

PRIVATE INVESTIGATORS LICENSING BOARD

MINUTES

DECEMBER 9, 2009

**MEMBERS PRESENT:**

JIM NADEAU: BOARD MEMBER (ACTING CHAIRMAN FOR THIS MEETING)

ROBERT UITHOVEN: BOARD MEMBER

MARK ZANE: BOARD MEMBER

**OTHERS:**

MECHELE RAY: EXECUTIVE DIRECTOR

TAMMY WHATLEY: INVESTIGATOR

JEFF MENICUCCI: BOARD COUNSEL

JOE DUPUIS: INVESTIGATOR

COLIN MURPHY: COMPLIANCE AUDITOR

BRANDI KING: ASSISTANT

ELAINE TRENT: ASSISTANT

**ABSENT:**

DAVID SPENCER: BOARD CHAIRMAN

RICHARD PUTNAM: BOARD MEMBER

Acting Chairman Nadeau announced that Chairman Spencer was absent due to illness and Board Member Putnam may arrive at a later time. Executive Director Ray performed the roll call.

**APPROVAL OF MINUTES:**

Acting Chairman Nadeau suggested tabling the approval of minutes to a later meeting to allow Chairman Spencer and Board Member Putnam to vote on them. Board Member Uithoven moved to table approval of the September 16, 2009 and the September 17, 2009 minutes. Board Member Zane seconded the motion, which passed.

**FINANCIAL REPORT:**

Executive Director Ray provided a financial report for the Board. It showed both collections and expenditures year-to-date with a realized funding of \$428,252.63 as of November 20, 2009. The report did not require Board action and there were no Board comments.

## **SWEARING IN:**

Board Counsel Menicucci swore in those present in Carson City and Las Vegas who were to testify or comment during the meeting.

## **STAFF REPORT:**

Executive Director Ray reported 36 new complaints for September 1, 2009 to December 1, 2009. There were 50 closed complaints, 62 pending complaints, 3 pending complaints regarding licensees, 35 complaints were assigned to Investigator Whatley and 17 complaints were assigned to Investigator Jupp. Executive Director Ray took the opportunity to introduce Investigator Steve Jupp and Mark Zane, a new Board member, to the group. Investigator Whatley issued 2 citations, 15 cease and desist letters, and approved 3 certified firearm instructor applications. There were 2 certified firearm instructor applications pending. She attended 5 convention/show inspections. Investigator Jupp issued 2 unlicensed activity citations and issued 10 cease and desist letters. He attended one convention/show inspection. Investigator DuPuis completed 61 background investigations, 35 of which were corporate officers, 11 were for corporations, and 15 were for qualifying agents or individuals. Investigative Assistant King processed 6 background updates and completed 61 background reports. Currently, there were 33 applications pending for licensure, 8 of which were corporate officers, directors, or members, 8 corporations, 2 for change of status, 1 process server, 3 for private investigator, and 11 for private patrolman applications. Investigator Murphy issued 9 notices of violation, completed 12 audits, and attended 6 convention/show inspections. Executive Director Ray granted 1 authorization to work in Nevada pursuant to NAC 648.280, issued 12 notices of violation, and conducted 1 workshop. There were no questions concerning the quarterly report.

## **CONSENT AGENDA:**

6. **Axiom Corporation**, the parent corporation of **Axiom Information Security Services, Inc. (#1164)** requested corporate officer approval for **John Meyer, Jr., Shawn Donovan, and Lucinda Childers**. **Axiom Information Security Services, Inc.** requested corporate officer approval for **Jack McCrary, Jr.**
7. **Trackers, Inc. (#1335)** requested a corporate name change to **Trak-1 Technology, Inc.** and **Jeffrey Gaines** requested qualifying agent approval.
8. **US Investigations Services LLC (#825)** requested corporate officer approval for **William Mixon**.
9. **Loomis Armored U.S. (#848)** requested corporate officer approval for **Jarl Dahlfors**.
10. **Mark Zane (#830, 830A, 830B, and 830C)** requested a change in licensing status. **Zane Investigations, Inc.** requested a corporate Private Investigator license, a corporate Private Patrolman

license, a corporate Process Server license, and a corporate Repossessor license. **Mark Zane** requested qualifying agent approval and, if approved, asked to place his individual licenses into abeyance and corporate officer approval was requested for **Mark Zane, Justin Zane, and Kristen Ithurburu**.

11. **John Gimple (#1531, 1531A)** requested a change in licensing status. **Resolute Security Group, LLC** requested a corporate Private Investigator license and a corporate Private Patrolman license. **John Gimple** requested qualifying agent approval and, if approved, asked that his individual licenses remain in abeyance. Member approval was also requested for **John Gimple, John Dearborn and Mitchell Brooks**.

12. **Larry Halper (#1418)** requested a change in licensing status. Halper Investigations LLC requested a corporate Private Investigator license. **Larry Halper** requested qualifying agent approval and, if approved, asked to place his individual licenses into abeyance. He also requested member approval.

13. **John Benson (#1519)** requested a change in licensing status. Government Management Services, Inc. requested a corporate Private Investigator license. **John Benson** asked for qualifying agent status. Corporate officer approval was requested for **John Benson, John O'Shaughnessy, and Thomas O'Shaughnessy**.

14. **National Data Retrieval LLC, Choicepoint Services, Inc. and Choicepoint WorkPlace Solutions, Inc.** requested corporate officer approval for **Kenneth Fogarty, James Peck, and Kenneth Thompson, II**.

15. **Andrews International, Inc. (#1261)** requested qualifying agent status for **Raymond O'Hara** in the Private Investigator category. He asked to place his individual Private Investigator in abeyance upon approval.

Acting Chairman Nadeau asked if there were any items requested to be removed from the consent agenda or considered separately. He suggested that Item #10 should be considered at a later time when more Board members would be present. He asked to consider Item #11 separately. Board Member Zane moved to approve Items 6, 7, 8, 9, 12, 13, 14, and 15. Board Member Uithoven seconded the motion, which passed.

Acting Chairman Nadeau said there was a request to take Item #25 out of order. There were no Board member objections. Mr. Baron was present in Las Vegas and stated that he had requested a closed session. Acting Chairman Nadeau advised the public to leave the room in both Carson City and Las Vegas.

The public re-joined the meeting after the closed session ended. Acting Chairman Nadeau asked for public comment; there was none. Board Member Uithoven moved to postpone consideration of Agenda Item #25 for James Baron until further clarification of information on the degree and the hours until the next Board meeting. Board Member Zane seconded the motion, which carried. Acting Chairman Nadeau advised Mr. Baron to contact Investigator DuPuis to verify that the Board had all the information necessary to verify hours. Mr. Baron said he would do so.

Acting Chairman Nadeau returned to the consent agenda.

**John Gimple (1531 and 1531A)** requested a change in licensing status. **Resolute Security Group LLC** requested a corporate Private Investigator license and a corporate Private Patrolman license, as well as member approval.

Mr. Gimple said he was formerly the qualifying agent for Security Management Group. He pulled his license from them and placed it in abeyance. He was a former deputy sheriff for San Luis Obispo County. He had worked in the security industry since he retired from the sheriff's office in 1997. He worked for American Protective Services, and then started his own company in 2001. Acting Chairman Nadeau asked for background information on Resolute Security Group. Mr. Gimple said the company provided corporate security company providing threat assessments and executive protection. It began 4-5 months ago. There were offices in California and Nevada. Acting Chairman Nadeau had questions about unlicensed activity and advertisements on the internet. Mr. Gimple again stated the company was licensed in California; Acting Chairman Nadeau said it was not licensed in Nevada. Executive Director Ray asked if Mr. Gimple had a copy of his background. He was not sure. Acting Chairman Nadeau said there appeared to be two incidents regarding internet advertisements on the part of Resolute Security Group. He read the internet ad verbiage, which stated the company was headquartered in Minden, Nevada. A change was made later to reflect Carson City. Acting Chairman Nadeau asked if the company was advertising services in Nevada. Mr. Gimple said that was not correct. The company was currently sub-contracting some work with another company. Resolute Security Group had done no work in Nevada. The office was in Minden, not Carson City. Board Member Zane asked why this item was placed on the consent agenda. Acting Chairman Nadeau said he was concerned with the advertisement issue. Acting Chairman Nadeau noted Investigator Rene Botello performed the initial background and asked who worked on the current background. Executive Director Ray said typically staff provides background updates for change of status requests. In providing the update, staff had found new information, which was included in the updated background. The hours and experience had already been verified in the initial background. Acting Chairman Nadeau asked if, aside from the internet ads, there was any indication that unlicensed activity had occurred. Executive Director Ray said nothing had been provided showing that had occurred. Mike Kirkman, Nevada Society of Private Investigators, commented that if someone advertised their services in Nevada and has an office in Nevada, it causes a serious concern of unlicensed activity. He urged the Board to continue the item until it could be determined whether or not the activity had happened. He felt it was a violation. Mr. Gimple said the office in Nevada was his home address, which was needed for corporate documents. He had just found a building to lease the previous week. Acting Chairman Nadeau's concern was the indication that, prior to licensure, an office was advertised in Carson City. Mr. Gimple said that was incorrect and his house was the only office address. Executive Director Ray said she would ask if Resolute Security Group had

