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TRANSCRIPT OF A MEETING
OF THE
STATE OF NEVADA
PRIVATE INVESTIGATORS LICENSING BOARD

Thursday, December 9, 2010
9:00 a.m.

Location:
Office of the Attorney General
100 North Carson Street
Mock Court Room
Carson City, Nevada

Videoconference Location:
Grant Sawyer State Office Building
555 East Washington Avenue
Attorney General Conference Room, Suite 4500
Las Vegas, Nevada

REPORTED BY: SHANNON L. TAYLOR, CCR, CSR, RMR
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A P P E A R A N C E S

Board Members Present:

David Spencer, Chairman
Jim Nadeau
Richard Putnam
Mark Zane (Las Vegas)

Also: Mechele Ray
Executive Director

Thoran Towler
Deputy Attorney General
Acting Board Counsel

Kimberly Ozekie
Deputy Attorney General
Acting Board Counsel

Tammy Whatley
Investigator

Steve Jupp (Las Vegas)
Investigator

Nick Roble (Las Vegas)
Investigator

Kimberly Christensen
Assistant

Other Participants in Carson City:

Richard Deleon
Brandi Leach

Other Participants in Las Vegas:

Lloyd Hannah
Christopher West
Dennis Rippelmeyer

(continued...)

1 Other Participants in Las Vegas (continued):

2 John Fontenette
3 Walter Derious Smith
4 Johnny Sanchez
5 Anthony Williams
6 Errol Davis
7 Farley Thomas
8 Christopher Gloria
9 Michael Goldberg
10 Mr. Goldberg (Michael Goldberg's father)

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1 CARSON CITY, NEVADA, DECEMBER 9, 2010, 9:20 A.M.

2 -oOo-

3 BOARD CHAIRMAN SPENCER: It's time to get
4 rolling here. This is approximately the time and the
5 place set for the second day of the quarterly meeting
6 for the Private Investigators Licensing Board.

7 The majority of you people sitting in there
8 are -- probably all of you in there, whose names I won't
9 go through all at once, are there for a registration
10 appeal hearing. You have the right, each and every one
11 of you, individually, if you want, to have a closed
12 hearing, which means everyone else in the room has to
13 leave, you'll have your hearing, and then the decision
14 will be made. Obviously, that takes a long time, doing
15 it that way, but do you have that right.

16 What we will do is we will start -- for
17 instance, we'll start with Mr. Richard Deleon, and we
18 will go through them. If we get to one of you, and you
19 want to have a closed hearing, just let us know at that
20 time.

21 Is that pretty clear down there?

22 (People in attendance said yes.)

23 Okay. Mark, is that clear?

24 BOARD MEMBER ZANE: Yes, sir.

25 BOARD CHAIRMAN SPENCER: Okay. All right.

1 Let's see. All right. First up for an appeal
2 hearing -- oh, wait a minute.

3

4

AGENDA ITEM 1

5

ROLL CALL OF BOARD MEMBERS

6

7

8

BOARD CHAIRMAN SPENCER: Roll call of Board
members.

9

MS. RAY: Board Member Zane?

10

BOARD MEMBER ZANE: Here.

11

MS. RAY: Board Member Putnam?

12

BOARD MEMBER PUTNAM: Here.

13

MS. RAY: Board Member Nadeau?

14

BOARD MEMBER NADEAU: Here.

15

MS. RAY: Chairman Spencer?

16

BOARD CHAIRMAN SPENCER: Here.

17

18

MS. RAY: And Board Member Uithoven is absent
today.

19

20

AGENDA ITEM 2

21

ALL APPLICANTS AND WITNESSES TO BE SWORN IN

22

23

24

BOARD CHAIRMAN SPENCER: Okay. The swearing in
of all applicants and witnesses.

25

MR. TOWLER: Would you please stand and raise

1 your right hand if you'll be testifying today.

2 Do you swear that the testimony you give today
3 will be the truth, the whole truth and nothing but the
4 truth, so help you?

5 (Applicants and potential witnesses present
6 responded affirmatively.)

7

8 AGENDA ITEM 4

9 RICHARD DELEON

10

11 BOARD CHAIRMAN SPENCER: All right. Let's
12 start out with Richard Deleon.

13 Come up and sit there.

14 BOARD MEMBER ZANE: Mr. Chairman?

15 BOARD CHAIRMAN SPENCER: Yes.

16 BOARD MEMBER ZANE: I need to make a record on
17 this particular item.

18 BOARD CHAIRMAN SPENCER: Okay.

19 BOARD MEMBER ZANE: I'm going to need to
20 abstain from participation. Although I've not met the
21 appellant, he was employed by my agency up until the
22 time that this, that this provisional was revoked. So,
23 therefore, I won't be participating in item number four
24 out of an abundance of caution, so that nobody can claim
25 any type of conflict.

1 BOARD CHAIRMAN SPENCER: All right. Well, we
2 still have a quorum.

3 How are you today?

4 MR. DELEON: Not too bad.

5 BOARD CHAIRMAN SPENCER: You applied for --

6 MR. DELEON: Could we get this as a closed
7 session?

8 BOARD CHAIRMAN SPENCER: You would like this
9 closed?

10 MR. DELEON: Yes.

11 BOARD CHAIRMAN SPENCER: Okay. We'll have a
12 closed session. That means that everybody down in
13 Las Vegas will have to go out in the other room, out in
14 the hallway. And everyone here.

15 MS. WHATLEY: Could she stay? She's not a
16 witness.

17 BOARD CHAIRMAN SPENCER: Sure, she could stay.

18 MS. RAY: Is Steve there? Nick?

19 BOARD MEMBER ZANE: He's here.

20 MS. RAY: Okay. Are you -- where are you, so I
21 can...

22 BOARD CHAIRMAN SPENCER: There you are, but
23 your head's cut off.

24 * * * * *

25 (A closed session of the meeting was held, after which

1 the meeting was then opened back up to the public and
2 resumed as follows.)

3 * * * * *

4 BOARD CHAIRMAN SPENCER: Okay. We're in open
5 meeting now. Okay. We're back, we're back in open
6 meeting now.

7 What I was going to say to you, Mr. Deleon, is
8 a year from now, assuming you haven't been arrested or
9 anything else -- I'm sure you won't be -- do the
10 application again. Do not fail to list everything.

11 If -- is it lawful for him to have a copy of
12 that, of that printout, Steve?

13 INVESTIGATOR JUPP: I don't think so, sir. I
14 could research that, but I don't think so.

15 BOARD CHAIRMAN SPENCER: Okay. Will you write
16 them down for me. Thanks. Because he's going to have
17 to know what he's doing.

18 We'll provide you, at some point, if you just
19 call the office here, we'll provide you with the
20 locations and the alleged violations so you can check on
21 those. If there are some in there that are not done,
22 then, by all means, take care of them.

23 MR. DELEON: M-hm (affirmative).

24 BOARD CHAIRMAN SPENCER: Then, a year from now,
25 you can come back again and won't have a problem. I

1 suspect you probably will have a job, too.

2 MR. DELEON: No, I probably won't after this.
3 I mean it's my main income, my main job. A lot of my
4 job was riding on what happened today.

5 BOARD CHAIRMAN SPENCER: Could I have a motion?

6 BOARD MEMBER PUTNAM: Mr. Chairman, I move that
7 the appeal of Richard Deleon not be granted, or that
8 the -- his denial be upheld.

9 BOARD CHAIRMAN SPENCER: Second. All in favor,
10 signify by saying "aye."

11 (Board members said "aye.")

12 BOARD CHAIRMAN SPENCER: See you in a year.

13 MR. DELEON: Thank you.

14 BOARD MEMBER NADEAU: Put me on record as
15 voting in opposition to the motion.

16 BOARD CHAIRMAN SPENCER: Okay.

17

18 AGENDA ITEM 5

19 LLOYD HANNAH

20

21 BOARD CHAIRMAN SPENCER: All right. Lloyd
22 Hannah.

23 INVESTIGATOR JUPP: Mr. Chairman, can you see
24 Mr. Hannah right now?

25 BOARD CHAIRMAN SPENCER: Where we're at -- no,

1 we can't.

2 INVESTIGATOR JUPP: Okay. Because we have a
3 shot of a table there at your location. That's it.
4 We've got a bad view of your place.

5 BOARD CHAIRMAN SPENCER: Steve, is this yours,
6 too?

7 INVESTIGATOR JUPP: Yes, sir.

8 BOARD CHAIRMAN SPENCER: Good morning,
9 Mr. Hannah.

10 MR. HANNAH: Good morning.

11 BOARD CHAIRMAN SPENCER: All right. Steve,
12 what do you have there?

13 INVESTIGATOR JUPP: Mr. Hannah was denied
14 because the FBI fingerprint response showed that he was
15 arrested for aggravated assault, a felony, and carrying
16 weapons within school safety zones and school functions
17 or on school property, a felony. Mr. Hannah did not
18 note those facts in his application.

19 There's something significant about his case,
20 though. He was 15 years of age when that happened, and
21 yet the report, the fingerprint response, shows that he
22 was arrested and charged as an adult. On September 16th
23 of this year, I checked his local SCOPE and state
24 records and found that he had had no arrests.

25 BOARD CHAIRMAN SPENCER: How old are you now,

1 Mr. Hannah?

2 MR. HANNAH: 24, sir.

3 BOARD CHAIRMAN SPENCER: 24. Okay. You were a
4 juvenile when this happened?

5 MR. HANNAH: Yes, sir.

6 BOARD CHAIRMAN SPENCER: All right. Any
7 questions from the Board?

8 BOARD MEMBER PUTNAM: He was a juvenile.

9 BOARD CHAIRMAN SPENCER: Do you have a
10 question?

11 BOARD MEMBER NADEAU: Yeah. Mr. Hannah, you
12 were charged as an adult; is that correct?

13 MR. HANNAH: Yes, sir, because of a mistake by
14 the State of Georgia, sir.

15 BOARD MEMBER NADEAU: Okay. And did you serve
16 time like in a juvenile facility or anything of that
17 nature?

18 MR. HANNAH: Yes, sir, in the juvenile
19 facility.

20 BOARD MEMBER NADEAU: Okay. And so the reason
21 you didn't include it is because you thought what?

22 MR. HANNAH: Because I thought it was past
23 seven years, and that it was juvenile, and I wouldn't
24 have to mention it.

25 BOARD MEMBER NADEAU: Same.

1 BOARD MEMBER PUTNAM: Mr. Chairman, I have a
2 question.

3 BOARD CHAIRMAN SPENCER: Yes?

4 BOARD MEMBER PUTNAM: Sir, how long did you
5 serve, how long were you in custody?

6 MR. HANNAH: Two weeks.

7 BOARD MEMBER PUTNAM: Thank you.

8 BOARD CHAIRMAN SPENCER: Could I get a motion.

9 BOARD MEMBER NADEAU: I just need a
10 clarification.

11 BOARD CHAIRMAN SPENCER: Okay.

12 BOARD MEMBER NADEAU: So the criminal -- I'm
13 asking Steve. The criminal history report indicated
14 that he had this arrest, the FBI search, correct?

15 INVESTIGATOR JUPP: Yes, sir.

16 BOARD MEMBER NADEAU: But the local, when you
17 did local checks within SCOPE and CJIS, it came back he
18 had no record?

19 INVESTIGATOR JUPP: That's correct, sir. In
20 other words, the only criminal activity I could find on
21 his part are these two arrests right here that go back
22 to 2001.

23 BOARD CHAIRMAN SPENCER: When I was still with
24 the bureau, I would frequently get calls from people who
25 said, "My records were expunged, but I just get turned

1 down because of" -- this and that. Well, they thought
2 that if they expunge it, that it was -- the bureau
3 automatically expunged the records. That's not true.

4 BOARD MEMBER NADEAU: It has to be the local
5 entity.

6 BOARD CHAIRMAN SPENCER: It has to be the local
7 entity. It has to be requested that it be done. And in
8 this case, it was not done. So he does not have a
9 record.

10 BOARD MEMBER NADEAU: Well, I mean he doesn't
11 have a record locally, but Georgia was responsible for
12 expunging the record.

13 BOARD CHAIRMAN SPENCER: No. Yeah, they were
14 responsible and then did not do it.

15 BOARD MEMBER NADEAU: I understand.

16 BOARD CHAIRMAN SPENCER: Yeah.

17 BOARD MEMBER NADEAU: But we didn't check
18 Georgia's records. We checked our local records,
19 which -- I mean I'm not trying to be argumentative, but.

20 BOARD CHAIRMAN SPENCER: I know what you're
21 saying, but the Georgia records had to do with his --

22 BOARD MEMBER NADEAU: He was arrested in
23 Georgia. Right?

24 BOARD CHAIRMAN SPENCER: I believe so.

25 BOARD MEMBER NADEAU: Isn't that, isn't that

1 what you said, sir, that you were arrested in Georgia?

2 MR. HANNAH: Yes, sir.

3 BOARD MEMBER NADEAU: See what I'm saying?

4 BOARD CHAIRMAN SPENCER: Yeah.

5 BOARD MEMBER NADEAU: I mean I'm not trying to
6 be argumentative, but I'm just --

7 BOARD CHAIRMAN SPENCER: Oh, I know.

8 BOARD MEMBER NADEAU: I'm just trying to be
9 clear. We don't know what Georgia says. We just know
10 what our local says and what the FBI says.

11 BOARD CHAIRMAN SPENCER: What record did you
12 check, or Steve check?

13 INVESTIGATOR JUPP: Mr. Chairman?

14 BOARD CHAIRMAN SPENCER: Yes?

15 INVESTIGATOR JUPP: Steve again. Mr. Hannah
16 just gave me a letter that was sent to the Georgia
17 Bureau of Investigation. It's dated June 14th, 2010.
18 May I read this into the record? I think it has bearing
19 on what we're talking about here.

20 BOARD CHAIRMAN SPENCER: Certainly, please do.

21 INVESTIGATOR JUPP: It's to the Georgia Bureau
22 of Investigation, Crime Information Center, in Decatur,
23 Georgia from Juvenile Court of DeKalb County, Georgia.

24 The letter says "Please correct the history of
25 Lloyd Hannah, Jr., DOB XX-XX-XX (REDACTED), Social

1 Security number XXX-XX-XXXX (REDACTED). Mr. Hannah was
2 fingerprinted on 3-8-2001 for aggravated assault and
3 carrying a weapon. These charges processed in DeKalb
4 County Juvenile Court. Mr. Hannah was not treated as an
5 adult. Would you please correct the error and GCIC?
6 Mr. Hannah was placed on juvenile probation for 12
7 months. His probation was terminated early. If you
8 have any questions, please contact the following
9 number." It's Angela Duncan Clubs, Clerk of the Court.

10 BOARD MEMBER NADEAU: Thank you.

11 BOARD CHAIRMAN SPENCER: I'm glad you came up
12 with that letter, Mr. Hannah.

13 BOARD MEMBER NADEAU: Yep, that's perfect.
14 Perfect.

15 MR. HANNAH: Thank you, sir.

16 BOARD CHAIRMAN SPENCER: I'll entertain a
17 motion.

18 BOARD MEMBER NADEAU: I'd just move that the
19 application be approved, that the denial be overturned.

20 BOARD CHAIRMAN SPENCER: Second. All in favor,
21 signify by saying "aye."

22 (Board members said "aye.")

23 BOARD CHAIRMAN SPENCER: All right. You can go
24 to work.

25 MR. HANNAH: Thank you, sir.

1 BOARD CHAIRMAN SPENCER: Thank you for
2 following through.

3 BOARD MEMBER NADEAU: If Mr. Deleon had had his
4 records sealed, that wouldn't have been an issue, just
5 like this.

6 BOARD CHAIRMAN SPENCER: For all of those who
7 think we're stumbling around, we are. This is a new
8 process for us, and it's only been in effect for a short
9 period of time, and we're still trying to get the kinks
10 out of the way.

11

12

AGENDA ITEM 6

13

CHRISTOPHER WEST

14

15 BOARD CHAIRMAN SPENCER: All right. Next,
16 Christopher West.

17 Good morning, Mr. West.

18 MR. WEST: Hello.

19 BOARD CHAIRMAN SPENCER: How are you today?

20 MR. WEST: Good.

21 BOARD CHAIRMAN SPENCER: Good. Can you tell
22 us, Steve, what you have on him?

23 INVESTIGATOR JUPP: Yes, sir. He was denied,
24 essentially because they couldn't figure out what he'd
25 been arrested for.

1 On June 24th, I called the applicant, Mr. West,
2 and left a message asking him the status, or asking the
3 status of his application, left a message on his
4 arrest -- or said his arrest history was incomplete and
5 didn't list offenses.

6 The arrest history they -- provided by Mr. West
7 for the registration application shows three arrests as
8 follows: Las Vegas P.D., arrest date 2002. Offense --
9 nothing was listed except No conviction. Disposition,
10 fine needs to be paid. The second arrest, San Diego,
11 California, 2004. Offense, no conviction. Disposition,
12 fine problem again. Third arrest, Portland P.D. in
13 1989. Offense, no record. Disposition, none over 20
14 years.

15 The local records check, SCOPE specifically,
16 showed that one arrest, fugitive, larceny, Las Vegas
17 Metropolitan Police Department, August 25th, 2005.
18 That's the only entry on SCOPE.

19 During the period of about June 24th to July
20 22nd, I spoke with Mr. West two or three times over the
21 phone. Each time, Mr. West was evasive about exactly
22 what he'd been arrested for, as noted in his
23 application. The FBI fingerprint response was received
24 about August 18th, 2010 and showed the following
25 arrests: Las Vegas Metropolitan Police Department,

1 arrest date August 25th, 2005. Offense, fugitive from
2 justice, a felony. No disposition listed. Second
3 arrest, Sheriff's Office, Arapahoe County, Littleton,
4 Colorado, September 8th, 2005. Offense, larceny,
5 felony. Disposition, dismissed. Third arrest,
6 Sheriff's Office, Arapahoe County, Littleton, Colorado,
7 June 5th, 2000. Offense, theft, felony, forgery,
8 felony. Both were dismissed.

9 Quite frankly, sir, the reason I denied him
10 after talking to him a couple of times on the phone and
11 in an e-mail with him, he simply wouldn't tell me what
12 he'd been arrested for. I could not find out what he'd
13 been arrested for. But when I saw the SCOPE entry, it
14 indicated that he had been charged with a felony in
15 Colorado and that he was arrested by Las Vegas
16 Metropolitan Police Department for extradition.
17 Consequently, I denied him and with his appeal right to
18 come to the Board.

19 BOARD CHAIRMAN SPENCER: There's no -- can I
20 just ask him?

21 MR. TOWLER: Are you, are you asking?

22 BOARD CHAIRMAN SPENCER: I'm going to ask him
23 if he'll tell me.

24 MR. TOWLER: Yeah, and he doesn't have to
25 answer. But go ahead and ask.

1 BOARD CHAIRMAN SPENCER: Mr. West?

2 MR. WEST: Yes?

3 BOARD CHAIRMAN SPENCER: What were you arrested
4 for?

5 MR. WEST: I actually -- when I even talked to
6 Steve, I had to make phone calls. And they said it was
7 for the theft, aggravated theft. But each time that was
8 for the situation in Colorado, I didn't take care of
9 something like I should have, and my lawyer didn't tell
10 me to do absolutely what I needed to do, or I just
11 missed it.

12 That's what I was told. I didn't know what the
13 legal aspect of what I was being arrested for. I don't
14 remember the name of it. That's why I was making those
15 phone calls after I talked to Steve the first time. In
16 '89, I put it down but was told that if I was to be
17 asked any questions, that I don't even need to worry
18 about it, that the arrest record shouldn't even be
19 showing up. But I put it down, just in all honesty, so
20 that I could make sure that my information was on there.

21 But I had specifics, and I went into what
22 happened with Steve over the phone. I had e-mailed him
23 with some information. And I got together with a lawyer
24 of mine to help me put it together in two pages, which I
25 do have a copy sent to your office that was -- I think,

1 it was Mechele Ray said that she got the copy of the
2 letter. I do have a copy here for -- if somebody needs
3 a copy of the letter. But it's -- just goes into detail
4 of what I remember, as well as what -- my phone calls to
5 the courts telling me what happened or telling me what
6 the specifics are, since I don't know the legal wording
7 on it.

8 BOARD CHAIRMAN SPENCER: So the arrest in
9 Las Vegas was for the charge in Littleton?

10 MR. WEST: Yes, and so was the one in
11 California.

12 BOARD CHAIRMAN SPENCER: Okay. So you've been
13 arrested twice for one charge in Littleton, Colorado?

14 MR. WEST: Right.

15 BOARD CHAIRMAN SPENCER: Okay.

16 MR. WEST: One that I didn't know was existing
17 before I left.

18 BOARD CHAIRMAN SPENCER: Did you ever appear
19 before anybody for that charge?

20 MR. WEST: I did.

21 BOARD CHAIRMAN SPENCER: Where?

22 MR. WEST: Several times. Actually, several
23 times. I was here in Las Vegas for a little while, and
24 then they extradited me. And then I was let go right
25 away. And then I had to fly back and forth for the

1 court hearings.

2 BOARD CHAIRMAN SPENCER: Okay. So --

3 MR. WEST: And --

4 BOARD CHAIRMAN SPENCER: Go ahead.

5 MR. WEST: And then my lawyer, basically, said,
6 "At this point, we can go further, or we can do whatever
7 the judge is saying right now, which means it'll be off
8 your record in a two-year period of time." That's since
9 been gone. And the charges should be off my record
10 according to the courts.

11 BOARD CHAIRMAN SPENCER: But they're not?

12 MR. WEST: Oh, they're not gone?

13 BOARD CHAIRMAN SPENCER: No, that's what I'm
14 asking you.

15 MR. WEST: Well, I was told that, yeah, that it
16 is gone. That's what I was told. It's been like -- you
17 know, the two-year period lapsed. If I would have done
18 anything else, they could have, you know, made it a
19 permanent record.

20 BOARD CHAIRMAN SPENCER: Okay. Can you tell us
21 what --

22 MR. WEST: At that time --

23 BOARD CHAIRMAN SPENCER: Can you tell us in
24 your own words what the charge was?

25 MR. WEST: Aggravated theft is what they told

1 me that I was charged, that they said would have been
2 what I would have had on my permanent record, was
3 aggravated theft. When I talked to Steve, he said
4 something about larceny. I don't remember anybody
5 saying that, but I do remember the courts, what they
6 told me on the phone, and that's...

7 BOARD CHAIRMAN SPENCER: Okay. So you've been
8 told by your attorney and by the court that your record
9 would be sealed, or that --

10 MR. WEST: That it, that it lifted and -- yes,
11 over with, after a two-year period from when it
12 happened.

13 BOARD CHAIRMAN SPENCER: Steve, did he list any
14 of this; how much of this did he list on his
15 application?

16 INVESTIGATOR JUPP: He just listed the location
17 of his arrest, approximate, he would have a year, with
18 question mark. He didn't remember the exact date. But
19 as I read earlier in the record, offense, no conviction
20 was the offense on one of the three arrests, no
21 conviction was what he stated as an offense on another
22 arrest, and no record was the offense he stated on the
23 third arrest.

24 BOARD CHAIRMAN SPENCER: So the only legal
25 arrest we have, or the arrest we got is the one for

1 being a fugitive?

2 INVESTIGATOR JUPP: That's the one that shows
3 up on SCOPE, sir, Clark County, Nevada. And then the
4 FBI fingerprint reports is where I got the larceny and
5 theft charges from. I can read exactly what it says
6 here, if you would like.

7 BOARD CHAIRMAN SPENCER: Please do.

8 INVESTIGATOR JUPP: The history.

9 BOARD CHAIRMAN SPENCER: Please.

10 INVESTIGATOR JUPP: 9-8-2005, Sheriff's Office,
11 Arapahoe County, Littleton, larceny, felony. Theft,
12 June 5th, 2000, \$515,000. Looks like CSP. Colorado
13 State Police would be my guess on CSP. And the other
14 one, forgery, felony, on November 14th, '05. Or I'm
15 sorry. June 5th, 2000, forgery, commercial checks,
16 felony.

17 BOARD CHAIRMAN SPENCER: So those are the
18 down-and-dirty charges on the ones that have been
19 dismissed?

20 INVESTIGATOR JUPP: Yes, sir.

21 BOARD CHAIRMAN SPENCER: Thank you.

22 Any questions from the Board?

23 BOARD MEMBER PUTNAM: When was -- pardon me,
24 but when was this fugitive arrest, how long ago?

25 INVESTIGATOR JUPP: It was August 25th, 2005,

1 Las Vegas Metro.

2 BOARD MEMBER PUTNAM: Well, sir, I have a
3 question for you. Did you know you were a fugitive at
4 the time you were arrested?

5 MR. WEST: No, I didn't. That's the first time
6 I heard about it. They actually pulled me over for --
7 well, they said running a stop sign. And then I was
8 taken in at that point. That's the first time I've
9 heard about it.

10 BOARD MEMBER PUTNAM: Did you know that these
11 charges had not been taken care of at the time that you
12 were arrested?

13 MR. WEST: No, I didn't. And the whole, the
14 whole thing was -- it was a place that I worked
15 temporary. And I received checks from this company that
16 the doctor has to sign. And I don't know why they're
17 forgeries in there. But I had no access to that or even
18 getting paid. So I mean it's just -- my lawyer and I
19 tried to figure all this out. And they decided to do it
20 the way they did it.

