

PRIVATE INVESTIGATORS LICENSING BOARD

MINUTES

March 9, 2011

MEMBERS PRESENT:

DAVID SPENCER: BOARD CHAIRMAN (LAS VEGAS)

JIM NADEAU: BOARD MEMBER

MARK ZANE: BOARD MEMBER (LAS VEGAS)

ROBERT UITHOVEN: BOARD MEMBER

RICHARD PUTNAM: BOARD MEMBER-ABSENT

OTHERS:

MECHELE RAY: EXECUTIVE DIRECTOR

TAMMY WHATLEY: INVESTIGATOR

THORAN TOWLER: ACTING BOARD COUNSEL

COLLEEN HEMINGWAY: ACTING BOARD COUNSEL

JOE DUPUIS: INVESTIGATOR

MIKE BERINGHELE: INVESTIGATOR

BRANDI KING: ASSISTANT

KIMBERLY CHRISTIANSEN: ASSISTANT

Chairman Spencer opened the meeting. Executive Director Ray performed the roll call.

APPROVAL OF MINUTES:

Board Member Nadeau moved to approve the minutes for the December 8, 2010 and December 9, 2010 meetings. Board Member Zane seconded the motion, which passed.

FINANCIAL REPORT:

Executive Director Ray stated that the Board Members were provided a financial report. She explained that she prepared a work program last week to transfer money from Category 01 which is personnel to transfer into Category 04 which is operating, to process the fingerprint returns that we received on the registered employees and to take care of the lease payments for the last quarter of FY 11. As stated

she explained to the Board that she was watching the budget very carefully. She said there had been some salary savings and that she would keep the Board apprised as necessary.

SWEARING IN:

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

STAFF REPORT:

Executive Director Ray stated that she had not provided the Board Members with the quarterly statistic report for this quarter because it was not completely done. She read from the report that was completed.

PUBLIC COMMENT:

Chairman Spencer explained there would be public comment before and at the end of the meetings. He said the reason for adding it to the beginning of the meeting was for anyone who wished to comment on an item on the agenda, or just to comment, but did not want to wait until the conclusion of Board business to comment. There was no public comment.

CONSENT AGENDA:

7. ** USA-FACT, Inc., License #1589, licensed in the category of Private Investigator, is requesting qualifying agent status for Frank Petrasich. This is subject to all statutory and regulatory requirements.

8. ** Natronastaff, Inc. is requesting a corporate Private Investigator and Polygraph Examiner license. Jim Colbert, License #1311 is requesting to change his qualifying agent status in the category of Polygraph Examiner from MCSS Ltd. to a new corporate Polygraph Examiner License for Natronastaff, Inc.

Jim Weston, License #1311a is requesting to change his qualifying agent status in the category of Private Investigator from MCSS Ltd. to a new corporate Private Investigator, license Natronastaff, Inc. Corporate Officer to be approved is Ted Geary. This is subject to all statutory and regulatory requirements.

9. ** Edwards Group International LLC is applying for a corporate Private Investigator License. Kyle Edwards is requesting to transfer his qualifying agent status from Global Risk Management & Investigative Solutions, License #1521 to Edwards Group International LLC. Member to be approved is Kyle Edwards. This is subject to all statutory and regulatory requirements.

11. ** Brinks, Inc., License #450 is requesting corporate officer approval for Lawrence Rodo. This is subject to all statutory and regulatory requirements.
12. ** GlobalOptions Services, Inc., dba Global Options, Inc., License #1187 is requesting corporate officer approval for Kevin McGinn. This is subject to all statutory and regulatory requirements.
13. ** US Investigations LLC, License #825 is requesting Member status for Jeffrey Campbell and Ronald Collins. This is subject to all statutory and regulatory requirements.
14. ** US Security Associates, Inc., License #152 is requesting Corporate Officer status for Leland Lutz. This is subject to all statutory and regulatory requirements.
15. ** Sedgwick Factual Photo Inc., is applying for a corporate Private Investigator license. George Oliver, License #1450 is requesting to change his qualifying agent status from Factual Photo Inc., to Sedgwick Factual Photo., Inc. Corporate Officer to be approved is George Oliver.
- 15a. ** Sedgwick Claims Management Services Inc., the parent company of Sedgwick Factual Photo Inc., is requesting corporate officer approval for Jason Hood and Edwin Brewer. This is subject to all statutory and regulatory requirements.
16. ** Triple Canopy is applying for a corporate Private Patrolman license. Michael McPeake, License #1366 is requesting to change his qualifying agent status from BWEST LLC to Triple Canopy. Corporate Officers and Directors to be approved are Thomas Magnani, Juliet Protas, Matthew Mann, Thomas Katis and Ignacio Balderas. This is subject to all statutory and regulatory requirements.
17. ** Northern Nevada Investigations Inc., License #628 from Reno, Nevada is requesting Corporate Officer status for Arthur Hakes. This is subject to all statutory and regulatory requirements.
18. ** Dr. Dana Picore from Las Vegas, Nevada is requesting to change her qualifying agent status from Picore and Associates, Inc., to a new corporation, Picore Beristain Initiative, Inc. Corporate Officer to be approved is Dr. Dana Picore. This is subject to all statutory and regulatory requirements.
19. ** John Benson from Alexandria, Virginia is requesting to change his qualifying agent status from Government Management Services, Inc., to a new corporation, Verisys Investigations, Inc. Officers to be approved are John Benson and Thomas O'Shaughnessy. This is subject to all statutory and regulatory requirements.
20. ** Sid Sperry from Las Vegas, Nevada is requesting to change his qualifying agent status from Summerland Security Services, Inc., to a new corporation, Southern Nevada

Security Patrol, Inc. dba Southern Nevada Security Patrol. Corporate officer to be approved is Sid Sperry. This is subject to all statutory and regulatory requirements.

Chairman Spencer explained for the benefit of the audience that the consent portion of the agenda was for those individuals who had a change in licensing status and had appeared in front of the Board previously or for corporate officer applicants who were not required to be in attendance at a Board meeting. He explained that the Board Members had the option to remove any of the items from consent should they wish to discuss the item further. Chairman Spencer explained that there were 22 consent items and that number 10 will be taken out of order. He advised that he will stay mute on item 10 due to it being his change of licensing status application being considered. Board Member Nadeau pulled item 16. Board Member Nadeau asked if there was evidence of doing business prior to being licensed and, what was their status at the time of the meeting. Board Member Nadeau said he had several questions regarding item 16. Chairman Spencer agreed. Chairman Spencer asked who the investigator was. Executive Director Ray explained that staff viewed item 16 as a change of status application. Board Member Zane asked Chairman Spencer if we would be acting on items 7, 8, 9, 11, 12, 13, 14, 15, 15a, 17, 18, 19, 20, 21, 22. Chairman Spencer responded yes. Board Member Zane moved to approve the items. Board Member Nadeau asked if items 21 and 22 are Consent Items. Chairman Spencer stated they are not Consent Items. Board Member Zane removed his motion and withdrew items 21 and 22. Board Member Nadeau seconded the motion. The motion carried unanimously. Chairman Spencer called item number 10. Board Member Nadeau moved that David Spencer be approved as the qualifying agent for Spencer Investigations LLC in the categories of Private Investigator, Private Patrolman and Process Server; that David Spencer, Jeff Partyka and Dustin Grate be approved as members. Board Member Uithoven seconded the motion. Board Member Zane asked for public comment. Hearing none, item number 10 was approved unanimously. Chairman Spencer moved on to number 16 and asked Executive Director Ray to address that. Executive Director Ray explained to Board Member Nadeau that she was confused because item 16 did not have a Private Investigators License they've always had a Private Patrolman License. Board Member Nadeau apologized and said that he was trying to determine if they maintained their State Corporation classification through the Secretary of State, but they didn't maintain their Private Patrol License through the PILB and asked if that was correct. Executive Director Ray stated that was correct. She explained that they did not maintain their corporate license in Nevada and Michael McPeake, who was the qualifying agent, did maintain his Private Patrolman license. He had been approved to be the qualifying agent for BWEST LLC and now he is transferring from a qualifying agent of BWEST back to Triple Canopy. Director Ray explained that was why it was viewed as a change of status application. Chairman Spencer asked if Board Member Nadeau understood. Board Member Nadeau stated he understood and was just trying to clarify if there was any evidence of them doing business. Executive Director Ray stated that there was no evidence of unlicensed activity. Board Member Nadeau stated it's

confusing because we have all the same players who one time said they were not going to be doing business as Triple Canopy, and now all of a sudden all the same players are back except for the one additional and want to operate again as Triple Canopy. There was just something that raised a concern for him, but was assured that there was no activity when they weren't licensed. He stated he was ready to proceed. Chairman Spencer asked if there were any questions, there were none. He asked for a motion. Board Member Zane moved to approve. Chairman Spencer seconded. The motion passed.

