



recoveries (fines)-\$60,000

Anticipated expenditures--Category 01 (salaries)-\$685,000

Category 02 (out-of-state travel)-\$5,000

Category 03 (instate travel)-\$30,000

Category 04 (operating expenses)-\$230,000

Category 09 (litigation expenses)-\$20,000

Category 10 (background investigations)-no figure given

Category 26 (IT)-\$80,000

The reserve balance in category 86 was \$19,903. Category 88 was \$6,000.

Board Member Nadeau asked about the recoveries amount. Executive Director Ray said the figure was a reduction. Her anticipated amount for FY 2010 was \$80,000. She said a portion of those recovery funds would be returned to the general fund.

### **SWEARING IN:**

Acting Board Counsel Rasul 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 90 pending complaints. She noted that the number was not totally accurate because some of those complaints were closed and some had resulted in the issuance of citations. Investigator Whatley issued 1 citation for unlicensed activity, 2 cease and desist letters, and approved 1 certified firearm instructor application. She attended 8 conventions/shows to perform licensee checks, including the JCK Show. Investigator Jupp issued 2 unlicensed activity citations and issued 1 cease and desist letter. He attended 6 compliance inspections. Investigator DuPuis completed 35 background investigations, 15 of which were corporate officers, 6 were for corporations, and 14 were for qualifying agents or individuals. Investigative Assistant King processed 2 background updates and completed 35 preliminary background reports. There were 45 backgrounds pending, 15 for corporate officer, director, or members, 9 for corporations, and 5 change of status applications, 1 for process server, 9 for private investigator, and 6 for private patrol. A total of 3 backgrounds were rejected because they were incomplete. Investigator Murphy completed 3 audits and performed 4 convention/compliance checks. Investigator Gresnick-Smith completed 3 audits. Executive Director Ray conducted 2 workshops and one special meeting. As of today, board staff had completed 908 registrations, had denied 105 registration applications, issued 532 provisional registrations since January 1, 2010, and had 350 pending registration applications as of June 8, 2010. There were 649 applicants in the database who had started the process but had not completed it or paid the fee.

**CONSENT AGENDA:**

6. **Security Mangement Group International, Inc.( #1353)** requested corporate officer approval for **Michael Janke** and **Robert Shiells**.
7. **Donald Tatone (#1555)** requested a change in licensing status. **Tatone Investigations LLC** requested a corporate Private Investigator license with **Donald Tatone** as qualifying agent and member.
8. **Ronald Cunningham (#1482)** requested a change in licensing status, qualifying agent approval, and to place his individual Private Patrolman license into abeyance, **Capitol Area Security LLC** requested a corporate Private Patrolman license, and **David Babin** requested member approval.

Board Member Putnam moved to approve Items 6, 7, and 8 subject to all statutory and regulatory requirements. Board Member Nadeau seconded the motion, which passed.

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

**US Security Services, Inc. (#152)** requested qualifying agent status for **Walter Kodba**. Board Member Putman moved to grant qualifying agent approval for **Walter Kodba** and to place his individual Private Patrolman license in abeyance so that he may become the qualifying agent for **US Security Services, Inc.**, subject to all statutory and regulatory requirements. Board Member Uithoven seconded the motion, which carried.

**Numark Investigations LLC** requested qualifying agent status for **Scott McLeod**.

Mr. McLeod was in the military for 20 years. He also was a quality assurance inspector for numerous aircraft companies. He then became a member of Numark Investigations LLC and had worked there for almost 6 years. Board Member Zane moved to grant **Numark Investigations LLC (#603)** its request for qualifying agent status **Scott McLeod (categories of Private Investigator and Private Patrol** and that his individual Private Investigator license and individual Process Server license be placed in abeyance so he could become the qualifying agent ,subject to all statutory and regulatory requirements. Board Member Putnam seconded the motion, which carried.

**Howard Services DBA Service Sleuths (#1182)** requested qualifying agent status for **Thomas Mills, Jr.** in the Private Investigator category. Mr. Mills had worked under Howard Levinson for 13 years. A majority of the work involved security investigations relating to physical security. Board Member Nadeau asked if Mr. Mills considered his work part-time or full-time employment. Mr. Mills said it was full-time from 1995 to the present. The first 8-10 years he accompanied Mr. Levinson or performed