21 BOARD CHAIRMAN SPENCER: All right. Your
22 lawyer who told you that everything had been taken care
23 of, was that before the fugitive arrest?

24 MR. WEST: No.

25 BOARD CHAIRMAN SPENCER: That was after the

1 fugitive arrest when you went back?

2 MR. WEST: Yes, yes.

3 BOARD CHAIRMAN SPENCER: Okay.

4 MR. WEST: Because I had to get a lawyer, and I
5 had to get one to help me out with the situation.

6 BOARD CHAIRMAN SPENCER: Okay. Did you contact
7 him and ask him to write a letter or anything?

8 MR. WEST: No. I actually -- I didn't think
9 about that. But.

10 BOARD CHAIRMAN SPENCER: What's his name?

11 MR. WEST: His first name is David, and I
12 have -- I do have his name at home, but I didn't even
13 think of that, either. His first name's David. He's
14 from Colorado. So.

15 BOARD CHAIRMAN SPENCER: I was going to try to
16 get ahold of him. I can't do it with David.

17 MR. WEST: No, I know. I just didn't even
18 think about that. Peter Cleary is the one that helped
19 me write my new letter. He's the one that works here in
20 Las Vegas.

21 BOARD CHAIRMAN SPENCER: The question is
22 whether, if we have any sufficient information to
23 indicate that he's not eligible. What do you think?

24 BOARD MEMBER NADEAU: Well, I'm prepared to
25 make a motion, but.

1 BOARD CHAIRMAN SPENCER: Fine.

2 BOARD MEMBER NADEAU: Okay. My motion is to
3 uphold the denial. And if there's a second, then I'll
4 go for discussion.

5 BOARD CHAIRMAN SPENCER: What?

6 BOARD MEMBER NADEAU: To uphold the denial.

7 BOARD MEMBER ZANE: Second.

8 BOARD MEMBER NADEAU: My motion is to uphold
9 the denial.

10 BOARD MEMBER ZANE: Second.

11 BOARD CHAIRMAN SPENCER: Okay. Discussion?

12 BOARD MEMBER NADEAU: This is sort of like
13 Jell-O. And it's all nebulous. And I don't have any
14 reason to question Mr. West, but I think he needs to get
15 things squared away, get the court records squared away,
16 get all of these things squared away, and then we can
17 consider his application. But at this point, I'm not
18 prepared to see him registered.

19 BOARD CHAIRMAN SPENCER: Okay. We have a
20 motion and a second. All in favor, signify by saying
21 "aye."

22 (Board members said "aye.")

23 BOARD CHAIRMAN SPENCER: Nay.

24 Mr. West, you're being denied a letter right
25 now, or at least the ability right now, because

1 everything is in such a quandary. Excuse me just a
2 second.

3 (There was a moment off the record.)

4 BOARD CHAIRMAN SPENCER: Okay. Can you -- what
5 I would suggest that you do is get ahold of -- you don't
6 know his name, either.

7 MR. WEST: Well, I have the information at
8 home. So. I just didn't bring that information.

9 BOARD CHAIRMAN SPENCER: If you get the
10 information, call and get the information, get a letter
11 saying that you have no charges, there was no conviction
12 on the charges that we talked about. And see if you can
13 just give him a list of that. If you come back with
14 that letter, then you can come back before us a second
15 time. And if everything checks out, then you'll be able
16 to go to work.

17 MR. WEST: Okay. Thank you.

18 BOARD CHAIRMAN SPENCER: All right. Thank you.

19 BOARD MEMBER ZANE: Mr. Chairman?

20 BOARD CHAIRMAN SPENCER: Yes?

21 BOARD MEMBER ZANE: Can we adjust the camera
22 for a wider view? The lady behind you is getting all of
23 the attention.

24 MS. CHRISTENSEN: Jeez, thanks.

25 BOARD MEMBER NADEAU: Star of the day.

1 BOARD CHAIRMAN SPENCER: How about this?

2 BOARD MEMBER ZANE: Well, it was better before
3 that.

4 MS. RAY: Is that better?

5 BOARD MEMBER ZANE: That's much better, thanks.
6 (There was a brief period off the record.)

7

8 AGENDA ITEM 7

9 RICHARD ROSAS

10

11 BOARD CHAIRMAN SPENCER: Until we can hear you
12 or see you, we're going to go ahead and proceed with
13 Mr. Richard Rosas.

14 INVESTIGATOR JUPP: Mr. Rosas?

15 BOARD MEMBER ZANE: Nobody coming forward.

16 BOARD CHAIRMAN SPENCER: Okay. Put that one on
17 hold for now.

18

19 AGENDA ITEM 8

20 DONTE MARTIN

21

22 BOARD CHAIRMAN SPENCER: Donte Martin.

23 MS. RAY: Mr. Chairman, Mr. Martin indicated
24 that he was not going to be present, but he did send me
25 an e-mail that if you had reviewed his letter and

1 information and feel that you want to proceed, you may.

2 BOARD CHAIRMAN SPENCER: Have you read the
3 letter? Did you read the letter?

4 BOARD MEMBER PUTNAM: On --

5 BOARD MEMBER NADEAU: I'm prepared to make a
6 motion, Mr. Chairman.

7 BOARD CHAIRMAN SPENCER: Okay.

8 BOARD MEMBER NADEAU: If you want to discuss
9 it. I would uphold the denial. Because regardless of
10 whether it's a CCW or carrying a concealed weapon or
11 not, it's still -- given -- according to his record,
12 it's -- but, again, there's weapons. It still involves
13 a weapons charge, according to his information. So I
14 would be --

15 MS. RAY: Is this Mr. Martin?

16 BOARD MEMBER NADEAU: This is Rosas.

17 MS. RAY: Oh. No. We already --

18 BOARD CHAIRMAN SPENCER: Oh, we already did
19 that. Donte Martin.

20 BOARD MEMBER NADEAU: Okay. I apologize.

21 BOARD CHAIRMAN SPENCER: Mr. Martin, are you
22 there? Oh, no, you're not.

23 MS. RAY: He's not.

24 BOARD CHAIRMAN SPENCER: I knew that.

25 MS. RAY: He's not there.

1 BOARD CHAIRMAN SPENCER: We'll put him off
2 until later. Let's move on. Dennis Rippelmeyer.

3 INVESTIGATOR JUPP: Mr. Chairman, what about
4 Donte Martin?

5 MS. RAY: He's the one that sent an e-mail
6 saying that you could proceed.

7 BOARD CHAIRMAN SPENCER: I thought we were
8 looking for something.

9 MS. RAY: Okay. Mr. Martin -- you can ask
10 Steve about it, too.

11 BOARD MEMBER PUTNAM: Is Martin here or not?

12 MS. RAY: No, he's not.

13 BOARD MEMBER PUTNAM: But he wants us to look
14 at his --

15 MS. RAY: He wants you -- he said that he felt
16 that the information he provided would be sufficient for
17 you to proceed and make a decision.

18 BOARD CHAIRMAN SPENCER: Okay. Any questions?

19 BOARD MEMBER NADEAU: Let me read it. I'm
20 sorry.

21 BOARD CHAIRMAN SPENCER: I'm ready for a motion
22 when you're ready.

23 INVESTIGATOR JUPP: What's that?

24 BOARD MEMBER ZANE: I have a question for
25 staff, whether or not they -- they know whether or not

1 he had some sort of a hardship that he claimed so that
2 he -- his personal appearance couldn't be had today?

3 BOARD CHAIRMAN SPENCER: She's busy right now.
4 She'll be with you in just a second, Mark.

5 BOARD MEMBER ZANE: Oh.

6 (There was a brief period off the record.)

7 BOARD CHAIRMAN SPENCER: We're going to hang up
8 on you.

9 MS. RAY: Do it now?

10 BOARD CHAIRMAN SPENCER: Yes, let's go ahead,
11 because he has a question for you.

12 MS. RAY: For me?

13 BOARD CHAIRMAN SPENCER: Yeah.

14 (Recalling Las Vegas.)

15 BOARD CHAIRMAN SPENCER: Oh, there we go. Are
16 you Mr. Rippelmeyer?

17 MR. RIPPELMEYER: Yes, sir.

18 BOARD CHAIRMAN SPENCER: All right. Could you
19 just wait a minute? We'll be right with you.

20 MR. RIPPELMEYER: Yes, sir.

21 BOARD CHAIRMAN SPENCER: Back to Donte Martin,
22 you had a question, Mark?

23 BOARD MEMBER ZANE: I was wondering if staff --
24 did he claim any type of hardships for this lack of
25 appearance, or he just wanted to rest on the written

1 response?

2 MS. RAY: I believe, what he told me was he was
3 not going to be in town. He was out of town. Let's see
4 if I can find his e-mail.

5 BOARD MEMBER NADEAU: What he says is he's
6 relocated, in his letter.

7 BOARD MEMBER PUTNAM: Did Mr. Martin list these
8 arrests that he's talking about on his application?

9 INVESTIGATOR JUPP: Sir, Steve again.

10 BOARD MEMBER PUTNAM: Did Mr. Martin list these
11 arrests that he's talking about on his application?

12 INVESTIGATOR JUPP: He actually provided a copy
13 of his SCOPE to -- with his application, and they listed
14 the -- let me see -- obstructing, battery D.V.,
15 resisting an officer, obstructing an officer, pandering,
16 felony, furnishing transportation, prostitution, felony,
17 intent to sell drugs, trespass, resisting and false
18 info. Those are on his SCOPE.

19 However, his fingerprint report came back, and
20 I found he did not list on his application procuring a
21 child under 16 for lewd and lascivious, simple battery
22 of the infirm, and resisting an officer.

23 BOARD CHAIRMAN SPENCER: Any convictions on
24 those listed?

25 INVESTIGATOR JUPP: No disposition listed on

1 those, sir.

2 BOARD MEMBER NADEAU: I'm prepared to make a
3 motion.

4 BOARD CHAIRMAN SPENCER: All right.

5 BOARD MEMBER NADEAU: My motion is to uphold
6 the denial. And if there was a second, then I'll
7 discuss my motion.

8 BOARD CHAIRMAN SPENCER: Second.

9 BOARD MEMBER PUTNAM: Second.

10 BOARD MEMBER NADEAU: And we have, we have his
11 letter that indicates certain information. We have our
12 FBI report that indicates information. He's not here to
13 further explain the circumstances. In that case, I
14 think the denial should be upheld.

15 BOARD CHAIRMAN SPENCER: Okay. All in favor,
16 signify by saying "aye."

17 (Board members said "aye.")

18 BOARD CHAIRMAN SPENCER: Opposed?

19 Hearing none, it goes.

20

21 AGENDA ITEM 9

22 DENNIS RIPPELMEYER

23

24 BOARD CHAIRMAN SPENCER: All right.

25 Mr. Rippelmeyer, thank you for waiting for us. I'm

1 sorry to keep you there.

2 MR. RIPPELMEYER: Oh, no problem.

3 INVESTIGATOR ROBLE: Investigator Roble for
4 Investigator Murphy.

5 Mr. Rippelmeyer was denied because he -- his
6 fingerprint results came back, and there were three
7 arrests that he did not list on his application:
8 1 of 1980 in Bellevue, Illinois, obstructing a peace
9 officer; 5 of '99 in Bellevue, Illinois, domestic
10 battery; and 7 of '03 in Percy, Illinois, domestic
11 battery.

12 BOARD CHAIRMAN SPENCER: Mr. Rippelmeyer, were
13 you convicted of any of those domestic battery cases?

14 MR. RIPPELMEYER: Sir, I was given, I think,
15 like supervision on them. And, I believe, on the one, I
16 believe, I paid a fine, but I don't want to say yes, and
17 don't say no. It's been a long time. I don't remember.

18 And the reason that I never listed them, sir,
19 is I got my Nevada card when I first applied, and I
20 didn't think that that was important. Matter of fact,
21 the reason this come up, I was up for renewal, to get my
22 renewal card this July, is when I expire, on June, I
23 think, 26th. And I --

24 BOARD CHAIRMAN SPENCER: What card is that,
25 sir?

1 MR. RIPPELMEYER: Sir?

2 BOARD CHAIRMAN SPENCER: What card are you
3 talking about?

4 MR. RIPPELMEYER: My guard card.

5 BOARD CHAIRMAN SPENCER: Oh.

6 MR. RIPPELMEYER: I had my guard card, and I
7 had it for all them years, through two thousand, I
8 believe, five, up until this year, when it expired in
9 June.

10 BOARD CHAIRMAN SPENCER: M-hm (affirmative).

11 MR. RIPPELMEYER: And I never -- I thought
12 that -- I never had anything after, so I didn't think
13 listing that was even on. But, yes, I did have this
14 back then. I'm not denying that. But I didn't think
15 that -- I thought everything was going routine, because
16 I was a guard for five or six years now.

17 BOARD CHAIRMAN SPENCER: Yes, I can understand
18 that.

19 MR. RIPPELMEYER: And I was up for my renewal
20 card, and that's what I reapplied for back then. And I
21 didn't come across that this was that great of
22 importance until recently.

23 BOARD CHAIRMAN SPENCER: But you were
24 convicted --

25 MR. RIPPELMEYER: Sir?

1 BOARD CHAIRMAN SPENCER: You were convicted of
2 spousal battery, then, or --

3 MR. RIPPELMEYER: I never got a conviction on
4 it, no.

5 BOARD CHAIRMAN SPENCER: Okay. What --

6 MR. RIPPELMEYER: It was like a supervision
7 deal.

8 BOARD CHAIRMAN SPENCER: Okay.

9 MR. RIPPELMEYER: Court supervision back there
10 in Illinois.

11 BOARD CHAIRMAN SPENCER: All right. I'm going
12 to have to tell you the same thing that we just told the
13 gentleman before, and that is if you can -- you need to
14 go -- you need to send a letter to the location where
15 this happened and get an explanation of the charge.
16 Were you convicted of it or not? I tend to think you
17 probably were, because they gave you, you know, the
18 assignments that they gave you. But if you do that,
19 then we can probably look at it again.

20 MR. RIPPELMEYER: Which ones are these I have
21 to call, go back to? Which?

22 BOARD CHAIRMAN SPENCER: The spousal battery.

23 MR. RIPPELMEYER: Excuse me?

24 BOARD CHAIRMAN SPENCER: The spousal battery.

25 MR. RIPPELMEYER: Okay. That was in what year?

1 INVESTIGATOR JUPP: 5 of '99 and then, also,
2 7 of '03.

3 MR. RIPPELMEYER: Fifth month of '99?

4 INVESTIGATOR JUPP: Yes.

5 MR. RIPPELMEYER: 5 of '99. And what's that
6 charge?

7 INVESTIGATOR JUPP: Domestic battery.

8 MR. RIPPELMEYER: What's the other charge?

9 INVESTIGATOR JUPP: 7-03, Percy, Illinois,
10 domestic battery. And then 1 of 1980 is in Bellevue,
11 obstructing a peace officer.

12 MR. RIPPELMEYER: In Belleville?

13 INVESTIGATOR JUPP: Yeah.

14 MR. RIPPELMEYER: Okay. 7-03, Percy, and that
15 was battery?

16 INVESTIGATOR JUPP: Domestic battery, yes.

17 MR. RIPPELMEYER: And what's -- what do they
18 have to say?

19 INVESTIGATOR JUPP: Get the dispositions on
20 these three cases.

21 MR. RIPPELMEYER: Okay. 1980, obstructing a
22 peace officer in Belleville. And domestic battery in
23 5 of '99, where was that at? 7-03 Percy. And what do I
24 have to have?

25 INVESTIGATOR JUPP: Dispositions on these three

1 arrests. That's what happened; were you convicted,
2 suspended sentence, whatever, whatever the disposition
3 was, whatever happened to you on the charges, dismissed
4 as -- or whatever.

5 BOARD MEMBER ZANE: Mr. Chairman, could I ask
6 the fellow a question?

7 BOARD CHAIRMAN SPENCER: Certainly.

8 BOARD MEMBER ZANE: What -- have you been
9 continuously employed as a security guard, employment,
10 sir?

11 MR. RIPPELMEYER: Your Honor, I got the
12 security card back in 2005 here in the State of Nevada,
13 and I had it up to expiration date of this year;
14 June 26th, I believe.

15 BOARD MEMBER ZANE: And were you continuously
16 employed?

17 MR. RIPPELMEYER: Yes, I was.

18 BOARD MEMBER ZANE: With the same company or
19 different ones?

20 MR. RIPPELMEYER: Different companies.

21 BOARD MEMBER ZANE: I mean were you employed as
22 a registered employee up until the time the card
23 expired?

24 MR. RIPPELMEYER: Yes.

25 BOARD MEMBER ZANE: Okay. And you're -- so

1 from '95 until 2010, you had a metro-issued guard card?

2 MR. RIPPELMEYER: Yes, I did.

3 BOARD MEMBER ZANE: And then, when you came up
4 for expiration, you then made application here?

5 MR. RIPPELMEYER: Yes, I did.

6 BOARD MEMBER ZANE: If I understand your
7 testimony, you felt that you didn't have to put down
8 everything because you had already qualified with a
9 guard card?

10 MR. RIPPELMEYER: You're exactly right, sir.

11 BOARD MEMBER ZANE: Okay.

12 BOARD MEMBER PUTNAM: Mr. Chairman, I have a
13 motion.

14 BOARD CHAIRMAN SPENCER: All right.

15 MR. RIPPELMEYER: The only reason I don't have
16 my expired guard card today is, as of July 2nd of this
17 year, I was guarding a post on security, and I was
18 robbed, and they took my guard card. That's the only
19 reason I don't have my expired card.

20 BOARD MEMBER PUTNAM: Mr. Chairman, I move that
21 the registration denial for Dennis Rippelmeyer be
22 upheld.

23 BOARD CHAIRMAN SPENCER: I have a motion. Do I
24 hear a second?

25 I'll second for discussion.

1 Jim, do you have something on this?

2 BOARD MEMBER NADEAU: Well -- thank you,
3 Mr. Chairman. I'm just -- I've got, I guess, a real
4 dilemma. And that is, he's already had a card. His
5 criminal history has already been run. I understand,
6 and, you know, there's just a lot of dynamics here. But
7 the fact of the matter is that he's had the criminal
8 history, he was issued a card. Granted, it was under a
9 different licensing process. I mean subsequent to his
10 having been issued the card by metro, the registration
11 process has changed.

12 And I would expect that we're going to be
13 encountering a variety of these where there is a
14 different level of scrutiny and decision-making on what
15 was a disqualifier and what wasn't.

16 And so the fact that all of this, all of this
17 stuff happened prior to him having been issued a card
18 previously, is a real struggle for me. You know, and
19 he's had no arrests that I'm aware. He's had no arrests
20 since subsequent to -- however he got it, subsequent to
21 getting that card, he's had no arrests.

22 I'm just, I'm really struggling with this. And
23 domestic violence is not a disqualifier in and of
24 itself. It's a disqualifier for carrying a weapon, but.
25 So, I guess, that's my difficulty. And I don't know

1 that I can support the motion.

2 BOARD CHAIRMAN SPENCER: All right. I don't
3 disagree with you. I think -- I was just discussing
4 with counsel that -- and we'll discuss it later. We've
5 got some problems like this to overcome. We have no
6 violation. We have nothing that confirms a violation.
7 You know, all we have is the -- all we have is the old
8 history, or the old arrest side of the FBI report and
9 nothing on the dispo. Which is probably -- I don't know
10 how high that goes, but probably over 70 percent of that
11 happens.

12 BOARD MEMBER NADEAU: I'm sure Mark might have
13 some comments, too.

14 BOARD MEMBER ZANE: I do, Mr. Chairman. My
15 issue is, is although there is a technical issue here
16 that he failed to list the -- on the form that we
17 require, I think that there's mitigation, in the fact
18 that these particular issues were before he was issued
19 the metro guard card. And that since that point in time
20 and possibly from -- you know, in the public's interest,
21 I see nothing of a criminal nature or any type of
22 derogatory record since he's been employed in the state.
23 And I think, based upon the fact that he worked up until
24 the time and didn't have any negative actions coming
25 towards the Board, that I think that if there is a

1 benefit of the doubt here in this particular situation,
2 it should go to the appellant.

3 BOARD CHAIRMAN SPENCER: Yes, I tend to agree
4 with you. I would have to remove my second. Do you
5 have --

6 BOARD MEMBER NADEAU: Or we can vote on it, we
7 can vote on the motion. And then, if it fails, we
8 can --

9 BOARD MEMBER PUTNAM: No.

10 BOARD CHAIRMAN SPENCER: It's going to be tied.

11 BOARD MEMBER PUTNAM: Removes the second. I
12 would just like to comment, though, that one of the
13 things we have to be, I think, cautious of is if, in
14 fact, that first card was issued in error, then this
15 Board has a responsibility to correct that error.

16 BOARD CHAIRMAN SPENCER: And I agree with you.
17 But, again, going back to my days with the federal
18 agency, is that what we're faced with here, and on
19 almost all of these that Steve is showing us, is that we
20 have the arrest factor on the FBI report, and we have no
21 disposition. We have no disposition because the party
22 that, the county that entered the arrest does not follow
23 up and enter the disposition on the case.

24 So we're deciding the fate of some of these
25 people without any confirmation, except if the person

1 wants to give it himself, without any confirmation that
2 there is any kind of disposition other than dismissal.

3 And I tend -- and I don't tend to agree; I do
4 agree with Jim's survey of the issue. Because we don't
5 have, on these, we don't have what's necessary.

6 MR. RIPPELMEYER: It was 2005 when I got my
7 guard card.

8 BOARD MEMBER NADEAU: I think we have to draw a
9 line in the sand that the question on the application
10 does not distinguish how long ago the arrest was. In
11 other words, if the arrest was in '99 and '98 , I think
12 we have to draw a line in the sand. If you've ever been
13 arrested, that's the question. So, therefore, a person
14 needs to be -- respond truthfully to that. And if
15 subsequent -- because there's no time limit. So when
16 subsequent information comes forward that a person had
17 an arrest, and they were untruthful on the application,
18 then that's -- that's a circumstance.

19 But, number one, we don't have the application
20 that Mr. Rippelmeyer gave to metro. And that's number
21 one. And, number two, regardless of his application or
22 the subsequent criminal history, he was issued a card.

23 BOARD CHAIRMAN SPENCER: Yeah.

24 BOARD MEMBER NADEAU: Again, that wasn't our
25 decision. We have to make decisions on our own. But,

1 so, but I think the fact that -- we need to draw the
2 hard line that if someone is not -- doesn't complete the
3 application, fails to provide information, then
4 that's -- that's a right for denial.

5 BOARD MEMBER PUTNAM: M-hm (affirmative).

6 BOARD MEMBER NADEAU: But in Mr. Rippelmeyer's
7 case, I think there's -- you know, there are extenuating
8 circumstances.

9 BOARD CHAIRMAN SPENCER: And then we'll have to
10 remember that if he does list the arrests, they may have
11 no convictions listed; then we're right back where we
12 started from.

13 BOARD MEMBER NADEAU: Right. And even if it
14 was a conviction, those two arrests would not be a
15 disqualifier for -- at least historically it hasn't been
16 a disqualifier for issuance.

17 So, I guess, again, we have to deal with each
18 one of these circumstances individually. And so that if
19 you're -- I don't know if the motion was withdrawn or --

20 BOARD CHAIRMAN SPENCER: Did you want to --

21 MS. RAY: The second was withdrawn.

22 BOARD MEMBER PUTNAM: Now I will withdraw the
23 motion.

24 BOARD MEMBER NADEAU: Okay. And I would move
25 that we -- that we not sustain the denial. I don't know

1 the appropriate terminology.

2 BOARD CHAIRMAN SPENCER: Deny the denial.

3 BOARD MEMBER NADEAU: Okay. That we not
4 sustain the denial and that Mr. Rippelmeyer be issued
5 his card.

6 BOARD CHAIRMAN SPENCER: Second. All in favor,
7 signify by saying "aye."

8 (Board members said "aye.")

9 BOARD MEMBER PUTNAM: Opposed.

10 BOARD CHAIRMAN SPENCER: What's that?

11 BOARD MEMBER PUTNAM: Opposed.

12 BOARD CHAIRMAN SPENCER: Opposed?

13 BOARD MEMBER PUTNAM: Nay.

14 BOARD CHAIRMAN SPENCER: Okay. Three to one.
15 Mr. Rippelmeyer, you can go back to work.

16 MR. RIPPELMEYER: Yes, sir. Thank you, sir. I
17 appreciate it. How do I go about getting my card?

18 BOARD MEMBER ZANE: Call the P.I. Board
19 offices.

20 INVESTIGATOR JUPP: I'll take care of it
21 tomorrow.

22 MS. RAY: It's actually being taken care of
23 right now.

24 INVESTIGATOR JUPP: Okay. Thank you.

25 INVESTIGATOR JUPP: Come by, come by the P.I.

1 Board office tomorrow in Las Vegas.

2

3

AGENDA ITEM 10

4

BRANDI LEACH

5

6

BOARD CHAIRMAN SPENCER: Brandi Leach.

7

MS. LEACH: Right here.

8

BOARD CHAIRMAN SPENCER: Good morning.

9

MS. LEACH: Good morning.

10

BOARD CHAIRMAN SPENCER: How are you?

11

MS. LEACH: I'm fine. How are you?