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

Richard Albert Jr. requested to change his qualifying agent status from Preventive Measures LLC to a new corporation, All2gether Enterprises LLC, DBA: CornerStone Protective Services. Member to be approved was Richard Albert Jr. Chairman Spencer asked Mr. Albert what changes had overcome the business. Mr. Albert told the Board there was a break in ranks and is asking for his own license. Board Member Nadeau moved to grant Richard Albert Jr. qualifying agent status for All2gether Enterprises LLC., DBA: CornerStone Protective Services; an individual Private Patrolman license to be placed into abeyance and member status, subject to all statutory and regulatory requirements. Chairman Spencer asked Mr. Albert if he understood about putting his license into abeyance. Mr. Albert understands putting his license into abeyance. Executive Director Ray stated that Mr. Albert's individual license was in abeyance and will remain in abeyance while he is the qualifying agent. Board Member Nadeau would amend the language in his motion then to indicate that. Board Member Uithoven seconded the motion which passed unanimously.

Preventive Measures Security Firm, LLC, License #1633 requested approval for Bill Johnson to become the acting qualifying agent for Preventive Measures Security Firm LLC. Mr. Johnson told the Board that he joined the Police Department in South Florida in 1975. He spent twenty five years as a police officer with the department. He retired as a Commander. He did road patrol, he was a road patrol supervisor, conducted internal affairs investigations and interstate narcotics smuggling investigations. He held other positions within the department and retired as a commander. Chairman Spencer asked if there were any Board questions or any questions from the audience. Board Member Nadeau asked if Mr. Johnson was aware of the efforts made by the Board to make sure that Preventive Measures was able to perform. Mr. Johnson stated to some degree he was and understood that we have some work ahead of us. Board Member Nadeau just wanted to confirm that Mr. Johnson understood his responsibility as the qualified agent. Mr. Johnson told the Board he talked with Elijah Muhammad, the business manager, and he believed they had come to an understanding that will lead to a professional company. Board Member Nadeau made the motion to approve Bill Johnson as the acting qualified agent subject to all statutory and regulatory requirements. Board Member Zane seconded the motion. Chairman Spencer asked for more discussion. He noticed that Mr. Johnson was the acting qualified agent. Mr. Johnson stated that he has not had a chance to take the test due to the scheduling of the meeting. Chairman Spencer directed the

question to Executive Director Ray. She stated it was put on the agenda because of all the hoops that Preventive Measures was required to go through when they originally obtained their license and the issue with the previous qualifying agent leaving Preventive Measures. She felt that both these items needed to be on the agenda, should the Board have any specific questions, she wanted Mr. Johnson to be fully aware of his responsibilities as the acting qualified agent until he was approved as the qualifying agent. She explained that these items are not on the agenda but she felt in this case because of previous Board meetings that they needed to be. Chairman Spencer asked if it was any different than somebody changing the qualified agent that would allow time for them to become qualified. Executive Director Ray stated yes. Board Member Nadeau stated that he is only making this motion on the assurance of Mr. Johnson that he's fully aware of the background, and what has been going on with this Board and the concerns that we've had with the issuance of this license and that he was accepting the responsibility as the qualifying agent for all those activities of this particular corporation. Chairman Spencer stated that Mr. Johnson said that he was. Chairman Spencer asked if Mr. Johnson if he resided in the Las Vegas area. Mr. Johnson replied yes. Chairman Spencer asked for a motion for a second. Vote was 3-1 with Board Member Zane opposing. Mr. Johnson was approved as acting qualified agent.

PRIVATE INVESTIGATOR:

Douglas Florence applied for an individual Private Investigator License. Mr. Florence told the Board that he has fourteen years in retail security. From 1975 through the late eighties, he worked in the retail sector conducting investigations for fraud, shoplifting, all aspects of larceny, internal theft, which was one of the specialties which involved interviewing and interrogation of fraud and adjudication of cases. After that time period he became a licensed California Investigator from 1991 and maintains that license today. He told the Board that he put it into abeyance because he has not practiced in California since January 1993. From January 1993 through late 1996 he was director of surveillance for the Rio. During that time he said that they investigated at least one employee per week and adjudicated those matters and that's what brought him into the gaming sector and conducting successful investigations. He worked as a security consultant with a Kroll Manhattan and KP&G. He also did subject matter expertise for the last decade with manufacturers doing digital video and explained how use of video and technology in investigations would help the casino sector. He said he recently became Executive Director of Security for the Hard Rock Hotel. He said he was sure the Board was aware of the issues and he was brought in to fix those issues. He was proud to say he has successfully done that and litigated some of the fines that the Hard Rock experienced in January. Collectively he has over thirty thousand hours of investigative experience in his life time; he is a life long resident of Las Vegas. Chairman Spencer asked for any questions. There were none. Board Member Uithoven moved to approve a Private Investigators license to Douglas Florence subject to all statutory and regulatory requirements. Board Member Nadeau seconded and it carried unanimously.

Samuel Covelli from Las Vegas, Nevada applied for an individual Private Investigator license. Mr. Covelli told the Board he was an eighteen year retiree with the Nevada Department of Corrections. He said that during his career the job descriptions were pretty much the same for officers, seniors and sergeants. He explained that a great deal of his career was assigned to other duties as assigned by the warden and the administration. He was involved in a lot of investigative work during his eighteen years. Chairman Spencer asked if there were things that happened in prison that needed to be investigated. Mr. Covelli stated not a lot but when they did, they weren't pretty. He told the Board that after he left service in 2004 he went to work for BMW Motorcycles of Las Vegas and said that Mr. Florence was one of his customers. He was the parts manager there for two and a half years, not exactly investigative work but a lot of research in that realm and then to HVA Group as their parts manager again doing a lot of research and background research not in the investigative realm. He was currently General Manager for Vegas Valley ATM and explained that they were a banking service company in Vegas. Chairman Spencer asked about the final hours. Mr. Covelli stated it was over the minimum. Investigator Beringhele stated that Mr. Covelli had the qualifying hours. Board Member Zane moved to approve the Private Investigators license subject to all statutory and regulatory requirements. Chairman Spencer seconded and it carried unanimously.

PRIVATE PATROLMAN:

30 MinuteSecurity.com LLC applied for a corporate Private Patrolman license. Chairman Spencer asked about 30 MinuteSecurity. Mr. Kurt Strakaluse explained the name of the business to the Board and told them it was a new concept he was thinking of and bringing to Vegas. He found that a lot of the contracts that were bid on and won but that the process ranged over a long period of time. He thought he could market this and someone could hire a licensee in a short period of time. Mr. Strakaluse stated he was born in Rhode Island. Chairman Spencer asked for a little bit of background. Mr. Strakaluse told the Board he was in law enforcement at the early age of twenty back in Rhode Island. He was with the department for about ten years before he retired early. Through those years he did everything from gang unit, recovering narcotics, to bodyguard services for the mayor. He moved to Las Vegas in 2001 and has been here ever since. He got involved in the customer service aspect of the hospitality industry and did some security work here for Mr. Bigalow years ago. He told the Board that we worked for American Detective & Security Agency. Chairman Spencer asked if the hours totaled up okay. Investigator Beringhele stated yes. Board Member Nadeau asked Mr. Strakaluse regarding the investigation with regards to the citation for unlicensed activity stemming from activity in 2008, why there was such a delay in issuance of the unlicensed activity citation. Executive Director Ray told the Board that Mr. Strakaluse appealed the citation and the Board upheld the citation. That was in 2010. Board Member Zane asked Mr. Strakaluse about several entries with regard to his historical financial status, and asked if he could run through his standing currently in regards to any liens, judgments or debts. Mr. Strakaluse stated yes, to be specific on certain accounts. Board Member Zane asked if there were any outstanding accounts that were in collections. Mr.

Strakaluse said no he had worked everything out pretty much over the last six months. He believed everything is good. Board member Zane asked what happened in Mr. Strakaluse's life that created the environment that those difficulties took place. Mr. Strakaluse told the Board that everybody in the city had struggled through the housing crisis. There was a transfer of jobs, he had lost his dad, had some health issues of his own and said it had been a number of things. Board Member Nadeau moved that 30 MinuteSecurity.com LLC from Las Vegas be granted a corporate Private Patrolman license, Qualifying agent and member approval for Mr. Strakaluse and granted an individual Private Patrolman license to be placed into abeyance subject to all statutory and regulatory requirements. Chairman Spencer seconded. Vote was 3-1 with Board Member Zane opposing. Mr. Strakaluse was approved for a license.

