adding their own interpretations to the law. The instructors were not lawyers and, therefore, were not in a position to offer legal advice. A verbatim opinion could be provided by the AG's office which could be presented and would prevent misinterpretation.

Rick Morello is a firearms trainer by profession. When he renewed last year for the first time, he was unaware that there was a renewal requirement for continuing training. He had over 100 hours of training. Training was easy to find. His question was where to find a 4-hour instructor-level firearms course. He agreed with John regarding case law. He said instructors should present exactly what the law states. He also agreed that it would be helpful to have an individual from the AG's office to assist with the case law issue. He was not sure average students were particularly interested in case law, but needed to know what the law says and how it affects them and their jobs. As a professional firearms trainer, allowing anyone on the street should be a grave concern. He said the current requirements of 11 hours of training were very inadequate.

Steve Baker spoke about case law. He said the sub-committee should develop which laws and case law items to present in the firearms classes and have a DAG advise them. He addressed the 4-hour instructor training requirement. He did not know of anyone who had found such a course. The courses were usually longer. The PILB was generous in allowing a wide range of instructors. He did not want to dwell on the actual hours at the current time. The focus should be the content. He favored workshops and seminars. He wanted more brainstorming. He had trouble completing the classes in the allotted hours. Many took around 13 hours. There was a retention hours. After 8 hours, the students were having trouble maintaining focus on the material and content. Class needs varied from group to group on the pace and which topics were presented more in depth than others. Some students had received far more firearms training than others. He discussed his outline. He developed it several years ago. He offered rough estimates on the time needed to cover the statutory requirements. The outline addressed skills and weapons. It was an all-inclusive package he offered for discussion.

Investigator Whatley said all attendees should have comments offered by Greg Rentchler, who was absent. The highlights of his comments were to standardize training amongst CFIs and to reduce the time to 8 hours for the firearms safety class. He was somewhat against the certification of a guard not employed by a licensee. Investigator Whatley asked Mr. Baker to clarify. It went along with the new program to start at the first of the year. He was not sure how it would work. He said the Board had the ability to design the card. He said there was an opportunity for more students. It was still a work in progress. If a person was not sponsored by a licensee, he would have to go through the guard test and registration process first, then take the firearms

course. He said the whole process should be tabled until the end of the sub-committee's recommendation process. Investigator Whatley returned to Mr. Rentchler's recommendations. He noted standardization was a key goal. Pre-training assessment should be made for each applicant to determine general intelligence and skills. Instructions should include report writing, communication skills, internal and external ethics, professionalism, POST and patrol basics, company policy and liabilities.

Investigator Whatley asked for Robert Irwin to proceed with his recommendations regarding the NAC. She asked everyone to refer to their handouts. Mr. Irwin started with the statutes and worked backwards. He referred to NAC 648.345(3). The red wording was what he would delete and the green wording he would add. Investigator Whatley told him the colors were not shown on the handouts. Executive Director Ray had lined through the red wording and made the green text lighter with a symbol. Mr. Irwin said NAC 648.345(3)(b) addressed the 4 hours of education. He noted the language read training should be on teaching a course of training, which was difficult to find. He recommended deleting the portion "on teaching training" and insert "training on subjects related to" in the language. He had taught since 1986 and was running out of firearms training courses. On the next page, NAC 648.346(1) he inserted the word "minute" ahead of curriculum to allow instructors to teach more subjects in more detail. As currently worded, the instructor was not free to add anything at his own volition beyond the minimum standard. He had some issues on teaching moral and ethical responsibilities. He did not think the Board should have a position on moral issues with firearms. He wanted to use "legal and civil responsibilities rather than "moral and ethical". Near the end of the statute, he changed the 8 hours to 9 hours minimum total. For NAC 648.347 he wanted to have the instructor cover the subjects without specific totals of time to be spent on each topic. He wanted the instructor to structure the class and not be micro-managed. He discussed NAC 648.348. He talked about the outline, which would become a larger issue. He deleted some of the wording. He said teaching laws about firearms differed from county to county. He said the teaching couldn't be the same state-wide, as laws varied. He said (f) would allow other instructors to teach the same material if otherwise approved by the Board. He had 6 instructors working for him and they trained many guards. The sheer volume did not allow the submission of a new lesson plan for each instructor each time case law changed. The approved outline must be followed by each instructor. He discussed his proposed language for (g), which involved allowing an instructor to assist an instructor, so long as he does not physically instruct the class. It would be very helpful on the range. For NAC 648.355 he added to keep the records for 10 years. He said the training records were valuable to show what was taught to each guard. The records were subpoenaed from time to time when cases arose from alleged wrong-doing on the part of a guard. In each case, his company was not named in the suit because of the existence of the training records. Mr. Irwin said work needed to be done. He said the instructor should not be held to a specific number of minutes per topic. He talked about problems with language barriers in presenting the firearms course.

Mr. Baker addressed NAC 648.347. He talked about the hours shown in the regulation. Board Member Crate said an additional hour was required in overall instruction. Mr. Baker said ambiguity existed in the current regulation. He felt it should be addressed. He talked about time needed to prepare for the range. He commented on NAC 648.348(g) regarding allowing people to assist the instructor during a course. He said he often attended courses that were taught by someone other than the approved instructor, who was not even on the premises.

Investigator Whatley re-visited the 10 hours versus the 11 hours in NAC 648.347. In her sample outline she sends to new people inquiring about applications, she notes that the hour should be used for the written exam. Mr. Baker said that should be added to the language.

Mr. Glatthar asked if anyone had attempted to complete the 11-hour course in one day. Mr. Baker said he had done so frequently. He asked about the student fatigue level. Mr. Baker said it was very high. Board Member Crate asked if there should be a requirement of a ratio of instructors to student on the range. Mr. Irwin said he tried to keep one instructor per two students on the first day of class. He spoke about the hours again. There should be substantial firearms training. There was a cost burden. Training should be kept to a practical point. Guards were not paid a very high salary. Some were not paid while taking the course. There were limits in what the instructors could teach during the course. He cautioned that the group should avoid a 2-day course.

Investigator Whatley asked for the group to provide a consensus on NAC 648.345. She asked for comments on the changes proposed by Mr. Irwin. Mr. Morello commended Mr. Irwin's efforts and agreed with him on his suggestions. Mr. Irwin said Board Member Crate suggested it would be easier to maintain 8 hours of training every 2 years, rather than 4 hours per year for the renewal process. He said as professionals, much more training than that was involved anyway. Mr. Baker commented on Mr. Irwin's suggestion to change the language about teaching a course of training was a big window. He agreed that a 3-year certification for firearm instructors was a good idea, rather than the 1-year requirement.

Investigator Whatley said the group was to make recommendations to present to the Board. They were not necessarily going to vote on any particular item, but would provide a consensus. She clarified that the recommendation was to re-certify every 2 years with 8 hours of continuing education. She asked Board Member Crate if he wanted annual certifications with the 8 hours of continuing education every 2 years or the renewal to occur every 2 years. Board Member Crate said it seemed reasonable that if guard cards were valid for 5 years then it didn't make sense to force the guards to attend a class annually. He said there were arguments for both the 1-year certification and the 2-year certifications. Mr. Irwin asked to make the certification 8 hours, which would change the language in (a) to every other year, and would change (c) to \$100.

Investigator Whatley said all licensees renew annually, but the suggestion would be noted. Board Member Crate reiterated that the committee would provide recommendations to the Board for discussion. The committee would provide the consensus of the instructors. He commented on the instructor qualifications and asked if there was a value in the psychological evaluations of students. He asked if any instructors had ever denied a student the certification, even though that person may have passed the tests, due to a psychological concern. It was determined they all had done that. Mr. Irwin said an instructor can remove anybody from the range at his discretion. He said one student failed a test and maintained that, according to a letter he had been given, he could not be discriminated against because of his mental handicap. The Board abruptly removed the license from that guard company. Mr. Irwin thought common law allowed an instructor to remove a person from a class. Mr. Baker said any verbiage should be very general and not be too specific. Board Member Crate said different standards existed of acceptability and it was the state's responsibility to make that burden clear under administrative code. Pursuing the matter may lead to more problems down the line. Mr. Irwin said currently there were immediate actions the instructors could take. Board Member Crate said whatever the committee decided to offer to the Board, the intent was not to streamline anything, but to provide a safe product for the public. Mr. Baker considered inserting a clause into the NAC that would allow an instructor to dismiss a student from class. Mr. Morello commented on NAC 648.345(b) regarding renewal every 2 years with 8 hours of continuing education. He asked if a requirement of 16 or 24 hours of education, rather than 8 hours, over a 2 year period was reasonable. Mr. Baker said probably not over all. He said there were opportunities available for the continuing education. He said the NRA requirements were 24 per 30. Investigator Whatley pointed out that it was 8 per year, which would still cover the 16 per 2 years. Mr. Baker said someone could take a course once during a 3-year period and the period could be out-of-step with the licensing period. Board Member Crate had no idea what was reasonable or not. He preferred to be cautious. He said 24 hours was not based on anything other than what the NRA said was necessary. Investigator Whatley asked about a majority consensus on this statute. She asked the attendees in Las Vegas for their preference. Colin had no preference. Board Member Crate was comfortable splitting the difference at 12. Mr. Baker had no preference. Mr. Irwin chose 12. Mr. Morello said 12 was acceptable, but would rather see the number raised to 16. Mr. Glatthar was concerned that the bigger NRA schools were often booked months in advance and had very strict admission policies. He would like the PILB to retain the latitude and flexibility in looking at the course. He favored removing the language about teaching a course of training. He said the hours of continuing education implied that the instructors were not learning during the course of the day while teaching. Investigator Whatley clarified that the matter was not confined to NRA courses. She asked if Mr. Glatthar had a number in mind. He was comfortable with 8 hours. Robert Nolan, member of the public, contracted his services out and had no input. Investigator Whatley said 12 hours of continuing education every 2 years was the consensus. Board Member Crate said it was an opportunity to provide input for the instructors. Mr. Nolan said he did not have a feeling on how much continuing education was needed, but did want them to follow the syllabus to the letter each and every time. He revisited the psychological testing

issue discussed earlier. He didn't know that it was good for the state to impose that, but wouldn't shy away from it, either.

Investigator Whatley asked if the group wished to continue the meeting or adjourn for the day. Board Member Crate thought the discussion on the security guard exam and training would not take much time. Investigator Whatley said she and Executive Director Ray had discussed possibly tabling the issue, as nothing was submitted on the topic prior to the meeting.

Investigator Whatley said the major change was renewal to every 2 years with 12 hours of training. Mr. Irwin noted that there had been a recommended fee change to \$100.