any business or current contracts in Nevada. Acting Chairman Nadeau asked about the sub-contractor. Mr. Gimple said he did not know the name of the company, as he did not set up the matter. Acting Chairman Nadeau said, as qualifying agent, Mr. Gimple should know that important information. Executive Director Ray asked how Mr. Gimple obtained the original contract. Mr. Gimple said he hired Bob (Robert Swiatek). Executive Director Ray commented that Bob was not licensed, and Mr. Gimple said he was aware of that fact. Mr. Gimple said Bob had brought the work with him when he was hired. Executive Director Ray said that staff had not had the opportunity to investigate what was found on the internet. Acting Chairman Nadeau said Mr. Gimple needed to provide the sub-contracting information to the Board. The agenda item was tabled until Mr. Gimple could provide the necessary information.

#### **PRESENTLY LICENSED CORPORATIONS REQUESTING NEW QUALIFYING AGENT OR OTHER CHANGES IN LICENSE STATUS NOT ON CONSENT:**

**SOS Security, Inc. (#1319)** requested qualifying agent status for **Edward Silverman**.

Mr. Silverman said he was the president and CEO of SOS Security and licensed in about 30 states. He requested to replace James Flanagan on both the Private Investigator license and the Private Patrolman license. He had been in the security business since the early 1970s. He had been president and CEO of SOS Security for the past 35 years. Board Member Uithoven moved to grant Edward Silverman qualifying agent status for **SOS Security, Inc.** by placing his individual Private Investigator license and his individual Private Patrolman license into abeyance, subject to all statutory and regulatory requirements. Board Member Zane seconded the motion, which carried.

**Security Management Group International, Inc. (#1353)** requested qualifying agent status for **John Severini**.

Executive Director Ray noted that this item could have appeared on the consent agenda, as Mr. Severini had previously been approved by the Board for qualifying agent status for SOC-SMG. Board Member Uithoven moved to grant qualifying agent status for **John Severini** in the categories of Private Investigator and Private Patrolman for **Security Management Group International, Inc.**, subject to all statutory and regulatory requirements. Board Member Zane seconded the motion, which passed.

**SOC Nevada LLC (#1357)** requested qualifying agent status for **Allen Bowser**. Executive Director Ray stated that Mr. Bowser had also been previously approved by the Board as the qualifying agent for Day & Zimmerman. That company bought controlling interest in SOC-SMG in 2008. Since then, SMG had split off from the company with John Severini as the qualifying agent. Mr. Bowser wished to transfer his qualifying agent status from Day & Zimmerman to SOC Nevada. He had been in the business for over 40 years. He retired from the security police for the United States Air Force as the director of law

enforcement and training. He had spent the last 13 years with Day & Zimmerman. Executive Director Ray asked for the status of Day & Zimmerman (#1198 and #1198A). Mr. Bowser wasn't altogether certain, but thought they may be seeking a new qualifying agent. Acting Chairman Nadeau asked for clarification that John Severini was the previous qualifying agent for SOC and now moved to SMG; therefore, Mr. Bowser was replacing Mr. Severini at SOC. Mr. Bowser said that was correct. Board Member Zane moved to grant **Allen Bowser** qualifying agent status for **SOC Nevada LLC (#1357)** for the categories of Private Investigator and Private Patrolman, subject to all statutory and regulatory requirements. Board Member Uithoven seconded the motion. Acting Chairman Nadeau asked if it was necessary to address placing the individual licenses into abeyance. Executive Director Ray advised that Mr. Bowser already had individual licenses in abeyance. The motion carried.

#### **PRIVATE INVESTIGATOR:**

**Unity One, Inc.** applied for a corporate Private Investigator license with **David Howard** as qualifying agent. Mr. Howard said the company was involved in special investigations overseas conducting due diligence investigations. Unity One evolved from working with the US Consulate in foreign countries identifying different organizations conducting financial crimes. Board Member Uithoven moved to grant **David Howard** an individual Private Investigator license to be placed in abeyance so that he may become the qualifying agent for **Unity One, Inc.**, and to grant David Howard corporate officer status, subject to all statutory and regulatory requirements. Board Member Uithoven added to the motion to grant Unity One, Inc. a corporate Private Investigator license. He restated his motion to grant David Howard a Private Investigator license, to grant Unity One, Inc. a corporate Private Investigator license, subject to all statutory and regulatory requirements. Board Member Zane seconded the motion, which passed.

**Gavin De Becker & Associates, Inc.** applied for a corporate Private Patrolman license and **Joshua Gausman** requested qualifying agent status. Mr. Gausman held a bachelors degree in business. He began working at Gavin de Becker & Associates, Inc. since 2000, working there for the past 9 ½ years. He was the current director of operations and the corporate secretary. The company was incorporated in California in 1997, providing residential security and some investigations work. Work was also performed in New York, Texas, and Georgia. Board Member Zane moved to grant **Joshua Gausman** an individual Private Patrolman license to be placed in abeyance so that he may become the qualifying agent for **Gavin De Becker & Associates, Inc.**, and to approve corporate officer status for Joshua Gausman, Michael LaFever, and Gavin De Becker, subject to all statutory and regulatory requirements. Board Member Zane added that the Board would grant **Gavin De Becker & Associates, Inc.** a

corporate Private Patrolman license to his motion. Board Member Uithoven seconded the motion, which passed.

**Screening One, Inc. DBA ScreeningOne** applied for a corporate Private Investigator license and qualifying agent status for **Michael Byrd**. Jeffrey Briggs also was in attendance. He stated that the company had offices in Florida and California, with licenses in 30 states. The company had 1,500 clients nationwide and provided employee background screening and tenant screening. Mr. Byrd had 10 years of experience in the industry. He graduated from Vanderbilt University. He began to work for a company which provided physical surveillance. The company was acquired by First Advantage Corporation. He was exposed to computer forensics as well as employment and tenant screenings. He joined Screening One in November 2005. He managed the operations and sales. Acting Chairman Nadeau asked about working for the City of Reno. Mr. Briggs said a proposal was made for the City of Reno, but learned employment screening required a Private Investigator license in Nevada. They withdrew the proposal and entered into the application process with the Board. Acting Chairman Nadeau asked who brought the need for licensure to their attention. It was a competitor who was also planning to offer a proposal to Reno. Acting Chairman Nadeau asked if Mr. Byrd or the company had proposed any contracts subsequent to the initial proposal to the City of Reno. Mr. Briggs said they had not done so, and there were no contracts in place with any entities in Nevada. Board Member Zane moved to grant **Michael Byrd** an individual Private Investigator license to be placed in abeyance so that he may become the qualifying agent for **Screening One, Inc. DBA ScreeningOne**, to grant a corporate Private Investigator license to the company, to approve **Michael Byrd, Jeffrey Briggs, and Matthew Briggs** as corporate officers, subject to all statutory and regulatory requirements. Board Member Uithoven seconded the motion. Acting Chairman Nadeau cautioned that he was concerned with unlicensed activity, but noted the company had immediately withdrawn its proposal once it learned that a license was necessary and the appropriate actions were taken to avoid unlicensed activity. With that said, he also supported the motion, which carried.

Acting Chairman Nadeau asked to return to the matter concerning clarification to be provided by **John Gimple**. Mr. Gimple said Martin-Ross was the company with which Resolute Security Group was sub-contracting. That company was headed by Richard Ross and Joseph Martin.