Entourage VIP Protective Services LLC, DBA Entourage VIP Protective Services for a corporate Private Patrolman license. David Payne requested to place his individual Private Patrolman license into abeyance to become the qualifying agent. Member to be approved was David Payne. Chairman Spencer asked Mr. Payne about his background. Mr. Payne started out in 1978 in Akron OH as a State Patrolman, not Highway Patrolman. He worked in the State Mental Health Department for three years for the criminally insane. He said he took a part time job for Montgomery Wards at the same time he was working for Western Reserve but was commuting 50 miles each way. He stepped down from the position at Western Reserve as a peace officer and remained as a plain clothes detective for Montgomery Wards for a few years. He moved to Las Vegas in 1981 and worked for UMC/Southern Nevada Memorial Hospital for five years. He told the Board that he has been a Marshall for the City of Las Vegas for the last ten years and had been one of Oscar Goodman's bodyguards. He told the Board he has been on the job for twenty three years and expected to separate from the city in the next six months. Chairman Spencer asked for confirmation of hours from Investigator Dupuis. Investigator Dupuis confirmed the hours. Board Member Nadeau asked if Mr. Payne was still employed with the City of Las Vegas. Mr. Payne stated yes and he knew he cannot conduct business until he separated from the City of Las Vegas. Mr. Payne asked the Board if after a six month period of time, how long a license can be frozen provided he is granted a license. He planned to separate from the City in the next three to six months. Executive Director Ray said that when she sends his letter she would give him the abeyance fee and told Mr. Payne he would need to put the license in abeyance until he retired from the City. Board Member Nadeau moved to approve a corporate license for Entourage VIP Protective Services LLC, DBA Entourage VIP Protective Services. He approved qualifying agent and member status for David Payne and moved to place everything in abeyance, subject to all statutory and regulatory requirements. Board Member Uithoven seconded the motion which passed unanimously.

Syed Hussain applied for an individual Private Patrolman license. Mr. Hussain told the Board that he had his own security business since 1995 in California providing security for apartment complexes and performing work for government contracts. Chairman Spencer asked for Board questions. Board Member

Zane questioned the certificate in support of experience being offered by a friend. Investigator Beringhele stated that one of the CSEQ's authored by a friend could not quantify his experience to his satisfaction. The other CSEQ was someone who is part of the company and had been with him for fifteen years to quantify the time. Board Member Zane asked if we disregarded the one CSEQ. Investigator Beringhele said yes. The other person was used who quantified the hours with regard to Mr. Hussein's experience had sufficient hours of time and his California license was active since the date of issuance in 1995. Board Member Zane moved to grant Mr. Hussain an individual Private Patrolman license. Board Member Nadeau seconded which passed unanimously.

Pio Kasiano applied for an individual Private Patrolman license. Mr. Kasiano said he did four years active duty in the Marine Corp, a year and a half in Operation Iraqi Freedom and had worked as a security guard at Disneyland. He told the Board that he was now an account manager for high end retail stores and is licensed in California. Chairman Spencer asked for the verification of hours from Investigator Dupuis. Investigator Dupuis stated there initially was an issue with the CSEQ we received from Mr. Kasiano being authored from his former wife and current business partner. Investigator Dupuis did not accept this and asked him to obtain an additional independent reference, which he provided. He had about 16, 000 hours, which was more than sufficient. He was highly recommended by the references that Investigator Dupuis spoke with. Board Member Nadeau moved to approve an individual Private Patrolman license for Mr. Kasiano, subject to all statutory and regulatory requirements. Board Member Uithoven seconded the motion which carried unanimously.

PROCESS SERVER:

Nationwide Legal Nevada LLC applied for a corporate Process Server license. Edward Ektefaie requested his individual Process Server license be placed into abeyance so that he could become the qualifying agent. Member to be approved was Edward Ektefaie. Board Member Zane recused himself as Board Member Zane's company does business with the applicant. Chairman Spencer asked for background from Mr. Ektefaie. Mr. Ektefaie told the Board that he had been in the industry for over twenty years in different capacities. He said he had provided messenger, process services from 1994 to 1997 then moved into managerial and administrative positions and had changed companies two or three times. Chairman Spencer asked how long Mr. Ektefaie had been with his current company. He said he had been with Nationwide Legal since 2008. Chairman Spencer asked about qualifying hours. Investigator Beringhele told the Board the Mr. Ektefaie had more than enough hours, about 27,000. Board Member Nadeau moved to approve Mr. Ektefaie a corporate Process Server License, qualifying agent and member status for Mr. Ektefaie and granted an individual Process Server license to be placed into abeyance subject to all statutory and regulatory requirements. Board Member Uithoven seconded the motion which carried unanimously.

PRIVATE INVESTIGATOR, PRIVATE PATROLMAN AND PROCESS SERVER AND REPOSSESSOR:

Robert Gronauer dba Bobby G & Associates applied for an individual Private Investigator, Private Patrolman, Process Server and Repossessor licenses. Mr. Gronauer told the Board that after his stint in Vietnam with the Marine Corp he started his forty one year law enforcement career with the Baltimore City police department from 1969-1974. He then moved to Las Vegas and went to work for the Las Vegas Metropolitan Police Department from 1974-1999 in various capacities; as a patrolman, training officer, sergeant, training sergeant, and worked robbery, burglary, and internal affairs. He told the Board he was with the police department twenty four years. In 1998 he was elected Las Vegas Constable, re-elected in 2002, and 2006, however was not elected in 2010. He told the Board that with his forty one year law enforcement career he did a little bit of everything and with the Constable's Office they were handling an average of 17,000 process papers a month. He explained that included in that number there were 3,000 evictions; probably 12,000 garnishments and the rest were other types of process service. He said they did an average of 3 repossessions of vehicles per month and asked the Board to consider that number over a twelve year period of time. He told the Board that he has been very fortunate to be a leader whether it is in the Marine Corp, in his career; or in 1989 when he was chosen by the IACP as one of the top ten cops in America. He told the Board that he was very proud of that. Board Member Zane was concerned with the qualifications for the Repossessor license. The Constable's Office, as Board Member Zane knew it, and with his understanding of the regulations, the statute and the industry, there were two types of repossession activity that exist. One is self help which he thought to be in this Board's level of authority and the other process is the legal process that is used through the attorneys' and the court system which he believed Mr. Gronauer to be more involved in from the Constable's prospective. Board member Zane was not aware of any private entity that could enter into an agreement with a governmental source to repossess in a self help mode a vehicle outside the court system due to constitutional safeguards. If the Constable, or LVMPD or somebody went out and repossessed somebody's car on behalf of the bank without judicial process, Board Member Zane was pretty sure that they had a right to due process from the governmental side of it. Board member Zane asked Mr. Gronauer how he determined 10,000 hours worth of experience in the repossessing field category for licensure through his law enforcement background; be it LVMPD or the Constable's Office. Mr. Gronauer said he understood Board Member Zane's concerns and agreed that he was regarding due process. Mr. Gronauer said that they did provide for judicial process and everything had to be court ordered. Mr. Gronauer said that the Legislature in 1997 changed the law to allow them to tow abandoned vehicles. He said that it became a civil cop's problem and worked out very well. He said it saved the taxpayers money and created a revenue source for the Constables Office. Mr. Gronauer said that towing abandoned vehicles may not be the same thing as repossessing a vehicle in the private sector, but he

thought it to be very close. Mr. Gronauer told the Board he really believed his time, knowledge, skills and abilities would prove out in the end. He hoped the Board could be convinced of that just by servicing the valley for the last thirty five years. Board Member Zane stated that his issue isn't with Mr. Gronauer as an individual or personally, and explained that it was setting the standard for qualification. Mr. Gronauer understood that. Board Member Zane explained that holding someone who came in here and they've been in the industry for five or six years doing the exact repossession duties and we told them they may not have the time requirement or the over all, the legislature determined the 10,000 hours of repossession experience was required to be proven and they gave us a little bit of latitude to utilize some discretion in our part because it gives at the end of the statement as determined by the Board. So from the administrative point of view, Board Member Zane said that he couldn't argue the fact that Mr. Gronauer had the experience to administer the program. Board member Zane explained that he was trying not to box the Board into a hole where they accept Mr. Gronauer's qualifications on an individual basis and then reject somebody else later. Board Member Zane's background prior to becoming a licensee was in law enforcement. It took him five years after he got out of law enforcement in order to qualify to become a reposessor and obtain his own license. Board Member Zane asked Mr. Gronauer's if as an adult had he ever conducted a repossession that was not with court system authority or backing. Mr. Gronauer replied no. He said he is not going to stand here and lie he's going to tell you the truth and believed this to be a little difference of opinion. Board Member Nadeau had some concerns on the reposessor 10,000 hours and he wanted Investigator Dupuis to maybe help as far as to identify or outline specifically how he identified the hours associated specifically. Investigator Dupuis agreed with the fact that Mr. Gronauer and Board Member Zane already touched on the highlights of this particular license application. Investigator Dupuis told the Board that he and Mr. Gronauer had several conversations during the course of the background investigation which Investigator Dupuis expressed his own concerns regarding this particular aspect because as we've already heard the process of repossessing vehicles through the court system is most likely considerably different from that of a individual license operator. He based his assessment on his knowledge, skills and abilities based on the fact he administered the program of repossessions for approximately twelve years when he was the elected constable. Investigator Dupuis told the Board his assessment wasn't so much Mr. Gronauer's ability to conduct repossessions as they are done by typical repossession companies but based upon his experience at the Constable's Office, policy development, management of the program, reporting to the courts and the public, and he would assume the county commission in some degree, so that's how he based his assessment of Mr. Gronauer experience and ability to perform satisfactorily. Chairman Spencer asked if there were any further comments from the North. Chairman Spencer also had a problem with the reposessor experience and was concerned about setting precedence. Chairman Spencer asked if there were any questions from the audience. Chairman Spencer suggested separating this out and taking a motion for Private Investigator, Private Patrolman, Process Server and then work on