Mr. Baker asked if the group in Carson City had his handout from the previous meeting. Investigator Whatley said they did have it. She noted there were two different handouts dated July 5th. Investigator Whatley began to discuss NAC 648.346. She asked if anyone wished to speak on proposed changes. Mr. Baker agreed with Mr. Irwin's recommendation and his first point was Mr. Irwin's second point, regarding the term "moral and ethical". He recommended adding a list to define applicable federal and state laws for NAC 648.346(1)(a)(1) to outline what laws were actually to be discussed. He felt the phrase pertaining to techniques for retaining weapons (a)(4) was inserted inappropriately and should be moved to the appropriate skill section. Investigator Whatley clarified that Mr. Baker recommended to move the phrase "techniques for retaining weapons" to (d)(6) and he concurred. Mr. Baker referred to his point regarding the list of recent court decisions. He sent Tammy a handout about federal and state laws he used in his classes. As changes occurred in case law, he wanted Investigator Whatley to be the point of contact to make sure the instructors were including pertinent information in the classes. Investigator Whatley asked if Mr. Baker's points A) 1-5 should possibly be included in the curriculum portion of the discussion rather than including in the NAC language changes. He said that was correct. Board Member Crate said specific desired changes for the language in the NAC should be given by the committee. Mr. Baker opted to skip Point B in his notes. He spoke of Point C, which was the safe handling of firearms and fine-tuning the language. Point F was concerned with the development of exercises to be utilized during range shooting. He asked for input of acceptable exercises. Board Member Crate asked about recommendations for acceptable minimums for passing scores. He noted one suggestion was a score of 80. Mr. Irwin noted that most students did not use their own firearms. He talked about the methods for testing on the range. He said requiring a higher percentage for passing would be acceptable. Board Member Crate said the course was not overly difficult. He said there were no requirements for firing around barricades, firing from a prone position, and the like. He asked if such requirements should be included. Mr. Irwin said the question was how much time was available to teach the material. Safety was much more heavily emphasized than combat skills. Board Member Crate wanted to ask a licensee what he wanted the instructors to teach the guards. Mr. Nolan said he had taken courses both utilizing various stances and had also taken courses that did not utilize different stances. The

instructor his company used did utilize the various stances because the company wanted their guards to learn them. Board Member Crate was surprised the various stances and positions were not required. Mr. Nolan thought the stances were included as well. He saw they were parts of the course of study, but not the required in the actual range testing. Mr. Morello said the topic went back to the standardization of the curriculum. He also noticed that a recommendation of the class to 14 hours. Mr. Baker said that was his initial recommendation. He said most of his students had their own firearms. He talked about holsters. Investigator Whatley asked Board Member Crate to clarify that he wanted to add more exercises required on the firing range. Board Member Crate said he was referring to the people who teach the material. He asked if exercises should be part of the qualifying course. He felt people should qualify from cover and a kneeling position. That was important to him. Investigator Whatley said as a police officer, she had to re-qualify from standing, kneeling, and prone positions, but not with the use of barricades. Board Member Crate asked if the various stances should be included in qualifying. Investigator Whatley said the industry wanted that training, but she had never actually had to qualify using those stances. Mr. Baker said some guards had to learn the prone firing. Board Member Crate said under (f)(5) referenced exercises for firing. He said the general public had an expectation of what certifying with a weapon means. He said the committee could address these expectations. Investigator Whatley asked what language Board Member Crate would like to add (standing, sitting, kneeling, and prone). He said "barricades". He discussed exercises and that several trips to the range would be needed to score 75 or 80. He wanted the guards to have a proper understanding of the stances. Mr. Irwin said sitting had become obsolete. He said if kneeling and prone positions were to be taught, some sort of physical agility would be needed. Perhaps 10% of the class could not perform the techniques. Some of the guards were older people. Mr. Morello asked if it would be realistic to inform the students that had physical limitations would need to figure out how to solve the problem. Mr. Irwin had seen the problem in law enforcement. A probation officer failed to qualify because she could not kneel and she brought a lawsuit. Mr. Irwin asked if the term security officer could be used rather than guard. Investigator Whatley asked for further comments. Mr. Baker commented on exercises. He discussed drills that could be developed. Investigator Whatley asked if it was reasonable for the committee to look at 346 and provide specific curriculum as discussed. The information would be presented at the next meeting. Ms. Baker agreed with her suggestion. Investigator Whatley asked to include the requests made known today should be included in the actual curriculum for the next meeting. Mr. Nolan noted that security officers appeared at the range without a firearm or holster. He asked what type of firearm was noted on the CFI card. Mr. Irwin said 9mm semi-auto and did not use brand names on the cards. Board Member Crate said there were various models of different types of guns. He said the distinction was between a revolver and a semi-automatic. Mr. Irwin said a revolver was noted as a .38. Mr. Glatthar spoke of exercises for live fire. He had a federal sub-contractor group that uses federal standards that was a fairly rigorous course. He said he could bring that course for the group to consider at the next meeting. Investigator Whatley asked him to send it to her so she could disseminate it. She asked the group to e-mail information to her. She said this would be the time to add time requirements to the

curriculum. Board Member Crate asked about the PILB white cards. Investigator Whatley said the cards were being sent to the office filled out a number of ways. Mr. Glatthar brought suggestions for information to include on a sheet for each CFI. The white card needed to be updated once the curriculum was in place. Mr. Irwin revisited some of the language—adding "minimum" curriculum and deleting "moral and ethical" from the language. He said it seemed to him the group was in agreement with those two changes. Investigator Whatley asked if the group agreed to the changes for NAC 648.346(1) and there was no opposition.

4. Board Member Crate led the discussion to review and consider possible changes to the current security officer exam and to consider possible minimum training requirements for the security industry with recommendations to be provided to the Board at its next regularly scheduled meeting. Investigator Whatley reiterated that Executive Director Ray and she had discussed tabling this item, as there had been no input provided by the committee. Board Member Crate had not received a copy of the minutes or the agenda. All had been posted within the time required. Board Member Crate had about 240 questions that had been supplied to him that needed to be circulated. More questions needed to be collected. He would touch base with Investigator Whatley and Executive Director Ray about the topic. Investigator Whatley asked if others received her e-mail with the agenda and the minutes. Everyone said they received the e-mail. She asked the committee members to submit any questions to Board Member Crate and she provided his e-mail to them.

5. There was no further public comment. Investigator Whatley asked for suggestions for the next meeting. She would coordinate with the Attorney General's Office. The group asked for the week of August 17th, but that was 3 weeks out. She asked if the group was comfortable with the week of August 10th. Mr. Baker asked if the meetings could begin at 1:00 P.M. There were no objections.

6. The meeting was adjourned.

SUB-COMMITTEE MEETING
OFFICE OF THE ATTORNEY GENERAL
PRIVATE INVESTIGATORS LICENSING BOARD
EXAM REVISION, REGULATION CHANGES
AUGUST 13, 2009

1. Call to order. Investigator Whatley opened the meeting. Colin Murphy was absent. She called the roll of members who were present and noted those who were absent:

Richard Morello
Jason Patterson- absent
Geoff Rivera-absent
Richard Ross- absent
Tammy Whatley
Steve Baker
Board Member Crate
Robert Irwin
Colin Murphy-absent
Greg Rentschler-absent

John Glatthar and Earl Costello were also present. Investigator Whatley asked that each participant state his full name when making comments. Public comment (agenda item #3 and #5) was welcome at any time. Investigator Whatley said copies of the minutes from the previous meeting had been distributed for review. She provided copies of the proposed changes to the NAC discussed previously. She had faxed copies of the changes for the attendees in Las Vegas, but the copies had not been delivered to Room 4500 as she had requested.

2. Staff's recommendation was to maintain annual renewals for firearm instructors because the Board operated under an annual budget. Staff also recommended an increase of fees to \$100 per year. The CFI licensure was the only category that had never incurred a fee increase. She thanked those who sent materials during the past two weeks. She had received a couple of outlines and had received one previously from Steve Baker. She also received handouts from John Glatthar and more proposed changes to the NAC. She directed the group's attention to the handout of newly proposed changes. If any item did not need to be addressed today, she recommended tabling those items until a future meeting. She wished to continue discussion today of the outline and curriculum that was agreed upon previously. Rick Morello asked about the staff recommendations. He asked if the 12 hours every 2 years of continuing education previously discussed would still be kept as a recommendation. Investigator Whatley asked for comments. Mr. Baker asked how the continuing education hours would be tracked. Investigator Whatley said if someone did not complete the 12 hours in 2 years, that person would not be able to

renew the third year without proof of training. Board Member Crate attempted to retrieve the documents Investigator Whatley faxed to Las Vegas for the group, but had been unsuccessful. Investigator Whatley said she could resend the documents and asked for the fax number. She left briefly to fax the documents. Upon returning to the meeting, Investigator Whatley said she could provide how many certified firearm instructors were licensed by the PILB at the next meeting. Investigator Whatley addressed the NAC. The first change was NAC 648.345(3) to say "every other year". She noted staff's recommendation to keep the renewals on an annual basis. Mr. Baker said they should follow staff recommendations. Perhaps the system could be revised at a later date. Board Member Crate asked for clarification if it was staff's recommendation to raise the fee to \$100 because of the proposal to renew every other year. Investigator Whatley said staff was going to recommend a fee increase for CFI licensure, but the increase was not related to the previous discussion on the part of the sub-committee. Investigator Whatley said all other categories had experienced fee increases, except for CFI. Mr. Costello asked how the fee increase was justified. Investigator Whatley explained that the renewal process involved a huge amount of work and time on the part of staff. She said she could provide a more detailed answer at the next meeting. Mr. Costello said her explanation was sufficient. The group agreed that the CFI licenses would be renewed yearly, the fee would be \$100, and the continuing education would be 6 hours per year. Mr. Irwin said it would be easier for training to be 12 hours every 2 years. Board Member Crate suggested changing wording in (3)(b) to "at least 12 hours of education from training within the previous 24 months". Mr. Baker agreed with that wording. Mr. Morello's question was also answered. Mr. Glatthar said if a person was approved as a CFI today, by July 2011, that person must submit proof of 12 hours of continuing education in order to renew. Investigator Whatley agreed. She said there would be an issue with the first year. Mr. Morello said the original application for CFIs included a resume with a list of schools and different associations that had already been completed. He asked if the continuing education should be from this point forward, or if the Board would also have to look back two years for the continuing education requirement. Board Member Crate said that everything that qualified a person to be licensed initially would be outside the 24-month period. Mr. Irwin said the issue could become complicated for staff. Investigator Whatley said 2010 would be the only year that may have an issue requiring a person to have more training in one year to meet the requirement, but there would not be an issue in following years. Board Member Crate said it was not unusual to have an adjustment period to allow for "grandfathering" the requirements and LCB could provide the necessary language. Mr. Glatthar again asked if every July 1 the CFI instructors would be required to address the training requirements. He asked if potentially an instructor may state on July 1st that he had not yet met the training requirements. Board Member Crate said that was correct and an instructor could conceivably receive the 12 hours in one year. Mr. Irwin said when a person applied for a license, the training before that could be counted up to 24 months. Board Member Crate said a person must be qualified or else a license would not be granted. Mr. Baker asked if Investigator Whatley currently handled the CFI applications, which she does. Mr. Baker said if a person applied and was approved this month, that person could be asked to provide 9 hours of training. He suggested pro-rating the required

training. Investigator Whatley said that was possible if the group agreed. Mr. Baker wanted to simplify the process. He thought the burden should be placed back on the instructors to show the training requirements were met in 24 months. Investigator Whatley agreed with Board Member Crate's comment that the LCB could provide the proper language to address the first year for requirements.

The group agreed the continuing education would be 12 hours every 24 months with a fee of \$100. Mr. Baker said he felt the \$100 fee was reasonable.

Investigator Whatley then addressed NAC 648.361(1).

The word "minimum" was inserted.

The phrase "moral and ethical" in (1)(a) was deleted.

In (a)(4) techniques for retaining weapons was removed.

In (d) the term "proper" was replaced with "safe".