12

BOARD CHAIRMAN SPENCER: I'm pretty good.

13

Whose case is this?

14

MS. RAY: I believe, this is --

15

BOARD CHAIRMAN SPENCER: Nick, is this your

16

case?

17

INVESTIGATOR ROBLE: Are we on Brandi Leach?

18

BOARD CHAIRMAN SPENCER: Yes.

19

INVESTIGATOR ROBLE: Investigator Roble, for

20

Investigator Murphy again.

21

Brandi Leach was denied because her FBI

22

fingerprint results came back: 9 of '95, Mineral

23

County, Nevada, felony, possession of a controlled

24

substance, slash, DUI; 7 of '97, Mineral County, Nevada,

25

domestic battery; 8 of '98, Mineral County, Nevada,

1 battery, domestic violence, pled guilty. She did have
2 some arrests and convictions listed on her application.

3 BOARD CHAIRMAN SPENCER: You have how many
4 convictions listed on the FBI report? Or is that what
5 you were reading from?

6 INVESTIGATOR ROBLE: This is Investigator
7 Murphy's notes.

8 BOARD CHAIRMAN SPENCER: Oh, okay.

9 INVESTIGATOR ROBLE: And I have, I have a copy
10 of the fingerprint returns. And, again, there's no
11 dispositions on some of these, so.

12 BOARD CHAIRMAN SPENCER: Well, we have a plea,
13 too.

14 INVESTIGATOR ROBLE: Well, that was for a
15 domestic violence in 8 of '98.

16 BOARD CHAIRMAN SPENCER: Okay.

17 INVESTIGATOR ROBLE: I think, our concern would
18 be the felony possession of controlled substance and if
19 there was a felony DUI involved, too.

20 BOARD CHAIRMAN SPENCER: All right. Do you
21 want to tell us about those?

22 MS. LEACH: Yes, sir. I actually brought the
23 dispositions of those cases here today. I was -- I was
24 not -- I do not have a felony conviction on my record.
25 And --

1 BOARD CHAIRMAN SPENCER: You do?

2 MS. LEACH: I do not.

3 BOARD CHAIRMAN SPENCER: You do not?

4 MS. LEACH: No, I do not. I was charged with
5 unlawful use of a controlled substance.

6 BOARD CHAIRMAN SPENCER: M-hm (affirmative).

7 MS. LEACH: And the reason I didn't put these
8 two from '95 and '98 on my application is because the
9 past four years I have worked for a federal
10 installation, and they've required me to get clearances
11 from the federal government. And in those clearance
12 paperworks, they ask you to go back 10 years. And I
13 think I was kind of arrogant; when I filled out the
14 paperwork, I didn't really read it. I just wrote down
15 everything for the past 10 years. I really didn't mean
16 to try to exclude the information from '95 to '98. But
17 I did do that.

18 I'm just asking for your mercy. I need my job.
19 And I will put on the paperwork and would have if I
20 understood that it was longer than a 10-year period that
21 the PILB was asking for.

22 BOARD CHAIRMAN SPENCER: Unfortunately, that's
23 becoming a rule rather than anything else, is people
24 asking for seven to 10 years rather than anything else.

25 Does the conviction fall within that? When was

1 your conviction?

2 MS. LEACH: Oh, I had the conviction for
3 internal use of a controlled substance in 1995 and then
4 a battery with a deadly weapon with substantial bodily
5 harm in 1998. And --

6 BOARD CHAIRMAN SPENCER: You're not afraid to
7 get into it, then?

8 MS. LEACH: Well, this is what was happening.
9 I invited somebody over to my house. And he got
10 violent, and he was beating me, and he tried to drag me
11 out of my house by my hair. And on the way past my
12 kitchen sink, I grabbed a knife. I cut his arm. And he
13 let me go. And that's why it wasn't more severe. But
14 the judge had to do something, you know.

15 BOARD CHAIRMAN SPENCER: Had he ever heard of a
16 defendant's defending himself?

17 MS. LEACH: Huh?

18 BOARD CHAIRMAN SPENCER: The judge hadn't heard
19 about self-defense?

20 MS. LEACH: Well, sure, but he'd also warned me
21 to stay away from the person twice.

22 BOARD CHAIRMAN SPENCER: Okay.

23 MS. LEACH: That person has two previous
24 convictions of domestic violence.

25 BOARD CHAIRMAN SPENCER: Questions from the

1 Board?

2 BOARD MEMBER NADEAU: Mr. Chair?

3 BOARD CHAIRMAN SPENCER: Yes.

4 BOARD MEMBER NADEAU: The battery with
5 substantial bodily harm, is that a gross misdemeanor?

6 MS. LEACH: It was a -- oh. It'll take me just
7 a second.

8 BOARD MEMBER NADEAU: Sure. Take your time.

9 MS. LEACH: It was a misdemeanor conviction,
10 and I pled no contest.

11 BOARD CHAIRMAN SPENCER: And when, when was
12 that?

13 MS. LEACH: In 1998.

14 BOARD CHAIRMAN SPENCER: Okay. How old were
15 you?

16 BOARD MEMBER NADEAU: May we see, may we see
17 the court documents?

18 BOARD CHAIRMAN SPENCER: Sure.

19 MS. LEACH: Okay. There's also these others
20 that I did. I did write on the application.

21 BOARD CHAIRMAN SPENCER: Okay.

22 BOARD MEMBER NADEAU: And the possession of
23 controlled substance or under the influence, is that
24 also here?

25 MS. LEACH: Yes.

1 BOARD MEMBER PUTNAM: And I may ask, you worked
2 for ATF for four years?

3 MS. LEACH: Yes, that is correct. I had an ATF
4 and an NAC clearance. Yes. And on their paperwork,
5 that's what they asked for, is the past 10 years. And
6 when I got those, I didn't list those, because it wasn't
7 within that 10-year time period. As time grew on, it
8 came out of that period.

9 BOARD MEMBER NADEAU: Tammy, can you read these
10 fairly well? I'm looking at this one where it says
11 "unlawful use of controlled substance." And it appears
12 to be, to me, that that's a felony. And the DUI, drugs
13 and the child in the vehicle were both misdemeanors, and
14 they were dismissed.

15 INVESTIGATOR WHATLEY: Let me see this.

16 MS. LEACH: I intended to bring the paperwork.
17 I was put on probation for three years and honorably
18 discharged in 1998. I can bring the paperwork that
19 shows it was not a felony. I don't have a felony on my
20 record.

21 BOARD MEMBER NADEAU: So upon completion of the
22 three years probation, was it then -- was that
23 considered deferred sentencing? Do you know what I'm
24 talking about?

25 MS. LEACH: No, I don't.

1 BOARD MEMBER NADEAU: In other words, you
2 weren't actually sentenced until such time as you
3 completed the three years probation, and then they
4 reduced it down to a misdemeanor or something. Do you
5 know if that's how it was?

6 MS. LEACH: No. I was just straight-out
7 charged with internal possession of a controlled
8 substance and put on probation for three years with a
9 suspended commitment.

10 BOARD MEMBER PUTNAM: But you pled nolo to
11 that, right?

12 MS. LEACH: No, I pled guilty to it, you know,
13 because I had smoked marijuana with my cousin, and I
14 wasn't going to lie to them and tell them I didn't.

15 BOARD MEMBER NADEAU: No contest was the
16 battery and a deadly weapon, right?

17 MS. LEACH: Yes, that's correct.

18 BOARD CHAIRMAN SPENCER: How old were you?

19 MS. LEACH: I was 19 when I smoked the
20 marijuana, and I think I was 23 -- 22 with the battery.

21 BOARD CHAIRMAN SPENCER: I'm thinking you're
22 about that age now.

23 MS. LEACH: I will be a grandmother in a couple
24 weeks. I'm 36.

25 BOARD MEMBER NADEAU: The charge in 1997, the

1 domestic battery, and then the '98 domestic violence,
2 are those one and the same, or are those two separate?

3 MS. LEACH: Yes, they're the same thing.

4 BOARD MEMBER NADEAU: Okay.

5 MS. LEACH: I've been charged twice.

6 BOARD MEMBER NADEAU: Okay.

7 MS. LEACH: I have that one, that one.

8 BOARD MEMBER NADEAU: Okay. Sorry we're not
9 sharing this, Mark. We're kind of looking at these
10 disposition records.

11 BOARD MEMBER ZANE: I'm following along.

12 MS. LEACH: I have no idea if this would have
13 any bearing on the case, but I do have letters of
14 reference from my employers, from both managers of the
15 department I work for. And it kind of does tell about
16 my personality.

17 BOARD CHAIRMAN SPENCER: Let's see.

18 BOARD MEMBER NADEAU: Are you working at the
19 depot?

20 MS. LEACH: Yes. As of October, when they got
21 the new contract, it requires us to get licensed with
22 the PILB.

23 BOARD MEMBER NADEAU: Is this a different
24 company that now has new contracts, or was it just a
25 contract renewal?

1 MS. LEACH: Contract renewal.

2 BOARD MEMBER NADEAU: Okay. So you've worked
3 for the same company for the four years that you've
4 worked out there?

5 MS. LEACH: Yes. It's actually called Day
6 Zimmerman Hawthorne Corporation, but they go under the
7 subtitle of S.O.C.L.L.C.

8 BOARD MEMBER NADEAU: Mr. Chair, can I ask
9 Thoran if he has any insight into these records?

10 BOARD CHAIRMAN SPENCER: Certainly.

11 MR. TOWLER: I've looked over these. It's
12 difficult to tell. You know, there's no clear
13 disposition. The one, I think, we've addressed is the
14 battery with a deadly weapon with substantial bodily
15 harm. But that states it was dropped to a misdemeanor.

16 The other is the question we have, is the
17 felony unlawful use of a controlled substance. It
18 doesn't clearly say -- it does clearly say it's a
19 felony. I think, I heard her state that it was
20 marijuana. That was the issue. It's common for those
21 to be dropped, especially with a first-time offense, to
22 an ITS, to a drug use, but there's just not enough here
23 to show. It says on here that the misdemeanors were
24 being dismissed, but it also states that the drug charge
25 was a felony. You know, and like I stated, it's common

1 for the first one to be dropped to a misdemeanor. But
2 it doesn't say what happened.

3 So that's all the insight I have for you on
4 that. It's not documentation, for me, that shows what
5 happened for sure.

6 BOARD CHAIRMAN SPENCER: What county was this
7 in?

8 MS. LEACH: Mineral County, the only county I
9 ever got in trouble.

10 BOARD MEMBER NADEAU: Mr. Chairman, is there
11 any -- do we have any provision for requesting for
12 tabling this until our next meeting?

13 BOARD CHAIRMAN SPENCER: Certainly.

14 BOARD MEMBER NADEAU: To -- pending maybe
15 getting some more specific court disposition
16 information?

17 BOARD CHAIRMAN SPENCER: Certainly.

18 MS. LEACH: Thank you.

19 BOARD CHAIRMAN SPENCER: And we do request it,
20 then.

21 BOARD MEMBER NADEAU: I'm sorry?

22 BOARD CHAIRMAN SPENCER: And we'll have staff
23 request that.

24 BOARD MEMBER NADEAU: Or we can have her
25 produce it from the court, which --

1 MS. LEACH: I can, yes.

2 BOARD CHAIRMAN SPENCER: Yes, and I would just
3 make a motion.

4 BOARD MEMBER NADEAU: So moved.

5 BOARD CHAIRMAN SPENCER: I second it.

6 BOARD MEMBER PUTNAM: Okay. Now, but I would
7 like to make a comment before the vote.

8 BOARD CHAIRMAN SPENCER: Sure.

9 BOARD MEMBER PUTNAM: I would suspect that
10 since she has been working for a federal agency, that
11 the federal agency has already looked into this.
12 Because, just because they only ask for the last 10
13 years doesn't mean they didn't investigate everything.

14 BOARD CHAIRMAN SPENCER: Yes. Yeah, that's
15 probably true.

16 BOARD MEMBER PUTNAM: So, you know, I suspect
17 that. But, again, you know, what I suspect and what we
18 have to know are two different things.

19 MS. LEACH: Right. I'd be happy to provide
20 that information.

21 BOARD CHAIRMAN SPENCER: You're saying that the
22 drug charge was a misdemeanor?

23 MS. LEACH: Yes.

24 BOARD CHAIRMAN SPENCER: Would you want to go a
25 step farther?

1 BOARD MEMBER NADEAU: I'm sorry?

2 BOARD CHAIRMAN SPENCER: I said would you want
3 to go a step farther?

4 BOARD MEMBER PUTNAM: And recommend that the
5 appeal be --

6 BOARD CHAIRMAN SPENCER: I'm pretty sure what
7 she's saying is she needs to be working and providing
8 for --

9 Do you have any children?

10 BOARD MEMBER PUTNAM: All right.

11 MS. LEACH: I have three children.

12 BOARD MEMBER PUTNAM: Well, I move that --

13 BOARD MEMBER ZANE: Mr. Chairman?

14 BOARD CHAIRMAN SPENCER: Yes.

15 BOARD MEMBER ZANE: Would it be appropriate if
16 that -- if for -- say, we were leaning to overturning
17 it, based upon the fact that we find that this only one
18 question exists, and that's the level of conviction,
19 would it be appropriate to overturn based upon a finding
20 that that was the case, and this ended up being a
21 misdemeanor, so that we're not putting this off for
22 three months?

23 BOARD CHAIRMAN SPENCER: Say that one more
24 time.

25 BOARD MEMBER ZANE: Is it -- would it be

1 appropriate to -- if the Board was of the mind to, to
2 overturn the denial based upon receipt of evidence that
3 this conviction was a misdemeanor?

4 MR. TOWLER: You do have the ability to make
5 such a motion. The problem is, you know, in a perfect
6 world, it's great, you can say, hey, as long as the
7 employee is -- as long as the executive director finds
8 documentation, or as long as the investigator shows that
9 this was actually a misdemeanor, then, you know, she's
10 got her work card.

11 But the problem is there's this gray area of
12 what happens when we can't get the documentation, or
13 just think of all the problems that could go wrong.
14 Then that is where we come into problems. So it's
15 definitely up to the Board. The Board has that ability.
16 But I've seen a lot of problems caused by making those
17 types of rulings.

18 BOARD CHAIRMAN SPENCER: Is there anything --

19 BOARD MEMBER ZANE: Thank you.

20 BOARD CHAIRMAN SPENCER: -- that would prohibit
21 us making a phone call?

22 BOARD MEMBER PUTNAM: We'll make a phone call
23 to the Mineral County court.

24 BOARD CHAIRMAN SPENCER: Would you mind doing
25 that?

1 INVESTIGATOR WHATLEY: In Hawthorne.

2 BOARD CHAIRMAN SPENCER: Did you get everything
3 you need?

4 MS. WHATLEY: I'll take the paper.

5 BOARD CHAIRMAN SPENCER: You got her name and
6 everything?

7 BOARD MEMBER NADEAU: Mr. Chair, I'll withdraw
8 my motion for the moment.

9 BOARD CHAIRMAN SPENCER: Okay. We'll put you
10 on hold for a minute and get back to you.

11 Okay. Yeah, let's take a break.

12 * * * * *

13 (A break was taken, 10:42 to 11:10 a.m.)

14 * * * * *

15 BOARD CHAIRMAN SPENCER: Okay. We can proceed.

16 Rather than waste everyone's time, as far as
17 rescheduling Brandi to come back in again, staff made a
18 telephone call. And she has not been convicted of a
19 felony. She's been convicted of a gross misdemeanor in
20 connection with her charge, which puts a whole new light
21 on it. Which I will open --

22 Why don't you come on up.

23 MS. LEACH: Yes, sir.

24 BOARD CHAIRMAN SPENCER: I'll open it for
25 questions or anything else you might want to do.

1 BOARD MEMBER PUTNAM: No questions,
2 Mr. Chairman.

3 BOARD MEMBER NADEAU: I have no questions.

4 BOARD CHAIRMAN SPENCER: Do you want to make a
5 motion?

6 BOARD MEMBER PUTNAM: Mr. Chairman, I would
7 like to move that the registration -- pardon me -- that
8 Brandi Leach be allowed to register.

9 BOARD CHAIRMAN SPENCER: Second.

10 BOARD MEMBER NADEAU: Discussion?

11 BOARD CHAIRMAN SPENCER: Discussion.

12 BOARD MEMBER NADEAU: Mr. Chairman, in my view,
13 Ms. Leach has worked for S.O.C. for four years and was
14 required to go through a background check at that time.
15 Even if at that time it required a 10-year history, that
16 would have been -- that would have captured for that
17 background at that time, it would have, probably have
18 captured all three of these circumstances. Because that
19 was, what, four years ago, which would have been 2006.

20 MS. LEACH: Yes.

21 BOARD MEMBER NADEAU: For the most part, I
22 think it would have probably captured the more serious
23 offense. So my concern is, is she's been working in
24 that field with a previous background check. And though
25 I think some of these are a concern, these charges, I

1 will support the motion.

2 BOARD CHAIRMAN SPENCER: Okay. I appreciate
3 it. All in favor, signify --

4 BOARD MEMBER NADEAU: Mark.

5 BOARD CHAIRMAN SPENCER: Mark, do you have any
6 questions?

7 BOARD MEMBER ZANE: No, sir.

8 BOARD CHAIRMAN SPENCER: All right. I have a
9 motion. Did you hear the motion?

10 BOARD MEMBER ZANE: I did.

11 BOARD CHAIRMAN SPENCER: Okay. All in favor,
12 signify by saying "aye."

13 (Board members said "aye.")

14 BOARD CHAIRMAN SPENCER: Opposed?

15 Go to work. But, listen, I don't ever want to
16 see you in here again. And I'm going to tell you just
17 the same thing your mom told you. No, I'm on the
18 record. I probably better not.

19 MS. LEACH: And how do I -- where do I --

20 MS. RAY: I'm fixing your record so you can do
21 a new printout, and you'll get your card soon.

22 MS. LEACH: Thank you.

23 BOARD CHAIRMAN SPENCER: Merry Christmas.

24 BOARD MEMBER PUTNAM: Yes.

25 MS. LEACH: Merry Christmas.

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AGENDA ITEM 11
JOHN FONTENETTE

BOARD CHAIRMAN SPENCER: All right. Moving among, John Fontenette.

INVESTIGATOR ROBLE: He's here.

BOARD CHAIRMAN SPENCER: Is he there?

INVESTIGATOR ROBLE: Yes.

BOARD CHAIRMAN SPENCER: Okay.

INVESTIGATOR ROBLE: John Fontenette was denied for falsification on his application, according to Investigator Murphy. He had a 03 of '09 arrest in North Las Vegas for possession of a controlled substance, methamphetamine, felony; 5 of '09, North Las Vegas, possession of controlled substance, methamphetamine; 7 of '10, in Las Vegas, probation violation and tampering with a vehicle; and 8 of '10, in Las Vegas, for possession of a controlled substance.

BOARD CHAIRMAN SPENCER: And those are convictions?

INVESTIGATOR ROBLE: There's no disposition on the -- one of the dispositions on possession of controlled substance was dismissed. I don't know about the second one. And the disposition on the tamper with vehicle and probation violation, there's not one in

1 SCOPE. So I don't know what the disposition on those
2 charges are.

3 BOARD CHAIRMAN SPENCER: Mr. Fontenette, how
4 are you today?

5 MR. FONTENETTE: I'm doing good. How are you
6 doing, Your Honor?

7 BOARD CHAIRMAN SPENCER: All right. What can
8 you tell me about those charges?

9 MR. FONTENETTE: Well, one of the charges with
10 the meth, it was dropped. Another one, they put me on a
11 two-year probation, which I was dealing with, and I
12 caught this other tampering with a vehicle charge. Me
13 and my girlfriend had got into it. She called the
14 police, told them I broke into one of her cars. They
15 told me I was tampering with a vehicle without the
16 owner's consent. That violated on my probation. So
17 when I went to court on the first one, the tampering
18 with the vehicle, they offered me three months. I went
19 ahead and took that, Your Honor.

20 When I went to court on the violation charge,
21 the judge noticed that I have never been arrested in 43
22 years whatsoever. These two charges are the only
23 charges that I have ever been charged with in my life,
24 Your Honor. By him going over my record and seeing
25 that, he -- because I was looking at, I guess, nine

1 months. But he took 146 days off that for me. So I
2 wound up doing just 91 days in jail for, basically, both
3 of them.

4 BOARD CHAIRMAN SPENCER: 91 days?

5 MR. FONTENETTE: 91 days, sir.

6 BOARD CHAIRMAN SPENCER: Okay. Questions?

7 MR. FONTENETTE: He took off 164 days for good
8 time already served. I guess, because he seen I never
9 had a record, you know. I've been working security for
10 all my life. You know, I came here in 2005 from
11 California and have been working for, you know,
12 different security guard companies. And the little
13 incident that I got myself into just kind of recently
14 is, basically, the only thing that I've ever been in
15 trouble for, ever, in my 43 years.

16 BOARD CHAIRMAN SPENCER: Over a girl, huh?

17 MR. FONTENETTE: Yes, sir. Yes, sir. Yeah, me
18 and her was going through some bad times, and one thing
19 kind of led to another. And, but everything has been
20 corrected. And I'm doing real good right now, Your
21 Honor. You know, I got almost six months clean and
22 sober, no drinks, no nothing.

23 BOARD CHAIRMAN SPENCER: You don't have to call
24 me Your Honor. I'm not a judge.

25 MR. FONTENETTE: Oh, sorry about, that that,

1 sir. Sorry about that.

2 BOARD CHAIRMAN SPENCER: So that sentence you
3 have is a misdemeanor?

4 MR. FONTENETTE: Yes. The drug charge was
5 dropped to a gross misdemeanor, and tampering with a
6 vehicle is a misdemeanor.

7 BOARD CHAIRMAN SPENCER: Questions from the
8 Board?

9 MR. FONTENETTE: Yes, sir.

10 BOARD MEMBER NADEAU: For the investigator.
11 But none of these were listed on his application?

12 INVESTIGATOR ROBLE: According to Investigator
13 Murphy's notes, some were not listed on the application.
14 I don't have access to the application, but what I think
15 might have happened is he did list maybe two of the
16 charges, not realizing that maybe that the third one
17 was -- should have been included. I'm not really sure.
18 Because there are three possession of a controlled
19 substance charges and the probation violation. I don't
20 know if he -- how he listed those. I could research
21 that.

22 BOARD CHAIRMAN SPENCER: So they all have the
23 same incident?

24 INVESTIGATOR ROBLE: No. No. These are three
25 different incidents of possession of a controlled

1 substance.

2 BOARD MEMBER NADEAU: And as I recall, the
3 dates were --

4 BOARD MEMBER PUTNAM: July.

5 BOARD MEMBER NADEAU: One was '06? There was
6 some in '09 and then '10? I'm sorry. The dates are the
7 ones I'm having trouble with.

8 INVESTIGATOR ROBLE: The dates are 3 of '09 in
9 North Las Vegas. That's possession of methamphetamine.
10 5 of '09, possession of methamphetamine. And then 8 of
11 10', possession of a controlled substance. It didn't
12 say what that controlled substance was.

13 BOARD MEMBER NADEAU: Okay. But what about --

14 MR. FONTENETTE: Excuse me, sir.

15 BOARD MEMBER NADEAU: Just a second. What
16 about tampering with a motor vehicle?

17 BOARD MEMBER PUTNAM: 7-10.

18 BOARD MEMBER NADEAU: I know when that
19 happened. But was that listed? Do you know if he
20 listed that on his application?

21 MR. FONTENETTE: Yes. Yes, I did.

22 INVESTIGATOR ROBLE: I don't know.

23 BOARD MEMBER NADEAU: Okay.

24 INVESTIGATOR ROBLE: But I have the notes, and
25 I also have the SCOPE printout and the denial letter.

1 So I would have to have access to the original
2 application to find that out.

3 MS. RAY: I'm trying to open it.

4 BOARD CHAIRMAN SPENCER: We're trying to open
5 it here on the computer.

6 BOARD MEMBER NADEAU: So, I guess, my question
7 of the appellant is why didn't he list all the other
8 arrests?

9 BOARD MEMBER PUTNAM: Yeah.

10 MR. FONTENETTE: Excuse me, sir.

11 BOARD MEMBER NADEAU: Particularly since --

12 MR. FONTENETTE: It was only, it was only two
13 drugs charges and tampering with a vehicle. I have no
14 third drug charge. It was only two. One was dropped.
15 I was charged with one and tampering with a vehicle. On
16 the paper I put down tampering with a vehicle without
17 owner's consent, and I put down the drug charge. When
18 they sent me the paperwork, they said -- what I did say
19 is that I was on probation. And that's what they got me
20 on. And I put that I was on probation. And five times
21 they add up, from what they told me, on the paperwork
22 that was sent back to me.

23 But I put the drug charge and tampering with
24 the vehicle on my application.

25 BOARD MEMBER NADEAU: How many, how many times

1 were you arrested for drugs?

2 MR. FONTENETTE: Just once, sir. When I was
3 arrested twice, I was all O.R.'d, but they only charged
4 me with possession one time.

5 And I mean it wasn't a -- you know, it wasn't a
6 great amount. I was kind of messing with it at the
7 time. But like I say, I've been six months clean and
8 sober, no drugs, no alcohol whatsoever. Went ahead and
9 did my three months, and they took me off probation. So
10 I'm no longer on probation whatsoever.