assignments at his direction. They performed many mystery shops involving employees and integrity issues. Mr. Mills also trained others to perform mystery shops. Board Member Zane asked what percentage of time involved investigative work. Mr. Mills said from 1993 to 2001 he worked directly with Mr. Levinson, who was a full-time security consultant. Mr. Mills was his right-hand man. Then the mystery shopping business began to grow in 2001. Board Member Zane noted that Mr. Mills said the work involved security consulting, but the company was in the Private Investigator category. Mr. Mills said he performed background checks, tracked trucks, and watched any and all activities that may affect the business. Board Member Zane asked if it was possible to hear the breakdown of hours of experience. Executive Director Ray explained that Investigator DuPuis was absent due to illness, but was available via telephone. Acting Board Counsel Rasul swore in Investigator DuPuis. Chairman Spencer said there was a question regarding the adequacy of hours of Private Investigator hours for Mr. Mills. Investigator DuPuis said he had verified the hours. Board Member Zane said that Mr. Mills indicated quite a bit of activity that would fall in the category of Private Patrolman. Investigator DuPuis said he found the hours to be adequate. Mike Kirkman said his only concern was that the individual lived in Massachusetts, leaving a large number of employees to work in Nevada without supervision. Mr. Mills said he worked in Nevada from the first week in January until the first week of April 2010. He said he would travel to Las Vegas every 2 months to oversee the operations. Chairman Spencer asked if anyone onsite in Nevada was a supervisor. Mr. Mills said he had a director of West Coast operations. There were 150-200 mystery shoppers. Mr. Kirkman said he was not certain much investigation was occurring without direct supervision. Chairman Spencer said he was aware of the concern voiced by Mr. Kirkman. Under current statutes, Mr. Mills met the qualifications. Board Member Nadeau moved to approve **Thomas Mills, Jr.** qualifying agent status for **Howard Services DBA Service Sleuths (#1182)** and to place his individual Private Investigator license into abeyance, subject to all statutory and regulatory requirements. Board Member Putnam seconded the motion. Board Member Nadeau said he would expect that Mr. Mills was aware that he was responsible for the business dealings of the company and would be subject to any discipline if it occurred. Mr. Mills said he was aware of the fact. The motion carried.

**Securitas Security Services (#1100)** requested qualifying agent status for **Dan Parisi**. Mr. Parisi graduated from UNLV. He began working for Securitas in April 1996. He was a license holder for the company in Illinois for approximately 8 years. He transferred back to Nevada and worked for the company in both the Las Vegas and Reno offices. Board Member Putnam moved to grant qualifying agent status for **Dan Parisi**, to grant him an individual Private Patrolman license to be placed into abeyance so that he may become the qualifying agent for **Securitas Security Services**, subject to all statutory and regulatory requirements. Board Member Nadeau seconded the motion, which carried.

## PRIVATE INVESTIGATOR:

**PreCheck, Inc.** applied for a corporate Private Investigator license with **Robert Sartain** as the qualifying agent. Mr. Sartain formed PreCheck in 1995 with a focus in the health-care arena. The company performed background checks and licensing checks. The business had grown over the years and was active in 46 states providing pre-employment screening and background investigations. Board Member Nadeau moved to grant **PreCheck, Inc.** a corporate Private Investigator license, to grant **Robert Sartain** an individual Private Investigator license to be placed into abeyance so that he may become the qualifying agent for **PreCheck, Inc.**, and to approve **Bruce Butler, Glenn Woolsey, and Robert Sartain** as corporate officers, subject to all statutory and regulatory requirements. Board Member Putnam seconded the motion, which carried.

**Intelius Screening Solutions LLC** applied for a corporate Private Investigator license with **Randall Powers** as the qualifying agent. Mr. Powers was licensed by the Board 4 years ago and had 30 years of experience in the business. He had been licensed in California for 26 years. In his previous employment, he had provided onsite security officers and was responsible for all investigations. He had worked individually for the past 4 years providing security services and investigations. He introduced Todd Owens and Bill Beaver. Board Member Nadeau asked about the citations for unlicensed activity. Executive Director Ray explained that the corporation had been cited. Executive Director Ray said the corporation paid the second citation. Investigator Whatley said a cease and desist letter was sent to the corporation in 2006. A citation was sent May 22, 2009 that was appealed and upheld September 17, 2009. A second citation was sent March 1, 2010. Board Member Putnam said the corporation had been cited twice for unlicensed activity, showing they ignored the laws in Nevada twice. He wanted to remind them that the law existed to be followed. Mr. Powers said Intelius Screening Solutions had difficulty in the roles of the Board and how it related to the company. The company sought Mr. Powers out. He had personally never been cited. Board Member Putnam said the Board would like some assurance that the laws would be followed. Mr. Powers said that was the reason he and the general counsel and vice president came to today's meeting. One of the individuals from Intelius Screening Solutions LLC said he wanted to assure the Board that the company would follow all rules and comply to the statutes. Board Member Putnam moved to grant **Intelius Screening Solutions LLC** a corporate Private Investigator license, to approve **Randall Powers** as the qualifying agent and to place his individual Private Investigator license into abeyance, to approve Intelius, Inc. as a member, and to approve **William Beaver, William Kerr, Paul Cook** and **Edward Petersen** as corporate officers, subject to all statutory and regulatory requirements. Board Member Nadeau seconded the motion. Board Member Zane asked Investigator Whatley to once again give the dates of the citation, which she did. She explained the first citation involved advertising issues, while the second one was issued because the company was

conducting background checks for a college in Henderson. Neither citation occurred while Mr. Powers was involved with the company. He became affiliated with the company March 12, 2010. The motion carried, with Board Member Zane voting against the motion. Board Member Putnam again cautioned the company to abide by all state laws, particularly NRS 648.