the other. Board Member Zane moved to approve an individual Private Investigator, Private Patrolman and Process Server license for Robert Gronauer, dba Bobby G and Associates, subject to all statutory and regulatory requirements. Mr. Gronauer stated his argument one last time for the Board. Mr. Gronauer thanked the Board for their time and consideration. Chairman Spencer asked if there were any questions or comments. Board Member Zane moved to deny the repossessor's license based on the requirements of NRS 648.110 subsection 2B the qualifications of five years not met. Board Member Uithoven seconded the motion and it carried unanimously.

Acting General Counsel Kimberly Okezie asked that the break be taken and the return with open meeting so she may advise Mr. Astle of his statutory right. Chairman Spencer agreed.

PRIVATE INVESTIGATOR AND PROCESS SERVER

Item #25 taken out of order

Richard Astle applied for an individual Private Investigator and Process Server License. Deputy Attorney General Okezie explained to Mr. Astle that a closed door hearing may be requested. She read the pertinent section of NRS 241.033 for the record. Chairman Spencer asked Mr. Astle if he wanted to waive his written notice. Mr. Astle replied yes and requested a closed meeting. A motion was made to go into closed session by Chairman Spencer.

Mr. Maheu commented that he thought the closed door sessions were to be placed at the end of the meetings. Chairman Spencer stated that we would deal with these as best as we can and that this gentleman had to catch a plane. It shouldn't take a long time. Chairman Spencer asked for a second on the motion for a closed session. Board Member Zane seconded the motion and it passed unanimously.

Item #25 was continued until a later time. Chairman Spencer motioned, Board Member Zane seconded, motion passed unanimously.

OLD BUSINESS

Eastern Private Detectives, Inc., applied for a corporate Private Investigator license. Scott Churchill requested that the Board grant him an individual Private Investigator and Private Patrolman licenses to be placed into abeyance so that he may become the qualifying agent for Eastern Private Detectives, Inc. Corporate Officer to be approved is Scott Churchill. Mr. Churchill was not present. He sent an email requesting a continuance as he was not aware that he was on the agenda and was not prepared. Chairman Spencer motioned to postpone the appeal one time. Board Member Zane seconded. Board Member Nadeau asked if there was a time period in the regulations that he is bound to, to appeal

subsequent to the denial or can he appeal within a certain amount of time. Chairman Spencer went on to say that historically, yes it should be set for a time and lacked having done so, Chairman Spencer thought they owed him one more turn. Board Member Nadeau asked why he could not just appeal, why it had to be delayed until the next meeting. If he did chose to appeal it until the next meeting, then that's his decision but we are just continuing our agendas by our own actions. We are going to have to post it on our agenda and spend time on it again. If he wanted to appeal then go ahead and submit a request to be considered for next time or did he already do that? Chairman Spencer stated that he already did that. Board Member Uithoven asked if he did request an appeal. Executive Director Ray said that he sent an email and asked to appeal it in June. Board Member Uithoven asked when the email was sent and Executive Director Ray responded last night or this morning. Chairman Spencer said that the motion had already been made and asked if all was in favor. The motion passed unanimously.

Excaliber Investigations, Inc., from Tracy, California applied for a corporate Private Investigator license. John Rodriguez requested qualifying agent status and if approved asked that the Board grant him an individual Private Investigator license to be placed into abeyance. Corporate Officers to be approved are John Rodriguez and Santiago Rodriguez. Executive Director Ray told the Board that she did not believe the applicant would be in attendance today. She reminded them that this was on the agenda from the last meeting and there were some issues in regard to his background. She also told the Board that Mr. Rodriguez had paid the balance on the background investigation. Chairman Spencer moved for a denial. Board Member Zane seconded. The denial passed unanimously.

Tatone Investigations LLC, from Las Vegas, Nevada asked the Board to reconsider his application from the previous meeting. Tatone Investigations LLC applied for a corporate Private Patrolman License. Donald Tatone asked that if approved as the qualifying agent that he be granted an individual license to be placed into abeyance. Member to be approved was Donald Tatone. Mr. Tatone stated that at the last meeting he requested approximately 25% of his investigative hours be considered towards the Private Patrolman license that was based upon casino surveillance experience that he had. The additional documentation was provided to the Board. Mr. Tatone explained that two were paystubs from his time at Arizona Charlie's. The initial certificate of experience only contained 488 hours and that was a bit outdated. He said that the new documents show the actual time is 1, 795 hours. He said there wasn't much discussion at the last meeting but that he provided an additional document authored by Dirk Boss, former Vice President of Surveillance for ASA which is Stratosphere and Arizona Charlie's; and indicated that several of our duties were security related. In addition there were two certificates in support of experience and qualifications from Mr. Ralph Rodriguez from Play Las Vegas and in these

CSEQ's he indicated that we were responsible to, deter and detect cheating, theft and other activities that endanger the safety of the guests, employees and property. Mr. Tatone went on to say that when he reads the definition of patrolman he believed it to cover protection of person or property, prevent theft, loss and to investigate the same activity. He also referred to a CSEQ from Blue Chip Casino and that their policy was not to disclose any of the duties that were performed by surveillance people. Investigator Dupuis did contact someone from Blue Chip Casino who confirmed the duties performed were surveillance only. Mr. Tatone felt that was not accurate due to the length of time he was employed there and the turnover of employees; He said that there were many duties that were security related. He said they had what they deemed homeland security checks; especially after the attacks of September 11, they were required to physically inspect various areas and report any issues. Chairman Spencer asked if he utilized any devices. Mr. Tatone responded that they did a lot of it through CCT cameras; but that they were required to physically walk the properties and do inspections. Mr. Tatone said that the CSEQ from Stanley Canola would attest to that work experience. He said that he worked with them while at Blue Chip and at Harrah's and he attested to some security related duties. However as Investigator Dupuis mentioned, the exact number of hours could not be verified and that on the final page, that he provided Investigator Dupuis with the final breakdown of hours, it was noted that for most of the surveillance experience, Mr. Tatone did deem that about seventy-five percent of it was investigative related and that he did consider the other twenty-five percent to be security related. He wanted the Board to note that. He told the Board that he was not requesting any changes of hours or anything, that he just wanted them to consider his time there at least twenty-five percent was security related and that he interpreted that to the definition of a Private Patrolman. He said that he saw where several of those duties overlap in nature and he pointed out as the Board has brought up on prior occasions, it is possible to gain relative experience from other sources although they were not a licensed private security agency. Chairman Spencer asked if Investigator Dupuis had all the documents. Investigator Dupuis responded he thought he had documents dated March 1, 2011 from Tatone Investigations. Chairman Spencer asked if he had done an investigation on all the subsequent information provided. Investigator Dupuis stated he had not reinvestigated this information. He had discussed with Mr. Tatone and the investigation he conducted into his additional application went to the issue that the Board was discussing. Investigator Dupuis said that he was never able to quantify from anyone the exact nature of the duties that Mr. Tatone performed. Several people said that various employers stated that there was an overlap of duties based upon descriptions that we have described to go to the private patrol and Private Investigators licenses. What we were unable to do was to determine a specific number of hours that we could definitely say were patrol versus investigation. Mr. Dupuis said that Mr. Tatone made his own assessment that twenty five percent of the time was directed to investigations I just cannot confirm that because either the companies have policies that would not allow them to discuss it