In (d)(6) the phrase "and technique for retaining weapons" was recommended to be added. Mr. Baker recommended revisiting sitting and prone. Mr. Morello asked why. Mr. Baker said those positions were not common and there were range issues in teaching them, as the instruction was very time consuming. Mr. Morello said he understood the course was basic, but also stressed that the lives of the security guards were on the line. He said the guards he taught often shot from a sitting position. He said the questions of sitting and prone were valid. Mr. Glatthar commented that sitting and prone were possible positions, but not probable in his experience, and were more likely for urban combat. Board Member Crate said he was split between the two arguments for keeping sitting and prone and removing them. He felt more time should be spent training the guards with barricades and the prone position. Mr. Morello said a majority of his own personal training was in law enforcement and the military. He asked if anyone taught the proper safety techniques for vehicle egress. Board Member Crate said that was a minority of the training in his experience. He said there was the need to keep the classes on a more generic level. Mr. Glatthar said he had no problem teaching the various shooting positions, but felt that incorporating too many firing positions would increase the failure rate for the students, which was not the intent of the group. Investigator Whatley stressed that the students were only required to pass a written exam and a qualification. Mr. Glatthar started to comment about the live fire passing score. Investigator Whatley said that was not part of the qualification. Mr. Morello said the positions could be taught using red guns. He felt the students should be exposed with the techniques for shooting from a sitting position. Investigator Whatley asked if the group wanted to eliminate the phrase "live ammunition". Mr. Baker said the group was moving toward the creation of another category and then discussed the issue of physical impairment. He said it would be difficult to document that a position was presented to the class, but some individuals were unable to physically demonstrate those firing positions. They were discussing a grey area between training and not testing on that training. The positions could be supplemental but not required. Investigator Whatley asked Mr. Baker what he wished to remove from the language; he wished to remove "sitting" and "prone". Board Member Crate said the sitting and prone firing could be a separate training item. Mr. Irwin said Mr. Baker's reference to the range issue stemmed from the fact that there were permanent barricades at Mr. Irwin's range which prohibited students from firing from the sitting and prone positions. He said some students had physical limitations

and few drove while on guard duty. He noted that firing from a seated position while in a vehicle was illegal. He said the positions did not relate to security guard work. Board Member Crate noted Investigator Whatley's point that they were discussing curriculum and not qualifications. Mr. Irwin said the discussion could continue indefinitely. An instructor could spend a day and a half teaching just the prone position. He asked how many security guards actually fired from that position. Investigator Whatley did not have access to that information. Investigator Whatley noted that in (f)(5) live fire was being discussed. She advised the group that the language could be left as is and revisited once the curriculum was under discussion. Mr. Baker said the language could be left as written and exercises could be added. Investigator Whatley said the language proposed two weeks before could be left as is and changed at a later date when the curriculum was being finalized. Mr. Baker asked if she meant that the current language should be left alone or the proposed language which had been provided to them for today's meeting. Investigator Whatley said she was referring to the language on today's sheet. Mr. Baker objected and wanted to keep the original language. Mr. Glatthar said optional training could be inserted depending on the instructor's areas of expertise. Mr. Irwin said he did not teach the section they had just discussed with live fire, but used dummy guns. He didn't teach with live fire until further down. Investigator Whatley read the verbiage and said, as she understood it, the training was supposed to take place with live fire. Mr. Irwin said he had been teaching incorrectly if that was the case. Investigator Whatley noted Mr. Baker wished to leave the wording in its original form. She said the new verbiage would be stricken and any changes would possibly be changed later in conjunction with the curriculum changes. Board Member Crate asked if this was the time to discuss qualification. Investigator Whatley said "full size b27 type target" would be added to line (6). Mr. Irwin said the new addition was the target specification. Board Member Crate noted that the difference between legitimately carrying a firearm or not was 30 rounds. Investigator Whatley stressed the important point in (2)(b), which was the 3 hours. She said she would hope that within 3 hours a student would fire more than 30 rounds. Board Member Crate said there was no way to determine that figure. He said the only thing on record was the 30 rounds at 70%. Investigator Whatley said that was correct. Mr. Baker asked Mr. Glatthar to expound on his qualification comment. He said his intent was to show the instructors what not to do. Mr. Baker said he agreed with Board Member Crate. He said the qualification with a course of fire should be approved by the Board, not the instructors. Investigator Whatley said when the curriculum was developed, exercises would be included. Some would be taught with live fire. She said the documentation would change frequently until the group's final approval. Mr. Baker agreed a revision was definitely needed, but the group was unsure of what direction to take at the current time. Investigator Whatley said the revision was a work in progress. Mr. Glatthar said on (6)(b) included the verbiage "on a legal firing range". He asked if the range was a county range. Investigator Whatley said he was looking at another instructor's submission. She showed him the current verbiage. Mr. Irwin said some issues in NAC 648.346 had been skipped by Investigator Whatley. Investigator Whatley said she was going to draw the group's attention to Mr. Irwin's new proposal. She wanted the group to peruse it and if anyone wished to discuss an item today, that would occur. She asked to table the proposal and continue working on the outline and

curriculum. Mr. Irwin's proposal could be revisited at a later time. Investigator Whatley said the group spent 2 hours on proposed changes at the previous meeting. If the group continued to discuss proposed changes, they would never begin to discuss the outline and curriculum, which really needed to be addressed. Investigator Whatley noted that Mr. Irwin had provided another copy of the NAC with many changes included. Mr. Irwin said he did not want to hold up the plan for the meeting. Investigator Whatley said the next attachment was an FYI. She included Mr. Glatthar's material. There was discussion at the previous meeting regarding psychological testing. Executive Director Ray had just received information from New Mexico, which Investigator Whatley included as FYI only. Mr. Baker said he and Board Member Crate discussed the matter prior to the meeting and similar verbiage was included in the CCW in Nevada. Investigator Whatley noted that Mr. Baker's handout had been included in the previous two meetings and she had not provided it today. She also included an outline from both Mr. Morello and Mr. Irwin. She had been unable to compare and contrast the proposals. She wanted to keep similar ideas and discuss the differences. Mr. Baker said the outline he had submitted was based on the existing 648. He suggested that the other two outlines should be discussed. Investigator Whatley asked Mr. Irwin to explain his outline. Mr. Irwin said his outline was self explanatory. He had also included a few comments. He was not focusing on the sequence. Obviously, safety should be stressed. The difference between his facility and Mr. Baker's facility concerned the weather. The sequence of training could be changed due to weather concerns for outdoor ranges. He discussed the lecture, video, and safety issues that were taught. There was a bit more retention on the part of the students with the use of a video. The second page addressed marksmanship training with red guns or empty guns brought by the students themselves. Various grips and close-quarter techniques were introduced and demonstrated, as well as additional shooting positions. Re-loading techniques were also taught. The students practiced with dummy cartridges and then were taught what to expect on the range. He explained the actual live firing done on the range. He did not have his students draw on the range due to the barricades. The students performed a practice qualification. After one-on-one instruction, the students fired the actual course. In the classroom, officer safety was taught. Legal use of force was also taught. The students were taught when to use options, such as pepper spray and tasers, rather than their firearms. Students had told him that the instructors spent three hours showing them how to properly fire a gun and seven hours telling them not to use the firearm. He also taught the regulations regarding who could carry and who could not legally carry a firearm. He avoided telling the students about the individual Nevada county requirements, as they varied throughout the state. Mr. Irwin said he found it very useful to go over each test with the student and explain the correct answer to any missed questions. The students knew which questions they answered incorrectly and why those answers were incorrect. He said that method had worked well for him for many years. Instructors would naturally develop similar formats over time, even though they had varied backgrounds. Investigator Whatley asked about the video Mr. Irwin showed in his classes and if he showed more than one. Mr. Irwin said he had begun to show a second video. His instructors had grown tired of watching the "Deadly Force" video repeatedly that had been used for quite some time; it was

actually out of step with current case law. He chose to eliminate it from the program. Investigator Whatley asked for the length of the NRA video and Mr. Irwin said it was 12 minutes. Investigator Whatley said she was confused with the sequence of training. Mr. Irwin clarified that in #3, there was no shooting until the practice and qualification.

Mr. Morello discussed his outline. He had tweaked it a bit. He had hoped that legal advice would be provided by the Attorney General's office. Investigator Whatley explained that several instructors had asked for legal advice from a deputy attorney general (DAG) regarding case law. The DAG was specific to the PILB, who had to pay each billable hour to the Office of the Attorney General (AGO) for that DAG. The AGO was not allowed to offer legal advice to third parties, which included the firearm instructors. The DAG was solely available to advise the Board. Once the group finalized the curriculum, LCB or the DAG should review the document for possible legal errors. Mr. Morello asked if it was possible for the Board to advise the group of recent cases without actually offering an opinion. Investigator Whatley deferred to Board Member Crate. He said some of the outlines made reference to federal law and court decisions. Board Member Crate said the AGO would not give guidance to the instructors. The group could put in everything they might possibly want to include in the curriculum and verbiage, knowing that the DAG would review it at some point. He said the Board should be certain to impress the state's best interests. He wasn't sure if the AG's office would provide updates on how to tweak the curriculum. He said it was more likely to encounter case histories during the process. The Board could amend the course if the DAG recommended it. Mr. Irwin said there was a publication called "Security Law Newsletter". It was published every 60 days and provided about 15 cases related to security work. Few of them involved firearm issues. It was quite expensive. He said the problem with case law was that very few involved Nevada. He noted that some of the laws did not apply to Nevada. Board Member Crate asked when the instructors were actually over-teaching. He said 98% of the security officers carried firearms for defensive reasons. He noted that the firearm should be used for a very short duration and not a sustained amount of time. He was not sure a 40-hour class was necessary. He noted a weapon was a deterrent. Mr. Irwin discussed an incident involving an on-duty Brinks driver who helped a woman who was being beaten; Brinks ultimately fired him. Mr. Morello said many guards would stand post at a jewelry store. Some may work as armed guards. He said all these employees took the same class and should have adequate exposure as to what they may encounter on the job. Board Member Crate said that was the point he was attempting to make. The reasonable expectation of why a guard was carrying a weapon should apply to all security guards. The common denominator was the employee who was most likely to appropriately use a weapon in the course of his job. Mr. Morello proceeded to go over his outline. He agreed with Mr. Irwin that the outlines would most likely be similar. The first topic he covered in his course was state, federal, and local laws. He then taught civil liability, consequences of risk, elements of self-defense, and the use of weapons in self-defense. He also taught basic safety rules and transporting. He addressed proper holster, magazine pouches, and shooting in low light. He said, in Mr. Irwin's case, that there were definite advantages to the use of an indoor range. There were also advantages to outdoor ranges, which was what he usually used. Mr. Morello also

taught loading and unloading techniques. He also went over trigger diagnostics, as well as grip and stance. He also taught various shooting positions. He did not bring a course of fire for the range, but he typically spent a minimum of 4 hours on it, and often as many as 6 hours. He also taught his students about the use of vehicles. He would like to see his outline adopted, just as Mr. Irwin had said he wanted his own outline adopted. Investigator Whatley said she did not believe any one person's outline or curriculum would be adopted line for line. The best parts of each submission would be gathered. She asked the group to develop an outline; she recommended that the group not develop time requirements initially. She suggested that the group should decide what needed to be taught and in what sequence before the time requirements were formulated. Mr. Irwin agreed. Mr. Morello said most outlines contained what was stated in the NAC. Investigator Whatley said the development of the outline and curriculum would be fluid and the NAC may need to be changed as the group moved forward with the outline and curriculum. It could also remain the same. She explained that Mr. Irwin had also included additional changes to the NAC in his submission. The group had spent 2 hours going over the NAC two weeks ago and everyone was comfortable with the discussion at the time. Board Member Crate said that the actual outline could be reconciled at a later date. His concern with a state-required curriculum outline was when reference was made to state and local laws and civil liabilities. He said it should be clear what laws were being discussed. Investigator Whatley said the local laws were the most diverse. On the legislative website, a link was provided to every city and county ordinance. Each instructor should download the applicable laws to his specific area. Board Member Crate said the curriculum should reference that link to local laws and ordinances that were applicable the day the class was taught. That put the burden on the instructor to periodically check that site. Mr. Irwin said the wording should be for applicable local laws. He said he had referenced a copy of the blue book in the information sent to Investigator Whatley. Board Member Crate said his point with regard to the outline was that it should make clear those issues beyond civil liabilities that were to be specifically addressed. Investigator Whatley asked the group to submit various case laws they felt were pertinent. Board Member Crate said he wanted the various instructors to all reference the same thing when discussing civil liability issues. Mr. Irwin said it should be made clear that anyone could be sued for any reason.

Mr. Glatthar noted that in Mr. Morello's outline included "discussion of", which he liked. It implied some latitude on the part of the instructor to paraphrase some of the lengthy, dry case laws. He asked if it was acceptable for the instructors to paraphrase, or if the case law documents would need to be read verbatim. Investigator Whatley said the case could be given in a nutshell. Mr. Morello said he did not pretend to be a lawyer and was all for streamlining the case law discussion. With regards to civil liability, a person could have acted heroically in a situation, but still be sued for wrongful death. Mr. Irwin said he did explain some case laws, but not exceptions. He said the nuances were far beyond what needed to be taught in the class. Board Member Crate said a student would remember the exceptions more than anything else. Mr. Irwin agreed. Board Member Crate said that Mr. Morello allowed for 2 hours to present and discuss state, federal, and local laws, as well as civil liability. Board Member Crate said significant case law should be a common presentation on the part of the instructors.

