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

Thursday, June 9, 2011
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)
Robert Uithoven

Also: Mechele Ray
Executive Director

Matthew Deal
Deputy Attorney General
Prosecuting Counsel

Sarah Bradley
Deputy Attorney General
Acting Board Counsel

Tammy Whatley
Investigator

Nick Roble
Investigator

Mike Beringhele (Las Vegas)
Investigator

Elyse Gresnick-Smith (Las Vegas)
Investigator

Bruce Yarborough (Las Vegas)
Investigator

Brandi King
Investigative Assistant

Kimberly Christensen
Investigative Assistant

(continued...)

1 Other Participants in Carson City:

2 Joey Selag
3 Mike Mason

4

5 Other Participants in Las Vegas:

6 Chuck Kenerson
7 Sam Amici
8 Eddie Tucker
9 Michael Durham
10 Johnathan Arthur Vizcarra
11 Joanna Needham
12 Daniel Miller
13 Terrell Burkley
14 Jason Maldonado
15 Keith Lee
16 Michael Calder
17 Charles Fletcher
18 Jose Anguiano
19 Slobodan Jovic
20 James Uster
21 Tim Conahan

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14 AGENDA ITEMS FROM YESTERDAY'S MEETING
15 (06-08-11)

16 21. ET Security, Inc.
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1 CARSON CITY, NEVADA, THURSDAY, JUNE 9, 2011, 9:05 A.M.

2 -oOo-

3 BOARD CHAIRMAN SPENCER: This is the date and
4 time set for the second day of the quarterly meeting of
5 the State of Nevada Private Investigators Licensing
6 Board. The second day is dedicated to items of appeals
7 on denials or issuances of citations for various
8 violations.

9

10 AGENDA ITEM 1

11 ROLL CALL OF BOARD MEMBERS

12

13 BOARD MEMBER SPENCER: Roll call of the Board
14 members?

15 MS. RAY: Board Member Zane?

16 BOARD MEMBER ZANE: Present.

17 MS. RAY: Board Member Nadeau?

18 BOARD MEMBER NADEAU: Here.

19 MS. RAY: Board Member Uithoven?

20 BOARD MEMBER UITHOVEN: Here.

21 MS. RAY: Board Member Putnam?

22 BOARD MEMBER PUTNAM: Present.

23 MS. RAY: Chairman Spencer?

24 BOARD CHAIRMAN SPENCER: Here.

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AGENDA ITEM 2

ALL APPLICANTS AND WITNESSES TO BE SWORN IN

BOARD CHAIRMAN SPENCER: And all applicants and witnesses need to be sworn in.

MS. BRADLEY: Would everyone that's going to be a witness or an applicant stand and raise your right hand.

Do you swear that the testimony you're about to provide to the Board today will be the truth, the whole truth and nothing but the truth, so help you God?

(Potential witnesses were sworn.)

MS. BRADLEY: Thank you.

AGENDA ITEM 3

PUBLIC COMMENT

BOARD CHAIRMAN SPENCER: As is custom, we will now provide for any public comment that would be presented normally at the end of the meeting, so that no one has to sit around all the time.

Does anyone have any public comment?

All right. Well, moving along, then, item number four, unlicensed activity appeal hearings.

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AGENDA ITEM 4

RESTAURANT EVALUATORS, INC.

BOARD CHAIRMAN SPENCER: Restaurant Evaluators, Inc. from Chicago, Illinois, was issued an unlicensed activity citation, number C-116-10, pursuant to Nevada Revised Statutes. A representative from Restaurant Evaluators has requested this appeal.

Do we have someone there?

BOARD MEMBER ZANE: No one here, Mr. Chairman.

BOARD CHAIRMAN SPENCER: Okay. Moving right --

MS. RAY: Mr. Chairman, if I might make a comment?

BOARD CHAIRMAN SPENCER: Right.

MS. RAY: This was on our previous agenda. And there was a question as to whether or not they received their notice. And they had. After the meeting, you know, we had verified that they had received notice. And they did receive notice, and we received confirmation of that notice for this hearing as well.

BOARD CHAIRMAN SPENCER: All right. Well, then they should be here.

BOARD MEMBER NADEAU: Mr. Chair?

BOARD CHAIRMAN SPENCER: Yes?

BOARD MEMBER NADEAU: I'd move to sustain the

1 citation.