or won't even allow them to release a job description to say what the duties were. The only additional information provided by Mr. Tatone was the additional work hours of another 1500 -1600 hours that he provided from one employer and there was no reason to question those hours because we had a copy of his employment history from there. Investigator Dupuis said the issues for him was not being able to pin down what percentage of hours to be applied to private patrol vs. Private Investigator. Chairman Spencer stated he had worked with surveillance a considerable amount of time since he had gotten into the business and had seen a considerable amount of activity and issues that could easily be considered Private Patrolman. He said that their purpose was pretty much the same to define and to prohibit illegal acts from happening. He saw many similarities and was sure that it may not be considered the same for the casinos who probably don't do things the same way. He said he did it as surveillance that would qualify for a Private Patrolman license, but wasn't sure how to quantify these hours. He told Mr. Tatone that it was his responsibility to come up with the correct amount of hours and the CSEQ's to back those hours up so that when Joe or any of the investigators approach them, they would be able to know what they are up against. He asked Mr. Tatone if he had provided any combination of hours that fall into these categories and came up with a bottom line. Mr. Tatone said that he had and that it was towards the bottom of the third and top of the fourth pages. Mr. Tatone provided an explanation of his hours to the Board with a bottom line of 16,095 hours. Chairman Spencer stated that CSEQ's are what we require or request be completed by the proper person are the things that we believe. Mr. Tatone had provided the two from Ralph Rodriguez and also the one from Stan Canola which combined with the one from Blue Chip Casino, Blue Chip would not release any information with regard to the duties, so he believed that those CSEQ's do represent the fact that patrolman work was performed. Chairman Spencer asked Investigator Dupuis if he talked with any of those people. He stated he talked with Mr. Rodriguez and Mr. Canola and they did indicate that some of the duties performed by Mr. Tatone were qualifying as patrol as well as investigative services but were not able to provide the specific time for each. Chairman Spencer asked if they offered CSEQ to quantify the hours. Investigator Dupuis responded that we have the CSEQ that says for Play Las Vegas as 1200 hours for Mr. Rodriguez. Originally it was 320 and then it was updated to 1200 and August 2009 it was 320 to 400 in November 2010. Blue Chip Casino refused to even discuss the matter. Chairman Spencer asked Mr. Tatone why he did not get a CSEQ from Harrah's. He stated that the particular one he worked for had been sold and when he requested it they wouldn't release that information. Mr. Tatone said that he had hard time getting some of the CSEQ's and apologized for not having that one. Chairman Spencer stated that that is one area they do not like to talk about. Mr. Tatone agreed and said he knows it is difficult to quantify, but Dirk Boss did author the additional information to help with the Board deciding this matter. He said that he understands it's a difficult task and that's why he was throwing himself at the Board's mercy for consideration. Board Member Zane asked Investigator Dupuis if his opinion is unchanged from the last time regarding the time. Investigator Dupuis stated that there certainly was the addition of some 900 hours from Mr. Rodriguez that was previously unaccounted for

and he thought the Board needed to give Mr. Tatone credit for those. In regards to the hours from Dirk Boss, Mr. Tatone was already credited for those some 9497 hours so he did not think there were any questions in regards to those hours. They would not be in addition to what we already have on the application further application on the part of Mr. Boss and Mr. Hackett. Investigator Dupuis did not see were there was any additional hours over the 900 additional hours from Mr. Rodriguez based upon newly provided timesheets. Mr. Tatone again reviewed his CSEQ's and hours for the Board's consideration. Investigator Dupuis told the Board he doesn't have the authority to allocate that and explained that to Mr. Tatone that that is outside his purview. Mr. Tatone stated that the investigator did explain that and thanked him for his assistance with that and when Mr. Tatone did speak to him, he mentioned to Mr. Tatone that he would just have to go before the Board and see if the Board would consider any of those hours to be applicable to Private Patrolman experience. Chairman Spencer stated that without a CSEQ. Chairman Spencer said ultimately we have to come up with what the investigators come up with as far as the numbers to qualify and he was not hearing that that has happened. Chairman Spencer asked how the Board felt. Board Member Uithoven asked if Mr. Boss submitted his CSEQ for 1000 hours did he submit any follow up documents, he knew our applicant is not able to get the twenty five percent in there is there any way to verify or Mr. Boss to verify that percentage are they unable or willing to do it. Investigator Dupuis said that they are unable to do it. The duties are solely defined that there really is no way to accurately differentiate between the investigative and the patrol security function. Board Member Uithoven said then this goes back to what you were saying they can't breakout the percentage based on different supervisors having to approve. Investigator Dupuis said that everybody had different criteria, different assignments. He did not think there is any question that he worked that number of hours, its how do we make that determination and Investigator Dupuis could not make that determination on his own. Board Member Nadeau said we could pull a number out of the air and that employers need to be able to articulate that the hours, that's their responsibility. He said the difficulty here was for them just to try to make some type of arbitrary determination and then it starts a slippery slope for us, we've got to be able to articulate somewhere down the line, we can't just take a number and we certainly can't expect our investigators to do that. Chairman Spencer asked if there were any more questions from the Board or audience. Board Member Zane motioned the request to reconsider the application be denied. Board Member Nadeau seconded the motion and it carried unanimously. Mr. Tatone was told if he could get one of the persons to break it down for them then the Board may reconsider. Mr. Tatone asked how they could articulate the specific amount of time. Chairman Spencer told him to have them put it on a CSEQ and provide the CSEQ to Executive Director Ray.

Jonathan Sullivan from Las Vegas, Nevada applied for an individual Private Patrolman license. Executive Director Ray told the Board that Mr. Sullivan was not present. Mr. Sullivan had been told by the Executive

Director he would need to resubmit the application and it would be put on a future agenda. The Chairman responded there would be no action.

Administrative Business:

John Padula of Brinks, Inc., License #450 is asking the Board to grant an exemption as outlined in NAC 648.338. The exemption request is for several events that are held in the Las Vegas area. Mr. Padula told the Board he anticipated the need to bring thirty-five (35) off duty law enforcement officers from out of state. The dates of the request were approximately May 25, 2011 through June 3, 2011. Mr. Dennis Casteel was present on behalf of Mr. Padula. Mr. Casteel said that he would like to modify their request. He told the Board that nine people would be more realistic and if the company did use any off duty law enforcement officers from New York, they would have to obtain a New York armed card that would allow them to work under the Armored Car Reciprocity Act. Mr. Casteel said they would be bringing in other armed employees but they would all be duty permitted and that there would be some people that worked at one of their subdivision hubs that hold Nevada licenses as well. Executive Director Ray asked if they were registrations or licenses that they held. He responded that they were registered. Board Member Nadeau asked for clarification on what they were asking for. Chairman Spencer stated they are asking for nine instead of the thirty five out of state law enforcement officers to work the events surrounding JCK. Chairman Spencer responded to Board member Nadeau that was what they were working towards is getting the numbers down.

Mike Kirkman from Las Vegas Detective's renewed his objection to grant an exemption to off duty police officers from another state to work in Nevada. He said they work here, take their money back to their home state and Nevada does not benefit at all; and with fourteen and a half percent unemployment, that should not happen. Mr. Kirkman said that he would always object to this. Peter Maheu requested a roll call vote by each Board member when it's taken. Chairman Spencer agreed.

Chairman Spencer asked Mr. Casteel if there had been any efforts to get local people. Mr. Casteel said absolutely. He said that when they put on a show like this they utilize so much of the city's resources; SWAT and local police departments were two of his examples. He went on to say that the Board had a rule on Nevada off duty police officers working and with the influx of people coming in they use temp agencies, they brought people in from our own company to utilize and locate resources to hire local and help the unemployment. He said their idea was to make sure the 10 out of state law enforcement officers come in as employees rather than law enforcement so they would be here as an employee not as an off duty officer. Chairman asked if anybody locally had been hired. Mr. Casteel yes that they have a facility here and utilize every employee and end up having to bring people from surrounding

branches to help staff the show. Mr. Kirkman stated that had been going on for three years and he wanted prove that an effort had been made to get qualified people from this state. He went on and said that they do not need to bring off duty cops to this state. Mr. Kirkman felt strongly that there are resources in this community that they can get, they just needed to make the effort and he did not think they were. Chairman Spencer responded to the objection and explained that the requests had been to bring people in from Los Angeles and other places and asked for sixty or more people. Chairman Spencer was encouraged by the fact that Brinks had thirty five last year and now had it down to ten. Mr. Kirkman told the Board he knew there were many retired police officers that lived in Southern Nevada that are not employed and did not believe any company had made an honest effort to locate and hire them. He thought it was wrong and that money that goes out of state does not benefit our state; government and he said our Governor is strongly opposed to this. Chairman Spencer said he would like to see it down to zero from out of state. Mr. Casteel said he request zero.