Peter Maheu, president of the Nevada Society of Professional Investigators, had a concern that there seemed to be confusion. The ability to sub-contract must mean a contract was in place. He said that sub-contracting work did not necessarily mean a company was in compliance with NRS 648. He said the fact that the company was sub-contracting work showed they were in direct violation of the statute. Acting Chairman Nadeau asked Mr. Gimple to explain the nature of the contract. He asked if the contract was with a company in Nevada or with the office in California. Mr. Gimple said the contract was

with the company in Rancho Cordova and there were two separate entities. This work was not solicited. The work came with an employee who would be hired for the Nevada company. That employee would head up business development. The work was being run through the California company until the Nevada company became licensed. Acting Chairman Nadeau asked if the employee was working for Martin & Associates. Mr. Gimple said the employees for the job were on the payroll of Martin & Associates. Mr. Gimple knew Resolute Security could not engage in business until licensed. Mr. Gimple said Martin & Associates was doing all the work until Resolute Security Group would be licensed. He again stated that the work was obtained through an employee. Executive Director Ray said that was a concern how an employee could solicit work. Acting Chairman Nadeau asked if the employee was paid by Martin & Associates; Mr. Gimple said that was correct. Acting Chairman Nadeau asked Mr. Gimple if the Board licensed Resolute Security Group, that employee would change his relationship from working for Martin & Associates to Resolute Security Group. Board Member Zane asked if Mr. Gimple derived any activity in California through this same employee; Mr. Gimple said that did not occur. Board Member Zane asked if the employee worked strictly in Nevada for the contract signed by the California company. Mr. Gimple clarified that the employee worked for Martin & Associates. Board Member Zane said, in the absence of any complaints received by the Board, he would move to approve. Executive Director Ray said in the report, the matter had been referred to Investigator Whatley for further investigation. Board Counsel Menicucci said there were two separate matters. Acting Chairman Nadeau said if a license was issued, and then an investigation was returned that unlicensed activity did occur, the matter would then be handled before the Board at that time, possibly to the detriment of the licensee. Board Counsel Menicucci advised that the ongoing investigation should not prejudice the consideration of licensure. Executive Director Ray asked for clarification. She asked if licensure was granted, it would not preclude an investigator to issue a citation if unlicensed activity occurred. Board Counsel Menicucci said that was correct. Mr. Gimple said California was completely separate from Nevada and were two separate entities. Board Counsel Menicucci said the California company may need to be investigated for unlicensed activity. Acting Chairman Nadeau said Mr. Gimple was saying there was a contract in which Martin-Ross was handling the work. The contract actually comes with the employee who is currently working for Martin-Ross. If the company received a license, the employee will begin working for Resolute Security and the contract will come to the company as well. Acting Chairman Nadeau said any unlicensed activity would rest with the individual carrying the contract. Board Counsel Menicucci said it was permissible for a company in California not licensed in Nevada to refer business to a Nevada company. If the contract is with a California company, the customer has contractual rights. Acting Chairman Nadeau said Mr. Gimple testified under oath that the contract was not with a California company, but with an individual. Mr. Gimple said Bob sub-contracted with Martin-Ross until Resolute Security could become licensed. Board Counsel Menicucci said a contract with a company in California not authorized to work in Nevada. The customer's contractual obligations still lay with the California



company. Mr. Gimple noted that SMG used sub-contractors extensively. Executive Director Ray explained multi-state or national contracts. She said it would be appropriate to use sub-contractors because the company did not obtain the work by advertising for it or bidding for it. She said the issue was handled on a case-by-case basis. Acting Chairman Nadeau said a motion had been made. Board Member Zane said he was not sure whether he had offered a motion or just an inclination. Executive Director Ray was unaware a motion had been made. Acting Chairman Nadeau said the matter was still in the discussion phase. Board Member Zane asked if there was a formal signed contract in place. Mr. Gimple said he would need to contact the California office. He had been concentrating on obtaining the Nevada license. Board Member Zane said this Nevada company had no contract with anybody. Mr. Gimple said it did not. Executive Director Ray asked who maintains the website. Mr. Gimple said the California office maintained it. Board Member Zane moved to approve the licensing status change for **John Gimple (1531 and 1531A)**, to grant **Resolute Security Group LLC** a corporate Private Investigator license and a corporate Private Patrolman license, to approve qualifying agent status for **John Gimple** and to keep his individual licenses in abeyance, to approve **John Gimple, John Dearborn, and Mitchell Brooks** as corporate officers, subject to all statutory and regulatory requirements. Board Member Uithoven seconded the motion. Board Member Zane noted that the motion was setting aside any issues that may arise at a later date with regard to enforcement action. He said the benefit of the doubt was given in that the applicant provided full disclosure regarding the activity. Board Member Uithoven agreed. Acting Chairman Nadeau started to say if an investigation determined unlicensed activity took place, and Mr. Gimple interjected that he would be back before the Board at that point and he understood the situation. The motion passed.

**A Closer Look, Inc.** applied for a corporate Private Investigator license and **Stanley Welch** requested qualifying agent status. Mr. Welch said David McAleese and Chuck Paul launched A Closer Look in 1994 in Norcross, Georgia. The company now operated in mystery shopping activities in all 50 states. The company was active in Nevada until the law was changed to require a Private Investigator license for mystery shopping activities. A Closer Look began to use Howard Services to perform the work in Nevada. Mr. Welch became affiliated with A Closer Look in 2008. He had 16 years of law enforcement experience in California. He began working in the district attorney's office in San Bernardino County, and left there in 2002. He supervised the investigators in the criminal division. He began to work in the private sector for a variety of companies. His current job was the investigations manager at The Mirage in Las Vegas. Board Member Zane asked about the follow-up information that had been forwarded to the Board on potential negative findings. He asked for Mr. Welch to provide his side of the representations made. Mr. Welch said the only negative findings were with the district attorney's office towards the end of his employment there. Allegations were made during the course of an election of the current DA, Michael Ramos. Mr. Welch explained in the documents that he was the elected state representative for

Peace Officers Research Association of California and originally supported Dennis Stout, the previous district attorney. Allegations were made against Mr. Stout's office, which resulted in a federal investigation. During the course of the investigation, Michael Ramos decided he was going to run for district attorney. He requested assistance from Mr. Welch and the local association. Mr. Welch personally supported Michael Ramos and announced that support publicly. The next day, Mr. Welch and other fellow supporters of Mr. Ramos became the focus of an internal investigation. All six people were subsequently placed on administrative leave until approximately the same time the election ended. The allegations centered on running the license plate of a subject in Riverside when Mr. Welch was an officer. The current chief at the time who was appointed by the DA decided to go to the residence of the person whose plates were run by Officer Welch and assist in the generation of a complaint. During the course of the investigation, a letter was identified that Mr. Welch sent on behalf of the office of the district attorney that was sent to the Attorney General's Office of Texas. The letter involved an investigation centering on real estate fraud. Mr. Welch was the supervising investigator for the criminal division in San Bernardino. He was responsible for assigning investigators to cases. An attempt was made to allege that Mr. Welch had tried to assign work on his own personal behalf. Another allegation involved a person who worked at the Hyatt Hotel or the Hilton Hotel in Los Angeles that he called on behalf of his friend and identified himself as a representative of the district attorney's office in order to help the friend. Mr. Welch also disclosed in his background questionnaire that he had never been accused of being untruthful. He totally discounted the investigation done by the DA's office. It was an oversight on his part. He didn't indicate that he was untruthful. He provided documentation to dispute it. None of the findings by the district attorney's office were substantiated. Before the newly elected district attorney took over the position, there was a move to terminate Mr. Welch's employment, as well as others. He filed an action in San Bernardino County in which the county presented its side of the story. Before Mr. Welch could present his side, he was presented the offer to resign or continue to fight the charges. He opted to resign, as he intended to leave the office anyway. He had also provided references by the current DA explaining the situation at the time. Since that time Mr. Welch had never had any issues with any employers after the problems with the office of the district attorney. Acting Chairman Nadeau asked for the terms of leaving employment at the DA's office and if Mr. Welch resigned. He said that was correct. Acting Chairman Nadeau asked why Mr. Welch used the term "retire" on his application if he resigned. Mr. Welch said in his mind he retired from law enforcement. Acting Chairman Nadeau asked if Mr. Welch could draw retirement in California upon reaching the appropriate age. Mr. Welch said that was correct. Acting Chairman Nadeau asked if Investigator DuPuis had any comments. Investigator DuPuis said on behalf of Mr. Welch that he had 16 years of law enforcement experience. Preceding the ultimate resignation from the district attorney's office, everyone Investigator DuPuis contacted said Mr. Welch was a fine investigator. There was no question with his qualifying hours of experience and his ability to do the job. With regards to his departure from the district

attorney's office, Investigator DuPuis felt Mr. Welch was being less than candid. Investigator DuPuis said Mr. Welch mentioned that he was an executive director for PORAC and a representative for that particular region of the state. Investigator DuPuis noted that Mr. Welch also stated he was the vice president of the San Bernardino County employees association. In both positions, he had much training and experience in employment law. When Mr. Welch indicated he retired from the DA's office when he knew he actually resigned, Investigator DuPuis felt Mr. Welch was misrepresenting the facts.