2 BOARD MEMBER PUTNAM: Second.

3 BOARD CHAIRMAN SPENCER: Motion and a second to
4 sustain. All in favor, signify by saying "aye."

5 BOARD MEMBER ZANE: Could we have discussion?

6 BOARD CHAIRMAN SPENCER: Sure.

7 BOARD MEMBER ZANE: Well, just out of an
8 abundance of caution, do you think maybe we could trail
9 it for a bit? I mean being that the parking lot outside
10 is undergoing construction, and traffic being what it
11 is, I'm not -- I understand the argument that they
12 didn't show up last time, but I'd hate to --

13 BOARD CHAIRMAN SPENCER: Sure. All right.
14 Let's -- let's trail it, then, till later in the day.

15 MR. KENERSON: Could I say something?

16 BOARD CHAIRMAN SPENCER: That's all right with
17 me. Yes?

18 MR. KENERSON: I've been here twice now to
19 testify in this matter. I'd rather not trail it all
20 day.

21 BOARD MEMBER NADEAU: Mr. Chairman?

22 BOARD CHAIRMAN SPENCER: Just a second, Jim.
23 Yes.

24 BOARD MEMBER NADEAU: I prefer we move on it.
25 And if they come, if they show up, then we could go

1 ahead and reopen it. But I'd just as soon we take
2 action now. I mean they were notified for that last
3 meeting, didn't show. They're notified for this
4 meeting. They haven't shown. I -- and I understand
5 Mark's concern. But, you know, we --

6 BOARD CHAIRMAN SPENCER: It's up to the Board.
7 We have a motion and a second. All in favor, signify by
8 saying "aye."

9 (Board members said "aye.")

10 BOARD CHAIRMAN SPENCER: Opposed?
11 It'll carry.

12 MS. BRADLEY: I think, Mr. Deal wanted to say
13 something.

14 MR. DEAL: I just wanted to let the Board know
15 that Mr. Kenerson is down in Las Vegas as a witness.
16 So. I'm not sure if that's the gentlemen who spoke. I
17 guess, it's moot now.

18 Mr. Kenerson, if you're in the room, you can
19 head back to work. Thank you.

20 MR. KENERSON: Okay.

21 MS. RAY: Mr. Chairman, may I make a comment?

22 BOARD CHAIRMAN SPENCER: Certainly.

23 MS. RAY: Could we just make an announcement
24 that anybody that is going to speak, prior to them
25 giving any comment at all, that they identify themselves

1 and spell their name for the record.

2 BOARD CHAIRMAN SPENCER: Yes.

3 MS. RAY: Thank you.

4 BOARD MEMBER ZANE: Mr. Chairman?

5 BOARD CHAIRMAN SPENCER: Yes?

6 BOARD MEMBER ZANE: It was my impression -- I
7 might be mistaken -- that we don't entertain public
8 comment; we just take testimony on these particular
9 items. Right?

10 MS. RAY: Yes.

11 BOARD CHAIRMAN SPENCER: Yes. But we --

12 BOARD MEMBER ZANE: Okay. Thank you.

13

14 AGENDA ITEM 5

15 SAM AMICI AND COURTESY PATROL, LLC

16

17 BOARD CHAIRMAN SPENCER: On to number five, Sam
18 Amici and Courtesy Patrol, LLC, from Las Vegas.

19 Are they present?

20 MR. BERINGHELE: Yes.

21 BOARD CHAIRMAN SPENCER: Good morning.

22 MR. AMICI: Good morning.

23 BOARD CHAIRMAN SPENCER: Are you Mr. Amici?

24 MR. AMICI: I am.

25 BOARD CHAIRMAN SPENCER: All right, sir.

1 Take it away.

2 MR. DEAL: Members of the Board, before we get
3 started on this one -- and I'm Matthew Deal with the
4 Attorney General's Office, for the record. The citation
5 in this case indicates that it's the second violation.
6 It should be amended to show, to reflect that it's a
7 first violation, so, before we get started.

8 BOARD CHAIRMAN SPENCER: Okay.

9 MR. DEAL: And with that, the State will call
10 its first witness, Mechele Ray, Executive Director.

11 You can stay seated if you want, as long as
12 everyone, as long as Mr. Amici can see you down in
13 Las Vegas.

14 MS. RAY: Okay.

15 MR. DEAL: Ms. Ray, first, for the record, can
16 you please state your full name and spell your last name
17 for the record?

18 MS. RAY: Mechele Ray, R-A-Y.

19 MR. DEAL: And what is your occupation?

20 MS. RAY: I'm the Executive Director for the
21 Nevada private investigators board.

22 MR. DEAL: And how long have you served in that
23 capacity?

24 MS. RAY: As the director, it's been seven
25 years.

1 MR. DEAL: And in your role in that position,
2 have you had the opportunity to have conversations with
3 Mr. Sam Amici?

4 MS. RAY: I have.

5 MR. DEAL: And can you describe the nature of
6 those conversations?

7 MS. RAY: I first had contact with Mr. Amici, I
8 believe, in January. And he sent an e-mail asking how
9 he can continue to service his clients. And I explained
10 that he couldn't, he didn't hold a license, and he
11 needed to turn over his contracts to a Nevada licensee.