Each class was different with different students. He said the minimum amount of information the instructor wanted each student to learn should be spelled out in the outline. Mr. Irwin said the explanation of reasonable force could take quite a while to present. He said students all had comments to make from personal experience at this point in the training. Mr. Morello agreed with Mr. Irwin. Investigator Whatley asked the group to submit any case law they felt was pertinent in advance for discussion at the next meeting. She would provide the website for local laws to the group. Investigator Whatley said the exercises also needed to be addressed as far as actual firearm training. She asked each instructor to provide any exercises they use that they felt would be beneficial for other instructors to use as well. Board Member Crate said a bulk of the training was in the classroom as opposed to on the range. He asked if there should be a restriction on what types of weapons the state should authorize a security officer to carry. Mr. Irwin advised against the suggestion. He said weapons varied from company to company. The companies regulated themselves and had their own rules. Board Member Crate said the point of his question was to ask for expert opinion if an instructor would allow a .22 revolver to be used by a student in the training class. Mr. Irwin said each instructor had the right to refuse a particular firearm. He noted that people came for CCW permits for all types of guns. He recommended that the burden of choice of weapons should be placed on the companies and not the instructors in the statutes. Board Member Crate again asked if the instructors wanted a range of calibers and weapon types to be included in the course outline. Mr. Morello asked about Mr. Irwin's comment that he had encountered students who chose the .22 because they were actually afraid of their weapons. Mr. Irwin said he only recalled one security guard for which that was true, but it happened quite often with CCW permits. Mr. Morello suggested that a range of calibers could be recommended. Investigator Whatley said the issue may need to be addressed with licensees and not with the certified firearm instructors. Board Member Crate said the CFIs had a unique opportunity to establish a window of reasonable calibers of weapons that personnel should carry. Board Member Crate said the caliber issue probably was more a NAC issue and not a curriculum/outline issue. Mr. Irwin said each member of the group could provide a list of acceptable calibers and weapon types; the lists would likely be very similar. Investigator Whatley said that was an excellent idea. Investigator Whatley said the agenda for the next meeting would include laws, civil liability issues, exercises, and pieces of curriculum. She had scheduled two more meetings. One was Tuesday, August 25, 2009 at 1:00 PM. The other meeting was Tuesday, September 1, 2009 at 1:00 PM, which would be the final meeting before the next regularly scheduled Board meeting. Investigator Whatley said she would send her customary e-mails. She asked if there were any final comments. Mr. Baker said he had sent Investigator Whatley a large document previously that had not been discussed. He would resend it to Investigator Whatley for dissemination.

4. Board Member Crate discussed the security officer exam. He said there was little to report. He planned to discuss the matter with Executive Director Ray to send solicitation for input from private patrol licensees. He had 125-150 questions. He said there were issues with those questions with the presumption that training had already been conducted. He said if the exam became a state requirement for a work card,

then more training on statutes would likely need to take place than was currently required. He wanted to raise the bar with the exam. He wanted to receive more input and didn't want the recommendations to come only from him and Mr. Cronfeld. Investigator Whatley said Robert Nolan informed her he also intended to provide input. Board Member Crate said he needed to receive more input from the larger companies. He said Las Vegas Metropolitan Police Department only required a clean background in order to issue a work card. He also noted there would be changes once the state took over the work card issue January 1, 2010. He said anyone could apply for a work card under the new system. Under the current system, a licensee must provide a referral for a person to apply for a work card.

6. Investigator Whatley said the more material the group provided, the more productive the meetings. She adjourned the meeting.

SUB-COMMITTEE MEETING
OFFICE OF THE ATTORNEY GENERAL
PRIVATE INVESTIGATORS LICENSING BOARD
EXAM REVISION, REGULATION CHANGES
AUGUST 25, 2009

1. Call to order. Investigator Whatley opened the meeting. She was the staff representative in the north and Colin Murphy represented staff in the south. She called the roll of members who were present and noted those who were absent:

Richard Morello-absent
Geoff Rivera-absent
Tammy Whatley
Steve Baker
Board Member Crate-absent
Robert Irwin
Colin Murphy
Greg Rentchler-absent

Mr. Morello had informed Investigator Whatley that he would probably be absent today. Earl Costello was present in Las Vegas. Investigator Whatley asked that each participant state his full name when making comments. Public comment (agenda item #3 and #5) was welcome at any time. Investigator Whatley said copies of the minutes from the previous meeting were unavailable due to unforeseen circumstances. She provided copies of an instructional goal/performance objective and a partial curriculum. She was unable to completely finish the curriculum. It provided a starting point for the group to read, discuss, and make changes. It was a compilation of all the information the various members had submitted to Investigator Whatley. She had included part of the curriculum from the firearm instructors. Mr. Baker commented on the attendance of some of the sub-committee members. Several people had only attended the first meeting and none since then. He asked about their status and if they would need to be brought up to speed at later meetings. Investigator Whatley said there was only one more scheduled sub-committee meeting. She omitted two names during roll call because those individuals had not attended any meetings; she had deleted them as members. The other names she called had attended at least one meeting. She again stated that the September 1, 2009 meeting would be the final meeting of the sub-committee prior to the September 16, 2009 Board meeting. Mr. Baker anticipated that the Board would request continuing sub-committee meetings at their next regularly scheduled meeting. Investigator Whatley said the Board may request that the sub-committee continue to meet.

2. Investigator Whatley instructed the group to look at the instructional goal and make any comments deemed necessary. Mr. Baker liked the document. Mr. Costello agreed. The group agreed to keep the instructional goal. She then turned to performance objectives. She looked at various performance objectives used by the various instructors and included points from the NAC as well. The items could be removed, added, or changed. Mr. Baker commented on the 4th point. He suggested the phrase "properties" should be used instead of "data". The group agreed. Mr. Baker asked if the instructor demonstrated the objectives, or if the student would do so. Investigator Whatley said the performance objectives were basically what skills and techniques the student should be able to perform after taking the instructor's course. Mr. Baker said the instructors did have an opportunity to observe safe handling of firearms on the part of the students as they brought their weapons from the range to the classroom. Mr. Irwin noted that some students were physically incapable of kneeling. He suggested using the term "identify" in the objectives, rather than "demonstrate". Investigator Whatley asked if the group wanted to remove "demonstrate" throughout the objectives and use "identify" in its place. Mr. Irwin suggested "demonstrate knowledge of" in the verbiage. The student could demonstrate knowledge of the skills on the test or by actually showing the skills with a firearm. The instructor could use his judgment as to the physical capabilities of each student. Investigator Whatley asked about the wording in the portion of the objectives referring to kneeling and correct positions for shooting in various stances. Mr. Irwin again recommended "demonstrate knowledge of" to be used in the section. Mr. Irwin commented on Item 4. He suggested "demonstrate knowledge of" safe handling, etc. Mr. Irwin said the rest of the objectives were fine which stated the students needed to actually demonstrate the skills.

Investigator Whatley said the outline was actually the NAC in outline format. She did her best to incorporate the agreed-upon changes from previous meetings. Mr. Baker said it looked good so far to him. Mr. Irwin agreed with Mr. Baker. Investigator Whatley apologized the outline was not sent to the group in advance of the meeting. Mr. Baker said he appreciated Investigator Whatley's hard work. Investigator Whatley said there were definite format issues with the curriculum, but she had focussed mainly on content.

Investigator Whatley said the curriculum started with the legal and civil responsibilities. She took bits and pieces of everyone's curriculum. If anyone saw a federal law that was not listed, it could be added. Any laws the group did not want to include could be deleted. Mr. Baker said he usually added a quick snippet regarding the Second Amendment in his course in an attempt to prevent students from arguing over that amendment at length during class time. Investigator Whatley asked if he could provide terminology for her to disseminate at the next meeting. Mr. Baker read the amendment to the class. His teaching point was that citizens were allowed to own firearms under the amendment and class time did not permit endless discussion on the topic. He said he would provide teaching points at a later time. Mr. Irwin said it was fine to add the information, but was not sure it was necessary to discuss during security officer training. Mr. Costello said it was good to include in class. Mr. Irwin said it did generate the possibility of quite a bit of discussion. Mr. Baker suggested that students should be taught that conviction for any type of domestic violence meant a person could never carry a firearm. Mr. Irwin said it

was fine to mention that law. Investigator Whatley asked if Mr. Baker could provide that language; he said he would send it to her.

Mr. Irwin said the intent was not to micromanage what the instructor should say in class.

Mr. Irwin said it would be good to remind the students of statutory requirements.

Investigator Whatley said to remember that the instructors could add more class time to a topic as they saw fit beyond the minimum required. Investigator Whatley asked if the group wanted to cover anything else under federal laws. Mr. Irwin said he included general information during that section, but the discussion could take place elsewhere during the class. Mr. Baker said they could move on to the next topic.

Investigator Whatley directed attention to state laws. Mr. Baker said 171.104-199.430 should be addressed at the initial security officer training. He said the information was foundational training each student should possess prior to attending the CFI course. Investigator Whatley asked if it was industry standard that guards should know these laws before the class. Mr. Baker said it was a part of the registration process. He had conducted surveys at the beginning of the class and learned most students were unaware of the laws, even though they had taken the security guard exam. Mr. Irwin said the page should not be part of the gun class. He said it was off topic what should be taught. Investigator Murphy asked if there was a way to refer the students to their employers when these topics arose. Mr. Irwin mentioned company policy and the guards should be directed to ask the licensees for whom they worked. Mr. Baker said the officers were not being provided the foundation initially for the duties they were expected to perform. Every security officer should know these laws. Investigator Whatley asked if the first page of laws should be addressed in the training for the security guard exam and not in the firearms course. The group agreed. Investigator Whatley moved on to the second page. Mr. Baker agreed with the term "murder", but the term "malice" was off track. He said it was beyond the scope of the class. Mr. Irwin agreed and said 020, 080, and 090 needed to be removed. The rest of the items were to be included. Investigator Whatley noted the group wished to keep "murder" and "manslaughter" and nothing else on the page. They moved to the next page.

Mr. Irwin said the first three items were fine. Mr. Baker said assault and battery should be discussed, perhaps by providing a definition, rather than the full statute. Mr. Irwin said nothing specifically addressed security officers. Mr. Baker said those items should also be included in the initial guard class. They wished to remove battery which constituted domestic violence, as that should be determined by a peace officer, and was not in the scope of a firearms class. The company should have a policy for how to handle battery. Investigator Whatley said the guards should know what constitutes domestic violence to prevent them from losing their jobs and being unable to carry weapons. Investigator Whatley asked if the section should be stricken entirely or moved to the guard class for presentation. Mr. Baker and Mr. Irwin asked that it should be discussed in the guard class. Mr. Baker asked to keep 202.257 and 202.265; 202.277 was discussed for possible deletion. Investigator Whatley explained that a person should know that a firearm with an obliterated serial number should not be carried. Mr. Irwin said it could be kept for now and Mr. Baker agreed. Mr. Baker asked to keep 280, 285 and 287. Investigator Whatley asked Mr. Irwin to interject if he had different ideas on what to keep or delete. Mr. Irwin said he was nodding. Mr. Baker moved on to keep 290 and 300. Mr. Irwin said the language with

regards to sentencing could be eliminated for the classroom outline, as that was at the discretion of a judge. Mr. Baker taught his class specific examples of what would happen in Clark County if a minor was able to access the guard's gun and was injured. Mr. Baker said he liked to show the students the actual laws, rather than Mr. Baker's interpretation of the statutes. Mr. Baker then discussed 202.310, the sale of firearms to minors. Mr. Irwin said he touched on that subject, and it should be kept. Mr. Irwin also asked to keep 202.320. He said 202.350 needed to be cleaned up quite a bit.