#### **Private Patrolman:**

**Preventive Measures Security Firm LLC** applied for a corporate Private Patrolman license with **Albert Richard, Jr.** as qualifying agent. Mr. Richard started in 1988 with Burns Security providing warehouse security. He then worked as a security officer in the hotel/casino industry. He had provided security for the Sahara, MGM, Santa Fe, and Stratosphere establishments. He had also provided executive protection for the past 17 years in Las Vegas and California. Board Member Putnam asked if Mr. Elijah Muhammad was present. Board Member Putnam said the background investigation showed he had been cited numerous times for nonsufficient funds and failure to appear. He noted such actions showed Mr. Muhammad did not comply with rules. Mr. Muhammad said, to his knowledge, he had only been cited one time due to a bad check. Board Member Putnam asked him about the failure to appear issue. Mr. Muhammad explained he had been working long hours and had overslept. One time he arrived 20 minutes late to the courthouse. He was told to pay \$200 for a bench warrant. He had been working for a non-profit company, which was a juvenile detention center. Board Member Putnam again said the pattern existed. Chairman Spencer asked how long ago the issues occurred. Mr. Muhammad said it was 3-4 years ago. He had written a check that had bounced. His direct deposit was scheduled for the next day or week. It was not his intention to write bad checks. He had a second child and was financially strapped. Board Member Putnam asked about March 27, 2009 and the willful obstruction of a police officer. Mr. Muhammad said the matter was thrown out of court and the officer was terminated. Board Member Zane asked Stancy Williams about a financial issue. Mr. Williams bought two cars and was unaware of the issue until Investigator DuPuis ran his background. He said he bought a car in 2004 and sold it in 2005 and the car was subject to a recall. Board Member Nadeau asked Mr. Richards to elaborate on his arrest record, his conviction record, and the outcome regarding the domestic violence issue. Mr. Richard said he had never been convicted of anything. Board Member Nadeau said, according to the investigation, he was arrested in either 1998 or 1999 for domestic violence. Board Member Nadeau said it appeared there was some sort of adjudication involving either probation or diversion. He asked for an explanation. He was concerned about the domestic violence issue. Mr. Richard said he had a troubled past as a youth 20 years ago. He said the situation in 1998 or 1999 he had to attend classes. A fine must be paid. He said the matter was thrown out of court and there was no conviction whatsoever. He was a single parent at age 19 and had been a very successful parent. He asked for trust on the part of the Board. Board Member Nadeau said his biggest concern was the

unsettled question concerning the domestic violence situation. Board Member Nadeau said the court records indicated a suspended sentence, which meant a conviction had occurred and the case had not been thrown out of court. Mr. Richard said he could not say that he finished the classes and he said the case was dismissed. Board Member Nadeau said under a diversion program, a person must complete several steps and then return to court to determine if all steps had been completed and the conviction could be dismissed. He asked Mr. Richard if these actions had occurred. He said he went back to court after completing the classes. Lydia Godje then spoke on behalf of Albert Richard regarding his character. She had worked for various agencies and offices in the Las Vegas area for many years. She read a letter of recommendation for him. He worked in the home of a close relative of hers and she observed his good qualities. She read that Mr. Richard was professional, organized, reliable, and proficient in his work habits. She said he was a courteous role model, was involved in community service, and respected his parents and others. He was a good father who raised his daughter well. Board Member Nadeau asked for a copy of the letter to which Ms. Godje was referring. Mr. Richard also had a letter of recommendation from a councilman that he provided to board staff. Board Member Zane asked if Investigator DuPuis had comments. Investigator DuPuis said he had nothing new to add to the discussion regarding the domestic violence issue. He noted that, based on the limited amount of information, there probably had been some court action on the matter and a conviction existed because of the suspended sentence. He said provisions were in place in 2008 whereby a person could meet certain conditions, such as attending anger management classes or counseling; the person would then return to court with proof the task had been performed and the charges may then be dismissed. Chairman Spencer said it would appear to him that the court found Mr. Richard had performed the tasks and then reduced the sentence accordingly. He advised Mr. Richard to determine whether or not there was a conviction that was reduced. Mr. Richard said he had never heard the word "conviction" at that time. Chairman Spencer said the reduction showed that Mr. Richards took the matter seriously and abided by the court's terms. For discussion purposes, Board Member Nadeau moved to grant **Preventive Measures Security Firm LLC** a corporate Private Patrolman license, to grant **Albert Richard, Jr.** an individual Private Patrolman license to be placed in abeyance so he could become the qualifying agent for **Preventive Measures Security Firm LLC**, and to approve **Albert Richard, Percy Wilson, Stancy Williams, and Elijah Muhammad** as members, subject to all statutory and regulatory requirements. Chairman Spencer seconded the motion. Board Member Nadeau was concerned with the financial issues of every member as shown in the backgrounds. He said Mr. Richard probably met the qualification of a qualifying agent. He agreed with Investigator DuPuis that a diversion program was put in place and the conviction was never fully adjudicated. Board Member Nadeau was very concerned about financial liability. The members all had previous and existing financial concerns. Chairman Spencer asked if Mr. Richard could obtain the services of a financial consultant to set up a plan to run the business. Mr. Richards said he was willing to do so. Mr. Mahammad said they had met with Matt