Acting Chairman Nadeau said, with regard to the allegations made during the internal investigation, if any charges were sustained or was the case closed due to the resignation of Mr. Welch. Investigator DuPuis said as he understood it, the hearing officer was unable to issue any type of final report regarding the activities alleged in the complaints because of the resignation. Investigator DuPuis said the resignation stopped the proceeding. Consequently, the hearing officer was unable to issue a report either sustaining or not sustaining the allegations. After the DA's office presented their findings, Mr. Welch followed the advice of his counsel and did not present a defense and chose to resign.

Investigator DuPuis said he asked Mr. Welch to provide documentation that would support his claims. Investigator DuPuis did not hear from him. When Investigator DuPuis contacted him a second time, Mr. Welch said he did not have anything to supply. Instead, Mr. Welch provided the document that outlined his employment history. The only documentation in regards to the disciplinary actions was provided by the DA's office and an e-mail from the assistant chief, Michael Donovan, which had been provided to the Board which outlined the various allegations contained in the disciplinary actions. Acting Chairman Nadeau said at this point the allegations were never adjudicated. There was no determination by the hearing officer. Acting Chairman Nadeau asked about the contents of an IA and if those contents were confidential, or if the Board could request that information because of a background investigation for licensure. Investigator DuPuis said the information was obtained from the district attorney's office through the waiver Mr. Welch signed and provided to the Board in his application. Investigator DuPuis discovered the incident from an individual who knows Mr. Welch personally and also knows Investigator DuPuis. Investigator DuPuis called the individual to inquire about Mr. Welch's experience and discovered Mr. Welch's great qualities in performing investigations. The individual also told Investigator DuPuis about the situation at the district attorney's office. Investigator DuPuis did not obtain the information initially from the DA. Board Member Zane asked Investigator DuPuis if he believed the lack of clarity in the application process was purposeful. Investigator DuPuis believed Mr. Welch had some personal and professional embarrassment over the incident. Investigator DuPuis said it was never a positive or pleasant experience to endure the disciplinary process at one's place of employment. It was equally unpleasant for an employee to learn that he or she was going to be discharged and take part in a termination proceeding. Investigator DuPuis said the fact that Mr. Welch did not present a defense on advice from his counsel would have to be interpreted by the Board on an individual basis. Investigator DuPuis said Mr. Welch believed he could have been completely exonerated yet did not present a

defense. He took the advice of his counsel and resigned. Investigator DuPuis felt Mr. Welch knew or should have known, based on his experience, that he was not being honest in answering the questions. Board Counsel Menicucci said a settlement copy had been provided to the Board. Both parties were not assigned guilt. Acting Chairman Nadeau asked Investigator DuPuis if his friend had not given him the information, there was no record of this on public information. Investigator DuPuis said he would have ultimately discovered it through contacting Mr. Welch's employers. Acting Chairman Nadeau said there was no adjudication, making it difficult for the Board to make any presumptions. Acting Chairman Nadeau said Mr. Welch knew about the allegations, but there were no adjudications. Board Member Zane understood that Mr. Welch indicated he was answering the questions and the burden was on him to put forward the information in the best context possible to be considered appropriately. He asked if Mr. Welch had further comments. Mr. Welch said Michael Donovan's job would be in jeopardy if Dennis Stout left the office, which is what occurred. Acting Chairman Nadeau asked Investigator DuPuis if there was any further negative information; there was none. Board Member Zane moved to approve a corporate Private Investigator license for **A Closer Look, Inc.**, to grant **Stanley Welch** an individual Private Investigator license to be placed in abeyance so that he may become the qualifying agent for **A Closer Look, Inc.**, and to approve **George Petrick, Charles Paul, and David McAleese** as corporate officers, subject to all statutory and regulatory requirements. Board Member Uithoven seconded the motion, which carried.

Acting Chairman Nadeau asked the public to vacate the proceedings for Jonathan Sullivan's agenda item. After the closed hearing ended, Acting Chairman Nadeau re-opened the meeting. There was no public comment. Acting Chairman Nadeau asked for a motion.

Board Member Uithoven moved to deny an individual Private Investigator license for **Jonathan Sullivan DBA 4K Investigations** at this time, subject to all statutory and regulatory requirements. Board Member Zane seconded the motion. Acting Chairman Nadeau agreed with the motion. He urged Mr. Sullivan to continue the positive strides he had been making and he was welcome to re-apply when there was some time and distance in the future.

**Victor Barlogio DBA BSI – Barlogio Special Investigations** applied for an individual Private Investigator license. Mr. Barlogio had been licensed as a private investigator in California since 1992. He worked for the insurance industry and attorneys primarily in northern California. His focus was insurance fraud. One of his clients had begun to write insurance in Nevada, so that was his primary reason for seeking a license. He also did work for a law firm in Fresno who had a satellite office in Las Vegas. Acting Chairman Nadeau asked if Mr. Barlogio had done any work in Nevada; he had not. Board Member Zane moved to grant **Victor Barlogio DBA BSI – Barlogio Special Investigations** an

individual Private Investigator license, subject to all statutory and regulatory requirements. Board Member Uithoven seconded the motion, which carried.

**Burnest Dawson** applied for an individual Private Investigator license. Mr. Dawson had 12 years of experience in casino surveillance until April 2009. In 1990 he began to take online courses to begin a different career path. His goal was to provide background checks and pre-employment screening. Acting Chairman Nadeau asked Mr. Dawson if he reviewed the background report provided by Investigator DuPuis. Investigator DuPuis had nothing to add. He noted that an investigation involving Mr. Dawson's position as director of surveillance. The investigation was concluded and there was no connection between Mr. Dawson and the incidents that took place. Investigator DuPuis spoke with the Gaming Control Board and company executives. They had no reason to believe there was any complicity on the part of Mr. Dawson with the activities that occurred. Board Member Zane asked Investigator DuPuis if he was satisfied with the type of work Mr. Dawson performed at the Hard Rock. He asked if the position was related more to security or investigations. Investigator DuPuis said it was a combination of both. As the director of security, Mr. Dawson oversees the surveillance department, but as incidents develop during the course of the surveillance activity, he is required to take appropriate follow-up actions. Board Member Uithoven moved to grant **Burnest Dawson** an individual Private Investigator license, subject to all statutory and regulatory requirements. Board Member Zane seconded the motion, which passed.

**Paladin Investigations LLC** applied for a corporate Private Investigator license and a corporate Process Server license with **Marc Maston** as the qualifying agent. Mr. Maston had lived in Las Vegas since 1963. He held a Bachelors degree in business administration. He worked for 26 years for Las Vegas Metropolitan Police Department and retired in 2005. He was currently employed as a process server. He planned to use his licenses to perform background investigations and serve process. Board Member Uithoven moved to grant **Paladin Investigations LLC** a corporate Private Investigator license and a corporate Process Server license, to grant **Marc Maston** an individual Private Investigator license and an individual Process Server license to be placed in abeyance so that he may become the qualifying agent for **Paladin Investigations LLC**, subject to all statutory and regulatory requirements. Board Member Zane seconded the motion, which passed.

**E-Backgroundchecks.com** applied for a corporate Private Investigator license with **Craig Kessler** as the qualifying agent. Mr. Kessler began E-Backgroundchecks in 1999 and sold the company in 2004. Prior to that experience, he worked in the database information services industry. Board Member Zane moved to grant **E-Backgroundchecks.com** a corporate Private Investigator license, to grant **Craig Kessler** an individual Private Investigator license to be placed in abeyance so that he may become the qualifying agent for **E-Backgroundchecks.com**, and to approve **Raymond and Jeanne Conrad** as

corporate officers, subject to all statutory and regulatory requirements. Board Member Uithoven seconded the motion, which carried.

Acting Chairman Nadeau continued **Agenda Items #10 (Mark Zane, change of status) , #34 (Kristen Ithurburu, an individual Process Server license), #37 (Justin Zane, individual Repossessor license), Item #44 (discussion on companies providing audits which may result in job loss), Item #45 (discussion whether or not Verizon Business Services/Cybertrust, Inc. should be licensed) , Item #46 (discussion regarding whether or not professional engineers are exempt from NRS 648), and Item #48 (discussion of possible licensing requirements for John Grogan & Associates, which advertises polygraph examination referrals in Nevada) until tomorrow's meeting.**

**Dragon Master Security LLC DBA Integrity Global Security** applied for a corporate Private Patrolman license with **Kyle Hardy** as qualifying agent. This agenda item was a closed session. There was no public comment upon reopening the meeting. Board Member Zane moved to continue Item #29 **Dragon Master Security LLC DBA Integrity Global Security and Kyle Hardy's** request until tomorrow's meeting. Board Member Uithoven seconded the motion, which carried.