11 BOARD MEMBER PUTNAM: Because --

12 MR. FONTENETTE: I have dealt with a few
13 security guard companies. And they wanted to bring me
14 in; but they said without my guard card, you know, there
15 is nothing they can do right now for me.

16 BOARD MEMBER PUTNAM: Pardon me, sir. I have a
17 question for you, too.

18 MS. FONTENETTE: Yes, sir.

19 BOARD MEMBER PUTNAM: This indicates an arrest
20 for probation violation on -- in July of this year.

21 MR. FONTENETTE: Right.

22 BOARD MEMBER PUTNAM: Which was not listed on
23 your application. An arrest for a probation violation.

24 MR. FONTENETTE: Probation violation, right.

25 BOARD MEMBER PUTNAM: Yes.

1 MR. FONTENETTE: I -- I think, I did not put
2 that on there. But as far as for the drugs, the drug
3 charge of the meth and the vehicle tampering, that was
4 on the application.

5 BOARD MEMBER PUTNAM: And, further, the records
6 also show that you got an original sentence of nine
7 months at the Clark County Detention Center, which was
8 imposed based upon that probation violation. And then
9 they gave you 146 days credit for time served, because
10 it was concurrent with this car situation. Right?

11 MR. FONTENETTE: Correct, sir.

12 BOARD MEMBER PUTNAM: So we're talking about
13 your most recent arrest, sir, in July, July of this
14 year?

15 MR. FONTENETTE: Yes, sir.

16 BOARD MEMBER PUTNAM: One of those is for a
17 probation violation?

18 MR. FONTENETTE: Yes. Yes, probation
19 violation.

20 BOARD MEMBER PUTNAM: And you were sentenced
21 nine months for that but given credit for time served?

22 MR. FONTENETTE: Yeah. Altogether, when I went
23 to court on the second one, the judge gave me -- he
24 granted me 58 days plus the time I already had in, which
25 was 33 days. So altogether, it came to 91 days, sir.

1 BOARD MEMBER PUTNAM: M-hm (affirmative).

2 MR. FONTENETTE: Which I did in Clark County.

3 BOARD MEMBER PUTNAM: I understand.

4 BOARD CHAIRMAN SPENCER: Mark, do you have any
5 questions?

6 BOARD MEMBER ZANE: No, sir.

7 BOARD CHAIRMAN SPENCER: Give me just a few
8 minutes here.

9 (There was a pause while Board members looked
10 at their computers.)

11 BOARD MEMBER PUTNAM: Sir, I have another
12 question for you. When did -- when did you finish up
13 this time that you were given in July? When did you get
14 out of jail?

15 MR. FONTENETTE: I was released October,
16 October the 9th.

17 BOARD MEMBER PUTNAM: Uh-huh (affirmative).

18 MR. FONTENETTE: October the 9th of this year,
19 sir.

20 BOARD MEMBER PUTNAM: So you've been out of
21 jail two months?

22 MR. FONTENETTE: Yes, sir.

23 BOARD MEMBER PUTNAM: M-hm (affirmative).
24 Well, thank you.

25 BOARD MEMBER NADEAU: We can't pull it up.

1 MS. RAY: Well, I was able to look at a
2 notation. And it appears that the application was
3 entered by staff, and there's a notation, arrest
4 history, that lists a 7-9 of 2010 arrest, but then
5 there's a notation that said none listed on application.

6 So I don't know if they put that in when they
7 got the information, when Colin did the background or...

8 BOARD MEMBER NADEAU: I'm prepared to make a
9 motion. If -- maybe Mark wants to make a motion, and
10 Mark wants discussion, but.

11 BOARD CHAIRMAN SPENCER: Okay. Any further
12 questions? I'll entertain a motion.

13 BOARD MEMBER PUTNAM: Mr. Chairman, I move that
14 the application and the denial of the application for
15 registration of John Fontenette be upheld.

16 BOARD MEMBER NADEAU: I'll second.

17 BOARD CHAIRMAN SPENCER: Okay. I have a motion
18 and a second. All in favor, signify by saying "aye."

19 BOARD MEMBER NADEAU: Do you want discussion?

20 BOARD CHAIRMAN SPENCER: Oh, discussion.

21 BOARD MEMBER NADEAU: I mean my support of the
22 motion is that I appreciate the fact that he's completed
23 his probation and he's working, but it needs time and
24 distance. And these things are all this year. I just
25 can't see issuing a license at this particular time

1 based on that, those issues.

2 BOARD CHAIRMAN SPENCER: Okay. Do you have
3 anything?

4 BOARD MEMBER PUTNAM: Yeah. Mr. Fontenette,
5 I'd like to -- I'd like you to know that my reason for
6 my motion is that, you know, you've been out of jail for
7 60 days. Okay. And I wish you the best of luck in
8 getting your life back together. But I'm afraid that,
9 in my mind, this Board cannot authorize you to be issued
10 a card.

11 BOARD CHAIRMAN SPENCER: I have a motion and a
12 second. All in favor, signify by saying "aye."

13 (Board members said "aye.")

14 Opposed?

15 Hearing none, we'll move on.

16 MR. FONTENETTE: All right.

17 BOARD CHAIRMAN SPENCER: Mr. Fontenette?

18 MR. FONTENETTE: Yes, sir?

19 BOARD CHAIRMAN SPENCER: You can reapply after
20 a year.

21 MR. FONTENETTE: Oh, don't worry about it, Your
22 Honor.

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AGENDA ITEM 12

WALTER DERIOUS SMITH

BOARD CHAIRMAN SPENCER: Walter Derious Smith.

MR. SMITH: I'd like this to be closed.

INVESTIGATOR ROBLE: The fellow would like to have a closed meeting.

BOARD CHAIRMAN SPENCER: Okay. I have a motion for a closed meeting.

* * * * *

(A closed session of the meeting was held, after which the meeting was then opened back up to the public and resumed as follows.)

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BOARD MEMBER ZANE: Okay. We're back on.

BOARD CHAIRMAN SPENCER: Okay. We'll open -- where were we? All right. We've finished with this. Barring, or not seeing any further questions, I'll consider a motion.

BOARD MEMBER ZANE: Mr. Chairman?

BOARD CHAIRMAN SPENCER: Yes?

BOARD MEMBER ZANE: I'd move, I'd move that the license denial for Walter Derious Smith be reversed and he be issued a work card.

BOARD MEMBER PUTNAM: Second.

1 BOARD CHAIRMAN SPENCER: All right. I have a
2 motion and a second. All in favor, signify by saying
3 "aye."

4 (Board members said "aye.")

5 Opposed?

6 There you go, sir. You made a --

7 MR. SMITH: Thank you.

8 BOARD CHAIRMAN SPENCER: You made a great
9 presentation.

10 MR. SMITH: I longed for it. Thank you, sir,
11 Mr. Chairman.

12

13 AGENDA ITEM 13

14 KYRON WEBB

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16 BOARD CHAIRMAN SPENCER: All right. Kyron
17 Webb.

18 BOARD MEMBER ZANE: Nobody's responding,
19 Mr. Chairman.

20 BOARD CHAIRMAN SPENCER: Okay. Fly him for a
21 bit.

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AGENDA ITEM 14

GREGG RAMIREZ

BOARD CHAIRMAN SPENCER: Gregg Ramirez.

BOARD MEMBER ZANE: Gregg Ramirez?

BOARD CHAIRMAN SPENCER: Yes.

BOARD MEMBER ZANE: Nobody's responding,
Mr. Chairman.

BOARD CHAIRMAN SPENCER: Same with him.

AGENDA ITEM 15

JOHNNY SANCHEZ

BOARD CHAIRMAN SPENCER: Johnny Sanchez?

MR. SANCHEZ: Right here.

BOARD MEMBER ZANE: He's here.

INVESTIGATOR ROBLE: Mr. Sanchez was denied by
Investigator Murphy for not listing an arrest on his
application, when he filled out the application, of his
application. The first arrest was in 4 of 1980 in
Las Vegas, obstructing a police officer. In 6 of '81,
Las Vegas, weapon in an auto; 9 of 1983 in Las Vegas,
petit larceny; and 8 of '86 in North Las Vegas, assault
with a deadly weapon.

BOARD MEMBER ZANE: What year was that?

1 INVESTIGATOR ROBLE: Pardon me?

2 BOARD MEMBER ZANE: What year was that last
3 one?

4 INVESTIGATOR ROBLE: 8 of 1986.

5 BOARD CHAIRMAN SPENCER: Good morning,
6 Mr. Sanchez.

7 MR. SANCHEZ: Good morning. How are you?

8 BOARD CHAIRMAN SPENCER: Good. Or is it
9 afternoon?

10 MS. RAY: Not yet.

11 BOARD CHAIRMAN SPENCER: Not yet.

12 Were any of those felonies?

13 INVESTIGATOR ROBLE: Well, the assault with a
14 deadly weapon is a felony charge. And according to
15 SCOPE, there were no charges filed on that, on that
16 case.

17 BOARD CHAIRMAN SPENCER: Okay. And how many
18 did you say he was -- there was a failure to list an
19 arrest?

20 INVESTIGATOR ROBLE: These, these, this is the
21 reason he was denied, is because he did not list these
22 on his application. The petit larceny was dismissed.
23 The assault with a deadly weapon, no charges were filed.
24 Weapon in an auto, I think, that's normally -- that's a
25 misdemeanor charge. And I don't see any disposition in

1 SCOPE. Oh, I take that back. It was in North
2 Las Vegas, and there's -- it was -- there's no
3 disposition on that. And the obstructing a police
4 officer was dismissed.

5 BOARD CHAIRMAN SPENCER: Mr. Sanchez?

6 MR. SANCHEZ: Yes, sir?

7 BOARD CHAIRMAN SPENCER: Why in the world
8 didn't you list those?

9 MR. SANCHEZ: Okay. First of all, I borrowed
10 the money to try to do this. And I used my buddy's
11 computer to try to get all these. And, apparently,
12 these were all dropped. I know they were. And I
13 couldn't -- they wouldn't come up. The only thing that
14 would come up was traffic violations.

15 So the way I was thinking, it was an honest
16 mistake. I figured, since they dropped them, and it
17 didn't come up, that it was like wiped out. It was just
18 an honest mistake. I had nothing to hide.

19 BOARD CHAIRMAN SPENCER: All right.

20 MR. SANCHEZ: I didn't know. These are over 24
21 years old, and I figured that they were just wiped out.
22 Because I was working at the Vegas Club in July and
23 August, security, and I passed there. And I'm able to
24 purchase firearms. And so I figured everything was
25 wiped out. And it was just a misunderstanding. And I'm

1 asking you to pardon this.

2 BOARD CHAIRMAN SPENCER: Okay. When an
3 application like that says list them, list them.

4 MR. SANCHEZ: Yes, I understand that now.

5 BOARD CHAIRMAN SPENCER: Those, are you saying
6 that all those charges were dismissed?

7 MR. SANCHEZ: Yes.

8 BOARD CHAIRMAN SPENCER: You have no
9 convictions?

10 MR. SANCHEZ: No convictions. I didn't have
11 any problems from the firearms I purchased. I have no
12 convictions.

13 BOARD CHAIRMAN SPENCER: Okay.

14 MR. SANCHEZ: And I have a character witness
15 letter.

16 BOARD CHAIRMAN SPENCER: Okay.

17 MR. SANCHEZ: From my pastor.

18 BOARD CHAIRMAN SPENCER: All right. Why don't
19 you give it to the gentleman back there.

20 Board questions?

21 BOARD MEMBER NADEAU: I have none.

22 BOARD MEMBER ZANE: I have none.

23 BOARD MEMBER PUTNAM: (Shook head.)

24 BOARD CHAIRMAN SPENCER: Okay. Do you have
25 anything?

1 BOARD MEMBER PUTNAM: No.

2 BOARD CHAIRMAN SPENCER: Could I have a motion?

3 BOARD MEMBER ZANE: Mr. Chairman?

4 BOARD CHAIRMAN SPENCER: Yes?

5 BOARD MEMBER ZANE: I'd -- I think we're

6 talking over each other. Did you say go ahead?

7 BOARD CHAIRMAN SPENCER: I said -- I asked for

8 a motion.

9 BOARD MEMBER ZANE: Okay. I make a motion that

10 we -- we reverse the denial and issue the card.

11 BOARD MEMBER NADEAU: Second.

12 BOARD CHAIRMAN SPENCER: Motion and second.

13 All in favor, signify by saying "aye."

14 (Board members said "aye.")

15 Opposed?

16 None. It passes.

17 MR. SANCHEZ: Thank you very much.

18 BOARD MEMBER NADEAU: Mr. Chairman?

19 BOARD CHAIRMAN SPENCER: Yes?

20 Hold on just a second, Mr. Sanchez.

21 BOARD MEMBER NADEAU: I was just thinking, did
22 you want to tell Mr. Sanchez that any future application
23 he fills out for the PILB, these should be included; and
24 if not, that's subject to denial in the future?

25 BOARD CHAIRMAN SPENCER: You're going to

1 probably run into this again in the future.

2 MR. SANCHEZ: Yes. Yes, sir, I understand
3 that. And I'll pay more attention to it.

4 BOARD CHAIRMAN SPENCER: So you've got a list
5 of all those, right?

6 MR. SANCHEZ: Yes, sir.

7 BOARD CHAIRMAN SPENCER: If not, we can give
8 you some of them. And just put them down.

9 MR. SANCHEZ: Okay. Thank you.

10 BOARD CHAIRMAN SPENCER: Thank you.

11 MR. SANCHEZ: Is that it?

12 BOARD CHAIRMAN SPENCER: That's it. He's out
13 of here.

14

15 AGENDA ITEM 16

16 ANTHONY WILLIAMS

17

18 BOARD CHAIRMAN SPENCER: Anthony Williams.

19 MR. WILLIAMS: Yes.

20 BOARD MEMBER ZANE: He's here.

21 MR. WILLIAMS: Could I have a closed service?

22 BOARD MEMBER ZANE: He'd like a closed one,
23 please.

24 MS. RAY: Closed.

25 BOARD CHAIRMAN SPENCER: Closed. All right.

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(A closed session of the meeting was held, after which the meeting was then opened back up to the public and resumed as follows.)

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BOARD MEMBER ZANE: Okay. We're back.

BOARD CHAIRMAN SPENCER: Okay. We're back.

BOARD MEMBER PUTNAM: Mr. Chairman?

BOARD CHAIRMAN SPENCER: Yes?

BOARD MEMBER PUTNAM: I have a motion.

BOARD CHAIRMAN SPENCER: All right.

BOARD MEMBER PUTNAM: I move that the denial of registration of Anthony Williams be reversed.

BOARD MEMBER ZANE: Second.

BOARD CHAIRMAN SPENCER: There's a motion and a second. All in favor, signify by saying "aye."

(Board members said "aye.")

Opposed?

Nay here. Or none. You got it.

BOARD MEMBER ZANE: She'll put it in the computer, and you're done.

INVESTIGATOR ROBLE: You're licensed.

MR. WILLIAMS: Thank you, sir.

BOARD CHAIRMAN SPENCER: You're welcome.

MR. WILLIAMS: Have a merry Christmas,

1 everybody.

2 BOARD CHAIRMAN SPENCER: You do the same.

3 MR. WILLIAMS: Okay. All right.

4

5 AGENDA ITEM 17

6 ERROL DAVIS

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8 BOARD CHAIRMAN SPENCER: All right. Errol

9 Davis.

10 MR. DAVIS: Right here.

11 BOARD MEMBER ZANE: Yes, he's here.

12 BOARD CHAIRMAN SPENCER: Good morning,

13 Mr. Davis.

14 MR. DAVIS: Good morning.

15 BOARD CHAIRMAN SPENCER: Well, I guess, it's
16 afternoon now.

17 MR. DAVIS: Afternoon, yes.

18 BOARD MEMBER ZANE: Just a second, sir.

19 MR. WILLIAMS: Could I just ask one question?
20 If I -- when I fill out my application for this job that
21 I got terminated from, should I put all those incidents
22 on there?

23 BOARD MEMBER ZANE: Absolutely, everything.

24 MR. WILLIAMS: Everything on there?

25 BOARD MEMBER ZANE: Even some we didn't catch

1 you on.

2 MR. WILLIAMS: Okay. Thank you.

3 INVESTIGATOR ROBLE: Sorry, Mr. Chairman.

4 BOARD CHAIRMAN SPENCER: That's all right. Go
5 ahead.

6 INVESTIGATOR ROBLE: Okay. Errol Davis was
7 denied because he did not list two arrests on his
8 application. The first arrest was 7 of '97 in
9 Henderson, Nevada, felony grand larceny. The second was
10 7 of '01 in Las Vegas, Nevada --

11 (The Las Vegas teleconference connection was
12 lost.)

13 MS. RAY: Woops.

14 (There was a brief period off the record while
15 the Las Vegas connection was reestablished.)

16 INVESTIGATOR ROBLE: Did you get that?

17 BOARD CHAIRMAN SPENCER: No. We're back with
18 you now. Would you mind starting over again.

19 INVESTIGATOR ROBLE: Okay. Errol Davis was
20 denied for not listing two arrests on his application,
21 7 of '97 in Henderson, Nevada, felony grand larceny,
22 which was -- the disposition was guilty in trial, but it
23 was amended to a petit larceny, a misdemeanor. 7 of '01
24 in Las Vegas, Nevada, possession of narcotics
25 paraphernalia, which is a misdemeanor, also, and it

1 was -- there was no disposition on that, on that arrest,
2 but it's a misdemeanor charge.

3 BOARD CHAIRMAN SPENCER: And that's it?

4 INVESTIGATOR ROBLE: Yes, sir. So that was
5 the -- the only issue was that he didn't list them on
6 the application.

7 BOARD CHAIRMAN SPENCER: Okay. Mr. Davis?

8 MR. DAVIS: Yes, sir.

9 BOARD CHAIRMAN SPENCER: Can you tell us why
10 you didn't list them on your application?

11 MR. DAVIS: Well, honestly, it was just a
12 mistake. I had filled out a lot of applications that
13 day, and I might have read it wrong, thinking it said
14 "Have you ever been arrested for felonies?" And so, I
15 think, I just marked no, just like I do on every other
16 application. So it was just an honest mistake.

17 And I don't know about that 7-01. I've only
18 been in jail once, and that's for Henderson. I don't
19 know where that other one's coming from. I don't even
20 know about that one.

21 INVESTIGATOR ROBLE: That was a citation.

22 MR. DAVIS: A citation? Oh, okay.

23 INVESTIGATOR ROBLE: Yeah. A citation is also
24 an arrest. It's in lieu of an arrest.

25 MR. DAVIS: Okay. I didn't know that. Okay.

1 Yeah. So that would have just been a mistake.

2 BOARD CHAIRMAN SPENCER: Is it one that --

3 MR. DAVIS: And I wouldn't -- go ahead.

4 BOARD CHAIRMAN SPENCER: Is it one you'll make
5 again?

6 MR. DAVIS: No. No, not at all. I have to
7 read, read them more carefully.

8 BOARD CHAIRMAN SPENCER: Jobs are hard to come
9 by for people.

10 MR. DAVIS: Yes, and I had a good one before I
11 lost it.

12 BOARD CHAIRMAN SPENCER: Questions from the
13 Board?

14 BOARD MEMBER ZANE: Yes, I have one. I noticed
15 in the -- in one of the responses that you sent in
16 regarding this, you were -- appeared to be somewhat
17 dissatisfied with the communications.

18 MR. DAVIS: Yes.

19 BOARD MEMBER ZANE: Indicating a staff member
20 from the Board. And you asked them a questions about
21 whether or not there was some violation of your privacy
22 or professionalism of communicating with you through
23 e-mail.

24 MR. DAVIS: Well, yeah, because Murphy, he said
25 he e-mailed me. And I didn't have my Internet on at

1 that time. So he said it would have been solved. But I
2 didn't get back with him. And I told him, "Well, I have
3 a phone number." And I have -- you know, they didn't
4 send me anything to my house. So I never knew it. I
5 had to call the investigation board to see what happened
6 to my license.

7 And so e-mail's not the only way to get in
8 touch with me. That's what I'm saying.

9 BOARD CHAIRMAN SPENCER: Anything else? Was
10 there anything else?

11 BOARD MEMBER ZANE: No. No, thank you.

12 BOARD CHAIRMAN SPENCER: I guess not. Any
13 questions from the Board?

14 BOARD MEMBER ZANE: I'm sorry, Mr. Chairman. I
15 answered, and I didn't know you were talking to the
16 applicant.

17 Do you have anything else?

18 MR. DAVIS: Oh, no, I have nothing else.

19 BOARD CHAIRMAN SPENCER: Oh, I didn't think --
20 I thought you were through.

21 MR. DAVIS: Yes.

22 BOARD CHAIRMAN SPENCER: Any other Board
23 questions?

24 Seeing none, I'll entertain a motion.

25 You understand, Mr. Davis, that regardless of

1 whether or not you're given your privileges back today,
2 that in the future you still have to list that
3 information?

4 MR. DAVIS: Yeah, I understand that. And I
5 know that was my fault.

6 BOARD CHAIRMAN SPENCER: Yeah. Especially when
7 you have what appears to be a very minor...

8 MR. DAVIS: Yeah. And that's -- you know, I
9 went through a lot to get this job. And, you know, it
10 doesn't make sense that I would lie, when I paid like
11 almost \$200 just to get the job. So, you know, it was
12 just a mistake on my part.

13 BOARD CHAIRMAN SPENCER: You paid to get a job?

14 MR. DAVIS: Well, you know, you got to pay for
15 to get the guard card. You got to pay to get
16 fingerprinted, you know, yeah.

17 BOARD CHAIRMAN SPENCER: Okay. I thought you
18 were kind of paying the man.

19 MR. DAVIS: Oh, no. No.

20 BOARD CHAIRMAN SPENCER: Good.

21 BOARD MEMBER ZANE: Mr. Chairman, I'd make a
22 motion.

23 BOARD CHAIRMAN SPENCER: Okay.

24 BOARD MEMBER ZANE: That we reverse the denial
25 for Errol Davis and issue him a card.

1 BOARD MEMBER PUTNAM: Second.

2 BOARD CHAIRMAN SPENCER: I have a motion and a
3 second. All in favor, significant by saying "aye."

4 BOARD MEMBER NADEAU: Discussion.

5 BOARD CHAIRMAN SPENCER: Oh, discussion.

6 Excuse me.

7 BOARD MEMBER NADEAU: Thank you. Mr. Chairman,
8 I'm struggling with this, because, well, Mr. Davis's
9 most recent citation arrest, whatever you want to call
10 it, only happened nine years ago. And I'm having a --
11 I'm struggling with buying the "I forgot" logic here.
12 And the other, the grand larceny, "I forgot." I don't
13 know. I'm really struggling here, because if someone's
14 arrested, typically, they remember arrests. And, number
15 two, if they're given a citation, that the application
16 requests that information.

17 And so I'm really struggling on whether I can
18 support this motion or not. "I forgot" just doesn't cut
19 it when it's only nine years ago.

20 BOARD CHAIRMAN SPENCER: Well, I understood the
21 reason to be that he'd been doing so many of them that
22 day, that he just did no on all of them.

23 BOARD MEMBER NADEAU: I understand. I
24 understand.

25 MR. DAVIS: Excuse me. For the --

1 BOARD MEMBER ZANE: Okay. This is Board
2 discussion.

3 MR. DAVIS: Oh, I'm sorry. Go ahead.

4 BOARD MEMBER NADEAU: And I understand that,
5 you know, he said, "I'm filling out a bunch of
6 applications." Well, I don't know what else he forgot.
7 And so I'm just -- like I'm saying, I'm struggling with
8 this.

9 BOARD CHAIRMAN SPENCER: You know, Mr. Davis,
10 you know how tough it is to find a job today?

11 MR. DAVIS: Yes, I do.

12 BOARD CHAIRMAN SPENCER: You know --

13 MR. DAVIS: It took me six months to find this
14 one.

15 BOARD CHAIRMAN SPENCER: Yes, just a job, just
16 any kind of a job. There are people out there that are
17 used to wearing suits that are digging ditches.

18 MR. DAVIS: Yeah.

19 BOARD CHAIRMAN SPENCER: God bless them. But.

20 MR. DAVIS: And that's why I need my job. And
21 I, you know -- I know he can't understand that, you
22 know, someone -- I didn't forget. I think, I just -- I
23 either skipped through the question or didn't read it
24 all the way through. I knew, I knew I went to jail in
25 Henderson. And the second one wouldn't have been on

1 there, because I didn't know a citation was considered
2 going to jail, was arrested. So I didn't know that at
3 all.

4 BOARD MEMBER NADEAU: Isn't there a question on
5 the application that says "Have you received a
6 citation," or something of that nature, "other than a
7 traffic citation?" or something like that? I don't have
8 the application in front of me.

9 MS. RAY: It does, it asks for --

10 MS. OZEKIE: Have you ever been arrested, or
11 have you ever arrested or issued a citation? I don't
12 think it specifies.

13 BOARD MEMBER NADEAU: Okay. So the question is
14 "Have you ever been arrested or issued a citation?"

15 MS. OZEKIE: I believe so.

16 BOARD MEMBER NADEAU: Okay. Investigator,
17 Nick, do you know the answer to that question?

18 INVESTIGATOR ROBLE: Yes, it is. It's very
19 clear. It asks for all arrests and including citations.
20 So there's not a question about that.