Darryl Cronfeld from Official Security told the Board that one of the problems was that they did not want to pay locals the same amount of money as those coming in from out of state. He said that the people that come in from out of state get paid twice the amount of money, plus meals, incidental and entertainment and a free hotel room which he thought are mostly paybacks. Mr. Cronfeld said he would be willing to supply Brinks up to seventy five state certified armed officers at the same rate that they are willing to pay the off duty policy officers coming from New York and nobody will take me up on it. Mr. Bruce Woerner from Brinks responded that it would be great if they could operate their services in Las Vegas and wherever else with local talent. He said the problem was the contracts and agreements they had with customers in transporting their valuables was that they have guaranteed that Brink's has done backgrounds. Mr. Woerner said they hired thirty or more from Nellis Air Force Base to get local work and to lower our costs of bringing people in but they have a responsibility to their customers to have full background checks and did not think they would get that with local people. Mr. Maheu asked if they are required to have work cards and that the Private Investigators Licensing Board did the background investigation. Mr. Kirkman inquired why they don't have to take the fourteen hour state certified firearm test. He wanted them to go through all the testing, bring the money in here he also wanted to know where the payroll is paid out of wanted to see the 4072 forms. Mr. Woerner said that the people who are brought in were registered with the branch here and paid out of the local branch here. Mr. Kirkman said that all the companies should have to supply the unemployment forms to make sure that all the taxes are paid within the State of Nevada. They should be certified by the state, take the state armed test, let them pay. Mr. Woerner asked for clarification. He wanted to know that if that meant everyone who attended that show whether it was a sales director or a stock person for that company and that every person in that convention center had to have a work card. The response was no, just security, armed people, per NRS 648. Mr. Woerner went back to his comment about the Nellis Air Force Base, they are not armed. Mr. Kirkman replied that he was in violation of state law. Mr. Woerner replied they

are not guards. Mr. Kirkman stated they are guards and he cannot delineate. He went on to comment about the workman's compensation cost and that it cannot be circumvented. Every company should be denied the off duty police coming here. Mr. Maheu asked what the employees do for Brinks if they are not guards. They would unload packages. Mr. Maheu said they were laborers. Mr. David Groover of David Groover and Associates, said it was pretty clear that the legislature did not want police officers working private security and just because they were brought in from New York, you can't hire them from Metro, North Las Vegas, from Department of Public Safety, or the FBI , they should not be brought in from New York and it sounds like he was in violation from what he did with Nellis Air Force Base. Mr. David Payne commented that if this could be done, then he would not have to separate from the City. There was another comment from a member of the audience, he said that the State of Nevada was at almost fifteen percent unemployment and this is not what's best for the State of Nevada, it's not right that he has law enforcement government people competing with private industry. Everything Mr. Cronfeld said should be taken to heart and that this should not be allowed to continue. Mr. Cronfeld broke down the dollar amounts between the out of state and the locals. Mr. Casteel said he would argue the point that they can get the same resources here that they need, he said it's not just a matter that they are police officers, and they are not coming here as police officers but rather the people they brought in are used in other shows in other states and know the system, know what we are doing, it's not just to have them as security guards, it's to have their knowledge. We cannot afford to spend the time to train and develop all that to use them at other places. New York had a lot of jewelry shows and that is the reason they are asked to come out here. He said we can't hire local law enforcement because of the law. He told the Board he has hired police officers directly from Metro and paid the over time rate to provide an additional police presence. Board Counsel requested order on the discussion and for people to come up to the microphone and introduce themselves. Mr. Casteel told the Board that he would withdrawal his request. Chairman Spencer said that when this all started, they asked for thirty five, then this time ten and now they have withdrawn the request and that showed good faith. Chairman Spencer told Mr. Casteel that the Board would provide him a list of licensees and asked Mr. Casteel to give Mechele a list of requirements that he would like as far as firearms training. Mr. Casteel did not think that would be much of an issue. He was concerned about the amount of liability with the JCK jewelry shows, gold, silver, all those things, there's certain requirements and it's pretty much impossible to hear from another agency to put them at the same pay. Chairman Spencer told him that he had that with most of the licensees and was setting an example here.

Michael Callaghan of Century Security Services, Inc., License #1315 requested the Board to grant an exemption as outlined in NAC 648.338. The exemption request is for the JCK show held in various locations throughout Las Vegas. Mr. Callaghan requested that the Board allow them to hire eight (8) out of state, armed law enforcement officers. The dates of the request are from May 25, 2011 to June 10,

2011. Chairman Spencer asked if Mr. Callaghan would also be willing to show good faith and hire some locals. Mr. Callaghan told the Board he had approached some retired law enforcement officers but with all the activities going on in Las Vegas with the JKC half of them are already employed. Mr. Darryl Cronfeld with Official Security stated that he would provide to any of the companies, working JCK, up to seventy five armed and state certified officers who are former law enforcement officers available. He did not think that anybody needed to go out of town, we have the talent here. Chairman Spencer told Mr. Cronfeld he agreed and that all of the Board members had tried to pair those numbers down. Mr. Callaghan was asked by the Chairman if he could do that. Mr. Callaghan told the Board he could do that. Chairman Spencer stated that it would be better if Mr. Callaghan did that instead of doing a motion. Board Member Nadeau asked what happened. Chairman Spencer stated that item number 36 and 37 had withdrawn their requests. Board Member Nadeau asked what the action was. Chairman Spencer responded that both number 36 and 37 had removed their requests. They are going to hire locals. Board Member Nadeau said that we had been assured by all these contractors making these requests that there was something unique with these individuals that were being brought in. Board member Nadeau said that with these two actions, they had made the decision that the security training, the special processes that was the justification for the past several years are no longer required and he would have difficulty in the future to vote for bringing in special security for these types of events. He went on to tell the Board that it was a good decision and it would change the way in the future he viewed these matters. Chairman Spencer agreed and it was a tremendous show of good faith. This is what we have wanted for a long time. Mr. Casteel told the Board that of all the armored car companies that come to Nevada for these shows, we are the only licensed armored car company in this state that had a facility here and hired people from this state.

Board discussion and possible action to determine if Correction Corporation of America or any private prison facility or company, located in Nevada should be required to obtain a Private Patrolman license in the State of Nevada. Mr. Bojanowski told the Board that the company had sent in some information to Ms. Ray concerning what may be an exemption in the state statute as well as a portion of the federal contract in hopes that the Board would have additional information to evaluate whether licensure is needed for correctional officers that are employed at the facility. He went on to say that at the facility, employs two hundred and thirty employees, one hundred sixty uniformed officers and every employee is a resident of Nevada. Chairman Spencer asked where the facility is located. Mr. Bojanowski said the facility is located in Pahrump. Assistant Warden Prado was introduced to the Board. Mr. Bojanowski told the Board he had not supplied the Board with a copy of The Bureau of Prison Statement, the Federal Regulations, or the other requirements that are associated with monitoring and regulation of the facility, but he assured the Board that throughout the life of the contract, they had one contract compliance officer from the Detention Trustee which is a sub part of the Department of Justice and that

persons job was to ensure that each employee meet the specification of the contract and that they maintained the job duties and complied with so there was a great deal of monitoring that goes on; there are ACA audits, as well as internal CCA audits. He told the Board that the audits are very comprehensive and are facility wide to include, medical, food and security. Mr. Bojanowski said that if the Board's concern is making sure the employees met all the qualifications and certifications and assured the Board that the 160 uniformed employees all had their registration card issued by the Board. Chairman Spencer asked about the inmate population and was told there were one thousand inmates and that they can have up to fifteen hundred as stated in the development agreement with Nye County. Mr. Bojanowski stated that they hope to expand the facility which will then increase the employment base. Chairman Spencer then asked about the type of hiring and background procedures they go through. Assistant Warden Prado told the Board that all applicants had to apply online and once they make it through the on-line application then they were forwarded to the facilities and set up for interviews. The interviews are either a face to face or phone. If the applicants are selected for hire, a letter of employment would be mailed to them and they would have to clear a full federal background check provided by the US Marshalls Service. Mr. Prado said once the background had been approved, a firm offer letter to start the academy is sent. Mr. Prado told the Board the academy is a six week course that covered excessive force, searches, and a variety of topics all taught by certified instructors. Once the employees past the academy they do a two week OJT where they shadowed somebody on the floor and then basically cleared to work. Mr. Bojanowski told the Board there is a recertification and training each year of forty hours. Mr. Prado said they had about eighty armed certified guards and hoped to have all of the uniformed guards certified. They are certified on the same course as the US Marshall's office, with the hand gun and shot gun. The initial qualification is twenty four hours twice a year and requalification is a sixteen hour course. Board Member Nadeau asked if there was an exemption from state licensure in the contract and is the training in the contract. He also asked if the hiring was done in accordance with the federal guidelines and could the contract be modified. Assistant Warden Prado did not believe there was an exemption in the contract. He said that the hiring criteria mirrored the federal regulations for the federal marshals and DOP employees. He thought the contract could be modified however the federal government did not like to modify the hiring criteria for a variety of reasons and more than likely not until the contract expires, could it be modified. Board Member Nadeau asked if there were other facilities in other states. Mr. Bojanowski told the Board that there are sixty five facilities in twenty eight states, some of which are state facilities and some federal. Board Member Nadeau asked if the other states required registration. CCA did not believe any other state required registration, Mr. Bojanowski told the Board that the states have very strict requirements and they adhere to those requirements as well as firearm requirements. He also said that of 160 uniformed officers, not all of them carried weapons; there are perimeters patrol, armed post and the transportation staff and even though they are qualified with the weapons, weapons are not allowed inside the facility.