Mr. Baker asked if 202.360 had already been covered under federal law. Investigator Whatley said that was correct. Mr. Irwin said it should be kept, but the sentencing language should be eliminated. Mr. Baker said 202.362 should remain, and Mr. Irwin agreed. Mr. Baker said 36.53 should be kept. He felt that 202.36.57 should be removed, as it had no bearing for security officers. Mr. Irwin said the guards needed to take two classes in order to carry concealed firearms on duty. Mr. Baker said different laws were taught in the two classes. Mr. Irwin said he briefly addressed 503.165 in his class. Mr. Baker said to keep it.

The NRS 648 statutes and NAC 648 regulations were then addressed. Mr. Baker said the duties and the powers were defined and needed to be kept. Investigator Murphy noted the upcoming changes in the registration process. Mr. Baker said NRS 648.063 should be reinforced as often as possible. Investigator Whatley said there had been issues that security guards thought they could work on their own, independent of a licensee. Mr. Baker said he taught the guards at this point that they could be fined for not having a current certification card in their possession. He said NRS 648.203 should be stricken, as it was covered in 648.060. He wanted to keep 648.165. Mr. Baker said 648.210 had already been addressed as well to be presented in a different class. Investigator Whatley said NAC 648.345 could be edited. Mr. Baker discussed NAC 648.350 and the curriculum and time required to present the information. Investigator Whatley read from NAC 648.345(1). She recommended including that portion and not the rest of the regulation. Mr. Baker agreed. She then said NAC 648.345(1)(b) should also be included. Mr. Baker referenced peace officer exemptions. Mr. Irwin said that was a Board issue. Investigator Murphy said the wording in the statute was confusing in terms of the difference between an instructor and a person taking a firearms class.

Mr. Baker said the regulation involved certification of instructors. Investigator Whatley said the word "or" would clarify the wording. He agreed to keep 648.350 also. Investigator Whatley discussed the website that provided links to county and city codes. If one was not shown, the website would add a link to it. She said the website could be provided and the instructor would teach the applicable codes needed by the students in the class. Mr. Baker said a document of known common codes and laws could be compiled by the instructors for their use in the classes. He agreed with Investigator Whatley's recommendation to provide the website. Mr. Irwin noted that some codes were very out of date.

Investigator Whatley addressed civil liability. Mr. Baker said a simple overview was needed. Mr. Irwin said instructors should stress to students that survivors could sue. He said more detail was included than necessary, but was acceptable. Investigator Whatley asked if anything needed to be deleted. Mr. Irwin again discussed lawsuits and

being sued. Mr. Baker said information could be provided in class explaining more common points from lawsuits and the list was not all-inclusive. He said the guards should be informed that they may be subject to civil prosecution, even though they may feel they are in the right. Mr. Irwin said civil liability meant that anyone could be sued by another person for any reason. Investigator Whatley asked if all were in agreement that criminal liability was covered by laws, regulations, and ordinances. The group agreed. Mr. Irwin again stated that anyone affected by a wrongful death could sue in civil court. He did not think it was necessary to provide a long list, as it would be easy to miss a point. Investigator Whatley read this statement: "A wrongful death-a death that is caused by the negligence or misconduct of an individual or company. Anyone affected by wrongful death can sue you in civil court." Investigator Whatley then discussed consequences and risks of using firearms and deadly force. Mr. Irwin said it encompassed both criminal and civil liability and recommended a fourth line stating that an individual could be sued in civil court and may be charged criminally. It was noted that the phrase "arrested" was also used. Mr. Irwin said that was fine and said to disregard his comment.

Investigator Whatley turned to elements of self defense and the use of force. Mr. Baker said other definitions may be needed for non-deadly force. He said some actions could cause death that would often be considered non-lethal. Mr. Irwin said the term less lethal was now commonly used, rather than non-deadly. Mr. Baker said a couple of definitions would be provided to Investigator Whatley. Mr. Irwin said the definition for ability was fine. He said the definition given for opportunity actually was the definition for ability. Investigator Whatley thanked him for noticing that. The word "actual" needed to be added and a typographical error corrected. Mr. Irwin addressed jeopardy/imminent jeopardy. Investigator Whatley said she was trained and the curriculums she perused showed elements of non-deadly force. The deadly force verbiage included imminent jeopardy. Investigator Whatley said the wording could be changed.

Mr. Baker asked for Mr. Irwin's opinion on using two separate justifications to refine deadly and non-deadly, but use the definition of ability, opportunity, imminent jeopardy, and preclusion. He felt tighter definitions were needed. Investigator Whatley noted that was what Mr. Irwin taught as well. Mr. Irwin again discussed lethal force and less lethal force. Mr. Baker suggested adding the 6-level course continuum at this point. She said chemical weapons were not included. The group agreed to the changes as discussed.

Investigator Whatley talked about court decisions. She had provided two separate court cases for the group. Mr. Baker said other cases had special circumstances relating to the gaming industry. He would review and report to Investigator Whatley on those cases. The group had no problems with the two court cases she had provided. Investigator Whatley found in a curriculum the diagrams of revolver and nomenclature that she had included. Mr. Costello recommended removing a list of data. Investigator Whatley said she preferred another handout for ballistic properties other than the one provided, but could not find it to include in today's documentation. Mr. Baker had no issues with ammunition and maintenance. The group agreed to add the table of ballistic properties. Investigator Whatley had very good information for this particular item, but couldn't include it for

copyright reasons. Bob Irwin noted that his material was also copyright protected. Investigator Whatley said she copied the revolver document from a single sheet of paper in Bob's file and didn't realize it originated from a book that was copyright protected. The group discussed inspection, care, maintenance and the like for firearms. No changes were recommended for ammunition. Mr. Irwin routinely had a problem with the safety rules for loaded guns. He said a weapon should be treated as loaded until it was checked and found to be unloaded. He felt a more useful rule to tell the guard what to do with a firearm, rather than a generic rule to treat all guns as loaded. Mr. Baker agreed with Mr. Irwin's point, but noted the topic was safe gun handling. Investigator Whatley said she initially had included classroom rules in the outline, but had removed them until the subject could be discussed by the subcommittee. The safe gun handling would be a part of the classroom rules, along with expected behavior during the class. She recommended a separate sheet of classroom rules would be the first item addressed in class after introductions. Mr. Baker said it was a very good idea and could possibly be addressed at the next meeting. He said rules for off-duty officers should also be included. Investigator Whatley said the maintenance, care, and cleaning of firearms had not fully been discussed. Mr. Irwin said the line regarding weapons could be left under that section. He read the particular firearm safety rules that guards should always obey. He felt the safety issue should be taught in another place. Investigator Whatley stated that classroom rules and safety rules should be addressed at the very beginning of class. Even though the instructors checked weapons at the door, the safety aspects should be reinforced throughout the day. Mr. Irwin said the weapons should be checked again before class begins, rather than at the door. Ammunition should be removed from all students prior to the beginning of class. Investigator Whatley apologized for not including the classroom rules she had formulated in today's paperwork.

The next item was the procedures regarding firearms while off duty. Mr. Baker said that was where the group had gotten ahead of itself. He asked to move the first four points into the classroom rules Investigator Whatley recommended. He said guards should abide by all safety rules while off duty. Mr. Irwin said the points were redundant. The group then addressed safe transportation of a firearm. Mr. Baker had an issue with the second sentence regarding transporting a firearm and that laws and ordinances should be obeyed. He read that firearms should be transported in a case. He said "on your person" should be deleted. He said "in accordance with the law, regulations, and ordinances of that jurisdiction" should be included. Mr. Irwin said that it was actually illegal in some instances to carry a firearm in a holster without a permit. Investigator Whatley was aware of that. Mr. Irwin said the wording for the appropriate methods of carrying firearms safely was fine. Mr. Irwin said three sentences under the section about operating a handgun beginning with the word "always" were the ones he felt should be addressed in another section, but they should be kept in the current section for emphasis. Mr. Irwin said he would possibly change the third statement down to "always keep firearms unloaded unless necessary to be loaded" to make it less open ended. Investigator Whatley asked about the other points. Mr. Irwin recommended adding "one-handed and two-handed grips". Investigator Whatley asked if grip should be discussed in another place. She asked if they wanted to discuss grip in two separate

sections. She thought she had added that language later in the curriculum but could not find it.

They discussed reloading. Mr. Baker had issues with the way the section was written. Investigator Whatley asked Mr. Baker to hold his comments for a moment. She asked if the group was satisfied with the general differences among handguns. As there were no further comments or changes, she asked Mr. Baker to proceed with his comments on reloading. He taught students about reloading with a loaded weapon. He said the definition was basically how to load a gun. He said it made no sense. He said there were general preferences and differences. He discussed various reloads. The group decided to add a paragraph to the section about reloading. Mr. Baker talked about the ammunition source. Mr. Baker recommended to keep the headings and the members could provide written documentation for the section at the next meeting. The section referenced for revision was "The Proper Procedures and Devices for Loading, Unloading, and Reloading a Firearm" from the beginning through Fundamentals of Marksmanship.

Investigator Whatley moved to the next section, which involved fundamentals of shooting. She expected much discussion on this section. Mr. Irwin said the instructors would teach what was shown in the outline, but would also address real life situations. Mr. Baker discussed stances and techniques. He said there may be slight variations taught by each instructor. Mr. Irwin noted that modifications needed to be made for individual needs, such as short fingers. Investigator Whatley asked about the visual aids. Mr. Baker said he did prefer visual aids, but was unsure if he would use the ones provided for today's meeting. Mr. Irwin said each instructor could provide his own visual aids. Investigator Whatley asked about the verbiage. Mr. Irwin said the wording was fine. Mr. Baker said the sentence he wished to add was that there were variations based on varying individual physical characteristics. Mr. Irwin discussed holstering briefly. Mr. Irwin said the section was fine for basic shooting. They discussed breathing. Investigator Whatley asked about keeping or deleting the visual aids for breathing. It was decided to keep them.

Procedures for drawing and holstering were discussed. Mr. Baker said he liked the heading, but not the sub-headings. He said the group could provide different wording at the next meeting. Mr. Irwin said it was fine as shown. Mr. Baker agreed to leave the wording. If he decided to suggest changes, he would draft them for the next meeting. Mr. Irwin briefly discussed the language in A, "can be rotated to the target". Mr. Baker agreed. She asked if there was a change for reholstering. Mr. Irwin recommended the word "scan" after "retract". He said he wanted the guard to stop and survey the situation before reholstering his firearm. Mr. Baker had no issues with the wording regarding retention. He said trapping was acceptable, but to remove trap and strike, as that was more suited for a defensive tactics class.

Mr. Irwin recommended placing the hand over the weapon to prevent its being removed from the holster. Investigator Whatley said "mitigation" would be deleted.

Mr. Irwin said another technique was to twist the hips to rotate the gun and holster away from the aggressor.

Comment [p1]: TAMMY---Mr. Irwin was hard to understand here and I do not know specifically what he was saying about this item.

Correct positions for shooting while standing, kneeling, sitting, or prone were discussed. Mr. Irwin said the standing verbiage was fine. Kneeling was discussed. Mr. Baker recommended wording for the kneeling position. Mr. Irwin asked to eliminate "body is square to the target". He said "arms should be extended in front of them" was acceptable. He asked to eliminate "and bent slightly at the elbow" and "body is square to the target". The phrase "the shooter's arm is braced against the high knee" was to be kept. They addressed the sitting position. Mr. Irwin asked to insert "or heels" after "on their buttocks". "Arms extended in front of them" was correct. He asked to eliminate "and bent slightly at the elbow" and "body is square to the target", and to keep "arms can be braced against the knees for support" was fine. Mr. Baker recommended keeping the wording "shooter is on their belly, arms extended in front of them" and striking "the feet are separated".

Investigator Whatley directed the group's attention to the final section. Mr. Irwin said in the first paragraph, the second sentence was redundant. The definition of "concealment" was fine. Mr. Irwin said under concealment that a third sentence should be added stating, "Officers are encouraged to use cover whenever possible".