12 MR. DEAL: Just so we're clear, Mr. Amici was
13 not licensed at the time that he was speaking with you?

14 MS. RAY: He was not.

15 MR. DEAL: To your knowledge, is Mr. Amici
16 licensed currently?

17 MS. RAY: He is not.

18 MR. DEAL: Okay. Did you ever have contact
19 with entities called Crossing at Green Valley or
20 Eastgate?

21 MS. RAY: Yes, I contacted those properties and
22 asked them who provided their security services.

23 MR. DEAL: And what did they tell you?

24 MS. RAY: They told me that Courtesy Patrol,
25 LLC, provided that service.

1 MR. DEAL: And at that time, was Courtesy
2 Patrol, LLC, licensed?

3 MS. RAY: They were not.

4 MR. DEAL: And are they licensed now?

5 MS. RAY: They are not.

6 MR. DEAL: Okay. And what did that indicate to
7 you?

8 MS. RAY: That they were providing unlicensed
9 activity.

10 MR. DEAL: And is that a violation of Nevada
11 law?

12 MS. RAY: It is.

13 MR. DEAL: Okay. Thank you.

14 And, I believe, the defendant, if he wishes.
15 You can cross-examine Ms. Ray at this point.

16 MR. AMICI: I have no questions for her at this
17 time.

18 MR. DEAL: In that case, the State will move
19 forward, and our next witness is Tammy Whatley.

20 And, Tammy, will you please spell, or state
21 your name for the record and spell your last name.

22 MS. WHATLEY: Tammy Whatley, W-H-A-T-L-E-Y.

23 MR. DEAL: And what is your current occupation?

24 MS. WHATLEY: Investigator.

25 MR. DEAL: And how long have you served in that

1 capacity?

2 MS. WHATLEY: With the Private Investigators
3 Licensing Board, two years eight months; but I have been
4 a law enforcement officer just over 10 years.

5 MR. DEAL: Okay. And in this, in your current
6 position, did you have the opportunity to investigate a
7 Mr. Sam Amici?

8 MS. WHATLEY: Yes, I did.

9 MR. DEAL: And did you issue a complaint
10 against Mr. Sam Amici, or issue a citation?

11 MS. WHATLEY: Yes, I did.

12 MR. DEAL: Okay. Now, we have exhibits up here
13 in the Carson City office. And it was -- I believe, we
14 tried to e-mail them down to Las Vegas.

15 Does the Las Vegas office, are there exhibit
16 copies down there?

17 MR. BERINGHELE: Yes.

18 MR. DEAL: Could someone please provide
19 Mr. Amici and the -- well, for now, Mr. Amici with
20 Exhibit Number 2, I believe. It should be a copy of the
21 citation.

22 Mr. Amici, do you have a copy of the
23 exhibit there?

24 MR. AMICI: Yes, I do.

25 MR. DEAL: Okay. And I'm going to hand a copy

1 to Ms. Whatley. Can you tell me what that is?

2 MS. WHATLEY: Yes. This is the unlicensed
3 activity citation that I did issue to Mr. Amici.

4 MR. DEAL: And that's your signature at the
5 bottom?

6 MS. WHATLEY: Yes, it is.

7 MR. DEAL: Okay. I'm going to ask the Board to
8 admit State's Exhibit 2 into evidence, and then I can
9 distribute exhibits to the Board.

10 BOARD CHAIRMAN SPENCER: Okay.

11 MR. DEAL: And there should be a copy of
12 Exhibit 2. I believe, there's a Board member down in
13 Las Vegas, also.

14 BOARD CHAIRMAN SPENCER: Yes.

15 (Off the record while copies were distributed.)

16 BOARD CHAIRMAN SPENCER: Mark, do you have a
17 copy of that Exhibit 2?

18 BOARD MEMBER ZANE: Yes.

19 BOARD CHAIRMAN SPENCER: Okay.

20 MR. DEAL: Ms. Whatley, can you describe the
21 contents of the citation?

22 MS. WHATLEY: Yes. Basically, this is a
23 citation issued to Sam Amici for engaging in the
24 business of employing and providing for others, persons,
25 watchmen, guards, control officers, uniformed officers

1 for the purpose of protecting persons or property. And
2 this was based upon the complaint we received. And
3 there was a specific letter included, showing that
4 Mr. Amici was providing services for apartment
5 complexes; and then, also, with Executive Director Ray
6 calling the two companies and finding out that. And it
7 was also based upon, you know, further investigation,
8 looking at the -- checking the Secretary of State
9 website and seeing that there is a Courtesy Patrol
10 Services, LLC, and the only one listed on there is Sam
11 Amici.