21 BOARD MEMBER NADEAU: Okay.

22 INVESTIGATOR ROBLE: It's just an
23 interpretation. And if somebody misunderstands, they
24 should ask questions, too.

25 BOARD MEMBER NADEAU: All right. Thank you.

1 Anyway, I -- somebody.

2 BOARD CHAIRMAN SPENCER: Okay. Well, I'm going
3 to get off the pulpit. I'm not going to sit here and
4 chastise you anymore for not doing what you should have
5 done.

6 MR. DAVIS: Okay.

7 BOARD CHAIRMAN SPENCER: But if you're given
8 your ability back, you want to hang on to that job
9 today.

10 MR. DAVIS: Yes, I do.

11 BOARD CHAIRMAN SPENCER: Okay. Do you have any
12 more discussion?

13 Okay. We'll back off that discussion. We have
14 a motion and a second. All in favor, signify by saying
15 "aye."

16 (Board members said "aye.")

17 BOARD CHAIRMAN SPENCER: Opposed?

18 BOARD MEMBER NADEAU: No.

19 BOARD CHAIRMAN SPENCER: Okay. You've been
20 given your license back or your --

21 MR. DAVIS: Thank you very much, sir.

22 BOARD CHAIRMAN SPENCER: Have a merry
23 Christmas.

24 MR. DAVIS: You, too.

25 BOARD CHAIRMAN SPENCER: And, remember, that

1 when they come around and give you that to do again,
2 when it runs out, you've got to put that stuff down.

3 MR. DAVIS: Okay. I will.

4 BOARD CHAIRMAN SPENCER: It doesn't go away.

5 MR. DAVIS: I'll remember now. There's no way
6 I can forget now.

7 BOARD CHAIRMAN SPENCER: All right.

8 MR. DAVIS: All right. Thank you.

9

10 AGENDA ITEM 18

11 FARLEY THOMAS

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13 BOARD CHAIRMAN SPENCER: Okay. Farley Thomas.

14 INVESTIGATOR ROBLE: He -- he indicated that he
15 wanted to go back to his house and get the dispositions
16 on his two arrests.

17 BOARD CHAIRMAN SPENCER: Okay. We'll wait for
18 him until we get through here.

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20 AGENDA ITEM 19

21 TW GARRARD

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23 BOARD CHAIRMAN SPENCER: TW Garrard.

24 BOARD MEMBER ZANE: Nobody here.

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AGENDA ITEM 20

CHRISTOPHER GLORIA

BOARD CHAIRMAN SPENCER: Okay. Christopher Gloria.

BOARD MEMBER ZANE: He's here.

BOARD CHAIRMAN SPENCER: He is?

BOARD MEMBER ZANE: Yes.

BOARD CHAIRMAN SPENCER: Oh, good.

Good morning. How are you today?

MR. GLORIA: Good. Yourself?

BOARD CHAIRMAN SPENCER: Not too bad.

Waiting on just one?

INVESTIGATOR WHATLEY: Yes. Okay. This is Investigator Whatley. Christopher Gloria failed to fully disclose his arrest history. He may have been convicted of a felony. And he listed 7-1-09, battery, as dismissed; 10-1-08, stalking, closed.

What he failed to disclose was 2-20-08, assault with a deadly weapon, felony; false imprisonment, felony; injury to other property, gross misdemeanor; and larceny from a person, felony. So that was one arrest.

BOARD CHAIRMAN SPENCER: What dates are those?

INVESTIGATOR WHATLEY: Hm?

BOARD CHAIRMAN SPENCER: What are dates of

1 those?

2 INVESTIGATOR WHATLEY: 2-20-08. He failed to
3 disclose the 11-26-07, battery, domestic violence,
4 guilty at trial; stalking, guilty at trial; trespass,
5 dismissed. And he failed to disclose 10-17-07, coercion
6 with a deadly weapon, felony, denied; battery, domestic
7 violence, no disposition.

8 BOARD CHAIRMAN SPENCER: These were not
9 disclosed?

10 INVESTIGATOR WHATLEY: No.

11 BOARD CHAIRMAN SPENCER: Mr. Gloria, why didn't
12 you disclose --

13 MR. GLORIA: Yes, sir?

14 BOARD CHAIRMAN SPENCER: Why didn't you
15 disclose those?

16 MR. GLORIA: All my stuff that I wrote down
17 from my lawyer here in Vegas, he closed all my cases.
18 All that stuff, he said when I filled out any
19 information, only the stuff that was closed or
20 dismissed, just put down on any applications, because
21 that was, by the court, was what I had to write down.

22 All the other stuff was all dismissed. He said
23 that whenever I filled anything out, just write down
24 what they told me at the end to write. And all that
25 battery and misdemeanor, trespassing, stalking,

1 everything, was all dismissed, and it got all dropped
2 down to a battery misdemeanor that I had to do community
3 service, domestic violence classes and pay a fine. I
4 did all that.

5 And then all my other cases, all I had to do
6 was on-line courses, some more counseling, and fines.
7 So I did all that. I got it all paid and everything.
8 And that was as of my lawyer. He dropped me from
9 nonpayment. Because I wasn't able to get a job for
10 almost three years now. And now I got a job that wants
11 me to have the security job, just to provide for my
12 family.

13 BOARD CHAIRMAN SPENCER: Maybe your -- maybe
14 your attorney can get you the job somehow, because he
15 gave you the wrong poop.

16 MR. GLORIA: Yeah, well, I tried to contact my
17 lawyer, but he doesn't want anything to do with me
18 anymore. I did submit all my information to Officer --
19 or to Investigator Whatley. Even my supervisor. I sent
20 a letter. Pretty much, I sent all the information I
21 have had, all the dismissed appeals and everything.

22 BOARD CHAIRMAN SPENCER: When he advised you to
23 not do anything, did you have this, the application for
24 this job or for this clearance? Did he say that on
25 this, on this clearance?

1 MR. GLORIA: No. I haven't talked to him for
2 quite a while now. When I tried for this, my supervisor
3 that I have right now told me that just give all
4 information that I have. And so I gave everything that
5 I have. He also gave me a letter to go with it.

6 BOARD CHAIRMAN SPENCER: Do you have the
7 letter?

8 INVESTIGATOR WHATLEY: Actually, do you have
9 his letter?

10 MS. RAY: The appeal letter?

11 INVESTIGATOR WHATLEY: M-hm (affirmative).

12 BOARD MEMBER NADEAU: Well, there's three
13 letters in here, two of which appear to be the same
14 letter.

15 MS. RAY: Gloria. I have --

16 MR. GLORIA: It should be from Tracy Keys.

17 MS. RAY: Oh, okay. Sorry. I thought I had
18 done something wrong.

19 BOARD CHAIRMAN SPENCER: If anyone has
20 questions, please go ahead and go.

21 BOARD MEMBER NADEAU: Mr. Chairman?

22 BOARD CHAIRMAN SPENCER: Yes?

23 BOARD MEMBER NADEAU: Thank you. The '08
24 assault with a deadly weapon, that was a conviction?

25 INVESTIGATOR WHATLEY: Actually, there's no

1 disposition. It was assault with a deadly weapon, false
2 imprisonment, injury to other property, which is a gross
3 mis, and larceny from a person. So three felonies and a
4 gross misdemeanor. And there's no disposition.

5 BOARD MEMBER NADEAU: Mr. Gloria, what's the
6 disposition on those?

7 MR. GLORIA: Dropped down to a battery
8 misdemeanor.

9 BOARD MEMBER NADEAU: The '07 domestic
10 violence --

11 INVESTIGATOR WHATLEY: And stalking, coercion
12 and trespass.

13 BOARD MEMBER NADEAU: Stalking, coercion and --

14 INVESTIGATOR WHATLEY: Actually, one arrest,
15 the 11-26-07, is battery, domestic violence and
16 stalking, guilty at trial. The trespass was dismissed.
17 And then there's a subsequent arrest in '07 that was a
18 month prior, 10-17-07. That was the coercion with a
19 deadly weapon, which is a felony. It was denied. And a
20 battery, domestic violence, no disposition.

21 MR. GLORIA: All of those charges all happened
22 in the same county. Well, actually, it was one in
23 Henderson, and also in county. They were combined. As
24 long as did I what I was supposed to do in county, the
25 one that happened in Henderson got dismissed, which it

1 actually got brought down to a stalking charge that
2 stayed. And then, once that stayed, the county said
3 that was fine, and they would drop it down, everything
4 to a battery misdemeanor.

5 BOARD MEMBER NADEAU: None of these were
6 disclosed on the application?

7 INVESTIGATOR WHATLEY: None of these, no.

8 BOARD MEMBER NADEAU: Okay.

9 INVESTIGATOR WHATLEY: He disclosed two,
10 7-1-09, battery, dismissed; 10-1-08, stalking, and he
11 put "closed." So that, by him putting "closed," I would
12 think that was some kind of conviction, since he didn't
13 put "dismissed" or "denied," he put "closed."

14 MR. GLORIA: I just remember being arrested
15 twice, or three times total, but only two cases. So
16 that's why I only listed both of them. Because
17 everything was all in one for Henderson and county, but
18 it was only under one arrest, even though I was arrested
19 twice, two different times, but it was all one case.
20 And then my other one was another case.

21 BOARD CHAIRMAN SPENCER: Well, you should take
22 Tracy Keys out to lunch or something, because she did a
23 real, real nice job for you.

24 MR. GLORIA: Yeah, thank you.

25 BOARD CHAIRMAN SPENCER: At what point in

1 time -- well, let me rephrase that. When you didn't
2 fill out this properly, were you going on the advice
3 you'd gotten from your attorney?

4 MR. GLORIA: Yeah. And that was, like I stated
5 before, that was a long time ago that I talked to him,
6 almost back in April. And that's what, on the advice I
7 got from him. Tracy Keys tried to tell me, after I
8 submitted it, what next time I should do to submit it,
9 to make it better. He's pretty much been my guidance to
10 try and get this security clearance. And he's trying to
11 help me out as much as I can. Or as much as he can.
12 Sorry.

13 BOARD CHAIRMAN SPENCER: Tracy Keys?

14 MR. GLORIA: Yes, sir. Tracy Keys is trying to
15 help me as much as he can to help me progress in the
16 company in which we work for.

17 BOARD CHAIRMAN SPENCER: Okay.

18 MR. GLORIA: And also to get this clearance.

19 BOARD CHAIRMAN SPENCER: Who do you work for?

20 MR. GLORIA: We Serve.

21 BOARD CHAIRMAN SPENCER: Reserve?

22 INVESTIGATOR WHATLEY: We Serve.

23 MR. GLORIA: It's We Serve, here in Vegas.

24 BOARD MEMBER PUTNAM: That was yesterday,
25 wasn't it?

1 BOARD CHAIRMAN SPENCER: Yeah. Are you working
2 now?

3 MR. GLORIA: Yes. I actually work tomorrow and
4 Saturday.

5 BOARD CHAIRMAN SPENCER: And in what position?

6 MR. GLORIA: Usher.

7 BOARD CHAIRMAN SPENCER: Usher. Okay. Who was
8 your attorney?

9 MR. GLORIA: Michael Van.

10 BOARD CHAIRMAN SPENCER: Michael who?

11 MR. GLORIA: Van. Like a car, van.

12 INVESTIGATOR WHATLEY: V-A-N.

13 BOARD CHAIRMAN SPENCER: Does being an usher
14 have anything to do with security?

15 MR. GLORIA: No. The only, the only reason you
16 need a security card, for like the events we do, the
17 concerts, just so they know that you can stand there at
18 your post and be security if you have -- if there's any
19 hostile customers, that you can deal with them and take
20 them to Tracy, which is the main security supervisor.

21 As an usher, you're not allowed to deal with
22 the customers, even though they might be up in your face
23 or anything like that. You still have to call a
24 security, just to move them to the next supervisor,
25 which would be Tracy anywhere I work.

1 BOARD CHAIRMAN SPENCER: How old are you?

2 MR. GLORIA: 24.

3 BOARD CHAIRMAN SPENCER: You don't look that
4 old.

5 Any further questions from the Board? I'll
6 entertain a motion.

7 BOARD MEMBER NADEAU: Mr. Chairman, I'd move to
8 sustain the denial.

9 BOARD CHAIRMAN SPENCER: I have a motion for a
10 sustainment of the denial. Is there a second?

11 BOARD MEMBER ZANE: Second.

12 BOARD CHAIRMAN SPENCER: Was that a second?

13 BOARD MEMBER ZANE: Second.

14 BOARD CHAIRMAN SPENCER: Okay. I have a motion
15 and a second. All in favor, signify by saying "aye."

16 (Board members said "aye.")

17 BOARD CHAIRMAN SPENCER: Opposed? Nay. One.

18 BOARD MEMBER NADEAU: Could we take a break?

19 BOARD CHAIRMAN SPENCER: Yes, let's take a
20 break.

21 * * * * *

22 (A break was taken, 12:30 to 1:15 p.m.)

23 * * * * *

24 BOARD CHAIRMAN SPENCER: This is the second
25 half. I was going to make this the second eighth of the

1 afternoon session.

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3

AGENDA ITEM 21

4

DOMINIQUE CLOUTIER

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BOARD CHAIRMAN SPENCER: First up, on is

7

Dominique Cloutier.

8

MS. RAY: Is she in Las Vegas?

9

BOARD MEMBER ZANE: Nobody's approaching.

10

MS. RAY: Okay.

11

12

AGENDA ITEM 18

13

FARLEY THOMAS

14

15

BOARD MEMBER ZANE: Oh, we -- Mr. Chairman, if

16

we have a break, we do have a matter that might be able

17

to be resolved in just a couple of seconds, and that

18

would be item number 18.

19

BOARD MEMBER PUTNAM: Okay.

20

BOARD CHAIRMAN SPENCER: Okay. We will do it

21

next.

22

BOARD MEMBER ZANE: Thank you.

23

INVESTIGATOR ROBLE: Mr. Thomas wants to

24

withdraw his appeal. And I believe we can resolve this

25

sometime in the near future. But he does not want to

1 give his up his right to appeal if there's a problem.

2 BOARD MEMBER ZANE: Right. That would be
3 March, the next appeal date, if that is possible.

4 BOARD MEMBER NADEAU: I move that we postpone
5 this appeal until March.

6 BOARD CHAIRMAN SPENCER: Until March. Okay.

7 BOARD MEMBER PUTNAM: Second.

8 BOARD CHAIRMAN SPENCER: All in favor?

9 (Board members said "aye.")

10 BOARD CHAIRMAN SPENCER: Opposed? Nay. It
11 passes.

12 MR. THOMAS: Thank you.

13 BOARD CHAIRMAN SPENCER: We'll get it.

14 (There was a brief period off the record.)

15

16 AGENDA ITEM 21

17 DOMINIQUE CLOUTIER

18

19 BOARD CHAIRMAN SPENCER: We don't have a
20 Dominique Cloutier there?

21 BOARD MEMBER ZANE: No, sir.

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AGENDA ITEM 22
JOSEPH MARSHALL

BOARD CHAIRMAN SPENCER: How about Joseph Marshall?

BOARD MEMBER ZANE: No, nobody here by that name.

INVESTIGATOR WHATLEY: And I actually have information. If I can refresh the memory of the Board, Joseph Marshall first came before the Board in June. And the Board had tabled, or continued his appeal until September so he could attempt to have records sealed. In September, the Board received a letter stating that the deputy district attorney had signed off on the sealing of records, but they were waiting for the judge's signature. So the Board allowed Mr. Marshall to go into provisional status pending receipt of that paperwork.

What we've been trying to fax to Board Member Zane is -- just today we received the fax. The first order we received was that -- it had been signed, but there was a mishap from the court, and they mailed the order rather than allowing him to pick it up. However, then we received a second fax of five pages showing that the -- an order to seal records, and it is signed.

1 BOARD CHAIRMAN SPENCER: All the right people.
2 Okay. Would it be proper to -- was that the sole issue?
3 I don't recall.

4 INVESTIGATOR WHATLEY: That was the sole issue,
5 was the sealing of the record, because it was a firearms
6 offense of aiming.

7 BOARD CHAIRMAN SPENCER: What should we do?

8 MS. RAY: Did we tell him he needed to be here?

9 INVESTIGATOR WHATLEY: Actually, I could not, I
10 could not -- I did not get a response from him when I
11 tried calling him. I've been working with the legal
12 personnel that's been working on this case. But if my
13 memory serves correctly, if he would have received -- he
14 could have sent this paperwork to our office any time
15 prior to this meeting. This meeting was to take action
16 if we did not receive the paperwork. But we literally
17 received the paperwork an hour ago.

18 BOARD CHAIRMAN SPENCER: So it's a nonissue
19 issue?

20 INVESTIGATOR WHATLEY: That's correct.

21 BOARD CHAIRMAN SPENCER: Okay.

22 INVESTIGATOR WHATLEY: I don't know if you
23 still need a motion to go ahead and complete it. I
24 don't remember how the motion was worded, the last. I
25 think that it gave staff the authority.

1 MS. RAY: Do you recall?

2 BOARD MEMBER NADEAU: I would, I guess, the
3 appropriate motion would be to overturn the denial. And
4 that's my motion.

5 BOARD CHAIRMAN SPENCER: Second.

6 BOARD MEMBER PUTNAM: Second.

7 BOARD CHAIRMAN SPENCER: There's a motion to
8 overturn the denial and a second. All in favor,
9 significant by saying "aye."

10 (Board members said "aye.")

11 BOARD CHAIRMAN SPENCER: Opposed?

12 Lucky guy's got his job back.

13

14 AGENDA ITEM 23

15 MICHAEL GOLDBERG

16

17 BOARD CHAIRMAN SPENCER: Michael Goldberg?

18 BOARD MEMBER ZANE: Yes.

19 BOARD CHAIRMAN SPENCER: He is.

20 Mr. Goldberg, my hat's off to you for waiting
21 that big, long line of people.

22 MR. GOLDBERG: Yes, sir, no problem.

23 INVESTIGATOR WHATLEY: Okay. With
24 Mr. Goldberg, he had a self-disclosed arrest history. I
25 have since, just the day before yesterday, received the

1 fingerprint results back. So that sheds new light on
2 things.

3 But, originally, his self-disclosed arrest
4 history was 1-1-2007, possession methamphetamine,
5 uttering forged instruments, drug paraphernalia. And
6 his disposition says uttering forged instruments and
7 possession of meth charges dropped; paraphernalia, fine.
8 His second disclosed arrest, 3-16-07, for burglary,
9 passing bad checks, drug paraphernalia; disposition, he
10 stated restitution for bad checks, and fine,
11 misdemeanor. The third arrest shows 6-8-07, possession
12 of stolen credit cards. It says probation, drug
13 counseling, restitution, community service, gross
14 misdemeanor.

15 Since that time, I have received the
16 fingerprint results. And it shows the possession of
17 methamphetamine, denied; uttering forged document,
18 denied; drug paraphernalia, no disposition; burglary --
19 it does not show a disposition on the burglary. Passing
20 bad checks, no disposition. No disposition on drug
21 paraphernalia. The possession of stolen credit cards,
22 guilty at trial, gross misdemeanor. And they are from
23 '07.

24 BOARD CHAIRMAN SPENCER: This was Mesquite?

25 INVESTIGATOR WHATLEY: Actually, Mesquite

1 and --

2 MR. GOLDBERG: Mesquite, Henderson and
3 Las Vegas.

4 INVESTIGATOR WHATLEY: Yes. Thank you.

5 MR. GOLDBERG: You're welcome.

6 BOARD CHAIRMAN SPENCER: Those chemicals are
7 pretty bad for you.

8 MR. GOLDBERG: Yes, sir, they are. If I may,
9 I'd like to read a statement.

10 BOARD CHAIRMAN SPENCER: Sure, go ahead.

11 MR. GOLDBERG: First, I'd like to thank the
12 Board for hearing my testimony. I was told I was denied
13 my application for a sheriff's card for the following
14 reasons: Not of good moral character and temperate
15 habits and has been convicted of a felony crime or
16 involving moral turpitude or illegal use or possession
17 of a dangerous weapon.

18 First, I'd like to say I have not been
19 convicted of a felony nor a crime involving weapons.
20 However, I was convicted of a crime or crimes of moral
21 turpitude, which was three years ago, in 2007. A few
22 years ago, I made some choices, which I regret, that I'm
23 not proud of. However, to prove my moral character and
24 temperate habits have been better, since then I have
25 successfully completed a yearlong drug counseling

1 program, which is commonly referred to as drug court
2 here in Clark County, which I brought the certificate of
3 completion.

4 I also was honorably discharged from probation,
5 which I was on probation, sentenced to probation for
6 three years, and I was honorably discharged after a year
7 and a half, completing all requirements set by the
8 courts. Since then I have maintained steady employment
9 with a company, Realty Maintenance, and currently the
10 Palms Casino Resort, for the past 10 months. I have
11 also since then entered a relationship in which I am
12 engaged to be married, and I am stepfather to two kids.

13 Since my trouble three years ago, my moral
14 character and temperate habits have improved more than
15 ever in my entire life. Any chance of slipping into my
16 previous temperate habits is not a chance. I'm a family
17 man now.

18 I would say, also like to say that when filling
19 out my application, I fully disclosed, disclosed all
20 criminal information. I did not have anything to hide
21 or -- and did not leave anything out.

22 In closing, I would like to say I'm a perfect
23 example that people do, do make mistakes but can change.
24 I ask the Board to reconsider their decision and approve
25 me for a sheriff's card. I also brought my father as a

1 character witness. He is a retired New York City police
2 officer of 18 and a half years.

3 Thank you.

4 BOARD CHAIRMAN SPENCER: Thank you, and
5 congratulations.

6 MR. GOLDBERG: Thank you very much.

7 MR. GOLDBERG (FATHER): Can I just say a couple
8 words before the decision is made?

9 BOARD CHAIRMAN SPENCER: Boy, are you from
10 New York.

11 MR. GOLDBERG (FATHER): Yes, sir.

12 BOARD CHAIRMAN SPENCER: All right. Go ahead,
13 sir.

14 MR. GOLDBERG (FATHER): Oh, like my son said,
15 I'm retired, 18 and a half years, from the police
16 department. And I just want to say a couple things,
17 that my son was a bad meth kid, many, a couple of good
18 years ago. And I suffered just as he did. Because I
19 had to go bail him out, move him out of Mesquite, which
20 is a meth lab. Almost every house there is a meth lab
21 in Mesquite. It's real bad out there.

22 When I was a cop, crack cocaine in the '70s and
23 '80s was bad, and I didn't get involved with meth. But
24 I know how bad it can get. Because I moved him out of
25 Mesquite, I moved him back home, and I still had that

1 problem. It took me a year to get him off of that meth.
2 It's a real addictive drug. A lot of people don't know
3 how bad it can be. And that's what caused him to do
4 that forgery, checks, whatever else he did.

5 But I want to give you an example quickly. I
6 know you want to go to lunch today. But two examples
7 that I have. I worked as a community safety officer in
8 one of these high-end places. And I've met George
9 Maloof, who's a billionaire and owns the Palms. That's
10 how my son got in there. Human Resources turned him
11 down. But Maloof said that a young kid should get a
12 second chance. And that's why he's working right now.

13 And I also have one quick thing that was in
14 today's paper about second chances. There's a guy who
15 was a bum, fight guy in 2002. I don't know if you can
16 see the picture, how bad he was. Homeless, no job, no
17 nothing. Now, eight years later, he's married, with a
18 family, and working.

19 So people do change. And as a cop, I've locked
20 up probably close to a thousand people. Drug addicts
21 was one of my main lockups. So I felt real embarrassed
22 when I had to pick up this call when he was arrested.
23 As a cop, I feel real bad that he was addicted to that
24 methamphetamine, you know. And I know I've changed
25 people's lives as a cop. I've had drug addicts that

1 I've got off drugs. And I've got prostitutes off that
2 stroll that they've been on for many years. People do
3 change.

4 It's only been three years, but my son is never
5 going to go back. Thank you.

6 BOARD CHAIRMAN SPENCER: Thank you very much.
7 I've sat through a couple of classes and impromptu
8 classes, people telling, showing you what's in that
9 methamphetamine. I mean how anybody can enter that into
10 their body is beyond me.

11 MR. GOLDBERG (FATHER): That makes two of us.
12 It's beyond me, too. But they're hooked on it. They
13 have no imagination of what they're doing when they're
14 hooked on that stuff. He did not know what he was
15 doing. Their mind is completely gone. They have no
16 sorrow, nothing.

17 BOARD CHAIRMAN SPENCER: That's right.

18 Questions from the Board?

19 BOARD MEMBER ZANE: Yes, I have a couple.
20 What's your job description at the Palms?

21 MR. GOLDBERG: Currently, I work in banquets,
22 setting up banquets, set-up, which is the tables and
23 chairs, for catering. The original reason I applied for
24 a sheriff's card is when times were slow. Because I
25 work on call at the Palms. I was going to apply for a

1 security job at the Pro-Tect Security, and they told me
2 I had to get a sheriff's card first. But, also, now
3 that I'm working more hours at the Palms, I'd still like
4 to get my sheriff's card for future job opportunities.

5 BOARD MEMBER ZANE: In your job at the Palms,
6 did you have to get a gaming card of any type?

7 MR. GOLDBERG: Just a tenant card. And a
8 health card.

9 BOARD CHAIRMAN SPENCER: You know, you're
10 probably going to run into more drugs there than you
11 will most places. I don't mean Maloof's place, but I'm
12 talking about "there" being casinos.