from ADP to discuss financial issues. Chairman Spencer said that part of the Board's responsibilities was to the people of Nevada. Mr. Richard said he was just informed by Ms. Godje that she had a close counterpart who would be willing to assist the group. Ms. Godje said the individual was her personal financial consultant, Richard Holton. Chairman Spencer asked for the gentleman to provide a letter outlining the business plan for the company. Board Member Putnam disagreed with the plan. He said the Board had to consider what had actually occurred, rather than what may take place in the future. Once the financial problems were solved, then licensure would be appropriate. Chairman Spencer said there were four individuals who had experienced financial problems who were joining together to try to create a business. He was in favor of allowing licensure with the assistance of a financial planner. Board Member Zane said he would vote against licensure unless a strong financial plan was put in place, including quarterly reporting and profit and loss statements. Board Member Putnam asked if the Board was able to grant a conditional license. Chairman Spencer said it had occurred in the past. Acting Board Counsel Rasul agreed that other boards had done so, but the motion would need to be amended. Board Member Nadeau noted that the licensure request could be deferred to the next meeting to allow the applicants time to form a financial plan to present to the Board. Chairman Spencer said his point was good. The applicants could provide Executive Director Ray with a plan to be presented for the September meeting. Ms. Godje said the group would be happy to do so. Board Member Zane said he would be inclined to vote against licensure today because of issues of the involvement in issues on the part of the applicants. Acting Board Counsel Rasul said the Board could grant a license pending receipt of specific documents, but there was no mandate that the Board must grant a conditional license; the agenda item could be tabled. Board Member Uithoven agreed with Board Member Zane. Board Member Putnam agreed that steps must be taken regarding the financial status, but he was also very concerned about the pattern of failure to comply with the rules on the part of the applicants. Board Member Nadeau withdrew his motion. Chairman Spencer said the Board would like to postpone decision on licensure until the next meeting until the applicants could develop and provide a financial plan for the Board. Mr. Richard said he was willing to do that. Chairman Spencer moved to postpone licensure for **Preventive Measures Security Firm LLC**, and **Albert Richard, Percy Wilson, Stancy Williams, and Elijah Muhammad** until the September 23, 2010 meeting. Board Member Nadeau seconded the motion, which carried.

**EP Security Services, Inc.** applied for a corporate Private Patrolman license with **Eric Pope** as qualifying agent. Mr. Pope was accompanied by Mr. Chris Coffey. Mr. Pope had 8 years of law enforcement experience as a member of the US Coast Guard performing search and rescue missions. He had been hired by CPS in 1998 and worked there until 2003. He had been hired as a security guard and promoted to supervisor. He was then promoted to branch manager at the California branch office for the company. He managed approximately 100 security guards there. He was taking classes to