Board Member Nadeau asked what the protocol for escapees. Mr. Bojanowski told the Board there was a mutual aid agreement with all the local law enforcement agencies. If someone gets outside the secured perimeters there's an emergency action plan that would immediately go into place. Notifications go out to fire stations, schools, local law enforcement, CCA does not pursue them off the property. Local law enforcement would step in as CCA employees would not have jurisdiction off grounds. Chairman Spencer asked what levels they had. Assistant Warden Prado told the Board there were three levels, low, medium and closed custody. Mr. Bojanowski told the Board the facility would be broken down in the levels so staffing is appropriate to the levels of security. There is a small population of females, eighty eight beds to house females. Board Member Zane verified that the guards are currently registered with the Private Investigators Licensing Board. Assistant Warden Prado stated yes they have guard cards. Board Member Zane asked if they license the transportation division. Assistant Warden Prado replied yes. Board Member Zane asked CCA if in their research they identified any federal preemption that would apply to license and regulation with this Board. Mr. Bojanowski told the Board that they were not taking a position as authority of the Board to require the licensure. Mr. Bojanowski told the Board he had nothing to present to the Board to say they were pre-empted from licensure. He said that CCA is subjected to federal regulations which govern the day to day details on how to run the facility. If the Board requires CCA to be licensed then CCA would become licensed. Board Member Zane said that the Board needed to be careful how they dealt with this question. He said it would be easier if you were opposing some ability to rely upon some situation. The Board's position was if you can't prove to us that federal pre-emption didn't apply, then it applies. He said that from a justification stand point maybe we don't have the authority. Board member Zane understood that CCA is not opened for public hire and that they are clearly a single source provider for the Department of Prisons which is a federal agency. There could or could not be some interstate issues that derives some control of us and the Board's ability to control the employees or activities. He felt that barring some federal pre-emption the Board should not regulate them. Mr. Bojanowski told the Board that if the Board wanted him to he would present it with any potentially federal pre-emption he would do so he would call CCA in Nashville and tell them that the Board wanted to know if they would be subject to federal pre-emption. Mr. Bojanowski stated he would get information and would get it to Director Ray. Board Member Zane stated that the Board was a governing entity and the Board only had authority as given by statute. We are without the means to say that we are going to alleviate the responsibility without the process of law or some statute that is going to tell us we can't do that. Mr. Bojanowski told the Board that they are new to the State of Nevada and they are trying to be compliant with the laws of Nevada. If that is the information the Board wants, then he will go back to CCA and he would provide the requested information for the next meeting. Board Member Zane moved to have CCA conduct the necessary review and to determine if there is any federal pre-emption for the Board to look at and take into consideration the licensing and registration of their operations in Nevada. Chairman Spencer

seconded. Board Member Nadeau opposed. He felt that the Board could not ask for that information and any information to the contrary, CCA would be required to be licensed. Board Member Nadeau stated there is a specific federal statute for the armored car companies that pre-empts them. Board Member Zane said he thought he knew how this would end and he asked that CCA tell the Board how it will end. He thought that CCA were trying to be the good neighbor since they are not required in any other state to be licensed. Mr. Bojanowski told the Board that federal prisons are not the best neighbors and they don't usually take a position but if we are invited to do so, we will. We are good for the local economy. The vote was 3-1 with Board Member Nadeau opposing. CCA will get the information and would be on the agenda for the next meeting.

Presentation and open Discussion by Jay Purves, Qualifying Agent of Contemporary Services Corporation and a representative of Security Officer Regulation Training (SORT). The company is called Protatech and is a security training company that was established in 2000. The training is web based.

Public Comments: George Heaven asked how the web knew that that was the person taking the test. Protatech representatives stated that there was a lot of built in security. It tracks how many times the person logged in, where they are logged in from, how long they were on the web. Chairman Spencer asked if the program was able to do fingerprinting. Protatech said it is available it's just a software function that needed to be added. Chairman Spencer asked about the different languages. Protatech representatives told the Board there is one hundred and eighty different languages and the Board could specify what language would be used for the State of Nevada training. Stella Adkins spoke that this was a good instruction and wanted to know the cost effectiveness and the use of personal information. Protatech stated that in California it is anywhere from \$700-900 per person for the forty hour training. Web based dollar amount would be \$40.00-\$100.00 for training. Protatech stated that nothing is 100% hacker free, however they are held to the highest security standards. They said that they follow federal guidelines on the security protocol. Stella Adkins also asked about hands on training. Book knowledge is great, but companies need to provide hands on training.

Legislative Update:

Discussion and possible action on AB156 that amends certain sections of NRS 648 with regard to process servers. Executive Director Ray told the Board this was put on the agenda to update the Board. The Private Investigators Licensing Board did not take anything to the legislature this session however AB156 had been introduced and she told the individuals who had concerns, she referred them to the

sponsors of the bill as it was not the Private Investigators Licensing Board bill. Board Member Nadeau told the Board that there was a person in Carson City that would like to speak. Jennifer Chandler, a licensee of a process server company and also a lobbyist. Ms. Chandler told the Board that she had extensively reviewed the bill and worked closely with the sponsor. They have already complied with the bill except for the part that targets process servers. Ms. Chandler felt that it should be universal affidavits should apply to all not just to process servers. In particular the name or personal description of the person being served could open up a liability issue. She also stated that the fee amount should be private and she was not sure what the point was of having the fee amounts paid by clients. She told the Board there is a multitude of documents that are served by others and that process servers should not be signaled out. The Private Investigators Licensing Board already requires the process servers to put their license number on the affidavit. She thought that the courts had a problem with this filing process, hearings, just to find out later that there is not sufficient information to be legally binding. The affidavits should be universal. She thought the bill needed some work and as a lobbyist she did not stand behind it. Board Member Nadeau asked if Ms. Chandler testified at the hearing. She stated she did not. She received the notice after the hearing. She felt as a whole it needed to be addressed on an affidavit level not on the process server. If people are going to falsify the affidavit the new language in the statute would not stop that. Board Member Uithoven asked Executive Director Ray if the office was invited to participate in the bill. Executive Director Ray stated she was not contacted until after the hearing. She told the sponsor that she would be putting a legislative update on the agenda. She did not know if the Board would take a position on it or not but she would be in contact with him after the meeting. Board Member Uithoven asked Executive Director Ray to take the concerns that have been represented to the sponsor. He felt that he was in no position to act on the bill. Chairman Spencer agreed. Executive Director Ray told the Board that if the Board is going to support a bill then we take action on it. She had testified before when the Board had not taken a position and she was simply on the record stating that the Board does not oppose or support a bill. Kris Nichol森 #999A told the Board that he agreed with what Ms. Chandler said and that the way the bill is written it would actually cause more harm for the process servers. He felt it would create a lot of loop holes for the attorneys. Services should never be quashed because the license number is not on the service. It should only be quashed because the server lied under oath or something to that fact, material facts, not because a license number isn't on the service. Mr. Nichol森 told the Board that anything they could do offer, maybe give guidance to our legislature. Executive Director Ray asked Ms. Chandler and Mr. Nichol森 if they had responded directly to the sponsor and if they had sent an email specifically outlining their concerns. Mr. Nichol森 had not. She requested that both of them email their concerns to Assemblyman Frierson.

Discussion and possible action on AB21 which makes certain occupational licensing Board and commissions subject to the same requirements as other agencies of the Executive Department of State

Government. Executive Director Ray told the Board that she was watching this bill closely because it dealt with Boards and Commissions. She explained that the PILB was structured a bit differently and that our Board does not have a checkbook, we deposit all the monies that come into the general fund into the Private Investigators Licensing Board account. When we pay our bills we use the State accounting system so there is no checkbook or cash. AB21 is structured for Boards and Commission, but it does not mean we should not pay attention to it. Board Member Nadeau said he had a concern that if this bill had no impact on the Private Investigators Licensing Board then there would be no reason for it to be specifically identified in the bill but it is. Board Member Nadeau asked if the legislature determined the Private Investigators Licensing Board budget. Executive Director Ray told the Board they do not the Governor or his designee signs off on the budget. If we had to do it like other state agencies then yes we would have to go to the legislature and they would approve the budget and so that is why she is watching the bill. Board Member Nadeau was concerned that certain Boards and Commissions fees are set but the legislature deciding the budget.