13 MR. GOLDBERG: M-hm (affirmative).

14 BOARD CHAIRMAN SPENCER: Than any place you
15 might go. And I'd be prepared to call dad when the
16 temptation comes around and say, "I need a talking-to,"
17 because you can't fall off that wagon again.

18 MR. GOLDBERG: I have NA numbers, and I also
19 have a sponsor.

20 BOARD CHAIRMAN SPENCER: Oh, good.

21 On the burglary charge, do you have the
22 disposition on that?

23 MR. GOLDBERG: Yes, I do. The burglary charge
24 was originally for passing bad checks from a closed
25 account I had. And the disposition was that the charges

1 would be dropped as long as I paid restitution, which I
2 did.

3 MR. GOLDBERG (FATHER): I paid restitution.

4 MR. GOLDBERG: My dad paid the restitution.

5 MR. GOLDBERG (FATHER): I took care of all the
6 cost.

7 BOARD CHAIRMAN SPENCER: Well, has he paid
8 restitution to you?

9 MR. GOLDBERG (FATHER): Not yet. I hope in the
10 future.

11 BOARD CHAIRMAN SPENCER: A better job will do
12 it, right?

13 MR. GOLDBERG (FATHER): I hope so.

14 BOARD CHAIRMAN SPENCER: Anything else? Any
15 questions from the Board?

16 BOARD MEMBER PUTNAM: I just have a comment I'd
17 like to make to the younger Mr. Goldberg. How long have
18 you been clean, sir?

19 MR. GOLDBERG: January 25th will be three years
20 exactly.

21 BOARD MEMBER PUTNAM: Bless you.

22 MR. GOLDBERG: Thank you.

23 BOARD MEMBER PUTNAM: And I hope you can keep
24 it up.

25 MR. GOLDBERG: Thank you. Definitely.

1 MR. GOLDBERG (FATHER): One more thing. When I
2 was a cop, after 18 and a half years, I got shot, from a
3 drug thing, a \$10 million business they were doing. The
4 feds came in and locked them up after I got shot with a
5 shotgun, from drugs. So I know a bit about drugs. And
6 I survived. The guy didn't. But I'm saying it's one of
7 the worst things you can be hooked on. I don't care
8 what anybody says. I've dealt with crack cocaine. I
9 don't know too much about meth. But I learned it from
10 the Internet. And it's just something that you got to
11 pray that you stay off of, whoever gets on it. Because
12 I know from real experience.

13 BOARD MEMBER PUTNAM: Sir, I would say that if
14 there is such a thing as something being evil --

15 MR. GOLDBERG (FATHER): That's exactly right.

16 BOARD MEMBER PUTNAM: Nothing's worse than
17 meth. Nothing.

18 MR. GOLDBERG (FATHER): That's right, exactly
19 right. Evil is the word.

20 BOARD CHAIRMAN SPENCER: All right. Any
21 further questions? I'll entertain a motion.

22 BOARD MEMBER PUTNAM: Mr. Chairman, I move that
23 the denial of Michael Goldberg's application for
24 registration be reversed.

25 BOARD CHAIRMAN SPENCER: Second. I have a

1 motion and a second. All in favor, signify by saying
2 "aye."

3 (Board members said "aye.")

4 BOARD CHAIRMAN SPENCER: Opposed?

5 Congratulations.

6 MR. GOLDBERG: Thank you, sir.

7 MR. GOLDBERG (FATHER): Thank you very much.

8 BOARD CHAIRMAN SPENCER: You got to realize
9 something, you know. So much is hanging on something so
10 little. Don't screw it up.

11 MR. GOLDBERG: Yes, I understand. Thank you
12 very much.

13 BOARD CHAIRMAN SPENCER: Don't screw it up.

14

15 AGENDA ITEMS 13, 14, 19, 21

16 KYRON WEBB, GREGG RAMIREZ,

17 TW GARRARD, DOMINIQUE CLOUTIER

18

19 BOARD MEMBER NADEAU: Mr. Chairman?

20 BOARD CHAIRMAN SPENCER: Yes?

21 BOARD MEMBER NADEAU: I would make a motion, if
22 you would accept it, that item number 13, Kyron Webb,
23 that we sustain the denial; that item number 14, Gregg
24 Ramirez, we sustain the denial; item number 19, TW
25 Garrard, we sustain the denial; and item number 21,

1 Dominique Cloutier, we sustain the denial.

2 BOARD CHAIRMAN SPENCER: Second.

3 BOARD MEMBER PUTNAM: Second.

4 BOARD MEMBER NADEAU: Mark, did you hear that?

5 BOARD MEMBER ZANE: Yes, I heard.

6 BOARD CHAIRMAN SPENCER: Motion and second.

7 All in favor, signify by saying "aye."

8 (Board members said "aye.")

9 BOARD CHAIRMAN SPENCER: So be it.

10

11 AGENDA ITEM 7

12 RICHARD ROSAS

13

14 BOARD MEMBER NADEAU: Okay. I'm sorry. I
15 forgot Richard Rosas, also. I would move that item
16 number seven, Richard Rosas, also be denied.

17 BOARD CHAIRMAN SPENCER: Second.

18 BOARD MEMBER PUTNAM: Second.

19 BOARD CHAIRMAN SPENCER: All in favor?

20 (Board members said "aye.")

21 BOARD CHAIRMAN SPENCER: Opposed?

22 So be it.

23 * * * * *

24 (There was a break, 1:35 to 1:40 p.m.)

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AGENDA ITEM 31
(FROM 12-08-10)

BOARD CHAIRMAN SPENCER: It looks like 31.

MS. RAY: Okay. Thank you, Mr. Chairman.

As part of the workshop that we held on November 22nd, we put this on the agenda. And there really wasn't a lot of interest. I think, there was one member, or one individual from the audience who said that, you know, we had talked about this briefly when we started the work card registration process with regard to employee files, you know, so registration employee files and their retention and maintaining those. He also said that there were a number of federal or IRS guidelines that, you know, mandate how long you have to keep those types of records. Specifically, I put it on the workshop agenda because not very often -- and you might remember, at a previous Board meeting, you brought this up and thought that perhaps we should look at it.

So this item today is just to determine if we want to have an amendment to the NAC that would include any type of retention schedules for items such as investigative reports, you know, employee records, you know, whatever it is that you feel is necessary, or that maybe it isn't necessary. Maybe that's not for us to

1 decide on how long they should maintain their records.
2 So.

3 BOARD CHAIRMAN SPENCER: Yes, sir?

4 BOARD MEMBER NADEAU: What's our normal audit?
5 I mean we were dealing -- yesterday we were dealing with
6 auditing records dating back to 2003. So our normal
7 audit, what's -- I'm sorry. You may have said that and
8 I just...

9 MS. RAY: I didn't. You know, for us, the
10 State of Nevada -- what is it? Records and Archives,
11 Department of Records and Archives, they determine
12 retention schedules for agencies. So for us, employee
13 records, I believe, have to be maintained for six years.

14 BOARD CHAIRMAN SPENCER: Wow.

15 MS. RAY: But, you know, I don't know how long
16 a person in private industry is required to maintain
17 their records. The individual that spoke up at the
18 workshop, I believe, he said it was for a period of four
19 years, which was some sort of a federal guideline or
20 regulation. So.

21 And I don't know if that's specific to payroll
22 records. I mean that could just be an employee file. I
23 mean maybe they have to maintain payroll records longer
24 than that. I really don't know.

25 We don't get very many calls. I would say we

1 might get a call a year from a licensee who may be going
2 out of business and wants to know how long they have to
3 maintain their reports or evidence or documents. And we
4 don't have anything, you know. It's not our call for
5 that, and so we tell them they can consult with an
6 attorney, or they can maybe, you know, follow along the
7 same lines as a law enforcement agency, which would be,
8 I believe, 10 years, or the IRS requirements, which are
9 seven years. But we don't have anything in our statutes
10 or regulations that address that.

11 BOARD CHAIRMAN SPENCER: What kind of shape are
12 we in now, as far as storage?

13 MS. RAY: Well, this isn't for us. This is
14 for -- to amend the NAC so that licensees have something
15 to refer to. We have a retention schedule that is
16 determined by another state agency for PILB staff.

17 BOARD CHAIRMAN SPENCER: And what is that?

18 MS. RAY: Well, it depends. Background
19 investigation reports, you know, are three years. You
20 know, we maintain the actual historical stuff forever.

21 BOARD CHAIRMAN SPENCER: Because, the reason I
22 ask that is that it's going to -- somebody who's in
23 business for a long time, you're going to keep all that
24 stuff forever.

25 MS. RAY: This isn't for us. This is --

1 BOARD CHAIRMAN SPENCER: I know, but --

2 MS. RAY: We're not going to maintain their
3 records for them.

4 BOARD CHAIRMAN SPENCER: No, no. I'm talking
5 the things that we need to do. Never mind.

6 MS. RAY: I'm sorry. No, no, I'm just not
7 following what you're saying.

8 BOARD CHAIRMAN SPENCER: I'm sure I --

9 MS. RAY: When we -- when you have an applicant
10 that comes before you at a Board meeting, the
11 investigative documents and everything that was
12 collected for that background report, we maintain that
13 information for three years, and then we get rid of it.
14 We keep the actual background report and application;
15 but all of the backup documentation, we only maintain
16 that for three years.

17 BOARD CHAIRMAN SPENCER: Okay.

18 MS. RAY: So the Lexis report, the credit
19 report, any supplemental information that was provided
20 with that application, that isn't part of the package of
21 information that you received, we get rid of after three
22 years.

23 BOARD CHAIRMAN SPENCER: Okay. So you're
24 talking solely about licensees, then?

25 MS. RAY: Right. They're looking for

1 something -- well, they may not even be looking for
2 something. We just -- this came up at a Board meeting.
3 We talked about it at a workshop. There wasn't a lot of
4 comments from the public about it at our workshop.

5 So what we need to decide today is do we even
6 need to amend the NAC to include anything with the
7 retention schedule for our licensees.

8 BOARD CHAIRMAN SPENCER: I think, you're going
9 to -- I think, for right now, it seems you'd just be
10 wasting your time.

11 MS. RAY: Okay.

12 BOARD CHAIRMAN SPENCER: Because I know some
13 guys who -- some businesses that have set those for
14 themselves, and beyond that, they just --

15 MS. RAY: It's a business decision on their
16 part.

17 BOARD CHAIRMAN SPENCER: Yeah.

18 MS. RAY: I mean perhaps we should leave it.

19 BOARD CHAIRMAN SPENCER: See, licensees is the
20 same as -- well, not the same as we would, but have the
21 tax issues, you know, and the bank issues and the
22 employment issues, I guess, in some sense. I hadn't
23 thought about that.

24 BOARD MEMBER NADEAU: Mr. Chairman? I guess,
25 my concern is if we don't have something within NAC that

1 limits or establishes how long they maintain their
2 records, then, just as yesterday, we're going back,
3 whatever records they have, we can go back. And then,
4 all of a sudden, we're dinging them for -- not
5 necessarily unreasonably, but we're dinging them for
6 records that are probably five, six, seven years old.
7 And, but then if someone only maintains three years of
8 records, that -- you see what I'm saying? There's a
9 disparity of application or enforcement there.

10 So if we, through NAC, if we outline how long
11 they maintain their records, then that limits how far
12 back we go in our audits. I don't know. Does that seem
13 like circle logic or something? But. I mean you guys
14 are the ones that handle your employee basis.

15 BOARD CHAIRMAN SPENCER: You're looking at two
16 different things here. You're looking at what the
17 individual company or employer or licensee is going to
18 do with his records. And if you want something
19 different, then I don't know.

20 BOARD MEMBER ZANE: Are we discussing the
21 records between a client and the business, or the
22 records that we have to maintain in order to prove up
23 audit information?

24 BOARD CHAIRMAN SPENCER: Well.

25 MS. RAY: Any of the above, I suppose.

1 BOARD CHAIRMAN SPENCER: Yeah, any. It would
2 be all of that.

3 Yes, sir?

4 BOARD MEMBER PUTNAM: Mr. Chairman, I just want
5 to, you know, remind that NRS 648, as far as polygraph
6 is concerned, requires them to maintain records for
7 three years, of all examinations, blah, blah, blah.

8 So, you know, that might be kind of a guideline
9 or a mark in the sand that we apply to everything else
10 through the NAC.

11 BOARD CHAIRMAN SPENCER: Well, I don't have --
12 I'm not aware of any rules from anybody that I have to
13 adhere to, as far as maintaining records, except the
14 IRS.

15 MS. RAY: Did Mark have a comment?

16 BOARD CHAIRMAN SPENCER: Yes, Mark, do you have
17 another comment?

18 BOARD MEMBER ZANE: No, I just want to be clear
19 what you're -- what type of records we were talking
20 about.

21 BOARD CHAIRMAN SPENCER: You know, I'd keep an
22 eye on it maybe and -- or what Jim says.

23 MS. RAY: Well, do you want to review some
24 proposed language and then decide? Or, you know, I'm --

25 BOARD CHAIRMAN SPENCER: Once you get going on

1 it, it's going to be a project.

2 MS. RAY: Well, yes, it is, because the
3 legislature's in session, so I think it can only be a
4 temporary reg anyway. And we'd have to go through this
5 process twice, because we have to do it for the
6 temporary, and then, when we want to actually adopt
7 them, then we have to go through the workshop process
8 and the public hearing a second time.

9 BOARD CHAIRMAN SPENCER: Makes sense we ought
10 to get started.

11 MS. RAY: Maybe we could start on it and, you
12 know...

13 BOARD CHAIRMAN SPENCER: What is it, Jim, do
14 you want to?

15 BOARD MEMBER NADEAU: I don't want to create
16 any more work during the legislative session. So if
17 it's only a temporary reg, which then means we have to
18 go through another workshop and hearing to make it a
19 permanent reg, my preference would be to wait until
20 after the legislature and then deal with the permanent
21 reg at that point.

22 BOARD CHAIRMAN SPENCER: Maybe several
23 legislatures.

24 BOARD MEMBER NADEAU: Yeah.

25 MS. RAY: So perhaps, if you wanted to look at

1 some language, either in March or June, and then that
2 would put us --

3 BOARD CHAIRMAN SPENCER: Sounds great. Let's
4 do that.

5 MS. RAY: Okay.

6

7

AGENDA ITEM 32

8

(FROM 12-08-10 AGENDA)

9

10 BOARD CHAIRMAN SPENCER: 32. Discussion of
11 possible action for the development of an
12 Enforcement/Disciplinary Action Page located on the PILB
13 website.

14 MS. RAY: Thank you, Mr. Chairman. This was
15 another item that was brought to the Board by the Nevada
16 Society of Investigators. And since that time, we have
17 created a link on our website, on our public website,
18 that takes you to the Legislative Counsel Bureau, where
19 boards and commissions are required to report what
20 happens quarterly.

21 This information is number of licenses issued,
22 number of licenses revoked, disciplinary action, and
23 appeal hearings that have come before you. That's what
24 staff has always considered public. So the information
25 that gets reported to the Legislative Counsel Bureau

1 through that website is only public information. It
2 doesn't consist of complaints that are received and
3 action that staff may take on a complaint. Or citations
4 that are issued that, you know, don't get appealed, they
5 may pay, they may set up a payment arrangements, they
6 may not pay, they get sent to collections. So none of
7 that information is reported and is not considered
8 public.

9 I feel that this is a good start, although the
10 association would like to see more information and have
11 already asked that our attorneys look into this more,
12 that perhaps some of those other complaints that I just
13 mentioned, because they -- they, essentially, are
14 adjudicated, or they are public, because they paid their
15 citation, therefore, it, you know, is public, that
16 information should also be available to them.

17 BOARD CHAIRMAN SPENCER: Is the information
18 that we're doing now, is that numbers, or is it names
19 and numbers?

20 MS. RAY: It's the name and the action that the
21 Board took at a Board meeting.

22 BOARD CHAIRMAN SPENCER: Yes, come out of the
23 dark.

24 BOARD MEMBER ZANE: No.

25 MS. RAY: Nice to see you.

1 BOARD MEMBER PUTNAM: Yeah. First time I've
2 seen you in two days.

3 BOARD MEMBER ZANE: Absolutely.

4 MS. RAY: So I will say that the link, it's on
5 the consumer resources page of our website, and it's a
6 little bit behind. I'm behind on updating that
7 information. I have updated some of it, but for some
8 reason it's not being released, and we can't access it.
9 So I need to contact somebody at the help desk at the
10 Legislative Counsel Bureau.

11 BOARD CHAIRMAN SPENCER: Are we going to put --

12 MS. RAY: Thoran and I briefly --

13 BOARD CHAIRMAN SPENCER: Go ahead.

14 MS. RAY: Well, we talked a little bit about,
15 you know, if -- when citations are issued, and they pay
16 or they make payment arrangements, is that something
17 that you would like to see on an agenda, with who they
18 are and what they've proposed or that they paid, and
19 then that might be one way that information can then
20 be -- become a public record. So, you know.

21 BOARD CHAIRMAN SPENCER: It's a great deal. I
22 think it's just make-work, I mean.

23 MS. RAY: And our complaints are confidential.

24 BOARD CHAIRMAN SPENCER: So, basically, you can
25 put on there subject XXX appeared before the Board and

1 was getting --

2 MS. RAY: Well, if they appeared before you, it
3 is public. That information is listed. But the company
4 name, the individual name, the action that the Board
5 took.

6 BOARD CHAIRMAN SPENCER: I mean is that what
7 they want? They want an extension of your report.

8 MS. RAY: Well, I think that they've raised
9 this issue with all of you.

10 BOARD MEMBER NADEAU: M-hm (affirmative).

11 MS. RAY: So maybe you can better articulate
12 what it is they're seeking.

13 INVESTIGATOR WHATLEY: Isn't it similar to the
14 contract part?

15 MS. RAY: Yes, it's similar to -- I can't
16 remember what website. But they list, you know, every
17 complaint and every action that was taken by staff.

18 But, again, counsel and I have talked. And
19 their statute may be different. Or somebody is
20 interpreting, you know, the statute differently, and our
21 interpretation is the way it is now.

22 BOARD CHAIRMAN SPENCER: You're talking about
23 closed matters, you're not talking about anything that
24 might be in there?

25 MS. RAY: Well --

1 BOARD CHAIRMAN SPENCER: In other words, a
2 matter has been taken through the steps that we would
3 have them go through, rather than we got this one
4 outstanding and charges this with this.

5 MS. RAY: Well, anything that comes before you
6 in an appeal or a disciplinary matter is public. Maybe
7 not the -- if they ask for a closed session, a closed
8 session part isn't public. But the Board action and
9 what took place at the meeting is public. And let me
10 give you an example.

11 BOARD CHAIRMAN SPENCER: I understand.

12 MS. RAY: Okay.

13 BOARD CHAIRMAN SPENCER: What do you think,
14 Mark?

15 BOARD MEMBER ZANE: I think that it's
16 important, number one, not to make anymore work than we
17 have to, but if there's some process so we can
18 systematically make it as transparent as possible.
19 Because I mean if somebody pays a fine to the government
20 agency for violation of a regulation, you know, you'd
21 think, ultimately, the public should have some right to
22 know what that might be.

23 But, by the same token, it would probably
24 create an environment where you'd have a lot more appeal
25 activities, because some of those people just simply

1 resolve those just to get done with it, and it's in
2 their interest to do so.

3 So I think it's a two-edge sword. You know, on
4 the one hand, what is the right of the public and/or the
5 interested parties, which was the other licensees that
6 want to see who's doing bad and who's doing good, versus
7 what's going to be the backlog in the informal
8 resolution to these matters. And I'd have to assume
9 that that's a major consideration when people are
10 figuring whether or not they want to resolve it, is, you
11 know, I'll just get rid of this and pay 2500 bucks, and
12 this will no longer be a problem for me.

13 BOARD MEMBER NADEAU: Mr. Chairman, I think
14 there's -- I think there's value in having sunshine on
15 the bad numbers or the bad characters in this industry.
16 And if somebody's operating without a license, or, you
17 know --

18 BOARD CHAIRMAN SPENCER: Yeah.

19 BOARD MEMBER NADEAU: -- or they're, you know,
20 conducting illegal activity, or we have people who are
21 being -- who are just bad actors, then that -- to me,
22 that's a considerable protection. You know, if we have
23 somebody that's doing bad stuff as a private
24 investigator, or something like that, and we discipline
25 them, then the public should be able to go somewhere and

1 be able to vet, vet potential people that they're
2 potentially going to contract with.

3 So I think there's some value in having
4 sunshine on that. How deep it goes, that's the
5 question. Because we certainly don't need to add work
6 to staff here, because it's not like they don't have
7 enough work as it is.

8 BOARD CHAIRMAN SPENCER: What about this, what
9 about a very simple running board? In other words, you
10 know, if we have -- put a few up there, something that's
11 contemporary, you know, like a year ago, whatever you
12 want to do. Pick a time to start. You can't go back to
13 forever. And then, when we have a meeting, you just
14 plop that much more up on the board. Does that make any
15 sense?

16 MS. RAY: No.

17 BOARD CHAIRMAN SPENCER: If you've got a -- if
18 it's on the Internet, and you just add these.

19 MS. RAY: Oh.

20 BOARD CHAIRMAN SPENCER: Add these violations
21 on -- what is today, the 9th? Show 17, 29, however many
22 people appeared before, you know, or however you want to
23 put that.

24 MS. RAY: And that's what we do for everything
25 that happens in the public meeting. The question is the

1 items that don't come before you, that are handled
2 internally. You don't -- I mean I'll tell you how many
3 citations are written in a quarter, but not all six of
4 those are going to appeal. You might only get one
5 appeal. Two of those might pay. Four of them might
6 not. Which then they get sent to collections. You
7 know, so, you know, that information isn't anywhere
8 that's public.

9 BOARD MEMBER ZANE: And --

10 BOARD CHAIRMAN SPENCER: Maybe what the
11 exception is, too -- just one second. With the
12 exception of at least what Jim is talking about, I just
13 think it's make-work. I really do. I do see the
14 benefit, though, of what they said.

15 BOARD MEMBER NADEAU: Okay. For instance,
16 there's another regulatory agency in the state that has
17 a disciplinary actions running log, that's alphabetical,
18 up, that's basically been since 1996 to 2009.
19 Obviously, it's not up to date. But. But what --
20 basically, they give a name. They give a -- you know,
21 they give a -- I guess, a case number of some sort. And
22 then the discipline is, for instance, material
23 misrepresentation, commingling funds and, basically,
24 something along that line. And that's -- but it's only
25 activity that's been adjudicated.

1 MS. RAY: Okay. And that's the question. So
2 is the cease and desist letter, does that automatically
3 mean it's been adjudicated? I mean when staff takes
4 action, that's the question.

5 BOARD CHAIRMAN SPENCER: What's the definition
6 of adjudicated? Does it say that it's got to be in a --
7 you know, in a formal setting, or is it -- I mean it has
8 to go through some type of tribunal.

9 (To the Reporter) Do you know what it means,
10 adjudicated? I reserve that question. Surely you've
11 heard that before. I will just ask the question. Talk.

12 (Laughter from those present.)

13 THE REPORTER: I'm familiar with the word, but
14 I'm not sure that I'm the one qualified to give the
15 definition.

16 MR. TOWLER: You know, I don't have the exact
17 definition here. But usually it means it goes through
18 in front of a tribunal or a judge of some type.

19 Do you know what statute that is for the
20 confidentiality of records?

21 MS. RAY: 684.1487.

22 MR. TOWLER: Okay. So I can explain more. The
23 thing is, we do -- our complaints, as she stated, are
24 confidential. But anything submitted to the Board is no
25 longer confidential. So when we issue, we may issue

1 complaints, and somebody pays, we're still in that
2 confidential level. And if you do want to see the whole
3 tally of everyone's who's paid, there's got to be a way
4 to make it no longer confidential, at least in the area
5 of the Board, at least as an item to approve the
6 agreement that they pay the money.

7 BOARD CHAIRMAN SPENCER: Let's say somebody in
8 a certain organization wants to know what this
9 licensee -- how much trouble this licensee has had. Is
10 he going to call -- can't he call you and ask?

11 MR. TOWLER: That happens.

12 MS. RAY: It does happen.

13 BOARD CHAIRMAN SPENCER: Well, I know.

14 MS. RAY: And oftentimes it's like, okay, the
15 complaint was unfounded, so we are not going to report
16 anything.

17 MR. TOWLER: Because it says clearly it's
18 confidential in the statute.

19 MS. RAY: Yeah.

20 BOARD CHAIRMAN SPENCER: So we wouldn't put
21 that in there, right?

22 MS. RAY: Nope.

23 BOARD CHAIRMAN SPENCER: Nope.

24 MS. RAY: And, you know, the one example that
25 we've had that's come before us before in that many

1 complaints.

2 BOARD CHAIRMAN SPENCER: Yeah.

3 MS. RAY: I mean that is now, that information,
4 because the Board took disciplinary action, that is
5 public. And it, you know, is out there.