become licensed in both Arizona and California as a security/firearms instructor. Board Member Nadeau asked Mr. Coffey about a civil lawsuit issue. Mr. Coffey said the suits are against another company with which he is involved. He said all had been settled or were currently being defended. His licensing assistant sent a letter to Executive Director Ray the day before. Board Member Nadeau said his question was if Mr. Coffey's answer on the application that there were no lawsuits pending meant he was unaware of them or thought they were not relevant. Mr. Coffey said he knew about the lawsuits. He was under the impression that the suits were filed against a company and not against him as an individual. Board Member Nadeau said Mr. Coffey should know he was involved. Mr. Coffey referred to the letter, which provided detailed information on the lawsuits. The company employed approximately 3,000 employees at one point and a number of frivolous claims were made and filed against the company. Each situation was dealt with appropriately. Board Member Nadeau noted 3 lawsuits were filed regarding tax liens and asked if they involved the corporation or Mr. Coffey personally. Mr. Coffey said the liens from 1993 were against him as an individual. Board Member Putnam referred to the letter, which indicated matters had been resolved. He asked how they were resolved. Mr. Coffey said he could provide the exact settlement amounts. Board Member Putnam said how the matters were resolved was very important. Mr. Coffey said, if settlement money was paid, it was done so to avoid continuing legal fees. It was more costly to fight some lawsuits than to settle them. He had been in business for 20 years. He again noted the large number of employees and the amount of frivolous lawsuits filed. Board Member Putnam was also concerned that no indication of dates for the lawsuits was provided in the letter. Mr. Coffey said the matter with Steve Smith was closed in June 2000. Chairman Spencer said the Board was dealing with an incomplete application in terms of dates, times, and resolution of lawsuits. He said the licensure request should be continued until the answers to today's questions could be provided. Board Member Nadeau asked if Mr. Pope or Mr. Coffey if either had been conducting business in Nevada. Mr. Pope said EP Security Services, Inc. had done no business. Board Member Nadeau asked if he was licensed under a different name. Mr. Pope explained that EP Security Services, Inc. was licensed in Arizona and California, but was not licensed or conducting business in Nevada. The lawsuits under discussion involved CPS, which was licensed and doing business in Nevada, but were not connected to his company. Chairman Spencer again stated that the application was incomplete and the licensure request should be continued. Mr. Coffey said all suits had been settled and none were outstanding. Chairman Spencer said Mr. Coffey had stated that some were still outstanding. Mr. Coffey said some were in process, but the other 4 had been resolved. Investigator DuPuis commented that a more detailed accounting of the status of the lawsuits should have been provided on the application. He had not received the letter that Mr. Coffey's assistant had provided the day before until 4:30 P.M. A fuller accounting of pending litigation should be provided. Chairman Spencer moved to continue the licensure request by **EP Security Services, Inc.** and **Eric Pope** until the September 22, 2010 meeting. Board Member Nadeau said he would second the motion. The application process is not confusing. When a

question is asked on the application regarding pending suits or litigation, it should be answered. A letter at the last hour did not satisfy him. Chairman Spencer asked Investigator DuPuis how the results of the lawsuits should be presented. Investigator DuPuis said Mr. Coffey had provided a letter, but needed to provide further clarification and details of each case. Board Member Nadeau said corporations were sued frequently; he wanted clarifications on which cases Mr. Coffey was found personally liable, there was a judgment against him, or payments made. There were 3 situations that had not been reported on the application. Mr. Coffey said he was licensed by the Board in 1993. He would suggest that the license should be granted today and the necessary documentation could be provided to the Board. Chairman Spencer said the application was not complete. The motion carried.

**Royal Security, Inc. DBA Brownstone Security (#1180)** requested a corporate name change to **Brownstone Companies, Inc. DBA Brownstone Security** in the category of Private Patrolman with **Victor Marks** as qualifying agent. Mr. Marks had served in the United States Air Force. He retired after 22 years at Nellis. He then worked for Pinkerton and became a branch manager. He then began working for Royal Security running operations for the past 5 years. He held a PPO license in California. Board Member Nadeau moved to grant **Royal Security, Inc. DBA Brownstone Security (#1180)** a corporate name change to **Brownstone Companies, Inc. DBA Brownstone Security** in the category of Private Patrolman, to grant **Victor Marks** an individual Private Patrolman license to be placed in abeyance so he could become the qualifying agent for **Brownstone Companies, Inc. DBA Brownstone Security**, and to approve **Ramon Rodriguez** as corporate officer, subject to all statutory and regulatory requirements. Chairman Spencer seconded the motion, which carried.

**Thomas Chandler** applied for a Private Patrolman license. Mr. Chandler was recruited as a police cadet in 1996 and became a patrolman in 1968 in Chicago. He was promoted to detective in 1971. He was promoted again in 1979 as a sergeant. He retired and then owned his own company for 12 years. Board Member Putnam moved to grant **Thomas Chandler** a Private Patrol license, subject to all statutory and regulatory requirements. Board Member Uithoven seconded the motion, which passed.

#### **Repossessor:**

**Jack Edwards DBA Auto Recovery Elko** applied for an individual Repossessor license. Mr. Edwards began working for the Fallon Car Company in 1991 performing repossessions until May 1999. He moved to Elko. He began working for Elko Car Company from May 2000 to 2003. He went to work for the same owners performing repossessions. He had almost 15 years of repossession experience. Board Member Putnam asked about an incident in 1982 in Lakewood, Colorado. Mr. Edwards said nothing happened in Colorado. His son stole a car and ruined the fender or quarter panel. The incident never

went to court. Board Member Putnam asked if he was arrested. Mr. Edwards said he believed he was taken in, but couldn't remember because it happened 28 years ago. Board Member Putnam asked if Mr. Edwards knew who was responsible for taking the car. Mr. Edwards said he believed it was his son. Board Member Putnam said Mr. Edwards had denied knowledge of the crime, but was now saying it was his son. Mr. Edwards agreed. Board Member Uithoven asked if the issue ever went to court. Mr. Edwards said it had not. Board Member Nadeau moved to grant **Jack Edwards DBA Auto Recovery Elko** an individual Repossessor license, subject to all statutory and regulatory requirements. Board Member Uithoven seconded the motion, which carried.