#### **Private Patrolman:**

**Hospital Shared Services, Inc.** applied for a corporate Private Patrolman license and qualifying agent status for **Jonathan Ridpath**. Mr. Ridpath had 30 years of experience in the security business (since 1980). He worked for St. Mary's Hospital in security for 16 years. In 1996 he began working for Corporate Security Services in San Francisco as the director of operations. In 1997 he worked for St. Luke's Hospital as the director of security. He then went to work for Healthcare Security Services as the director of operations in the western region, which included California, Arizona, and hopefully, Nevada in the near future. He currently is in charge of approximately 700 security personnel. The company provides security for hospitals only. Hospital Shared Services had many divisions and had been in business for about 40 years. Acting Chairman Nadeau asked Mr. Ridpath if any contracts were in place currently in Nevada. Mr. Ridpath said there were no Nevada contracts. Board Member Uithoven moved to grant **Hospital Shared Services, Inc.** a corporate Private Patrolman license, to grant **Jonathan Ridpath** an an individual Private Patrolman license to be placed in abeyance so that he may become the qualifying agent for **Hospital Shared Services, Inc.,** and to grant corporate officer approval for **Jonathan Ridpath, Samir Singh, Wayne Schell, and Michael Ratkiewicz,** subject to all statutory and regulatory requirements. Board Member Zane seconded the motion, which carried.

**Admiral Security Services, Inc.** requested a corporate Private Patrolman license and qualifying agent status for **Mohamed Ahmed**. Mohamed Ahmed and Youssef Abdallah were in attendance. Mr. Ahmed

stated his intention today was to gain Board approval. He stated he had applied at the meeting before last (June 2009). The Board told them at that time that they could re-apply. He had worked in security for about 10 years. A company was formed about 4-5 years ago. They were successful in California, where the corporation was in good standing, and he wished to do the same in Nevada. Acting Chairman Nadeau asked if Mr. Ahmed was going to be the qualifying agent. Mr. Ahmed said that was correct. Board Member Zane asked which minutes should be reviewed, and was told they were the June 2009 minutes. Acting Chairman Nadeau asked Executive Director Ray to provide a recap of what occurred at the June meeting. Executive Director Ray said a citation had been issued for unlicensed activity and had been paid. They were denied licensure at that time. The Board had some questions with regard to traffic violations that needed to be addressed further. Executive Director Ray believed Mr. Ahmed had sent a letter which addressed some of the concerns expressed at the June meeting. They could not re-apply at the September meeting and asked to appear at the December meeting. The citation had been paid in full. Acting Chairman Nadeau asked if any contracts or business relations existed in Nevada at the current time. Mr. Ahmed said there were none. Acting Chairman Nadeau asked for an explanation of the March 2009 unlicensed activity citation. Mr. Ahmed said his company did business for a client in California. That client asked his company to do similar business in Nevada. He looked for a local security company that was licensed in Nevada. A company was found and Mr. Ahmed checked their background, and then offered them the job. He noted that he was a micro-manager in California and preferred to monitor the computer system closely. A room was obtained, the interviewing process was underway, and Mr. Ahmed wanted to make sure the new hires were up to standard. He learned they were conducting unlicensed activity. He learned he and his company could not be present, nor offer consulting services in Nevada. His company paid for the room for the interviewing process. The marquee showed his business name and the sub-contractor was there hiring and Mr. Ahmed and his company was present to monitor the activities. Investigator Whatley arrived on site and told Mr. Ahmed the activity must cease immediately. They were confused and wanted to know what they were doing wrong. Apparently, Investigator Whatley saw some documents on a table that they had brought with them from California. He said what seemed apparent was that Admiral Security was involved in the hiring process for security guards in Nevada, which they should not do, as they are not licensed here. The counsel for Admiral Security talked to the Board to ask what they had done wrong, how the problem could be remedied, and how to resolve it. They were told they could not do business in Nevada, including consulting, sub-contracting, or solicit business without a license. They stopped consulting in Nevada. They had provided a car on-site from the California company that they covered with a logo. They removed all the documentation. They were fined, paid the fine, and applied for a license in Nevada. Board Member Zane asked Investigator Whatley about the course of her inquiry with regard to the applicant. It was his impression that Admiral Security did not know they were conducting unlicensed activity and proceeded to pay the fine. He asked if it was that "clean" and Investigator Whatley said it

was not. Investigator Whatley said when she arrived at the site, she was told Admiral Security was the parent company of All Purpose Security. She received a complaint just prior to the March meeting that Admiral Security was also involved in the JCK Show. She said that complaint could not be substantiated due to time constraints. There were issues with the car. They were reporting to Point 2 Point that the logo had been removed, but that was not the case. Investigator Whatley performed several compliance checks to observe the vehicle. It would be covered on some visits and not covered on others. Mr. Ahmed responded. He said before he actually looked into obtaining a license in Nevada, he was exploring the possibility of acquiring All Purpose Security. He was talking to the owner, Tony, and the possibility that he would place his license in abeyance to become the qualifying agent for Admiral Security. There were ongoing conversations. He said when Investigator Whatley arrived, there may have been some confusion regarding statements made. He clarified the issue right away and spoke with Executive Director Ray about it. He provided explanations in writing. He then addressed the decal on the car. The solution was to place a magnet over the logo, but the magnet kept falling off the car. That solution did not work. Mr. Ahmed looked into the problem asked if All Purpose Security had resolved the issue with the car. When the second complaint was made regarding the car, Mr. Ahmed was furious because he thought the issue had been resolved. He said the issue needed to be remedied permanently. The decal was permanently removed. He then spoke about the JCK matter. He said he was socializing with current clients present at JCK, but was not conducting business. Board Member Zane asked if the car with the decal was registered to Admiral Security during the time it was in Nevada. Mr. Ahmed said that was correct. Tony did not have a car available, so Admiral Security provided a car from Oakland. After Mr. Ahmed learned of the problems with the vehicle, he told Tony to obtain his own car. Board Member Zane moved to deny the licensing application from **Admiral Security Services, Inc.** for a corporate Private Patrolman license, to deny **Mohamed Ahmed** an individual Private Investigator license to be placed in abeyance so that he may become the qualifying agent for **Admiral Security Services, Inc.**, to deny **Mohamed Ahmed and Youssef Abdallah** corporate officer status, subject to all statutory and regulatory requirements. Board Member Uithoven seconded the motion.

Board Member Zane encouraged the applicant to apply later for licensure. Acting Chairman Nadeau supported the motion. He was not convinced the applicant fully understood unlicensed activity entailed. He supported the motion. The motion to deny carried. Acting Chairman Nadeau told Mr. Ahmed he would have another opportunity to apply in the future.

Mr. Ahmed asked if there was a certain timeframe in order to re-apply. Acting Chairman Nadeau advised him to contact the Board office. Acting Chairman Nadeau understood Mr. Ahmed may have clients for whom he may wish to provide service in Nevada. He said Mr. Ahmed needed to convince the Board that he understood the gravity of unlicensed activity, but he could not provide a concrete date for re-application. Mr. Ahmed said that today was his second attempt to become licensed. The events just discussed happened in a limited amount of time. He said he had tired to rectify the situation. There had



been no unlicensed activity since the initial problem. He paid the citation fee. There were grey areas he had attempted to clarify several times. He had submitted his application. The DUI issue had been discussed at the previous meeting. The Board was now telling him he would need to apply again. He asked what else he could do to satisfy the Board. He had provided all the information he could, either verbally or in writing. Acting Chairman Nadeau said he was not present at the June meeting. He based his decision on the information at hand. A solid date for re-application could not be given. An appropriate hearing had taken place today. He did not have an answer to the questions Mr. Ahmed was asking. Mr. Ahmed thanked the Board for its time.

J.C. Cameron was still not present in Las Vegas.

#### **Process Server:**

**John Norton** applied for an individual Process Server license. Mr. Norton retired from the NYPD after 20 years of service in a variety of duties, including 3 years at the district attorney's office. He was trained as an academy instructor and field training officer. Currently, he was an instructor at a college in Las Vegas. He wished to become a process server and work independently. Board Member Zane moved to grant **John Norton** an individual Process Server license, subject to all statutory and regulatory requirements. Board Member Uithoven seconded the motion, which passed.