6 No, it's not 147. Because there is no 147.
7 Here it is. Confidential.

8 BOARD MEMBER ZANE: Isn't it 1784?

9 MS. RAY: Thank you. I transposed the numbers
10 maybe. 160. And 033, I guess. Sorry.

11 MR. TOWLER: That sounds right. Yeah.

12 MS. RAY: Confidentiality.

13 MR. TOWLER: So it says a complaint filed with
14 the Board, all documents and other information filed
15 with the complaint and all documents and other
16 information compiled as a result of an investigation
17 conducted to determine whether or not to initiate
18 disciplinary action against a person are confidential,
19 unless that person submits a written statement to the
20 Board.

21 The next section states that the charging
22 documents filed with the Board to initiate disciplinary
23 action are considered public records.

24 So we have those two. So it has to go to the
25 Board before it's public. So we have some of these that

1 aren't going to the Board, because we have a procedure
2 where if you pay, you know, we investigate, which is all
3 confidential, we issue you a fine, and you pay it, then
4 everything's been confidential.

5 BOARD MEMBER PUTNAM: Yeah.

6 MS. RAY: I mean they have three options on the
7 citation, appeal it, pay it, or send the request for
8 payment options.

9 BOARD MEMBER NADEAU: And that's NRS. So it
10 would require a legislative change in order to bring
11 it -- be more inclusive than what it says.

12 MR. TOWLER: Yeah, I would, I would think you
13 could unconfidential that, make that not confidential
14 anymore.

15 BOARD CHAIRMAN SPENCER: Is there any way we
16 could kind of get a flavor from the Board, or something,
17 about how long it would take for the people to put it
18 together?

19 MR. TOWLER: The LCB?

20 BOARD MEMBER NADEAU: The what?

21 MR. TOWLER: The Legislative Counsel Bureau.

22 MS. RAY: Well, we have the legislature.

23 BOARD MEMBER NADEAU: To try to get something
24 done at this late juncture at the legislature this year?

25 BOARD CHAIRMAN SPENCER: Oh, I'm not talking

1 about this year.

2 BOARD MEMBER NADEAU: Yeah. In other words,
3 it's something we could work on, I'm sure, for 2013.

4 MS. RAY: After I'm retired.

5 MR. TOWLER: 2013.

6 BOARD MEMBER NADEAU: 2013. But I can't
7 imagine anything, anything from -- trying to get
8 something through this legislative session. I mean I
9 know some good lobbyists that could probably accomplish
10 it. But other than that, I just think it would be --

11 BOARD CHAIRMAN SPENCER: Are you available?

12 BOARD MEMBER NADEAU: Anyway --

13 MS. RAY: Miracles happen.

14 BOARD MEMBER NADEAU: Okay. But the reality,
15 is, at this late juncture, to try and get an education.
16 Plus, there are going to be a lot of people that are
17 going to say -- you know, there's going to be -- I would
18 expect serious opposition from certain people. Because
19 if you're going to start putting citations, cease and
20 desists and things like that, include those in a
21 nonconfidentiality, I just see that that would be
22 really, really difficult.

23 BOARD CHAIRMAN SPENCER: Obviously, we got
24 input just those that --

25 (The Las Vegas connection was lost, then

1 reestablished.)

2 BOARD MEMBER ZANE: Hello?

3 MS. RAY: Hello.

4 BOARD MEMBER PUTNAM: One problem I see,
5 though, is if certain actions are confidential and
6 cannot be disclosed to the public, yet others are. I
7 mean I cop a plea and pay my fine. Somebody decides
8 they're going to fight it. This guy gets his name
9 put -- it's that whole bunch of adverse publicity. And
10 because I've paid my fine, guess what, I don't get any
11 adverse publicity at all.

12 MR. TOWLER: Yeah, I'd pay.

13 BOARD MEMBER PUTNAM: You know, but what I'm
14 saying, you know, is it's not fair.

15 MR. TOWLER: Right. I think, the confidential
16 section came first. The next documents down says
17 everything given to the Board. Because, of course,
18 what's given to the Board can't be confidential.

19 So I would -- from what I see here, it looks
20 like at one time the legislature decided it should be
21 confidential, for whatever reason. But then they
22 realize that if you submit it to the Board, the open
23 meeting law requires that it be open.

24 BOARD MEMBER PUTNAM: M-hm (affirmative).

25 MR. TOWLER: Public documents. So it's an

1 interesting area that causes a lot of -- I've had a lot
2 of calls from people. I'm sure the director has so many
3 more than I have. But sometimes we have those calls
4 together from people who state the same thing, which I
5 don't disagree with.

6 MS. RAY: I mean our standard was we've taken
7 the appropriate action. That's all we can say. And
8 they've said, "Well, what action did you take?" The
9 appropriate action.

10 BOARD MEMBER PUTNAM: Yeah.

11 BOARD CHAIRMAN SPENCER: Look up appropriate.

12 BOARD MEMBER NADEAU: Okay.

13 MS. RAY: Anyway, so we do have a link,
14 anything that's come before you. You know, as far as
15 the number of licenses granted, that does not contain a
16 name or any information. I think, it's just numbers
17 specific to the category. As far as the discipline and
18 the appeal hearings, it does ask for the company name,
19 the individual name, license number or case number and
20 action taken.

21 BOARD CHAIRMAN SPENCER: Do you want to put
22 this out for another couple of months or?

23 MR. TOWLER: If I could, I should also -- from
24 based on my research, I know there's some entities that
25 do what we discussed, where you bring everybody forward.

1 The massage licensing board is one group where you can't
2 just pay your fine and go about your business.
3 Everybody has to come forward. And that's how they get
4 around the public records issues, too.

5 MS. RAY: And I will say that when they do
6 that, they also charge additional fees.

7 BOARD CHAIRMAN SPENCER: They do? That's
8 extortion.

9 MS. RAY: No, I don't know how they write it
10 up, but, you know, attorney's fees and costs or, you
11 know, an administrative fee for the hearing, whatever,
12 but.

13 MR. TOWLER: It does increase, the hearing,
14 from what I've seen.

15 MS. RAY: Yes. They have meetings like we had
16 yesterday, record long.

17 BOARD CHAIRMAN SPENCER: Fun to sit in on.

18 MS. RAY: Oh, yeah.

19 BOARD MEMBER NADEAU: They probably get CE
20 credit for attending the meetings.

21 MS. RAY: I don't know.

22 BOARD CHAIRMAN SPENCER: So are we just going
23 to leave this for further discussion?

24 MS. RAY: What, the one we were just talking
25 about?

1 BOARD CHAIRMAN SPENCER: Yeah.

2 MS. RAY: Well, you know, it's not your -- it
3 will be raised again. I've received an e-mail asking
4 that it be relooked into by legal counsel. But, as you
5 heard today, the statute's pretty clear. So. I'm sure
6 it's not the end of it. So.

7 BOARD CHAIRMAN SPENCER: Okay. Number 33,
8 Board discussion and possible action determined if
9 Correction --

10 BOARD MEMBER NADEAU: We already did that.

11 BOARD CHAIRMAN SPENCER: Oh, that's right, we
12 did. That was early this morning.

13 BOARD MEMBER NADEAU: It seems like that's
14 been...

15 MS. RAY: 2:10.

16 BOARD CHAIRMAN SPENCER: 2:10 again.

17

18 AGENDA ITEM 36

19 (FROM 12-08-10 AGENDA)

20

21 BOARD CHAIRMAN SPENCER: Where are we? 36.

22 MS. RAY: 36.

23 BOARD CHAIRMAN SPENCER: Discussion, comments
24 and approval of staff's proposed criteria for
25 registration application denials and registered

1 applicant's appeal process.

2 MS. RAY: Thank you, Mr. Chairman.

3 Nick and Mark, did you get a copy of this?
4 This was one of the faxes we've been trying to send to
5 you.

6 BOARD MEMBER ZANE: I believe, I did.

7 MS. RAY: There should be two copies in your
8 fax, one for each of you.

9 This is an item that we've had on the agenda
10 for a few meetings. And this still is a draft. And I
11 don't believe that staff has had much time to review it,
12 either, or -- but I thought at least we've got a working
13 copy. And I don't know if you want me to go through it
14 just to kind of -- it might help with you guys
15 understanding, you know, what happens before they
16 actually get here to see you for an appeal.

17 BOARD MEMBER PUTNAM: M-hm (affirmative).

18 MR. RAY: So I don't know if you want me to
19 read it or not.

20 BOARD CHAIRMAN SPENCER: This whole thing?

21 MS. RAY: It's up to you. It goes through how
22 the process works when we receive a paper application
23 from an applicant and what steps are taken. And then it
24 also talks about the on-line application process and the
25 steps that are taken.

1 And, I think, Nick and Tammy and the rest of
2 the staff, again, I don't think they've all had an
3 opportunity to look at this. And they will probably
4 find some things that I left out or missed. But we're
5 just trying to get some procedures nailed down. And
6 that's the purpose of this.

7 The third page is the denial of registration
8 applicants. So I'll just read that:

9 The Private Investigators Licensing Board may
10 conduct investigations to determine the suitability of
11 applicants for registration or renewal. Applications
12 submitted in hard copy form or through the on-line
13 application process may be denied for the following
14 reasons: Falsification of application; nondisclosure of
15 arrest history; any felony conviction, no matter how
16 long; a crime involving moral turpitude; the illegal use
17 or possession of a dangerous weapon; a domestic battery
18 offense within the last 12 months; petit larceny within
19 the last 12 months; if applicant is subject to a court
20 order for the payment for the support of one or more
21 children, an applicant is not in compliance with the
22 order or -- order, or applicant does not have a plan
23 approved by the district attorney or other public or
24 private agency enforcing the order for the repayment of
25 the amount owed pursuant to the order.

1 Those are some of the things that we've been
2 denying on. And if I left any out, please let me know.

3 Nick, do you not have a copy?

4 INVESTIGATOR ROBLE: No.

5 MS. RAY: You have one in your e-mail.

6 INVESTIGATOR ROBLE: Oh, I have a copy in my
7 e-mail, yes.

8 MS. RAY: Okay. Okay. Do you want to make a
9 copy?

10 INVESTIGATOR ROBLE: No, I'm good.

11 MS. RAY: Okay. Then I found some other
12 information that other states had and we can omit. But
13 this is, like I said, this is a draft.

14 Other items to consider industry related was
15 the conviction of a nature that would be related to the
16 duties and functions the individual would perform as a
17 registered employee. The following crimes may be
18 considered as industry related and as such could be
19 deniable offenses. Which come of these are a
20 duplication: Breaking and entering; burglary;
21 possession of burglary tools; drug offences; damage to
22 real and personal property; crimes involving fraud;
23 damage to and tampering with property; false pretenses
24 or misrepresentations; larceny; forgery; bribery;
25 obstruction of justice; extortion; unlawful wire

1 communications; impersonating a law enforcement officer;
2 threats of bodily injury; impersonating public safety
3 personnel; assault; habitual offender; assault and
4 battery; sexual assault; obscenities; stalking; robbery;
5 homicide; concealed weapons violations.

6 We've struggled with the term moral turpitude,
7 and I was just trying also to get something, when we do
8 finalize these, that addresses moral turpitude. And I
9 won't read it. But you can do that.

10 BOARD MEMBER ZANE: Could we back up just for a
11 second to where it says the applicant submitted a hard
12 copy?

13 MS. RAY: Yes.

14 BOARD MEMBER ZANE: And then it lists the
15 different reasons that it may be denied. After we get
16 down to -- after we get past the felony, is that
17 conviction or just the arrest?

18 MS. RAY: Where are you, Mark?

19 BOARD MEMBER ZANE: Up where it says
20 falsification of an application, nondisclosure of arrest
21 history.

22 MS. RAY: Oh, okay. Yes.

23 BOARD MEMBER ZANE: Any felony conviction.
24 Now, below that, or below crime involving moral
25 turpitude, will that be convictions or arrests?

1 MS. RAY: Well, 060 doesn't really say.

2 BOARD MEMBER ZANE: Well, see, down below that,
3 it says that there must be a conviction. And the other
4 items to be considered, it says --

5 MS. RAY: Oh. You're right.

6 BOARD MEMBER ZANE: It says conviction there.

7 MS. RAY: Okay. So.

8 BOARD MEMBER ZANE: But the stuff up above
9 doesn't.

10 MS. RAY: So we could say "Was the arrest" -- I
11 don't know. Like I said, this is a draft. Maybe --

12 BOARD MEMBER ZANE: Okay.

13 MS. RAY: And, actually, it probably should be
14 applications. It doesn't -- oh, no. Okay. Submitted
15 in hard copy form or through the on-line application
16 process. So it's not. I thought you were saying it was
17 separated out.

18 BOARD MEMBER ZANE: So if we used this, under
19 the way it's written right now, if you were arrested but
20 not convicted of a domestic battery, you may be denied.

21 MS. RAY: Well, yes, as it's written right now.

22 BOARD MEMBER ZANE: Okay.

23 BOARD CHAIRMAN SPENCER: Key word.

24 MS. RAY: Right.

25 INVESTIGATOR WHATLEY: But it also says "may"

1 and not "shall."

2 MS. RAY: Right. And I think --

3 BOARD MEMBER ZANE: Well, that, that's where it
4 causes me the greatest amount of concern. Because
5 unless we have something finite to make the denial, it
6 doesn't give staff as much guidance as, you know,
7 everything is just, "Well, based upon my understanding
8 and my reading, you should be denied."

9 MS. RAY: Well, I --

10 BOARD MEMBER ZANE: If it says, if it says
11 "may," that I don't have any trouble with that type of
12 staff ability. I don't have any trouble there. It's
13 just a matter of the application of the "may."

14 MS. RAY: And, again, trying to also be
15 consistent in the way we've been doing things since
16 January 1 and taking into consideration, you know -- I
17 mean we have staff's denial, and then just, you know,
18 whether the Board continues or upholds the denial or
19 overturns the denial. So.

20 So maybe we just need to not have other items
21 to consider and take out industry related and just have
22 some bullet points that we may deny on, and.

23 BOARD MEMBER ZANE: I think, everybody agrees
24 that it's any felony.

25 MS. RAY: Well, that's in the statute. So.

1 BOARD MEMBER ZANE: Correct. And then --

2 MS. RAY: Or crimes involving moral turpitude
3 or the -- how does that -- dangerous weapons offense.

4 BOARD CHAIRMAN SPENCER: I can't submit it
5 because I can't spell it.

6 MS. RAY: But moral turpitude, you know, we've
7 run into that often, with that term being so broad. Has
8 not been convicted of a felony or a crime involving
9 moral turpitude or the illegal use or possession of a
10 dangerous weapon. So that's any felony. And is that,
11 does that interpret as any felony, moral turpitude
12 offense or --

13 BOARD MEMBER PUTNAM: No.

14 MS. RAY: -- a crime, not necessarily a
15 conviction?

16 BOARD MEMBER PUTNAM: Well, I think it's a law.
17 As far as the license as to any crime involving moral
18 turpitude, it does not have to be felony.

19 MS. RAY: Right.

20 BOARD MEMBER PUTNAM: Just any crime.

21 BOARD MEMBER NADEAU: My concern is when we --
22 based -- denial should be based on conviction and -- to
23 me, on any crime. The mere fact that someone was
24 arrested, to me, is -- I would find that very difficult
25 to deny someone a license based on an arrest.

1 Now, if we have -- so if we have the
2 documentation of how -- of a conviction or how it was
3 adjudicated, that's fine. If there's a question on the
4 disposition, which we know is a huge number of these
5 arrests, I think, I think, then, denial can be based
6 without some type of finality to the charge. So if
7 someone has an arrest for illegal use of or possession
8 of a dangerous weapon, and there's no disposition, then,
9 then, I think, a denial is probably appropriate. And
10 then it's up to them to bring something to -- something
11 forth that shows that there wasn't a conviction. And I
12 think --

13 BOARD MEMBER PUTNAM: M-hm (affirmative).

14 BOARD MEMBER NADEAU: I don't know what our
15 legal, what our counsel would say to that. But, to me,
16 if there's a question, then it's up to the applicant,
17 because this is a privileged license, it's up to the
18 applicant to come forward with something that tells us
19 that that shouldn't be a consideration.

20 BOARD CHAIRMAN SPENCER: Like 15 times a day.

21 BOARD MEMBER NADEAU: Well, exactly.

22 INVESTIGATOR WHATLEY: But you say -- what
23 about somebody that establishes a pattern, they're
24 arrested over and over and over, and they just keep
25 catching lucky breaks, and first the evidence was messed

1 up or tainted, or this or that? But how many times have
2 you been arrested? I've never been arrested. You find
3 somebody that's been arrested five times, you think of a
4 pattern. You can't really assume they're really
5 innocent all five times.

6 BOARD MEMBER NADEAU: And I understand that
7 argument and probably have ventured into that argument
8 in the past myself. Yet, I think, we need to hold them
9 accountable for their -- for a conviction. And it's all
10 on the wheel. And sometimes what goes around comes
11 around. And, ultimately, they're going to be caught. I
12 don't know. I'm just one member of the Board. So, you
13 know, that's just my opinion.

14 BOARD MEMBER ZANE: Isn't that pretty much
15 covered, though, with the moral character issue and the
16 temperate habits? I mean if you've got a series of
17 arrests and whatnot that shows a character issue, that's
18 one thing. But I agree, I think that from a criminal
19 history standpoint, we should only make determinations
20 based upon conviction.

21 BOARD CHAIRMAN SPENCER: I agree.

22 BOARD MEMBER ZANE: Simply as it applies to
23 criminal history.

24 BOARD MEMBER NADEAU: Okay. And what you're
25 saying is these other factors may come in, and some

1 other consideration, but as far as when we're dealing
2 with -- specifically with them --

3 BOARD MEMBER ZANE: Yes, if the person was
4 arrested 10 times and forgot to put five of them on
5 their application, that's something for us to consider.

6 BOARD CHAIRMAN SPENCER: Yes.

7 BOARD MEMBER ZANE: Not whether or not they
8 were convicted necessarily, but the fact that they did
9 not include the necessary information in the
10 registration process.

11 BOARD CHAIRMAN SPENCER: And you got to
12 remember, too, that we do the wrong thing in a public
13 place, we're going to hear about it and pay for it.

14 BOARD MEMBER PUTNAM: No, but it's like, for
15 instance, one of the people on the appeals today, these
16 charges were listed as dismissed, dismissed, dismissed,
17 dismissed. But then the next column says that it was
18 put together with the charge that he -- you know, so the
19 thing is the court put it on there or somebody put it on
20 a piece of paper, charges dismissed, but they really
21 weren't dismissed, they were included as part of another
22 charge.

23 And I mean, you know, so we've got to have
24 something, I think, more than anything else. But we've
25 got to remember that we have to have some kind of

1 latitude to consider situations like this, one way, or
2 situations where, you know, there have been a number of
3 arrests and no convictions, so, you know, there are no
4 felony convictions, whatever, the way we've been doing
5 it today.

6 I mean I think that's -- but we've got to have
7 a little latitude as far as "may." And that, now,
8 "shall" is appropriate in a lot of ways because if --
9 you know, if somebody's been convicted of murder, hey,
10 guess what? If they've been convicted of a burglary,
11 felony burglary, then they shouldn't, you know.

12 BOARD CHAIRMAN SPENCER: So there is --

13 BOARD MEMBER PUTNAM: But with other things,
14 you know, you got to keep things a little loose so that
15 we've got some discretion. And we can look at the
16 entire situation and not just one part of it.

17 I don't know. I don't know if I'm making any
18 sense.

19 BOARD CHAIRMAN SPENCER: You are.

20 MS. RAY: No, I think I can modify this and
21 capture what you said.

22 BOARD MEMBER ZANE: I guess, just a little bit
23 more. I don't know if it's right or not. But I discern
24 a difference between our -- somebody who's registering
25 as an employee and the absolute licensee that carries

1 forward the privileged license. I don't know where I
2 get the sense, but I think that there's more of a right
3 to work than there is to a right to a license. You
4 know, I mean, for me, in my mind, there's a difference
5 between what level you hold on that.

6 And if there is no -- for example, if there is
7 no disposition, I think it's -- the burden falls back
8 onto us, instead of the other way around. Because the
9 government agency didn't fulfill its obligation, why
10 should the person that's just trying to work for a
11 living have some burden to go out and prove that the
12 government should allow him to do this, us being the
13 government in that particular sense?

14 That's a libertarian view.

15 BOARD CHAIRMAN SPENCER: My God, I'm a
16 libertarian.

17 INVESTIGATOR ROBLE: Let me ask you. You say
18 that if somebody has a -- if we get the disposition, or
19 we get the fingerprint results back, and there's some
20 arrests on there, but there's no disposition, you want
21 it to be on us to contact the agencies and --

22 BOARD MEMBER ZANE: Well, I think it should be
23 on us not to use a record that's incomplete in order to
24 justify a preliminary denial. Because we're saying that
25 you have to have a conviction in order to be denied.

1 Well, without that proof coming from some government
2 agency to us, I think we lack the standing to say we're
3 going to deny you simply because you haven't run your
4 course, and you haven't been convicted.

5 It just seems counter to a level of fairness
6 that -- I mean if we're going to say that you've been
7 arrested, and you're pending charges on particular
8 things, and we make that in the regulation, that's one
9 thing. But if we're talking about conviction, and then
10 we're putting the burden back on the person, saying,
11 "We're going to deny you based upon the fact that some
12 other government agency's regulations is not complete,"
13 it seems unfair.

14 INVESTIGATOR ROBLE: Well, what I try to do is
15 I leave them provisional, if there's something that I
16 can't resolve, I leave them provisional until they can
17 come in and bring me that proof. But sometimes we're
18 talking about things that are 25 years old, and the only
19 proof they have is they come in and say, "Hey, look, all
20 I could get from the court is they have no record of a
21 felony conviction."

22 So what that means to me -- and then I looked.
23 If I have a case where it's serious enough, I have
24 contacts at the metro CCW detail, and they'll run a
25 triple line for me. And that's more -- no, I understand

1 they're trip lines. They'll run a trip line for me if I
2 had -- if there's any question, whether there's a felony
3 conviction or could be a felony conviction. And maybe
4 they shouldn't be doing that, but I'm just trying to
5 protect.

6 BOARD MEMBER ZANE: Yeah. But I don't see the
7 level of possible sophistication increasing here with
8 some of the folks that are appearing. And sometimes you
9 look directly into their eye, and they're earnestly
10 having problems in simply understanding.

11 BOARD CHAIRMAN SPENCER: That's right.

12 BOARD MEMBER ZANE: You know, and some of it's
13 nuance. Some of it's just lack of education. Some of
14 it's don't want to and wants to hide it from us.

15 But I know, I mean we can continue to go along
16 as we are, but it's one of those deals where you have a
17 difficult time. When the government says, when a
18 government agency says they're relying upon a government
19 record to deny you, I would hope that we have the
20 necessary records to sustain that denial. So that the
21 only thing that they're arguing when they come before us
22 is whether or not we can, you know, see our way through
23 to giving them another chance or, you know. Here, we're
24 trying to judge what doesn't exist. Because the fact
25 that once your FBI record comes back, and there's no

1 disposition, that's going to be --

2 BOARD CHAIRMAN SPENCER: That could be
3 anything.

4 BOARD MEMBER ZANE: -- 60 percent of the time.

5 BOARD CHAIRMAN SPENCER: Mark, that doesn't
6 mean anything.

7 BOARD MEMBER ZANE: Correct.

8 BOARD CHAIRMAN SPENCER: And that's what I said
9 earlier, misunderstood what I was talking about, is
10 that, you know, we got to make sure that what we're
11 putting out can pass the test. Because we're going to
12 get challenged, and then we're going to get sued.

13 BOARD MEMBER NADEAU: But the -- but we're
14 talking about -- see, I don't have a -- I had no
15 problems with any of the appeals that came before us
16 today and the actions of staff, because I thought staff
17 did, you know, did their -- so I think what we're
18 talking about, though, is at what level are some of
19 these decisions made. Does the Board think that
20 instances such as today should be brought to us, or
21 should they be handled at that level, different level?
22 And, I guess, that's -- you know, that's part of our
23 discussion.

24 BOARD CHAIRMAN SPENCER: Well, that's part of
25 what this, this one part of this document --

1 BOARD MEMBER NADEAU: Right.

2 BOARD CHAIRMAN SPENCER: -- that she's created
3 is going to mean. And like Mark said, that one may not
4 be simple enough.

5 BOARD MEMBER ZANE: Well, I'm firmly of the
6 belief, I mean if we're going to get a regulation, is
7 that statutory change, because I think that there should
8 be a hearing officer process in between staff and the
9 Board.

10 BOARD MEMBER PUTNAM: No.

11 BOARD MEMBER ZANE: Because these numbers are
12 just going to continue to increase. You know, you'd
13 think that we would sit in an appellate position, you
14 know, once staff makes their determination, and then --

15 BOARD CHAIRMAN SPENCER: I made it all the way
16 to judge today.

17 BOARD MEMBER ZANE: Yeah.

18 BOARD MEMBER NADEAU: Yes, you did, Your Honor.
19 But, now, this isn't going to be a reg, though, Mark.
20 This is only going to be an internal policy.

21 BOARD MEMBER ZANE: Right.

22 MS. RAY: Procedure.

23 BOARD MEMBER NADEAU: Yeah.

24 BOARD MEMBER ZANE: Right. Right. But like I
25 said, you know, if I saw this as the unique deal, it

1 would need to be a statutory change in a level just
2 similar to all the other departments that are at the
3 state, with workers' comp or, you know, those areas
4 where you have an independent hearings officer.