#### **Private Investigator and Process Server:**

**AAB Investigations, Inc.** applied for a corporate Private Investigator license and a corporate Process Server license with **Michael Kolsch** as qualifying agent. Mr. Kolsch began working at the age of 16. He was hired as a dispatcher when he graduated from high school. He went through P.O.S.T. He worked for the Nye County Sheriff's Office for one year and the Churchill County Sheriff's Office for 8 years. He opened a business in Elko and performed investigations for 2 years. He sold the business and began working at the sheriff's office in Elko until his retirement in 2008. Board Member Putnam asked about Mr. Kolsch's arrest for domestic violence. Board Member Putnam noted a civil compromise was reached in order for the matter to be dismissed. Mr. Kolsch said only the injured party can initiate a civil compromise, who was his spouse. Mr. Kolsch said he was reassigned as a sergeant in the jail until the civil compromise was completed. He asked to be reassigned once the compromise was completed, the sheriff denied it, and Mr. Kolsch filed a grievance through the association. The sheriff denied the grievance and Mr. Kolsch appealed the decision. The matter was then handled through a compromise. He agreed to remain at his post at the jail and was ultimately promoted to lieutenant. Board Member Putnam said Mr. Kolsch was never convicted of domestic violence, and he said that was correct. He said there was no record of domestic violence on his criminal history search. The records were in the process of being sealed. Board Member Nadeau asked if, subsequent to the civil compromise, Mr. Kolsch was still allowed to carry a weapon; he was allowed to do so. Board Member Putnam moved to grant **Michael Kolsch** an individual Private Investigator license and an individual Process Server license to be placed in abeyance so he could become the qualifying agent for **AAB Investigations, Inc.**, to grant **AAB Investigations, Inc.** a corporate Private Investigator license and a corporate Process Server license, and to approve **Michael Kolsch** as corporate officer, subject to all statutory and regulatory requirements. Board Member Uithoven seconded the motion, which carried. Mr. Kolsch then told the Board that last week he was appointed chief for the Shoshone tribe and may need to place his license in abeyance. Executive Director Ray said she was not sure that tribal jurisdiction applied. Chairman Spencer asked if Mr. Kolsch had access to NCIC. Mr. Kolsch said he did and Chairman

Spencer said that was the answer. Executive Director Ray said the Board's regulation referred to the definition of a peace officer in NRS 169.125. Mr. Kolsch said he would supervise a 10-man force. He asked to place his licenses in abeyance.

### **Repossessor:**

**Sin City Recovery & Towing LLC** requested a corporate Repossessor license with **Roger Barnes** as the qualifying agent. Mr. Barnes worked for 6 years in Arizona as a recovery agent. His day to day routine consisted of locating vehicles, repossessing them, and returning them to the financial institutions. Board Member Zane asked about the issue with the certification of experience. Mr. Barnes said he initially started as a recovery agent, and then took on more responsibility of procuring business for the company in Arizona. Board Member Zane asked Investigator DuPuis about a certificate of experience provided by Jakob Crouch. Investigator DuPuis spoke with Mr. Crouch. Mr. Barnes is his relative. Tax documents were discussed showing that Mr. Barnes was in fact employed by the company. There was no response on the part of Mr. Barnes in providing these documents. There was no proof other than the word of the attestant. Mr. Barnes said it was common in the industry that most people were independent contractors. They did not have W-5, W-2, or 1099 forms. He said the 1099 was not a requirement to work in Arizona and that hourly and salary wages were not a part of the industry. Board Member Zane said in Nevada all must be hourly employees. Mr. Barnes said licenses were not required in Arizona. Board Member Zane asked if Mr. Barnes supplied staff with tax returns; he did. Board Member Zane questioned Mr. Barnes about the overlapping time in which he also worked in real estate. Mr. Barnes said the real estate industry was peaking in 2004. Both he and his wife had real estate licenses in order to supplement their income. When the industry began to crash, Mr. Barnes went to Arizona to become a reposessor. He did not maintain an active real estate license at that time. Chairman Spencer asked when the citation regarding A2Z Quik Recovery would be adjudicated. He said his documents referred to Jennifer Florio. Chairman Spencer asked him which option he chose. Mr. Barnes said he did not know Jennifer Florio. Chairman Spencer said they were speaking about two different issues. Chairman Spencer said he was referring to a citation issued by Steve Jupp. Executive Director Ray explained that Mr. Barnes had not yet responded or formally appealed and the citation was pending. Mr. Barnes said he was not sure of which option he would choose, but he was not guilty. He said he had faxed a price sheet on January 27. Chairman Spencer said, until the matter was resolved, he did not feel the Board could take any further action. Mr. Barnes said he was the sole provider for his family, he had procured a lot and employees for his company, that he had been in a holding pattern for 3 months, and the passage of time was beginning to affect his ability to provide for his family. He said he was not aware that he had to choose an option in response to the citation. He asked if a license could be granted. Chairman Spencer said he was not certain a conditional license could be granted. Mr.