Investigator Whatley said she needed the group to submit exercises to her as soon as possible. The next meeting was only a week away. She said there was not a large amount of information remaining to be covered, but what was left was very important. She needed time to disseminate the information so the group would have adequate time to read it. She said she would accept submission on Friday, but preferred Thursday. Mr. Irwin asked about Board Member Crate's suggestion at the previous meeting to provide a list of calibers that were acceptable to the state. He thought it would not be possible to provide such a list. Too many variables were left to the companies.

Investigator Whatley said there were 37 certified firearm instructors and she had 3 more applications in the office to be processed.

4. The final agenda topic regarding the security guard exam was tabled.

The next meeting was scheduled for September 1, 2009 at 1:00 PM. Mr. Irwin asked about those people who had poor attendance for the meetings and encouraging them to attend the next meeting. Investigator Whatley explained that one member had attended two meetings and missed two meetings. One person only attended one meeting. Mr. Morello and Mr. Glatthar had only missed today's meeting.

6. Investigator Whatley adjourned the meeting.

SUB-COMMITTEE MEETING
OFFICE OF THE ATTORNEY GENERAL
PRIVATE INVESTIGATORS LICENSING BOARD
EXAM REVISION, REGULATION CHANGES
SEPTEMBER 1, 2009

Investigator Whatley opened the meeting. She was the staff representative in the north and Colin Murphy was the representative in the south. She called the roll of members who were present and noted those who were absent:

Richard Morello
Geoff Rivera-absent
Tammy Whatley
Steve Baker
Board Member Crate-absent
Robert Irwin
Colin Murphy

Investigator Whatley said Mr. Costello had informed her of his absence at today's meeting. No one was present in Las Vegas to represent the public. She reminded the group to state his name when commenting. She also advised public comment could occur any time throughout the meeting should anyone arrive late to the meeting. No current minutes were available from the previous meeting. Agendas, proposed NAC changes, introduction/safety briefing, instructional goals, performance objectives, curriculum outline, and suggested range training and qualification tests, and a last-minute hand-out from A-Plus Firearms Training from John Glatthar had been provided to attendees at both locations.

Investigator Whatley said the group had discussed the NAC at length. She noted that NAC 648.346(2) and NAC 648.347 needed to be discussed more fully later in the meeting. She then turned to the materials that had been provided. Mr. Morello asked for clarification as to which NAC Investigator Whatley wanted them to discuss. She stated it was Subsection 2. He said he understood. She explained the regulations that still needed to be discussed involved the courses and time requirements per subject. She turned the attention to the two hand-outs. She referred to Mr. Morello's hand-out regarding security officer qualification tasks and proposed range training. Mr. Morello apologized for his brevity. He said he felt the times were achievable and asked if there were any questions. He included the vehicles and various shooting positions, as he was able to accommodate them. He was aware Mr. Irwin had an indoor range and could not accommodate some of the positions. He quickly reviewed his presentation. He stressed the importance of removing the weapon from the holster. He felt vehicle egress was important as well, since most guards drove while on duty. There were far more private patrols in southern Nevada than in the north. He left various shooting drills from the holster as time permitted at the

discretion of the instructor. He always stressed to his students that they needed to remain confident with their skills and needed to find training to maintain those skills. He had not included that in his hand-out. Mr. Baker commented that Mr. Morello referred to "meters", but the NAC used the term "yards". Mr. Morello was accustomed to military terminology. Mr. Baker addressed head shots. He said that might lead to problems. Mr. Morello agreed. If a person could perform a head-shot in the head box under time pressure, then that person could likely perform the shots in the thoracic cavity as well. He said that should have been discussed earlier in the 8-hour class. He agreed with Mr. Baker that the topic may not be advisable. Mr. Baker agreed with Mr. Morello's comments on holsters. With regard to the vehicle issue, Mr. Baker again felt it was outside the scope of what the instructors needed to teach in the course for a basic program. Most students did not possess the skills on the first day of class. Mr. Morello asked if the classes in the south were much larger than those in the north. Mr. Baker said he limited his class size to 12. Mr. Irwin said his classes were between 20-25 students. Some classes were larger and some were smaller. Mr. Morello said a big class for him was 6 students. Mr. Baker said 75% of his students had never fired a gun before and had no real experience. Mr. Morello agreed with Mr. Baker. Mr. Irwin commented on holsters. Mr. Baker said the time required was adequate for a person who had a rudimentary knowledge of firearms to perform, but some people were not at that level in the beginning course. Mr. Morello said he added 30% more time, realizing that there were different levels of experience in each class. Whether holsters were provided or not, the students needed basic ability to work with that holster, as that is how guns were carried. Students should not arrive at class without a holster. Mr. Irwin said many students were looking for a job that paid \$9.00 an hour. He said most companies did not pay for the class or provide equipment for it. He agreed that adequate firearms training was needed. A third of every class would fail the course. Mr. Morello agreed with Mr. Irwin. Mr. Morello stated he would love to see his plan accepted. People were being allowed go out among the general public and work armed. The current course allowed anyone to pass it; currently people were passing the course and were allowed to work armed who perhaps should not qualify. He said he thought the sub-committee was formed to raise the bar. He knew the bar would not be raised very high with the current recommendations. A certain standard should be met on the part of the armed security personnel. Mr. Baker disagreed with Mr. Morello's statement that the other firearms instructors were present to counteract against Mr. Morello. Mr. Baker felt that was inappropriate. Mr. Morello said his comment was tongue-in-cheek and he apologized. Mr. Baker discussed the drills. He asked Mr. Morello where he was teaching the students these drills. He said that drills were not generally timed. Investigator Whatley said she had asked for specific exercises in an e-mail she had sent to the sub-committee. She said other dry firing and drills would have already been taught. Mr. Baker asked if they were discussing Section 5. Investigator Whatley asked to discuss Mr. Glatthar's hand-out. Then, the sub-committee could discuss the curriculum. Mr. Baker said people should submit their documentation before the deadline so the group could actually have time to review it before the meeting. His time was valuable and it was unfair to review items that were submitted 45 minutes ago. Investigator Whatley said the document she had received 45 minutes ago was Mr. Glatthar's hand-out and if the group did not wish to review it, they certainly did not have to do so. Mr. Morello apologized again for his comment. He said he did not mean any harm.

Investigator Whatley moved on to the introduction and safety briefing. She said the wording was a compilation of several people's work. Mr. Irwin asked for clarification if the documents under review would be added to the NAC and would be the course taught by the instructors. Investigator Whatley said that was correct. She reminded the group that in earlier meetings most people wanted a standardized curriculum for the minimum of items that must be taught. She noted that the format was imperfect, but she wanted to make the information available for discussion. She asked for comments on the introduction. Mr. Irwin asked about the introduction. Investigator Whatley said the instructors could introduce themselves. The size of the class would dictate whether or not the students introduced themselves. It was at the discretion of the instructors. Mr. Irwin recommended that only the word "introduction" should be used in the NAC. Investigator Whatley said the words "instructor" and "students" would be stricken. Mr. Baker said he was confused. He asked about a separate curriculum. The NAC would refer to a curriculum approved by the Board. Investigator Whatley apologized to Mr. Irwin for misinforming him and that Mr. Baker was correct. Language in the NAC would refer to the approved curriculum, but the curriculum itself would not appear in the NAC. Mr. Baker explained the procedure. He said the NRS referred to firearms instructors, with a separate section in the NAC. If changes were made later to the NAC, the NRS itself would not need to be changed. He said he had no questions about the introduction. Investigator Whatley said they were dealing with minimums.

She addressed the safety briefing. Mr. Baker had no issues or comments. Mr. Irwin asked about the third line with regards to omitting certain instructions. He said that was at odds with Investigator Whatley's previous statement regarding minimums. Mr. Baker said the safety briefing had a level of flexibility. He recommended eliminating the sentence that some instruction may be left out. Investigator Whatley recommended the entire paragraph should be eliminated; the title "Safety Briefing" should be followed by the bullets. Mr. Baker agreed. Mr. Irwin agreed as well. Investigator Murphy asked about the 5th bullet, which referred to drugs. He asked if "prescription/non-prescription" should be added. Mr. Baker said he covered that topic early in the class. Mr. Irwin said he asked his class if anyone was taking any drugs that may impair his or her ability. He did not want to lean toward micro-managing the topic by requiring a list of drugs. He would eject anyone who was visibly impaired by the use of any type of drugs. Mr. Baker asked if any students were taking any medications that provided warnings on the packaging about operating vehicles or heavy equipment. Those were the types of drugs that caused him concern. If someone should disclose a medication, he would ask them if it was a new medication that that individual may not be used to taking. If the person said he or she was able to continue, Mr. Baker kept an eye on that individual throughout the class. If Mr. Baker felt uncomfortable about allowing a student to take the class while on a medication, that person was allowed to leave and take the class at another time. He felt the reference to "drug" was adequate. Mr. Morello agreed. The group read through the introduction and safety briefing.

Mr. Irwin noted that on the page showing the 4 safety rules, the following should be added in place of Rule 1: Gun will not be loaded unless required by the instructor. Mr. Irwin

never liked the term that all guns were considered loaded, particularly in a class in which the students were being taught to load and unload guns. He said it was acceptable for the purposes of the outline, but was micromanaging what the instructor could say. Mr. Morello suggested the phrase "treat every gun as if it were loaded". Mr. Irwin said that was saying the same thing. He agreed with the idea, but the class involved firearms. He said the instructors must teach how to treat a gun whether or not it was loaded. The student should keep his or her finger off the trigger. If the students did what was noted in Items 2 and 3, those actions answered the question in Item 1. He referenced "know your target and what's behind it". The safety rule should be to keep the gun unloaded unless instructed to load it, and keep one's finger off the trigger. Investigator Whatley said all ten curriculums she read included that language. Those present could change the language. Mr. Baker said the language showed basic guidelines. He said Mr. Irwin brought up a good point in that students should be aware that guns should not be loaded or unloaded unless the instructors have directed those actions to take place. Investigator Whatley said it was valid to teach the students to treat all guns as though they were loaded. Mr. Baker agreed. He said Mr. Irwin's point should be stressed in the introduction that students should not load or unload guns without the instructor's direction. Mr. Irwin was the only one who felt the language was inappropriate for classroom training. He also said if Investigator Whatley was comfortable with including the language, it was fine with him and he would leave it up to her. Investigator Whatley said that was a number one rule that she was taught in her police training. She said the language could certainly be removed. Mr. Irwin said the language appeared in other section, but again said the language could remain and appear in three places. It was fine with him. He said he had no objection. He then said what was unique to the class concerned the next item regarding cease fire. He said one rule applied to the classroom and another rule applied on the street. Investigator Whatley asked if the wording should state "on the firing line" or "on the firing range". Mr. Morello said the safety rules were information the students would take with them. The students wouldn't be seen by the instructor again until the recertification class 5 years later. Mr. Morello said a person who came to the class and had never handled a gun before should treat every gun as if it were loaded. The muzzle should not be pointed at anything the person holding the firearm did not want to be destroyed. He agreed with Mr. Irwin's statement, but didn't know if the students could make the transition on their own. Investigator Whatley asked if the statement regarding ceasefire needed to be reworded. Mr. Irwin said it did not need revision. Mr. Baker said the ceasefire statement was in the wrong place. The classroom rules were being given and then suddenly the focus switched to the range. Investigator Whatley said it could be removed. She said there was a mixture of topics to be covered at the beginning of the class. She asked what the group wanted to include or omit at this point. Mr. Irwin said classroom rules should be given and a briefing before going to the range. Investigator Whatley said the ceasefire statement could be removed. She also said eye and ear protection could be removed from the section as well. Mr. Morello said a safety briefing should be presented before going to the range. Investigator Whatley said some of the items should be removed that were not applicable to the classroom. Mr. Baker agreed. He said a briefing was given in the classroom. He did not want live ammo in the classroom. He said eye and ear protection, as well as ceasefire, were not presented until the briefing just before going out to the range. Investigator Whatley said the statement about benching and holstering firearms should

also be removed from the section. Mr. Irwin said the statement about benching and holstering the firearm *on the range* implied to the students that something different should be done when not on the range. Investigator Whatley said some instructors may not allow guns in the classroom at all. Mr. Irwin said that was true. Mr. Morello asked what students who came to class without a holster did with their firearms during class. Mr. Baker said he had basic ballistic nylon holsters and spare belts to provide to those students during class. That was part of his safety issue to have all guns holstered during class. Investigator Whatley asked if there were other additions or deletions. Mr. Irwin asked about the open-ended statement. Investigator Whatley said the word "other" could be removed. Mr. Baker said he thought it was fine to include. He said his range was out in the middle of nowhere. He had special briefings with CareFlight and EMS every 6 months so they were aware of his location. Mr. Irwin asked if appropriate clothing should be defined. Mr. Baker said it was not in the regulations.