5 BOARD MEMBER PUTNAM: Well, I would suggest,
6 number one, with regard to the way we're doing things
7 now, I don't think -- I think, we're looking at trouble
8 if we force the investigators or staff to make a
9 decision where there's a -- you know, it could be right,
10 it could be wrong. I mean the way they're doing it,
11 denying these applications and then letting the Board
12 make the decision in questionable cases as to whether or
13 not they're going to get a card, I think that's very
14 appropriate. Because for them to make the decision is
15 an unusual staff member. I mean the decision has to be
16 made by the Board, because that's what the Board's here
17 for.

18 BOARD CHAIRMAN SPENCER: Do we have some kind
19 of -- what's the word I'm thinking of? Free zone where
20 we can't get sued for things that are not done, you
21 know --

22 BOARD MEMBER NADEAU: Immunity?

23 BOARD CHAIRMAN SPENCER: -- objectionably or --
24 you know what I'm trying to say?

25 BOARD MEMBER NADEAU: Immunity?

1 BOARD CHAIRMAN SPENCER: Yeah. Do we have
2 immunity for things like that?

3 BOARD MEMBER NADEAU: I don't think so. I'd
4 ask him.

5 BOARD CHAIRMAN SPENCER: What I'm talking about
6 is those decisions where we might make a decision based
7 on faulty information, but you made that decision.

8 MS. RAY: Good faith.

9 BOARD MEMBER NADEAU: Good faith, where you're
10 taking a good-faith decision or something.

11 BOARD CHAIRMAN SPENCER: Yeah.

12 MS. RAY: And, Mr. Chairman, I just have a
13 comment. When I first put the language together for
14 this process, I tried to mirror it similar to the gaming
15 statutes and regulations. And I did have a section
16 where there was another level. So if staff denied an
17 application or a registration, I had language in there
18 that created a panel, whether it be a number of staff, a
19 member from like Las Vegas Metro, Washoe County, you
20 know, some sort of a panel independent of the Board to
21 hear the first level of appeal. And then their last --

22 BOARD MEMBER PUTNAM: No.

23 MS. RAY: -- course of action would be if that
24 panel didn't see it their way, then they would appeal to
25 the Board for final approval. Well, no, the Legislative

1 Counsel Bureau said that they do not have statutory
2 authority to do that.

3 BOARD MEMBER PUTNAM: No.

4 MS. RAY: And, you know, gaming --

5 BOARD CHAIRMAN SPENCER: You just got to find
6 another five or six hours in your day.

7 INVESTIGATOR WHATLEY: And we're taking
8 furloughs.

9 BOARD MEMBER SPENCER: Yes.

10 MS. RAY: So, you know, we did try and do that
11 so that there was a middle level. I don't know that
12 there's anything that prevents us from having a hearing
13 officer.

14 BOARD MEMBER PUTNAM: I think that would,
15 frankly, just put an extra step in there,
16 administratively --

17 MS. RAY: Yes.

18 BOARD MEMBER PUTNAM: -- that's going to eat up
19 more time and more work and the whole nine yards, and
20 the way we're doing it now is just fine.

21 BOARD CHAIRMAN SPENCER: Well, yes, as long as
22 we can do what's within our power --

23 BOARD MEMBER PUTNAM: Yeah.

24 BOARD CHAIRMAN SPENCER: -- to make them, make
25 the applicants understand that there's a better way, or

1 there will be a better way of doing this and a better
2 way of ensuring that you will get things done before you
3 come before the Board, and these are those steps.

4 And Mechele's got it put in this graph that
5 she's got here now. And we may decide we have to add on
6 things to that as we go.

7 BOARD MEMBER PUTNAM: M-hm (affirmative).

8 BOARD CHAIRMAN SPENCER: But.

9 BOARD MEMBER ZANE: It just seems to me that it
10 would be nicer to have it streamlined so somebody's not
11 able to feed their family for three months waiting for
12 us to have a meeting.

13 BOARD CHAIRMAN SPENCER: I agree. And a lot of
14 that, I think, can happen if it starts at the source,
15 you know. And if I'm --

16 BOARD MEMBER ZANE: Internally, if we had a
17 hearings officer, and he was like a member of staff, you
18 know, that once there was a denial, then you had this
19 opportunity to come in and clean up all of this mess,
20 and the hearings officer says, "I'm now satisfied
21 that," you know.

22 BOARD MEMBER PUTNAM: But the comment on that
23 simply is, look, you know, you're -- you're a
24 libertarian.

25 BOARD MEMBER ZANE: No, part of --

1 BOARD MEMBER PUTNAM: And these applicants that
2 have the individual responsibility, they're given
3 instructions --

4 BOARD CHAIRMAN SPENCER: That's right.

5 BOARD MEMBER PUTNAM: -- to put certain
6 information on a form. And either they can't read,
7 don't want to read, or don't want to take the time to
8 read. They're the ones that are making the decisions
9 and doing the things that keep them from working for
10 three months.

11 BOARD MEMBER ZANE: I would totally and
12 completely agree if we were dealing with high school
13 graduates, who read and write. I would totally and
14 completely agree with somebody that functions in society
15 at a normal level. I would totally agree. You're
16 absolutely correct. But you can see, by listening,
17 talking and hearing, that that's not necessarily the
18 case in the trade, one of the trades that -- or several
19 of the trades that we regulate.

20 BOARD CHAIRMAN SPENCER: Could we talk off the
21 record for a minute about something? I'd just like to
22 know if we -- I'm just kidding.

23 MS. RAY: Okay. Should I go on with the appeal
24 process, or do you have any more comments on the -- I'll
25 come back with, you know, some changes on this.

1 BOARD MEMBER PUTNAM: Okay.

2 MS. RAY: So. Applicants for registration,
3 renewal or existing registered employees whose
4 registrations have been denied are notified by certified
5 mail that their registration has been denied or revoked.
6 The notification letter reads or includes reason for
7 denial, revocation, contact information if staff
8 requires additional information, instructions on how to
9 request an appeal in front of the Board, if applicable.
10 If applicable, obviously, if we know it's a felony, you
11 know, it's a done deal. We don't bring it to you. I
12 mean the statute, you know, is pretty clear on that.

13 We had some discussion today on including a
14 little bit more information in the letter that's sent
15 saying, you know, please provide, you know, records or
16 court documents, you know, any information they feel
17 that would -- they could present for their case.

18 The letters that are sent from the
19 investigators, oftentimes the appeal -- you know,
20 they're notified that they have been denied. And if the
21 investigator feels that it's something that they can
22 resolve, then they instruct the applicant to send their
23 appeal and any supporting documents to them directly.
24 Once they receive that and it's been satisfied to, you
25 know -- to what they've asked for, then they can

1 overturn the denial at that point. And it never makes
2 it to the Board.

3 The ones that you see are the ones that, you
4 know, have -- you know, the circumstances are such that,
5 you know, the investigator feels it needs to come before
6 the Board.

7 BOARD CHAIRMAN SPENCER: Could, at that point,
8 when you're doing that and trying to accomplish what
9 we've talked about here -- and I know the investigators
10 are probably not going to want to hear this. But could
11 we then, once you've told them what they need to do, can
12 they call you back and ask more questions?

13 INVESTIGATOR WHATLEY: They do all the time,
14 every day.

15 BOARD CHAIRMAN SPENCER: Because a lot of these
16 today, had they taken the time to call and ask the right
17 questions -- and I know that's the problem, is asking
18 the right questions -- we wouldn't have had these people
19 on the agenda.

20 INVESTIGATOR WHATLEY: Right. As
21 investigators, we bend over backwards trying to keep
22 them from getting to this point.

23 BOARD CHAIRMAN SPENCER: Oh, I know you do.

24 INVESTIGATOR WHATLEY: For example, if it's a
25 simple warrant on traffic that they didn't even know

1 they had, I'll often call them and won't even send the
2 denial letter if they take care of it and show me proof
3 the warrant's been quashed. I won't even send the
4 letter. You know, we do all sorts of steps to prevent
5 from getting here. But then there are times that we
6 don't feel we're the ones that should be making the
7 final decision, and that's the ones that we bring before
8 you guys.

9 BOARD CHAIRMAN SPENCER: Well, just during the
10 meeting today, I asked our counsels, you know, about --
11 oh, I just dropped that whole thing.

12 INVESTIGATOR WHATLEY: What I said about quash.

13 BOARD CHAIRMAN SPENCER: Oh. About having to
14 advise people of their rights, when I'm in here past the
15 first stage, should we have to advise them of their
16 rights. He says, you know, I'd have to live by it.

17 But when they're talking to you on the phone,
18 and can you ask them if you have a felony conviction? I
19 mean that's the big thing.

20 INVESTIGATOR WHATLEY: When I talk to people on
21 the phone, and they say, well, I have this arrest or
22 that arrest, we get those calls every day all day along
23 also. And I tell them, without actually seeing their
24 criminal history, I could not advise them. But I do
25 tell them for sure, if you have a felony conviction, you

1 absolutely cannot have a work card. And I go through
2 the NRS with them. And I'm sure the other investigators
3 do. Because the last thing we want to do is have these
4 people apply and deny them, because then they're like,
5 "But I'm out all this money, and I have to borrow the
6 money to pay the restitution." We don't like to hear
7 that. We don't like taking the people's money. But
8 once we've got this application, we can't refund it,
9 because most of that money goes to the fingerprint
10 results anyway.

11 So we do our best not to have people apply that
12 are --

13 BOARD CHAIRMAN SPENCER: I'm not being critical
14 of the way you do it. I'm just saying can you take on a
15 little more?

16 INVESTIGATOR WHATLEY: Well, we have been. We
17 have been, seriously.

18 BOARD CHAIRMAN SPENCER: Okay.

19 INVESTIGATOR WHATLEY: Every day, all day long.
20 We get these calls, and we --

21 BOARD CHAIRMAN SPENCER: So you're already
22 doing what I'm asking you if you can do.

23 MS. RAY: The ones that you have here today
24 needed to come before you. We've already whittled them
25 down.

1 INVESTIGATOR WHATLEY: Right. I think, as this
2 process goes on, it just is we're all learning. I mean
3 I certainly had fewer appeals this time than I have had.
4 I mean we're learning, we're learning and we're trying
5 to do more. And so we really do do our best to keep
6 them from getting here.

7 BOARD CHAIRMAN SPENCER: Like I said, I'm not
8 being -- not being critical of what you're doing. I'm
9 just needing to find out if you do that already.

10 INVESTIGATOR WHATLEY: We do.

11 BOARD MEMBER PUTNAM: Mr. Chairman?

12 BOARD CHAIRMAN SPENCER: Yes, sir?

13 BOARD MEMBER PUTNAM: It looks like there's an
14 awful lot of ins and outs and a lot of fine points in
15 the situation that perhaps need to be honed. I don't
16 know if it's appropriate or not, but I -- because I
17 don't think we're going to come to any conclusions
18 today.

19 MS. RAY: No.

20 BOARD MEMBER PUTNAM: Could we sort of maybe
21 schedule a workshop or something for Board members and
22 staff, taking -- you know, spend a whole day just
23 beating this thing to death until we get it down to
24 where we can use it.

25 BOARD CHAIRMAN SPENCER: We got to schedule it,

1 yeah. What do you think?

2 MS. RAY: Yeah.

3 BOARD CHAIRMAN SPENCER: Do you think we'll
4 come to a point, with what you've done, that we could
5 sit down and look at some kind of a product, make it
6 three days?

7 MS. RAY: Three days, yeah. You'll have the
8 public, too, though.

9 BOARD CHAIRMAN SPENCER: Yeah.

10 MS. RAY: You can't have it just Board members
11 and staff, right.

12 MR. TOWLER: That's right.

13 BOARD CHAIRMAN SPENCER: Well, that's not bad.

14 MS. RAY: So it's a public meeting.

15 INVESTIGATOR WHATLEY: But it might good for
16 the licensing people to see what our criteria is going
17 to be, so they know whether to send their people to us
18 or not.

19 MS. RAY: They're not supposed to start there.

20 INVESTIGATOR WHATLEY: They're not supposed to,
21 but.

22 BOARD CHAIRMAN SPENCER: Unfortunately, it
23 would probably be better to hold it in Las Vegas.

24 INVESTIGATOR WHATLEY: What's that?

25 BOARD CHAIRMAN SPENCER: And, unfortunately, it

1 probably would be better to hold it in Las Vegas. If
2 you get -- if you got any more people who are interested
3 in what you're going to have to do, they'll probably
4 come from there.

5 INVESTIGATOR WHATLEY: You'd probably have to
6 rent the convention center or something.

7 BOARD CHAIRMAN SPENCER: This gal's mother that
8 appeared is still shaking her head.

9 MS. RAY: Hm?

10 BOARD CHAIRMAN SPENCER: This gal's mother that
11 appeared today is still shaking her head.

12 BOARD MEMBER NADEAU: About what?

13 BOARD CHAIRMAN SPENCER: Brandi, or whatever
14 her name was, the mom just still couldn't believe that
15 our Board would take the time to do that.

16 Where are we?

17 BOARD MEMBER NADEAU: Mechele can come back
18 with some more information.

19 BOARD CHAIRMAN SPENCER: Okay. Do you want to
20 take that one?

21

22 AGENDA ITEM 37

23 (FROM 12-08-10 AGENDA)

24

25 MS. RAY: Thank you, Mr. Chairman. This, too,

1 is -- I just provided you all a copy of the draft. You
2 know, we put together a policy manual. You're going to
3 want to take some time. You're not going to want to
4 deal with it today. Fortunately, you know, I was able
5 to do some cut-and-pasting from the Attorney General's
6 policy manual and then just, you know, tailored it to
7 the Board.

8 So, you know, again, this is an item that's
9 been on, I don't know, three or four meeting agendas,
10 and we just haven't had the time to get anything put
11 together.

12

13

AGENDA ITEM 38

14

(FROM 12-08-10 AGENDA)

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MS. RAY: And, Mr. Chairman, if you don't mind,
38, I don't have anything, I mean. The draft on the
registration, that's the first part of the procedure
manual that we worked on.

20

21

AGENDA ITEM 39

22

(FROM 12-08-10 AGENDA)

23

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25

BOARD CHAIRMAN SPENCER: All right. 39, Board
comment. I'd like to, again, in amazement, thank staff

1 for all that you do.

2 (Board members clapped.)

3 And have it in a really good position. And I
4 really enjoy having our own two staff attorneys.

5 BOARD MEMBER PUTNAM: Yes.

6 BOARD CHAIRMAN SPENCER: It's still better than
7 sitting in your office all day, right?

8 MS. OKEZIE: That's right.

9 MR. TOWLER: Yes.

10 BOARD CHAIRMAN SPENCER: I want to thank you
11 both for being here. And you're free to come back.

12 BOARD MEMBER NADEAU: Mr. Chairman, at the risk
13 of dragging this meeting out, Mechele, we got an e-mail
14 regarding someone wanting to look at security consultant
15 again.

16 MS. RAY: Oh, I was going to read that for the
17 record, yes. And I know he said he wasn't going to be
18 here. But I will read it. And then it's just a public
19 comment. And then, you know, we've got some other
20 issues that were on public comment yesterday that will
21 probably be agenda items down the road.

22 So. Okay. This is from David Berger. He is a
23 security consultant:

24 "Is there any way the standing of security
25 consultant could be reevaluated? I really cannot

1 understand why it is considered a function of private
2 investigators. We do not conduct investigations of any
3 kind. Our job as a consultant is reviewing the
4 discovery of documents that are presented to us for our
5 client's attorneys. Those documents are
6 interrogatories, depositions and any other written
7 materials related to the case at issue. The research we
8 engage in, such as utilizing the Internet, is just that,
9 again, reviewing data that may be relevant to the case
10 at issue. Finally, the inspection, which is simply a
11 viewing of the scene and/or the environment of the event
12 simply to formulate a picture in our mind as to how the
13 event occurred.

14 "It is our job on the plaintiff's side to
15 attempt to determine whether security was adequate or
16 inadequate at the time of the event and whether or not
17 security could have either aided the criminal activity
18 or was able to prevent it. We do not investigate. We
19 study and review circumstances in an effort to determine
20 responsibility.

21 "I practice in many states in this country, and
22 not one of them has required me to be licensed under any
23 category. It is a matter of fact that experts from all
24 over the country come to Las Vegas or Reno to testify in
25 our courts, and not one of them that I know of has ever

1 been licensed here. There are at least 10 outside
2 consultants to every one from Nevada, probably more.
3 Also, there are two categories to our profession. We
4 are, first and foremost, consultants, and as such enjoy
5 a limited privilege under the attorney's work product
6 doctrine. Then, if we are designated to testify at
7 trial, we then become expert witnesses. We then have no
8 protection and must respond to any and all questions
9 asked by the opposition. I just cannot consider either
10 to be an investigative function. The expert witness
11 function of my job is just that, to appear at trial and
12 testify as an expert within the discipline of security
13 and present an opinion in the case at issue.

14 "I would greatly appreciate the licensing of
15 security consultants be eliminated from the private
16 investigator category or from any other category
17 requiring a license to practice. The courts, both state
18 and federal, have requirements for individuals to
19 testify as an expert witness. Not once in the 38 years
20 I have been in this profession has the court required or
21 even asked me if I was licensed to practice as an
22 expert.

23 "Thank you for your consideration. Very truly
24 yours, David L. Berger."

25 BOARD CHAIRMAN SPENCER: Obviously, he doesn't

1 live in Nevada. He probably says "NEH-VAH-DAH."

2 MS. RAY: Yes. So he asked that this be
3 presented at public comment.

4 BOARD CHAIRMAN SPENCER: So.

5 BOARD MEMBER PUTNAM: Okay.

6 MS. RAY: Did you have a comment?

7 BOARD MEMBER NADEAU: I have no comment.

8 MS. RAY: Oh.

9 BOARD CHAIRMAN SPENCER: I don't have anything
10 else. Motion?

11 BOARD MEMBER ZANE: At the risk of being shot
12 for moving this along, based upon the content of his
13 letter and those things that he indicated that was what
14 he does, it would seem to me like he's not subject to
15 licensing, as long as he's not interviewing witnesses,
16 going out and doing preliminary investigations. That
17 sounds to me like he's -- I mean we just went through
18 this with Tatalovich. And, on one hand, we held that
19 Tatalovich was in violation, because he took those other
20 steps, so, going there with the father, you know, asking
21 questions and doing an inquiry other than just looking
22 over the scene, looking at all the reports, and deriving
23 some expert opinion based upon it.

24 BOARD CHAIRMAN SPENCER: You said at risk of
25 moving this along?

1 BOARD MEMBER ZANE: Yes, well, I --

2 BOARD MEMBER NADEAU: I agree. I agree with
3 Mark, we just went through that. Everything he was
4 saying fell within that, what we already discussed.

5 BOARD CHAIRMAN SPENCER: You know, but I just
6 bet you -- and I could be wrong; I frequently am -- but
7 the power behind putting that in the regs was -- came
8 from a high source. In other words, they want to make
9 sure that the people who are doing this are qualified.

10 And do you do -- you don't do that?

11 I do some of that work. And I can tell you
12 that some of the questions that are asked and some of
13 the things that you're telling people that they need to
14 do, if you're not qualified to do it, you shouldn't be
15 doing it.

16 BOARD MEMBER PUTNAM: M-hm (affirmative).

17 BOARD CHAIRMAN SPENCER: And it's none of this
18 stuff that they're talking about.

19 BOARD MEMBER ZANE: Well, like I said, I think
20 we have an Attorney General's opinion, a formal Attorney
21 General's opinion that discusses what, you know, is
22 outside the purview of the private investigator. And, I
23 think, on those occasions when a person, as part of his
24 expert process, is going to go out and do fundamental
25 things, he would need to become a registered employee or

1 be assisted by a licensee. And those would be rare
2 occasions, if you're actually acting as an expert and
3 just evaluating the evidence.

4 BOARD CHAIRMAN SPENCER: That's right.

5 BOARD MEMBER PUTNAM: But this is for security
6 consultants, right; that's what we're talking about?

7 BOARD CHAIRMAN SPENCER: I mean, yeah.

8 BOARD MEMBER NADEAU: But, to me, it's
9 semantics. He wants to call himself --

10 BOARD CHAIRMAN SPENCER: That's right.

11 BOARD MEMBER NADEAU: He wants to call himself
12 a security consultant. And so, therefore, by using that
13 terminology and advertising as such, that he falls
14 within our regulations. It's semantics. If he wants to
15 call himself a security expert, I don't know if that
16 would fall within our purview, but.

17 BOARD CHAIRMAN SPENCER: Purview.

18 BOARD MEMBER NADEAU: Okay. But if he's going
19 to call himself a security consultant, then he falls
20 within the regulations, regardless of what he says they
21 are.

22 BOARD CHAIRMAN SPENCER: That's right.

23 BOARD MEMBER NADEAU: Mechele, you were going
24 to say something?

25 MS. RAY: Oh, well, I can look at the statute,

1 so.

2 BOARD MEMBER NADEAU: Anticipate a statutory
3 change. And he's welcome to, he's welcome to bring a --
4 have a legislator bring it forward.

5 BOARD MEMBER PUTNAM: Are we still in comments?

6 BOARD CHAIRMAN SPENCER: Yeah.

7 BOARD MEMBER PUTNAM: I have a comment and
8 something that I think we need to look very hard at.
9 And that is, the people who execute these reference
10 forms, one of them that we looked at yesterday, all
11 three of his references were first-degree relatives,
12 Rodriguez, his father, his sister and a coworker. I got
13 no problem with the coworker. But the father and
14 sister? You know, I mean maybe we could just put some
15 kind of --

16 BOARD CHAIRMAN SPENCER: Other than family
17 members.

18 BOARD MEMBER PUTNAM: Yeah, well, other than
19 first-degree relatives, family members. One of them had
20 a daughter-in-law, you know. I'm sorry, but.

21 BOARD CHAIRMAN SPENCER: But this is,
22 obviously, missing, missing the grasp of what they're
23 being asked to do.

24 BOARD MEMBER PUTNAM: Yeah, well, there's --
25 you know, because I mean somebody saying, "Hey, my

1 daddy's a good boy," or, "My brother and my sister's
2 just fine, and they haven't got nothing," I mean it's
3 totally worthless. It's totally worthless and
4 contributes nothing to the investigation.

5 So maybe just some kind of comment, you know,
6 that -- or instructions that, you know, use -- don't use
7 first-degree relatives or employees of yours, or
8 whatever, you know.

9 MS. RAY: Mr. Chairman and Board Member Putnam,
10 we'll raise that with the background investigators and
11 anybody reviewing the applications. There was a time
12 that we used to catch those. And maybe just with
13 having, you know, some new people doing background
14 applications, it was just missed.

15 BOARD MEMBER PUTNAM: Oh, no, I'm not faulting
16 anybody.

17 MS. RAY: No, no, I know. But we'll -- I'll
18 raise it there first. Because usually we can catch
19 those and tell them that this is fine, but you need
20 more.

21 BOARD MEMBER NADEAU: Are you talking about
22 references or --

23 BOARD MEMBER PUTNAM: References.

24 MS. RAY: Oh, references.

25 BOARD MEMBER PUTNAM: Yeah, references.

1 MS. RAY: I think, the reference form, I
2 thought it mentions that. But I will look at that.

3 BOARD MEMBER PUTNAM: Well, because, like I
4 say, if you look through some of these that we did
5 yesterday, one of them's Rodriguez, item 13. He's got a
6 father, sister and coworker.

7 MS. RAY: And he was a no-show, too. Okay.

8 BOARD CHAIRMAN SPENCER: Also, and that maybe
9 we should -- have you introduced her to everyone?

10 MS. RAY: I am so sorry.

11 MS. CHRISTENSEN: That's okay.

12 MS. RAY: Kimberly Christensen. She was
13 introduced when she was sitting in the audience in
14 Las Vegas at the last meeting. But she is now here, and
15 we're very glad to have her. So.

16 MS. CHRISTENSEN: Thank you.

17 BOARD MEMBER PUTNAM: All right.

18 BOARD MEMBER ZANE: We spent a particular
19 amount of time staring at her today.

20 MS. RAY: Yeah.

21 BOARD CHAIRMAN SPENCER: Who is that?

22 Motion to dismiss?

23 BOARD MEMBER PUTNAM: Move the meeting be
24 closed.

25 BOARD CHAIRMAN SPENCER: Second. All in favor?

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(Board members said "aye.")

BOARD CHAIRMAN SPENCER: Opposed?

We're off.

* * * * *

(The meeting adjourned at 2:57 p.m.)

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REPORTER'S CERTIFICATE

I, SHANNON L. TAYLOR, a Nevada Certified Court Reporter, Nevada CCR #322, do hereby certify:

That I was present at the Office of the Attorney General, 100 North Carson Street, Mock Court Room, Carson City, Nevada, on Thursday, December 9, 2010, and commencing at 9:20 a.m. took stenotype notes of a meeting of the State of Nevada Private Investigators Licensing Board;

That I thereafter transcribed the aforementioned stenotype notes into typewriting as herein appears, and that the foregoing transcript, consisting of pages 1 through 184, is a full, true, and correct transcription of said stenotype notes of said meeting;

I further certify that I am not an attorney or counsel for any of the parties, not a relative or employee of any attorney or counsel connected with the actions, nor financially interested in the actions.

DATED: At Carson City, Nevada, this 18th day of February, 2011.

SHANNON L. TAYLOR
Nevada CCR #322, RMR