Discussion and possible action with regard to AB201 that revises provisions pertaining to informational statements provided for the adoption of administrative regulations. Executive Director Ray told the Board that this bill dealt with the regulation process and making changes when public meetings are held what needed to be reported to the legislature commission on the informational statement and she had reviewed only some of it. Typically she said it asked about how many people attended the meetings or workshops and this would require a list with maybe addresses and their contact information.

Discussion and possible action with regard to SB56 which revises provisions governing the entities required to use the services and equipment of the Department of Information Technology. Executive Director Ray told the Board that this bill was for Boards and Commissions be required to use the services and equipment of the Department of Information Technology. She told the Board that currently the office was supported by the Attorney Generals Office. Executive Director Ray told the Board she did not have an issue with utilizing the Department of Information Technology however we have the GL Suite program that is not hosted with the Department of Information Technology so there was a concern there. Executive Director Ray will monitor the bill.

Executive Director Ray told the Board that AB21, AB201 and SB56 did not deal with NRS 648.

Discussion and possible direction from the Board related to the licensing of franchises in the State of Nevada. Executive Director Ray explained to the Board why she put this item on the agenda. She had some concerns with a licensee that was granted a license and thought there was an issue with absentee qualifying agent and the selling of a license. Chairman Spencer asked what kind of franchise. She

stated it was a Private Patrolman license and they were doing business and our office received a phone call that wanted the money for the business. The business was licensed by us, the qualify agent had nothing to do with the business and the person whom made the inquiry who wanted to get licensed and maintained the business. There was an individual who thought he was participating in a licensed company. Executive Director Ray told the Board that the person who was to speak about the issue was not present and perhaps they could notify the company involved and have them talk about it at a future meeting. Chairman Spencer said to put this topic on the next agenda.

Discussion and possible action to direct Staff to develop procedure for denied licensing applications. Executive Director Ray told the Board that the staff would like more direction on denials and a time frame. A lot of times they applicants come back on the very next agenda, they had been given the opportunity to reapply, but there is no timeline. Chairman Spencer stated that the unlicensed activities they were put off for a year. Executive Director Ray said there were several different scenarios and staff would like direction from the Board in the future when applicants are denied. She suggested this could be included in their motion when applicable.

Board discussion for topics to be included at Board Member and Staff workshop. Executive Director Ray stated that at the last Board meeting there was Board discussion to possibly hold a workshop and Executive Director Ray wanted input on the things that the Board would like to talk about. There were no Board comments.

Board Comment...Board Member Uithoven commented on bringing outside help when a private company had earned a contract and they had legal right to staff and fulfill their contract. He thought the Board needed to be careful. He thought the Board needs to be careful and let them go to their legislatures or go talk to the governor. Both of the folks on the agenda withdrew their exemption request. He thought the Board needed to be careful about putting such mandates on the licensees. Chairman Spencer told Board Member Nadeau that there is an exemption in NRS 648 badly worded possible exemption to the rule and at that time the discussion was a lot different. People were either for or against it. We had groups of people that wanted to bring in 50-100 people and this Board wanted to pair that down. It was not a right that they had to be considered, it was an interpretation that was given way back when. Board Member Uithoven understood. How do they reach out and try to find people qualified to do the job when they have a contractual obligation to fulfill to the satisfaction to the client to the point we set the bar so high that they said they looked for local help. He just wanted to be careful and not set a precedent. Given what happened today we might frown upon anybody who came in here and asked for thirty five and maybe precedent was set today. Board Member Nadeau and I discussed given what happened today. Chairman Spencer told the Board that they have come from all those high

numbers and now they are at low numbers. The licensees have been very vehement about it and it was probably a bad mistake we had made. Board Member Nadeau stated that the very first time he was exposed to this he's objected to law enforcement coming into this state and the conflict that arises. He historically supported it because of the training, the security requirements, and the proprietary nature. His concern had always been we don't allow law enforcement within our state why should we allow law enforcement from out of state. He's convinced that that element that was there is no longer there and he would be less supportive. Chairman Spencer agreed. The licensees had pointed out that unemployment is unemployment. Board Member Zane stated that he thought the interpretation and the application of the administrative code that the argument had evolved away from our strict regulatory function. The statute that is provided for the exemption does not give any issue toward employment. It was supposed to be for the safe guard that the license entity aren't given the advantage or disadvantage based upon someone's public employer status. It's not necessarily that we can't supply the talent in numbers or quality, it's whether or not there was a conflict of interest with the responsible to a public employer and his duty to discharge them or the possibility of use of his position with the public employer for personal advantage in this private activity. That being the case an argument could be made out of those two issues of the prohibited item how does a police officer from New York violate that. Chairman Spencer and Board Member Zane felt that they don't violate that. The exemption itself does not provide for that type of scrutiny. Chairman Spencer told the Board that there was an article in regard to the inability of these people to obtain local people to work these shows. He went on to say there were a lot of factors that pushed the Board to that decision. Board Member Zane stated that from the perspective of the Board's authority under the regulation, he did not know that without the prospect of litigation if the Board was in the position to be anymore difficult on the unemployment. Board Member Zane told the Board that he was concerned with when they had to make a decision, the authority is based on the statute or the regulation and neither one provided much leeway in the interpretation and applied it in the way that we had applied it. Board Member Zane told Chairman Spencer it was NAC 648.338 employment of unlicensed person. That is the exemption that they come under. Board Member Zane would not like to go into litigation over local employment and not a public safety issue. Board Member Nadeau agreed. He thought that they are given the authority to provide an exemption but that did not mean everybody that comes in here gets it.

A member of the public stated that the law is written to say that police officers in the State of Nevada, but that in forty nine other states they can work security. Chairman Spencer stated yes that was what we said. Board Member Nadeau stated that this statute precede federal legislation. We had a concern about law enforcement coming in from out of state not having a gun permit, but he did not know if under the federal law if they were required to have one. A member of the public responded that they were not required. Chairman Spencer said the issue that brought this to pass was that they could not get the

people and any decisions that was made was made with that rationale and we have seen over the years at with a little bit of prodding that those numbers are decreasing. There are people here who are available and qualified to do the work. A member of the public commented that he knew of a lot of retired law enforcement that were now in security.

Public comment and discussion only: Board Member Nadeau stated that after he spoke to Executive Director Ray there are applications that go online to complete the application, get fingerprinted but never pay the fee and then the Private Investigators Licensing Board is then on the hook for the fee. He asked for some direction from counsel on how to recoup or frontend load some of those costs. Those are costs that we probably shouldn't be covering. Executive Director Ray told Board Member Nadeau that she would provide some information and numbers for the next agenda.

Public comment and discussion only: David Payne commented that this was his first time going through anything like this and it was quite the experience, very helpful. He told the Board he needed clarification on the work card process. The Private Investigators Licensing Board now does the registration and it's done online. Executive Director Ray stated yes and when she does his letter he will have all the information. He asked how long the licensee could be on hold. She told him he can keep it in abeyance indefinitely because he was in law enforcement, but typically it is three years. He asked about his employees taking the test and when he does separate from law enforcement does he fax that information. She told him yes and if he had any questions after reading the letter to please contact the office for assistance. He stated that he understood how he can't work for law enforcement and do security, but he knew of people that worked full time for the City of Las Vegas but worked part time for the University. If you can't be a police officer and work security how can you be two cops? He felt the presentation was wonderful but as a part time employee he could not afford to spend that kind of money. Chairman Spencer stated that if they had the money, they would pay it just to get a job. He explained that there were a lot of steps that they have to go through first, just getting past whether you have a record or not. Mr. Payne said he understood. He just could not spend that kind of money on a part time employee. Board Member Zane said that if you had the ability to go to your client and say everybody across the Board is raising this because of the standard of professionalism so then the minimums that are available out there but on the same deck as the competition. Mr. Payne understood that and saw the need to be governed by the Board. Board Member Zane told him that the comment in regards to the cop and security guard is so that you do not go and hire three guys that work for the City and use NCIC that you can bill the client for that some other competitor did not have access to. That is pretty much the general rule. It's a public duty and public trust.

Board Member Nadeau asked Investigator Dupuis if he had any information on Mr. Astle. Investigator Dupuis said that he did not have the information back. According to the California Criminal Justice Department command center stated that they were never notified of the arrests and that is why they do not show any criminal history. Board Member Zane moved to continue the matter to the agenda tomorrow. Chairman Spencer seconded it and it passed unanimously

The meeting was adjourned.