Investigator Whatley said the group had already reviewed the instructional goals and performance objectives at the previous meeting. She noted one item they requested she change in the outline was ballistic "data" to "property", and she had done so. She had made the suggested changes and wanted to go page by page to make sure the changes were what the group had decided to make. Mr. Baker cautioned that some of the statutes he had included in his hand-out had been truncated. He had listed the statutes to go along with his teaching points. He said it was up to each individual instructor to present the statutes as he saw fit. Investigator Whatley said she cut out most of the penalties. Mr. Baker said the class was not a Nevada law class, but a firearms class. Investigator Whatley noted the Second Amendment and the Lautenberg Amendment that were added. Mr. Morello asked about 257(1)(a) and if a change to .08 had been made. Mr. Baker said that had not occurred and had been left at .10. Mr. Irwin noted that a person could not drive a car at .09, but could handle a firearm. Mr. Baker anticipated the change years ago and had gone ahead and modified his hand-outs. He had then been forced to throw all the new hand-outs away. Investigator Whatley copied and pasted the verbiage from the Law Library. Mr. Irwin suggested to Investigator Whatley that the language showing when it was added to the NRS should not be included. Investigator Whatley said she had made a note to truncate that information from the final language. Mr. Irwin discussed the topic of administrative fines as taught in the class. Mr. Baker said he discussed penalties and fines with his students for expired cards and the like. Investigator Whatley discussed civil liability. She said they had previously discussed non-deadly force and "less than lethal". She perused the documentation Mr. Baker had provided to her about "less lethal" and decided to omit it from the language. She noted a firearm was deadly force and not less lethal. Mr. Baker asked about the use of force continuum. She said that was coming. Mr. Irwin discussed the levels of force. He said chemical weapons would include tasers. Investigator Whatley asked if he wanted to re-insert the chemical verbiage in the levels of force. She was taught that chemical was CN gas.. Mr. Baker said pepper spray was allowed by state law. He discussed that pepper spray was a high level 3 and tasers were at high level 4. Investigator Whatley asked if the group wanted to include chemical. Mr. Irwin said a separation should be made from physical restraint; the tool used was chemical or a taser. A step up from that would be impact. The difference between physical restraint and the use of devices was obvious. The difference between pepper

spray and tasers were designed not to injure a person. He said impact was an obvious way to inflict pain by breakage. He referred to #6, which was deadly force. The use of chemical weapons could change the sequence of levels of force. Pepper sprays were less injurious than physical restraint. He preferred the old system for levels of force. He said he taught the 6 levels of force. He would teach the levels in the manner the state chose. Investigator Whatley was confused by Mr. Irwin's statements. She said #3 was physical and mechanical, #4 would be chemical, #5 would be temporary and #6 would be deadly force. Mr. Irwin said #3 would only be physical restraint and #4 would be less lethal. Investigator Whatley asked if Mr. Baker's 5 levels appeared on the levels of force list. Mr. Baker said they were included. He did not use the term "mechanical", but did use "physical" restraint. A higher level of #3 included pepper spray. A high level 4 would include tasers. He briefly discussed the US Attorney General opinion on the use of tasers. Mr. Morello asked Mr. Baker and Mr. Irwin if they saw security officers in the south carrying tasers; they affirmed that. Mr. Morello asked if the use of tasers differed among the companies. They said that was also true. Mr. Baker said tasers may be used as a compliance tool, which sometimes led to litigation and excessive force lawsuits for both law enforcement and civilian companies. Mr. Morello said the departments he worked with required a back-up officer with a gun if tasers were to be used. Mr. Irwin asked if he referred to police departments or security companies. Mr. Morello clarified he was referring to police departments. Mr. Morello said that recommendation was also given by Taser, International. Mr. Baker said the problem was that not all security officers work in pairs or carry a firearm. Mr. Morello agreed. Mr. Baker said the taser may be the guard's only device. Mr. Irwin said he was routinely seeing companies that formerly issued pepper spray as the maximum force level now used tasers, either in lieu of pepper spray or in addition to it. The practice eliminated the use of firearms. Mr. Baker said he was on the TASER International Professional Security Advisory Board. He said if anyone on the sub-committee knew of someone who wanted to begin using tasers, please inform him and he could refer the person/company to the proper professional. Mr. Morello said that was good to know. Investigator Whatley asked if Mr. Irwin was still involved with POST. She asked if they included tasers in the chemical portion of levels of force. Mr. Irwin said they used a wheel rather than a stair-step chart for levels of force. He said tasers were shown in the same group as pepper spray in the same force level. He said non-lethal or less lethal mechanical assists were in the same group. Investigator Whatley asked if Mr. Irwin had a copy of that wheel. She wanted to include it as a page in the information. Mr. Irwin said the wheel showed 6 different force levels and the student should choose the appropriate force level. He said he explained to his classes that he was presenting the levels in the order in which the student would be least likely to be sued first, which was officer presence. The most likely to cause a lawsuit would be deadly force. Mr. Baker said the wheel did not fit with security work as well. The wheel did not tell the guard when to use each level of force. Mr. Baker said there were also qualifying immunity issues. He said taser should be at least #4 in terms of level of force. He asked if there was still time to research the topic. Investigator Whatley said she planned to present the sub-committee's work to the Board September 16, 2009 as relatively completed. Formatting issues may still need to be addressed. Mr. Irwin said the disagreement he had with Mr. Baker was the placement of tasers. He said if physical restraint was #3 and chemical weapons was #4, then tasers would be #5, along with night sticks. He had no problem

with that. Mr. Baker asked about pepper spray. Mr. Morello said the suggestion to add taser as #5 would be the way to go. Investigator Whatley reiterated that the levels of force would be #1 Presence, #2 Verbal Commands, and #3 Physical Restraint. She asked if the group wanted to leave out mechanical. Mr. Irwin said it would become #4 Chemical Weapons and #5 would be a new classification of Tasers and Night Sticks. He said #6 would be gunfire and anything else that may cause death. Mr. Baker was comfortable with breaking out chemical weapons into a separate category.

Investigator Whatley moved on, stating no changes were made regarding Tennessee v. Garner and Rolland P. Weddell. She still could not find an insert on ballistic properties, so she included maximum feet of each caliber. Mr. Irwin said the information Investigator Whatley showed was his major concern. Investigator Whatley did not realize she had not included information on the 40. Mr. Baker talked about the NAC. He said the lesson plan would refer to the NAC. He said it would be easier to change this information. Investigator Whatley said she would discuss with Executive Director Ray and the Board if its approval only was needed if reference was made to information in the NAC that was not actually included in the NAC.

Investigator Whatley then turned to the safe handling of firearms and noted that Mr. Irwin had referred to duplication of information. She said safety rules were addressed again. Mr. Baker said he had no problem with repeating safety rules 3-4 times throughout the day of training. Investigator Whatley had changed the diagrams, but did not have them with her. She used diagrams that were not copyrighted. Mr. Baker said he could send her information if she needed it. Investigator Whatley had hand-outs from the last meeting she could provide for Mr. Morello. Mr. Irwin said that was not necessary and Mr. Morello agreed. Investigator Whatley asked if the group was reviewing retention. She asked Mr. Irwin if the wording was what he had provided regarding the twist. Mr. Baker discussed another term under ammunition malfunction regarding compressed round. He said a bullet sometimes stayed pushed down too far in the case and was no longer safe. He asked if anyone had a better term for that event. Mr. Morello was unsure of what Mr. Baker was asking and asked for clarification. Mr. Baker explained that sometimes a person chambered and re-chambered the same round repeatedly and eventually pushed the projectile further into the case. He said he commonly encountered the problem with security personnel who attempted to save bullets, as they were quite expensive. Investigator Whatley asked if Mr. Baker wanted to change the wording. He said he would write the language and provide it to Investigator Whatley. He said there may be a formal name for the compressed rounds and was curious if anyone on the sub-committee knew it. Mr. Irwin said the wording for retention was fine. Above it, he asked to add under re-holstering, rotate to holster. Mr. Morello discussed follow through segment. He said he had a difficult time maintaining position after trigger was pulled or pressed. He said the intended meaning was to not move the gun until the bullet leaves the barrel. He said the gun had already been moved at that point. He said follow through may be better stated as getting a second site picture should there be a need to shoot again. Mr. Irwin said he taught his students to keep their eyes open when firing and the wording kept them from blinking while shooting. He said that was what he meant when he used the term follow-through. Mr. Morello was in total agreement. Investigator Whatley asked if there were any

recommendations to change the wording. Mr. Irwin said follow through was the common term used with regard to maintaining one's sight vision. Mr. Morello agreed. Mr. Irwin said the remainder had been previously discussed and was fine. Investigator Whatley asked for input about #5 Commands at the range. Mr. Irwin said **a.** should be **d.** Investigator Whatley said she had not received range commands in any of the curriculums that had been sent to her. She had merely compiled them without any particular order in mind. Mr. Irwin listed his range commands: load and make ready, standby, fire, and cease fire. He said prepare for live fire was another way to say load and make ready. Mr. Baker said he frequently used a whistle. He referenced **g., h., i.,** and **j.** stating that was part of the instruction for the string of fire.. Mr. Irwin felt **g. – k.** was micromanaging the instruction. Mr. Irwin said **k.** could be the first command before make ready. He said **k.** would become **a.;** and **a.** would come before clear and make safe. The other 4 were not range commands. He again listed the commands: eyes and ears, load and make ready, standby, fire, and ceasefire.

Investigator Whatley discussed the drills that were sent to her. Mr. Baker gave a brief background on the drills he had provided. He included drills that applied to basic skills that were being presented in class. He assumed many of the students had never fired a gun before. The first drill was a series of having the students draw from the holster, aim, fire, and then re-holster. He tried to maintain 150 rounds minimum in the class. The second drill was standard defensive response. His notes included the opportunity for each instructor to incorporate movements in the drills. He said some groups would need to practice the basics for a longer period, while others would move more quickly through the drills. He had provided a reloading drill, a kneeling/sitting/prone drill, a support hand shooting drill, and a drill implementing barricades. The final item he discussed was the items included for qualifying. He provided the bare minimum. His assumption was dry-firing would occur before live firing. His aim was to incorporate the skills that had been discussed in class by practicing them. Investigator Whatley asked if there was any discussion. Mr. Irwin questioned the use of the wording "exercises to be used at the firing range". Investigator Whatley asked Mr. Baker if the exercises were used with live fire. He said that was correct and was under Section 5, Live Fire Drills. Mr. Baker said he knew of a client who fired an employee who had been carrying a CO² pistol on duty because he had sold his firearm. Mr. Irwin said he did not have the range capability to carry out the drills. He agreed the drills were good, but if he couldn't dry fire in the classroom, he could not teach them. He had more students than lanes on his range. It would tie up his range for 3 hours. He said he agreed the drills were good, but it was impossible for him to teach the drills at his facility. If the Board chose to adopt the drills, it would be the end of The Gun Store's providing training for armed security guards. He said the sub-committee was aware of the limitations of his facility. He would have to teach the guards beginning at 5:00 AM. His previous submission had been to practice the loading, unloading, kneeling and the like in the classroom with dummy ammo. The class would then go to the range for a fairly short 30-round dummy qualification and the instructor would make one-on-one corrections. With live fire, the class would only be on the range for about one hour. He said that would not be fun for him to do, but he would be willing to do it. Mr. Irwin said he could not run the drills on the range with a class of 30 or even 15 students with 16 lanes only, and with outside people also waiting to use the range. He said he could not disagree