**EDCO Group, Inc. DBA ABI Document Support Services** applied for a corporate Process Server license and qualifying agent status for **David Bengé**. Mr. Bengé had worked for the last 20 years at ABI Document Support Services, which specialized in the service of authorizations and subpoenas. He had been overseeing and serving process for the past 20 years. He was currently overseeing about 60 agents. They served approximately 30,000 subpoenas and authorizations per month. Board Member Zane asked about the issue of purchasing alcohol for a minor. Mr. Bengé explained that he had disclosed the information to the investigator, although it did not appear in the background investigation. In 2003 or 2004 he had been solicited by a man at an AM/PM market to buy him alcohol. Mr. Bengé bought the man a 6-pack of beer and was placed on either a 6-month or 12-month probation. Board Member Zane asked Mr. Bengé if he offered the information to the investigator and was not prompted by information found by the investigator. Mr. Bengé said he told the investigator about the incident. It was not discovered in the background check. Board Member Zane asked him what prompted him to buy the alcohol and if it was a lapse in judgment. Mr. Bengé said it was clearly an error in judgment. Board Member Zane asked Mr. Bengé if he knew the person, but he did not. Board Member Zane moved to grant **EDCO Group, Inc. DBA ABI Document Support Services** a corporate Process Server license, to grant **David Bengé** an individual Process Server license to be placed in abeyance so that he may become the qualifying agent for **EDCO Group, Inc. DBA ABI Document Support Services**, and to

grant corporate officer status to **David Benge, Harry Glassman, Robert Glick, James Horton, Jason Benge, James Davis, and Carol Messingham**, subject to all statutory and regulatory requirements. Acting Chairman Nadeau seconded the motion, which carried.

### **Repossessor:**

The next agenda applicant requested a closed hearing. After the closed hearing ended, the meeting was re-opened to the public. Mr. Scarborough said the binder would be left with the investigator in Las Vegas. Acting Chairman Nadeau agreed. Board Member Zane moved that the request by **Scarborough, Estus & Associates LLC** for a corporate Repossessor license, the qualifying agent status requested by **Chad Estus** and his request for an individual Repossessor license to be placed in abeyance so that he may become the qualifying agent for **Scarborough, Estus & Associates LLC**, member approval requested by **Chad Estus** and **Scott Scarborough**, be continued until the next Board meeting so that additional information can be considered. Board Member Uithoven seconded the motion. He appreciated the thoroughness of the applicant and looked forward to a verification of the documents that had been presented to the Board today. He said the Board would give the request and documentation fair consideration. Acting Chairman Nadeau asked Board Counsel Menicucci if the motion was legal. Board Counsel Menicucci said if the applicants objected to the motion, the only alternative was a denial. The applicants said they understood the motion. The motion carried.

### **Administrative Business:**

Loomis Armored U.S. (#848) requested that the Board grant a continuance to operate with Ben Hatch as the qualifying agent, who is in the process of completing a licensing application for the next regularly scheduled Board meeting, pursuant to NAC 648.520.

Mr. Hatch said he was requesting the continuance, as the company did not currently have a qualifying agent. He was completing an application and still needed to take the licensing test. He had worked for Loomis for the past 8 years in the Salt Lake City areas. The last 4 years had been in management and he had served in multiple capacities in his time with the company. He was asked to become the operations manager with Loomis in Las Vegas. Executive Director Ray placed the item on the agenda because Board staff had encountered similar situations in the past: a company would choose a new qualifying agent, the individual would complete an application, Board staff would begin a background investigation, but then the individual would resign. She wanted it put on the record that Loomis was trying to complete the process of obtaining a new qualifying agent. It was noted that Board staff had received a completed application from Mr. Hatch. Mike Kirkman, Nevada Society of Professional Investigators, said it was an ongoing concern that the Board would continue to allow businesses to run without a licensee for extended periods of time, far longer than the regulation allowed. It was the

position of Mr. Kirkman and his group that the Board existed to license individuals, not to grant people the ability to operate as acting qualifying agents merely because they say they are qualified until they prove the fact. He said the code was very specific and the Board was granting someone the authority to operate without a license. He and his group objected. Acting Chairman Nadeau asked, if an extension was granted, how much time would be involved. Executive Director Ray said it would be granted until the next regularly scheduled Board meeting. Acting Chairman Nadeau asked if the applicant did not qualify, the license could be suspended. Executive Director Ray said that was correct. The company was on notice that a qualifying agent must be put in place and approved as quickly as possible. Mr. Hatch informed the Board that he would make himself available to adhere to the schedule they set. Should the Board decide to quicken the process, he would be more than happy to meet their requirements. He knew the lack of a qualifying agent was an issue in the past. He and the company wanted to be in compliance. Peter Maheu said the concern he and his group had was not against Loomis, as they were a respectable company. The issue was that deadlines needed to be set. The scenario had been encountered before in other cases. He said some companies were allowed to operate for a much longer time without a qualifying agent in place than the current case with Loomis. He would like to see the Board set definitive deadlines in these cases. Acting Chairman Nadeau thanked him for his comments. Board Member Zane moved to grant an extension to Loomis Armored U.S. to operate with Ben Hatch as acting qualifying agent, who was in the process of completing an application for licensing until the next regularly scheduled Board meeting, and put the ultimate deadline at that meeting. Board Member Uithoven seconded the motion. He said that motion would satisfy the hard deadline. Acting Chairman Nadeau said it would put Loomis on notice that a qualifying agent needed to be established by the next Board meeting. The motion carried. Acting Chairman Nadeau thanked Mr. Hatch and asked him to deliver the message to Loomis.

John Theel of SOA of Nevada (#525) asked the Board to grant an exemption to utilize 6 out-of-state law enforcement officers for the Consumer Electronic Show (CES) in Las Vegas from January 6-January 11. Mr. Theel explained for the benefit for the new Board members that the people were SOA employees from other states. Nevada law states that if a person is a law enforcement individual, Board approval was needed to bring those people to work in Nevada. The employees would act in supervisory roles and understand they do not perform law enforcement functions, and were not present to act in that capacity. Acting Chairman Nadeau asked if the individuals were armed or unarmed; Mr. Theel stated they were unarmed. Acting Chairman Nadeau said Mr. Theel would be required to provide a list of the staff. Mr. Theel said that was not a problem. He further stated that the employees would hold sheriff's cards and would be registered employees. He said additional people would be brought to Nevada to work, but only 6 were law enforcement individuals. Board Member Zane said before there was an indication that these employees were specially trained, which qualified them over and above a local cop who may be

available to work. Mr. Theel said for this particular show, the employees were supervisors around the country. He said Board Member Zane was referring to the permission granted to SOA in the past regarding the JCK Show. Mr. Theel was specifically asking to bring in supervisors for the Consumer Electronics Show. Board Member Zane moved to grant an exemption to John Theel of SOA of Nevada (#525) per NAC 648.338 to utilize 6 out-of-state law enforcement officers to supplement his crew of 500 guards for the Consumer Electronic Show (CES) in Las Vegas from January 6-January 11. Mr. Theel said the employees would fly out after the show on January 12, so January 11 was fine. Board Member Uithoven seconded the motion, which passed.

Richard Ellington of Ferrari Express, Inc. (#1432) asked for an exemption to use 40 out-of-state law enforcement officers for jewelry shows to be held in Las Vegas from May 25, 2010 to June 10, 2010. Mr. Ellington explained that the 40 individuals would be brought in for the JCK Show. The gentlemen were familiar with the events, had worked for the company for some time, and filled specific roles in company operations. They were familiar with the security practices. He said the individuals have already been approved previously by the Board to work in Nevada. Mr. Ellington explained that all 40 individuals would not be present in Nevada at one time. They would work on a rotating basis. Board Member Uithoven moved to grant an extension to Richard Ellington of Ferrari Express, Inc. (#1432) to utilize 40 out-of-state law enforcement officers for the jewelry shows being held Las Vegas from approximately May 25, 2010 to June 10, 2010. Board Member Zane seconded the motion. Acting Chairman Nadeau asked Mr. Ellington to provide a list of employees and necessary documentation to the Board; he agreed. The motion carried.

John Padula from Brinks, Inc. requested an exemption to use 35 out-of-state law enforcement officers for upcoming jewelry shows in Las Vegas. Mr. Padula said the employees would be in Las Vegas from May 27, 2010 to June 8, 2010. Acting Chairman Nadeau asked about specific dates. Mr. Padula said the show was set for the weekend prior to Memorial Day. Acting Chairman Nadeau said the Board would like specific dates. Mr. Padula said the ending date was June 8, 2010. Acting Chairman Nadeau advised Mr. Padula that all necessary documentation should be provided to the Board. Mr. Padula said he would provide the necessary documentation for Executive Director Ray. Board Member Zane moved to grant an exemption to John Padula from Brinks, Inc. (#450) as outlined in NAC 648.338 to utilize 35 out-of-state law enforcement officers for the jewelry shows (2010 Vegas Show Circuit) being held in Las Vegas from approximately May 25, 2010 to June 8, 2010. Board Member Uithoven seconded the motion, which carried.