Barnes said he had just received the paperwork last week and asked what he needed to do in order to become licensed. Chairman Spencer said Mr. Barnes needed to appear at a hearing, which had not yet been set. Mr. Barnes said he was going to be negatively affected by the delay. He said he was being punished. Board Member Zane said Mr. Barnes began operating in Nevada without a license. He agreed with Board Member Zane. Mr. Barnes said he was not sure why the incident involving Jennifer Florio was being discussed, as he was not named in the issue. Mr. Barnes directed the Board to the third paragraph of the citation, which referred to an incident occurred February 23, 2010 and that Sin City Towing repossessed a car. Board Member Zane said he believed Ms. Florio was present and asked her if she had been sworn. She had been sworn. Ms. Florio served Mr. Barnes. Ms. Florio said her car had been repossessed on February 23 after she was 10 days late in payment. The next day she called the auto dealership, who gave her a phone number for an individual named David. David said he worked for Bad Boy Adjusters, a company that she found did not exist. She called the auto dealership again and was given the name of Sin City Recovery. It came to her attention that Sin City Recovery was not licensed in Nevada. Mr. Barnes asked Ms. Florio if she knew him. Ms. Florio said she never said that. She then restated what she had just said about the repossession. Mr. Barnes said he was not even operating under that name at the time of the repossession. Chairman Spencer asked if Mr. Barnes had performed the repossession or not. He said he had not and the business name was actually Neff Recovery. Board Member Nadeau said the Board could not adjudicate the citation at this time and could not discuss it further. Board Member Nadeau could not proceed with the application, as there was a pending citation in place. Chairman Spencer moved to postpone the agenda item until the next Board meeting or such time as the citation was fully adjudicated. Board Member Putnam seconded the motion, which carried. Chairman Spencer said he understood that Mr. Barnes was financially tied to starting his business, but the matter existed with the pending citation that directly reflected on his licensure. Board Member Zane said Mr. Barnes should meet with staff to consider his options regarding the citation. Mr. Barnes again stated he did not know Ms. Florio. Curtis Acree, a licensed reposessor, said he faxed paperwork to the Board on the 27<sup>th</sup>. He stated that Mr. Barnes was in fact doing business in Nevada. Chairman Spencer advised him to provide that information to Investigator Murphy.

### **Administrative Business:**

Executive Director Ray said Item 22 was the discussion and possible decision to elect a chairman as defined in NRS 648.020(3). She read the statute for the record. She said the provision took place in the 2007 legislative session when the Attorney General was removed as Board chair and provided the Board with an additional member. The Board was to elect a chair from among the members. Chairman Spencer was elected at the December 2007 meeting. Board Member Nadeau nominated David Spencer as Board Chairman. Board Member Putnam seconded the motion, which carried. There were no other

nominations. Board Member Nadeau moved to elect David Spencer as Board Chairman for the Private Investigators Licensing Board. Board Member Putnam seconded the motion, which passed.

Item 23 involved a request by the Nevada Board of Professional Investigators to discuss the following matters:

1. Nevada licensees who have employees in Nevada but maintain their records out-of-state should be required to maintain those records in Nevada and a requirement that out-of-state licensees should have a Nevada resident as the qualifying agent to maintain the records in Nevada.
2. Discussion and possible action to create a section on the PILB website that would contain an Enforcement Action Page that would list all formal decisions made by the Board.

Peter Maheu said Nevada licensees should be Nevada residents. He asked that the Board consider the possibility to hold a workshop to establish if corporations should have Nevada qualifying agents as a resident and should maintain the records in Nevada to make it easier for the investigators to conduct audits. Chairman Spencer agreed with Mr. Maheu that records should be maintained in Nevada and easily accessible for legitimate requests. He did not know if the Board could require that qualifying agents should reside in Nevada. Executive Director Ray said she had met with Acting Board Counsel Rasul and Thoran Towler yesterday and briefly discussed the issue. They did not think there was a legal issue for the Board to require Nevada residency. Other states similarly situated to the PILB do have a residency requirement and she believed Tennessee was one of those states. Board Member Zane said a federal court recently issued a decision and injunction for a brothel owner in Pahrump for the same issue. Nye County required a physical residency. He noted that California required a physical office. Chairman Spencer asked about scheduling a workshop. Board Member Putnam agreed with the need for a workshop and said it seemed difficult for out-of-state individuals to supervise employees in the daily activities while working in Nevada. Mr. Maheu said his company employed 350-450 employees. He said things spiral out of control if a qualifying agent is not onsite. He said he wanted to be responsive to the Board at all times. It was a burden, but one he was glad to bear. Board Member Putnam said his wife was a real estate broker and was responsible for all agents working under her license. She was not able to leave the state for more than 30 days at any one time. He noted that other fields had a precedent for state residency. He was concerned that NRS 648 may need to be changed. Executive Director Ray said she may have language already in place. Board Member Nadeau said an issue that may need to be discussed was records retention. He noted records could be stored anywhere. Mr. Maheu said he could retrieve records from Colorado very quickly if needed. Board Member Nadeau said a Private Investigator company could become bankrupt and the records could be maintained by another company. There could then be a legal question as to who actually owns those records unless it was