with the drills, but would have to withdraw. Mr. Morello asked Mr. Irwin if it would be possible to run 4 or 5 stations exclusively for the class and rotate the students through them. Mr. Irwin said the other students would be sitting in the classroom and could not be out on the range as there was not enough room. Mr. Irwin said he had been teaching his classes the same way for 20 years. He had never had bad shooting. Officers he had trained had killed 33 people in gunfights. He had 3 officers killed, all of whom were ambushed. He thought his training was sufficient and he could prove it with the numbers. He agreed more training should be provided, but he was not set up for it. He said there was no animosity on his part. Only 1 ½% or 2% of guard training made up his gross sales. He again said he could not perform the drills. His vote was that the training was too much. He was already doing enough to teach a positive class. Mr. Baker referenced the section NAC 648.348(6)-- section 5, exercises for live firing. The accompanying 3 hours and skills were roughly what he tried to do in a class. He recognized it would probably take more than 3 hours. He proposed running through the proposed drills with 6 new shooters to actually see how much time was involved. He noted the skills introduced in class needed to actually be practiced in drills. He said 120 rounds would be spread out over 6 drills performing various skills. Another 30 rounds would be used in the qualification. He hoped at that point the students would pass. Mr. Morello said he saw the problems with Mr. Irwin's facility, particularly with barricades and shooting kneeling/prone. Mr. Irwin said the problem was with time, and not just the shooting positions. He said the barricades were not easily removed. He saw a problem with firing prone. Mr. Morello said he had seen Mr. Irwin's range. He asked if Mr. Irwin was covering those shooting positions in class and noted that shooting from barricades and prone was not part of the qualification test. Mr. Irwin said he realized that, but would be mandated in the practice firing. He said the regulations required 8 hours in the classroom and 3 hours of instructional training on the range. He again said he could not shut his range down for 3 hours. It was not financially feasible. He again said in his original draft he had given 9 hours as the total for training. He said his proposal had been skipped over at each meeting. He again agreed more range time should be in place, but he was not set up for it. He said it was his problem and not that of the state. Mr. Irwin's only argument was that he had proven statistically over the years that his method of teaching worked. He said if it wasn't broken, do not fix it. He had other things to do with his time and would add another CCW class at his facility. He said he would abstain from voting on the issue and on the timelines. He said when he submitted his new lesson plan to Investigator Whatley, she had stated that it was not meeting the requirement for 3 hours on the firing range. He could not argue with her statement. Mr. Morello said he was not in favor of putting anyone out of work. He loved being on the range. There were definite advantages in having an indoor range. Mr. Irwin said it was a disadvantage with regard to security training. Mr. Morello asked Mr. Irwin to clarify that he was not spending the 3 hours on the range. He said that was correct. Mr. Irwin had provided outlines to try to put the matter in perspective when Investigator Whatley first notified him of the violation of mandated times. Mr. Irwin said he had looked at several solutions. A 12 ½ hour class would need to start at 5:00 A.M. He said that was virtually impossible and would run far too long with regard to safety issues. He had taught thousands of guards and no one came close to his experience in the state. He said if the Board chose to cut him off, he would withdraw and it was not a big deal. He said he had another appointment, and he left the meeting.

Mr. Morello asked Mr. Baker to clarify that the sub-committee was not voting on anything at today's meeting and the final decision lay with the Board. Mr. Baker said the requirements had been in existence for decades. He did not understand Mr. Irwin's issue with kneeling or sitting prone at his range. Mr. Baker said it was up to Mr. Irwin to make his own business decision in terms of security training, but that should not affect the work that needed to be done by the sub-committee. They needed to focus on statutory requirements and what was best for the security industry. He had raised the issue when Carol Hanna was the Board's executive director about other instructors not meeting statutory requirements. He said safety statistics were fine and Mr. Irwin would figure out what to do with his business. He did not agree with the practice of allowing 30 rounds of practice, 30 rounds of qualification, not teach drawing from the holster, and then sending the guards out on the street. He said that marksmanship was not the only issue, but gun handling was an issue as well. Good training was needed for a firearms class. It was training and not education. Mr. Morello agreed. His range day was an entire day and not just 3 hours. He completely agreed. Investigator Whatley said that, though adding more shooting time was beneficial, fatigue was also an issue. She asked if Mr. Morello liked the drills as submitted by Mr. Baker. He said he did. He said he saw that more guard training was done by Mr. Baker than in Mr. Irwin's class. He said the 150 rounds was a vast improvement over 30 rounds. Mr. Baker said that was a minimum. Mr. Morello said if an instructor chose to fire more rounds than that, he could do so. Mr. Baker addressed the fatigue issues. One of his challenges was that he ran a two-day class, as opposed to Mr. Irwin's class, which was one day. Mr. Baker said a one-day class was very tiring. Lunch was only 30 minutes and he had to bring in various instructors to get through the material. It might be helpful to require no more than 9 hours of training per day, which would cause the class to meet for two days. He noted that Mr. Morello was already teaching a two-day class. Mr. Morello said he did not see a problem with a two-day class. Mr. Baker said the class did not need to be two full days. One day could be classroom teaching and the other day could focus on the range. The first day could run for 6-7 hours with teaching the fundamentals. The next day could present more advanced training. Mr. Morello said he and Mr. Baker were very close in their thinking. Proper grip and stance were discussed in the classroom, but it was very helpful to practice the various techniques on the range. It would take more than 3 hours on the range to properly train the students. Mr. Baker talked about Drill 1 and Drill 2. He tried to maintain a 1:3 ratio on the range, which was key to presenting the fundamentals. Mr. Morello said he would like to see the class run for 16 hours. Mr. Baker talked about timing a dry run of the program. He said the class was probably longer than 11 hours. He spent time on legal issues, though he knew other instructors did not. Mr. Baker informed Investigator Whatley that the NRA training required for instructor certification did not present legal issues. Mr. Morello liked the drills as presented. He said perhaps the 3 hours on the range should be extended to 6 hours, as many people had never handled a gun before attending the class. Mr. Baker's classes usually were comprised of 6-12 students. Larger classes definitely took more time.

Investigator Whatley moved onto the written exam. She said she should have taken the objectives of the class and chosen the questions to meet them. She asked how many questions should comprise the written exam. Mr. Baker said 50 were adequate. An exam with 100 questions would take over an hour to finish. Mr. Morello agreed with 50

questions. Mr. Baker noted he had looked at Mr. Glatthar's exam and really liked some of his questions. Investigator Whatley agreed. She asked the sub-committee if they wished to send her e-mails regarding the written exam and they agreed. Mr. Baker said they must be very selective on fill-in-the-blank and narrative questions, as it would make grading the tests more difficult. Mr. Morello said another option would be to pull 50 that they liked and incorporate them into their existing tests. Mr. Baker said a standardized test should be in place. Investigator Whatley said the instructors were very aware of what needed to be instilled in the students. She asked them to provide input on the exam via e-mail.

She returned to discussion on the NAC. She asked if the group wished to recommend changing the hours. She asked about eliminating NAC 648.347, which had been discussed previously. A standardized curriculum may render it less important. Mr. Baker and Mr. Morello agreed. Mr. Baker said he had never been able to comply completely with that particular regulation. Investigator Whatley said NAC 648.347 would be omitted. She moved on to NAC 648.346(2)(a) and (b) to discuss the issue of hours. She asked what the group wished to include. Mr. Baker said 8 hours was good. Mr. Morello said he and Mr. Baker would recommend more hours on the range. Investigator Whatley asked what minimum hours they wished to include. Mr. Baker said the bare minimum on the range should be 4 hours. Mr. Morello agreed. Mr. Baker asked if Mr. Morello would be out on the range in the near future. Mr. Morello said he would be out on the range, but not for this particular issue. Mr. Baker assumed at this point that the student should have some basic familiarity with firearms. He wanted to take a student with some basic firearm experience to the range and run that person through the course to see the time involved. Mr. Baker said the time would be exceeded with a less experienced student. Mr. Morello said an experienced student could run through the program in 15 minutes. Mr. Baker disagreed. He said 150 rounds would take longer than that. Mr. Morello agreed that it would take longer. Mr. Baker said his intent was not to see how fast he could run through that portion of the course. He anticipated setting the bare minimum for someone with some firearm experience, knowing more time would be needed for less experienced students. Mr. Morello said the number of students would also lengthen the time needed for instruction. Mr. Baker agreed. He said an instructor with only two students would say too much time was required. He felt the group should investigate on their own how much time should be allotted. Investigator Whatley said it was a relatively good idea. She did not want the process to be rushed in any way. She would be limited with her time in the coming days due to other commitments. She noted the Board meetings were scheduled for September 16th and 17th. She would present the group's findings on September 16th. Mr. Baker said a bare minimum would be 4 hours. Mr. Morello said 4 or 5 hours. Investigator Whatley advised that the word "minimum" would be helpful. Mr. Baker said he was comfortable with either 4 or 5 hours. He also wanted to include maximum hours of training days to avoid 14-hour days. Mr. Morello agreed and said 5 hours would eliminate that problem. Mr. Morello said 8 hours should be the maximum hours per day for training. Mr. Baker said that gave the auditors useful information. If a person attended class on the 9th and submitted the paperwork on the 10th, it indicated that they did not attend class on the second day. Mr. Morello's range was 40 minutes from his classroom. Mr. Baker said the 11-hour day given in the statute was dangerous. He had modified his class to include shooting earlier in the day; gun cleaning and testing were done at the end of the day. He

said the maximum training day allowed someone to break the training to four 4-hour days if desired. He would provide verbiage to Investigator Whatley regarding the training day hours. A 2-day class would be safer. If tighter times or drills were developed to be added to the curriculum at a later date, those changes should be incorporated as a revision to the outline. Investigator Whatley agreed. She asked if the group could provide the requested information to her no later than Thursday morning. Mr. Baker and Mr. Morello said they would provide the information to her then. Investigator Whatley asked about the range hours. Mr. Baker said they should recommend 5 hours. That was a realistic figure. He said 5 hours would be adequate to arrive at the range, perform the safety briefing, go through the non-live fire exercises, practice live firing, and then perform the qualification. Mr. Baker anticipated that the Board would probably agree the sub-committee was moving in the right direction. They may want to see further documentation, such as the final test and final outline. He would be surprised if any changes took effect before the first of the year. Investigator Whatley anticipated submitting the group's findings on the 16th to the Board. She thought they would look at the information and make a decision at the December Board meeting. Mr. Baker said in the interim the sub-committee should meet with other firearms instructors in a symposium/seminar fashion. He said that would lay the groundwork to roll out the program for the instructors so they would clearly understand the expectations, and what would occur if they did not comply. Investigator Whatley said the NAC had provisions for licensee violations, but not progressive discipline for firearms instructors if they were in violation. Mr. Baker said there were two categories: minor infractions and failing to teach the course as required. Mr. Morello said he had heard from licensees that other instructors taught courses that were only 8 hours. Mr. Baker talked about a licensee who completed security training and CCW in 3 hours. The issue was 8 hours minimum for the CCW and 11 for the security firearms training. Mr. Baker said when the documents were submitted, it became a state document. Falsifying a state record was a felony. Investigator Whatley said a disclaimer could be incorporated in the application process. She asked the sub-committee members to look at the documents word for word. Investigator Whatley again noted the sub-committee findings would occur on the 16th. She would ask Executive Director Ray when their item would appear on the agenda so she could inform Mr. Baker. Mr. Morello said he expected to be held accountable. Mr. Baker said they had made good progress. Investigator Whatley said she would make the changes and e-mail them to the sub-committee members. There may be formatting issues, but the changes would be shown. Mr. Morello asked about the test questions. She said she wanted all documentation sent to her by Thursday if possible.

6. The meeting was adjourned.