The next item provided for discussion to determine if NAC 648.520 as it pertains to corporations affiliating with qualified persons in order to continue operating until a new qualified person can be

approved by the Board should be modified. Executive Director Ray said the topic was discussed at the previous meeting. She had hoped to have suggested language prepared to amend the NAC, but the language had not been completed. She wasn't sure the Board had been able to review the minutes from the previous meeting. She noted comments had been made for the record at the previous meeting. She planned to provide suggested language for the next meeting. Mr. Maheu said his concern was time limits. Some cases had been allowed to continue for long periods of time. The statute was clear that the timeframe is 120 days. He said the Board should be more proactive in enforcing that timeframe. He spoke about similar situations in California in which a person without necessary qualifications would be paid to act as qualifying agent for two years before the state would become aware of the situation. He did not want the same situations to occur in Nevada. Acting Chairman Nadeau said the Board appreciated his concerns. The topic would be placed on the agenda for a future meeting. Acting Chairman Nadeau asked if the issue needed a vote to be continued. Board Counsel Menicucci said the issue could be placed on the agenda for the next Board meeting.

Collette Putnam, Collette's Consultants asked to discuss private investigator's accessing DMV and SCOPE records. Ms. Putnam said she had some concerns from the last meeting in terms of statements relative to accessing DMV and SCOPE records. Based on the minutes, she thought there may be some misconceptions regarding SCOPE. She said NRS 648 was not in compliance with other federal, state, and local laws relative to a licensee accessing the information. Upon review of the minutes, it indicates that a Board member probably believes NCIC and SCOPE are unanimous. Her concern as a licensee who investigates capital crimes was that she had a right under Metro's policy/procedure manual that she can enter into a user's agreement that she can access SCOPE from Metro. SCOPE did not give her NCJIS or NCIC. She also has an account with DMV that allows her to access more information than allowed to an attorney. Her concern was with the non-compliance of 648 for other federal, local, and state laws would eliminate her ability to access information needed to do her job. She said she fought very hard in past years to maintain the ability to obtain credit information, social security numbers, dates of birth, and the like. Other state and federal law said private investigators could access the information if it was relative to a pending investigation or anticipating litigation. The minutes from the last meeting showed where the Board stated several times they would take away a license, discipline, and fine the licensee for obtaining information that private investigators have a right to access. The minutes to which she referred were Page 29-Page 41. The stated intention shown was to the Board intended to remove a license. She said if the Board disciplined that particular licensee, it would open the precedent to remove her license, as well as anybody's license who accesses information that they have a right to obtain by statute. She was concerned about the confusion of the Board regarding NCIC and the actual function of SCOPE. If a Metro officer gives information to a licensee provides information to a licensee without being asked, the officer is in trouble for breaking Metro policy. After Ms. Putnam read the hearing

minutes, she reviewed the district court case. The information provided in the case based on the minutes said the complaining witness's private information was published. The person who published the information was the complaining witness. When a person files with a district court, he or she should also file forms stating that the document contains personal information, with specific reference to social security numbers. The attorney could have filed the information under seal. He did not do that. The report is published one more time. As far as Ms. Putman could tell, the licensee performed his investigation and the witness is complaining that that the information is published, but the witness is responsible for publishing it. Ms. Putman said four defendants were listed in the case. Only two were remaining, the licensee and Metro. The DMV and the State of Nevada were dismissed on stipulation. Her concern was that, as a licensee, if she angered an attorney and a complaint was filed against her, the Board could decide to discipline her. She said NRS 648 was not in compliance with other state, federal, and local laws. The attorney could sue her and she would have a liability issue. She said NRS 648 needed to be revised. She compared the language in NRS 648 limiting licensees' access to DMV records for insurance cases and the section contained in DMV's statute allowing broader information access. Metro said she can have SCOPE if she follows proper procedures. She could also access NCIC if she was licensed and followed procedures. She again said NRS 648 should comply with other existing law. Acting Chairman Nadeau asked where Ms. Putman was referring in 648. She said it was 648.157(1) regarding suspension of licenses for accessing information. She then referred to NRS 41.063 which states that a private investigator conducting an investigation of an insurance claim can have the information. She sent her concerns to Executive Director Ray several weeks ago and never got a response. She read the Federal Privacy Protection Act (18 USC 2721-2725) states that she can access information to pursue legal remedies. The information can be provided for legal proceedings in any federal, state, or local court or agency, or regulatory bodies. Ms. Putman said licensees have a regulatory body which answered to the Office of the Attorney General. She continued to read the language. It seemed to her that if the discipline hearing continues, it establishes the precedent that a licensee cannot access to information they have a right to obtain. It would restrict Ms. Putman's ability to do her job. Las Vegas Metropolitan Police Department has a policy & procedure manual allowing licensees to access information upon signing an agreement. If someone gives her information they should not, it should not be her duty to tell them not to do that. Her job was to find information she needed to know. Ms. Putman should not be disciplined for asking for information.

Board Counsel Menicucci referred to a Nevada law regarding the dissemination of criminal history information. There are specific categories of people who can access that information (179A). Board Counsel Menicucci did not believe the Board had ever taken action against a person who was entitled to access that information. He said if a person intentionally gathered the information and was not entitled to the information, that would be a matter of unprofessional conduct and may involve discipline. He agreed with Ms. Putman in one regard. In most cases, the penalty in the statute was directly implied to the

police officer who violated policy. Board Counsel Menicucci pointed out that perhaps the statute is not logical. He said professional reporters could obtain information and then disseminate it to the public. He said there were many grey areas. Board Counsel Menicucci was not aware that the Board had ever disciplined a licensee for obtaining information they could rightfully access. Executive Director Ray commented on 648.157. The Board was seeking to have that repealed, but the legislature thought the Board's interpretation was incorrect and chose to keep the language. Acting Chairman Nadeau noted the language was last amended in 2001. Acting Chairman Nadeau thanked Ms. Putman for her comments.

**Public Comment:**

Peter Maheu spoke about closed sessions during the Board meetings. He said 35-40 people were standing in the hall during those closed sessions today. He asked if the Board would consider placing closed sessions last on the agenda, rather than throughout the day. Acting Chairman Nadeau said he appreciated Mr. Maheu's comment. Two of the closed sessions today had been unexpected. He noted the practice was a recent one. Mr. Maheu said it was becoming a more popular request.

**J. C. Cameron Enterprises, Inc.** requested a corporate Private Patrolman license with **James Cameron** as the qualifying agent. Mr. Cameron was in the military and left in 1997. He attended college. He went back into the military to go overseas. He returned to the states and worked for United States State Department under the security and protection department. He had worked in several leadership roles with the diplomatic security site. The company he wishes to incorporate in Nevada would transfer his past experience into the civilian sector. He planned to offer professional service, not the stereotypical executive protection.

Board Member Zane asked about the background investigation showing an indication of liens and if they had been satisfied. Mr. Cameron said the liens had been satisfied and he had a letter stating that fact. He said the letter was in his mailbox when he flew back from Iraq today. Acting Chairman Nadeau asked for a faxed copy of the document to be sent to the Board. Mr. Cameron said the document was a notice stating a state tax lien was being released within 30-60 days with a certificate number and tax year of 2007. The matter had to be processed in the California system. Acting Chairman Nadeau asked Mr. Cameron if he had a copy of the investigative report. He did not have the document. Acting Chairman Nadeau said 7,332 hours of qualifying experience were shown. He asked Mr. Cameron how his experience in the Army National Guard would translate to qualifying experience for private patrol. Mr. Cameron said the military portion involved small tactics, training exercises, and missions. His experience during that time in private patrol work fell under personal protection. He was hand-selected to move VIPs throughout Iraq. Most of his protection experience was in diplomatic security with the State Department. Acting Chairman Nadeau asked about the amount of active duty for Mr. Cameron.