clearly stated in a contract. Chairman Spencer said a certified letter could be sent to all out-of-state qualifying agents to inform them of the workshop. Executive Director Ray said that was an expensive proposition. Executive Director Ray also agreed with the topic Board Member Nadeau made about records retention. Chairman Spencer said the out-of-state qualifying agents should send an e-mail to Board staff acknowledging awareness of the workshop and if they could or could not attend.

Mr. Maheu discussed the second regarding the posting of an "Enforcement Action Page" listing the formal disciplinary actions on the webpage. Board Member Putnam said, if it was possible for the page to be implemented, it may have a positive effect on the licensees to not commit acts that would require discipline. Mr. Maheu said that it was often not known if a citation was issued or not. It may be beneficial to the public to know that a person or corporation had been cited and how often.

Item #24 was the discussion and approval of the standardized curriculum and exam for Certified Firearms Instructors regulated pursuant to NRS 648.030(5) Nevada Administrative Code 648. Investigator Whatley said on June 2009 the Board was asked to consider changing NAC 648.345-NAC 648.355. The Board instructed staff to form a sub-committee, which held 5 meetings. A workshop was then held. A public hearing took place on May 11, 2010 and the Board approved the proposed changes. Another sub-committee meeting was held May 21, 2010. She provided copies of the proposed changes for the Board. Board Member Nadeau asked if he and Board Member Uithoven were not allowed to vote on the matter. Executive Director Ray said that only applied to exams. Board Member Zane said there was an individual who had been in attendance previously but had to leave the meeting. The individual left a written comment that Board Member Zane read into the record. The comment was written by Greg Rentchler (Southwest Tactical) and he was concerned about the length of the class from 11 hours to 7. He was concerned that the security guards should know laws. He was also concerned about range times. Chairman Spencer said the comments were duly noted. Steve Baker said as far as the curriculum was concerned, he thought it was a good working document. He hoped the Board would approve it. Board Member Putnam moved to approve the standardized curriculum and exam for Certified Firearms Instructors regulated pursuant to NRS 648.030(5) of Nevada Administrative Code 648 effective August 1, 2010. Chairman Spencer seconded the motion, which carried.

Item #25 was an update and discussion regarding private transportation companies not licensed in Nevada to perform service related to prisoner/detainee transport. Executive Director Ray explained that during the December 2007 Board meeting, the Board took the position that these companies fell under the Private Patrol license category. The Board did not take any action against the companies that already had contracts in place with Nevada to provide these services. The companies were given until June 30, 2010 to become licensed with the Board. None of the companies had made an application.

She wished to update the Board that staff would take necessary action regarding unlicensed activity. Executive Director Ray said workshops on the issue were held and the contact at Purchasing sent out a letter in March reminding the companies that they needed to take action and apply for licensure. There had been no response.

Item #26 was the discussion, comments, and approval of staff's proposed criteria for registration denials and registered applicant's appeal process. Executive Director Ray said a finished document was not available.

Item #27 was Board comment.

Board Member Zane asked if an issue had been raised regarding interstate commerce with respect to Item #25. Executive Director Ray said Board Counsel Menicucci had researched the issue and did not feel the Board could not regulate the industry. Board Member Nadeau asked if that applied to companies which had a terminus in Nevada and had home offices in Nevada. Executive Director Ray said if the companies also contracted with Nevada agencies to provide the service. Board Member Nadeau asked if all three requirements had to be in place. Executive Director Ray said any one of those requirements would necessitate licensure. Board Member Nadeau said he recalled that the Board was open to the discussion and concerns and offered latitude. Chairman Spencer said the industry should be regulated for the safety of the citizens of Nevada. Executive Director Ray said more than one meeting on the issue was held. American Extradition was a local company. They obtained an application, but did not complete it.

No future agenda items were discussed.

Board Member Nadeau asked if public comment should be offered at the beginning of each meeting, given that the length of each meeting was uncertain. Chairman Spencer said the Board would begin the practice at the next meeting. Board Member Putnam said the public should also be allowed to comment at the end of the meeting as well.

Board Member Putnam moved to adjourn. Board Member Nadeau seconded the motion, which passed.