Acting Chairman Nadeau noted there were 1 year and 4 months of guard duty were included and asked how much of that time was active duty. Mr. Cameron said his guard experience was from May 2002 to September 2006. However, he was in active duty from 1992 to 1997. Acting Chairman Nadeau asked about 2002-2006 and how much of that time he was deployed. Mr. Cameron said it was November 2003 to March 2005. That work involved counter-insurgent operations. He also performed dignitary protection as needed. Board Member Zane asked Mr. Cameron if he was still employed with Blackwater. Mr. Cameron said he was not currently working for Blackwater, but had in the past. Board Member Zane asked if Mr. Cameron had been involved in the inquiries that had been made in the past about Blackwater's service in Iraq. Mr. Cameron said he was not involved in that issue. Acting Chairman Nadeau asked about qualifying time and the Investigator DuPuis was able to certify 7,332. The military experience would expand those hours. Investigator DuPuis said that was correct. Because Mr. Cameron was out of the country in Iraq, Investigator DuPuis could not speak with him directly to discuss hours. Investigator DuPuis referred to Board Member Zane's earlier comments regarding Blackwater and the legal issues in Iraq. Investigator DuPuis was able to verify with an advocacy group in New York currently involved in the litigation with Blackwater that Mr. Cameron had no duties or contacts with the Baghdad shooting incident. Mr. Cameron was not in that portion of the country at the time and had no association with the issue. Acting Chairman Nadeau said the Board needed to interpret the amount of time in the National Guard experience can be applied to meet the 10,000 requirement. Acting Chairman Nadeau said if all the hours were counted, it would total about 13,000 hours. Mr. Cameron said the entire time he was overseas since May 2006 until yesterday had all been security work. Acting Chairman Nadeau asked Investigator DuPuis if any additional time could be added to the 7,332 from the time of the application and now. Investigator DuPuis said all of the hours shown on his application of May 2009 is not accounted in the hours. The additional time he spent in dignitary protection is not included. Board Counsel Menicucci said, in accounting for military service, some duties were on an 8-5 basis, while others were not, such as the duties in the National Guard and in Iraq. Mr. Cameron understood. He currently held a U.S. State Department clearance that he met the hourly requirements. His time was usually 7 days per week/ 24 hours a day. He said the average work day was 14 hours. Acting Chairman Nadeau said the struggle was not with his duties, but with how the hours would be verified to meet statutory requirements. Board Member Uithoven asked about the disturbing the peace included in the report. Mr. Cameron said an altercation occurred between another individual and himself. The situation arose because he feared for his personal safety, his wife's safety, and the safety of his personal property. He confronted the individual. The DA saw the incident as nothing more than a disturbance of the peace infraction. Board Counsel Menicucci noted not all the military time was applicable to qualifying hours, but only when he was protecting persons and property. Acting Chairman Nadeau asked Mr. Cameron for his specific duties for the record. Mr. Cameron said he worked special operations and was a sniper team leader during the latter part of the invasion and provided protection. Acting Chairman



Nadeau asked for his rank. He said it was A-5, Sergeant Sniper Team Leader supervising a team of 6 personnel. Acting Chairman Nadeau asked if Mr. Cameron had to perform personnel duties. Mr. Cameron said he performed those duties. He was in charge of the vetting process, personnel, counseling, mission debriefing, and equipment accountability. Acting Chairman Nadeau asked Board Counsel Menicucci if the duties equated to supervising a security detail. Board Counsel Menicucci said it appeared similar. Board Member Zane asked Investigator DuPuis if he felt comfortable regarding his qualifying experience. Investigator DuPuis said he did not have any issues with his hours of experience after hearing about Mr. Cameron's duties in Iraq. He said if only a percentage of the hours were counted, there were more than enough hours to put him over the 10,000 hours required. Acting Chairman Nadeau asked Executive Director Ray if a motion was made that he meets the minimum of 10,000 hours without stating an exact amount. Executive Director Ray said that approximate hours would be accepted. She said the determinations of hours would be made on a case-by-case basis. Board Counsel Menicucci said Mr. Cameron needed less than a quarter of the necessary hours. Mr. Cameron thanked the Board for their consideration.

Anthony Jones, a newly approved licensee, said he did not know Mr. Cameron personally. He was also a retired major in the Air Force and had also provided security in Iraq. The computations Mr. Jones made of the hours Mr. Cameron had worked were well above the hours needed. He knew the work done by Mr. Cameron and that the hours were more than sufficient. He felt very good about what he had just heard in the information provided by Mr. Cameron. Board Member Zane moved to grant **J. C. Cameron Enterprises, Inc.** a corporate Private Patrolman license, to approve **James Cameron** as qualifying agent and to grant him an individual Private Patrolman license to be placed in abeyance so that he may become the qualifying agent for **J. C. Cameron Enterprises, Inc.**, and to approve **James Cameron** as corporate officer, subject to all statutory and regulatory requirements. Acting Chairman Nadeau asked if the motion included that James Cameron had met the minimum threshold of 10,000 hours of experience. Board Member Zane agreed. Board Member Uithoven seconded the motion. The motion carried.

Kristopher Nicholson spoke about electronic process serving. He said Wiz-Net was offering e-service and wanted to know if the Board should require licensing of those types of company. He referenced Rule 5, which technically was the service of process. Acting Chairman Nadeau asked if the company was e-mailing service to individuals. Mr. Nicholson said that was correct. Acting Chairman Nadeau asked if it met statutory requirements of service. Acting Chairman Nadeau asked Mr. Nicholson to explain Rule 5. Mr. Nicholson said under the Nevada Rules of Civil Procedure, Rule 5 involves for orders and motions. The rule had been changed a couple of years ago and provided for electronic service of process. Basically, it pertained to documents after initial service has been done. It did not

involve subpoenas or summons & complaints. He said after a case is opened, both parties would agree to accepting service through electronic means. After service is completed, should a party state it had not received the documents, the case could be thrown out of court. Mr. Nicholson said it was similar to a publication. Mr. Nicholson was concerned because many jurisdictions were moving to the use of electronic means and an entire category of licensure could be lost for the Board. He noted there were not a huge number of process servers in Nevada. Acting Chairman Nadeau said the Board would need to consider the matter. He asked if there was an electronic signature to show receipt of documents, or if the electronic submission did not bounce back, it was assumed the item had been received. Mr. Nicholson said both parties must register with the system and agree to it. The fear of the process serving companies is that Rule 5 items were not major items, but were still process serving. He said if the court paid a company or service to serve process, it would be difficult for the company/service to remain neutral in the process and couldn't act as a disinterested third party. Board Member Zane said the major concern was whether or not companies such as Wiz-Net should be licensed in order to provide service in Clark County. Mr. Nicholson said he believes they should be licensed. He said if there was an assumption that service had been done, a license should be required. Board Member Zane referenced Nevada Legal News and the fact that an affidavit existed that the matter had been published. Mr. Nicholson clarified and said the document was served by publication. Board Member Zane said a document was not placed in any individual's hand, but the legal step was being taken to follow the court's dictate to publish, as all other means of service had failed. Mr. Nicholson agreed. He said it was a very hot topic with nation-wide process serving associations in terms of what would happen in the future. He realized there was not a process server representative on the Board. Executive Director Ray asked Mr. Nicholson to keep the Board posted on any new development. Acting Chairman Nadeau thanked Mr. Nicholson for his patience in staying at the meeting to speak on the topic.

Board comment:

Board Member Zane said he was excited to serve on the Board. Executive Director Ray said usually, new Board members often did not take such an active part in the first meeting as Mr. Zane had done today.

Future agenda items:

None.

Public Comment:

None.

Board Member Nadeau adjourned the meeting.

PRIVATE INVESTIGATORS LICENSING BOARD  
MINUTES DECEMBER 9, 2009 continued to DECEMBER 10, 2009

**MEMBERS PRESENT:**

JIM NADEAU: BOARD MEMBER (ACTING CHAIRMAN FOR THIS MEETING)  
ROBERT UITHOVEN: BOARD MEMBER  
MARK ZANE: BOARD MEMBER  
RICHARD PUTNAM: BOARD MEMBER

**OTHERS:**

MECHELE RAY: EXECUTIVE DIRECTOR  
TAMMY WHATLEY: INVESTIGATOR  
JEFF MENICUCCI: BOARD COUNSEL  
JOE DUPUIS: INVESTIGATOR  
COLIN MURPHY: COMPLIANCE AUDITOR  
BRANDI KING: ASSISTANT  
ELAINE TRENT: ASSISTANT

**ABSENT:**

DAVID SPENCER: BOARD CHAIRMAN

Items continued from the December 9, 2009 agenda to December 10, 2009.

**Kristen Ithurburu dba Nevada Process Service** applied for an individual Process Server license. Ms. Ithurburu explained her experience for the Board and told them the purpose for obtaining the license. She explained that she would be putting the license into abeyance and continue working for Zane Investigations. Board Member Putnam moved to grant **Kristen Ithurburu dba Nevada Process Service** an individual Process Server license, subject to all statutory and regulatory requirements. Board Member Uithoven seconded the motion, which carried.

**Justin Zane dba Nevada Repossession Services** applied for an individual Repossessor license. Mr. Zane explained his experience for the Board and told them

the purpose for obtaining the license. He explained that he would be putting the license into abeyance and continue working for Zane Investigations. Board Member Putnam moved to grant **Justin Zane dba Nevada Repossession Services** an individual Process Server license, subject to all statutory and regulatory requirements. Board Member Uithoven seconded the motion, which carried.