12 And, therefore, I felt there was sufficient
13 evidence to issue an unlicensed activity citation.

14 MR. DEAL: You mentioned the complaint form
15 that prompted the citation?

16 MS. WHATLEY: Yes.

17 MR. DEAL: If someone could hand Mr. Amici a
18 copy of State's Exhibit Number 1.

19 MR. DEAL: Ms. Whatley, is this the complaint
20 form you referenced?

21 MS. WHATLEY: Yes, that's correct.

22 MR. DEAL: Can you describe the contents of the
23 complaint for me?

24 MS. WHATLEY: Yes. Basically, the contents of
25 this, we received this complaint from Mr. Tim Conahan.

1 Tim Conahan. And -- I'm sorry?

2 MR. DEAL: Let me stop you for a second. Just
3 so that we can validate it for the record and get it
4 distributed to the Board members, that is the complaint
5 that you received?

6 MS. WHATLEY: Oh, yes. I'm sorry.

7 MR. DEAL: Can we distribute these to the Board
8 members now?

9 (Off the record while copies were distributed.)

10 And then there's one other item. Could someone
11 please give a copy of Exhibit 4 to Mr. Amici.

12 And is Exhibit 4, can you tell me what that is?

13 MS. WHATLEY: Yes. That is the copy of the
14 letter that was provided in the complaint from Dana
15 Murrah, Vice President of Operations in Las Vegas for
16 AMC, stating that she was terminating services with --
17 terminating services with -- I'm sorry. It's actually
18 stating services are being terminated with Signal 88 and
19 then picking up with Courtesy Patrol Service, LLC,
20 effective February 15th.

21 MR. DEAL: At this time, the State would move
22 to admit State exhibits 1 and -- I believe, it's 4, into
23 evidence.

24 BOARD CHAIRMAN SPENCER: It is so.

25 MR. DEAL: Okay. So taken collectively, what

1 did these, what did the complaint and the letter
2 indicate to you, Ms. Whatley?

3 MS. WHATLEY: That Mr. Sam Amici was operating
4 Courtesy Patrol Services, LLC, and providing security
5 services for the apartment complexes without a license.

6 MR. DEAL: Thank you.

7 There's nothing further from the State.

8 MS. BRADLEY: Mr. Amici, do you have questions
9 for Ms. Whatley?

10 MR. AMICI: Only one. Did she call me or
11 contact me in any way to investigate my side of the
12 sequence of e-mails?

13 MS. WHATLEY: No, I did not.

14 MR. AMICI: Thank you.

15 MS. BRADLEY: The State rests?

16 MR. DEAL: At this time, yes.

17 MS. BRADLEY: Mr. Amici, it's now your time to
18 call witnesses and testify. You can also provide
19 testimony yourself.

20 MR. AMICI: Is the Board in possession of
21 Investigator Michael Beringhele -- is that correct? --
22 Beringhele's statements that I'd given him concerning
23 this issue?

24 MR. BERINGHELE: That's Exhibit 5.

25 MR. DEAL: The State has that as Exhibit 5,

1 Mr. Amici. And you can take a look at it.

2 MR. AMICI: Okay.

3 MR. DEAL: We can get that admitted if you'd
4 like.

5 MR. AMICI: No, no, I just -- as long as you --
6 I want to keep this. It's a complex situation, but I
7 want to cover it from beginning to end. And most of
8 it's in that statement.

9 MR. DEAL: Well, let me stop you there.
10 Let's -- so we can distribute that statement. I guess,
11 we won't worry about laying a foundation for it.

12 MS. BRADLEY: Yeah. I mean if you both agree,
13 both parties.

14 MR. DEAL: We can stipulate to the content of
15 the statement.

16 Mr. Amici, I believe, if you're ready, we could
17 probably move forward.

18 MR. AMICI: Yes, we could actually move on down
19 to the very bottom. Due to circumstances with the
20 franchise group, I decided I would not stay involved
21 with them for various reasons, including questions that
22 were being brought by the PILB concerning them selling
23 franchises and allowing people to use their number.

24 This plan was formulated in December of 2010.
25 And I had in-depth conversations with some key clients,

1 vice presidents, not community managers, of my options
2 and how I wanted to continue. And I was listening to
3 their requests of what they wanted as far as a marketing
4 and name of the company. Once I knew I was going
5 another route, I had a list, probably, well, I'd say at
6 least 50 things that I knew I had to do, and I
7 immediately went into LegalZoom as my first movement to
8 set up a business entity to, one, have a business, two,
9 protect the name.

10 My second step, of course, was taking the test
11 for the private patrolman. And that was to be done on
12 April 6th. Upon investigation, I realized it's not as
13 easy as taking a test on April 6th and becoming a
14 private patrolman on April the 7th. I see the time
15 frame was there, and I did realize that I could not go
16 forward. But I had protected the name that I was doing
17 due to marketing reasons.

18 I had contacted approximately four companies
19 concerning my marketing concepts and interviewed them
20 for employment with them to take on my program and go
21 forward with it.

22 I will say this to the Board, and this is
23 probably the statement of this entire investigation, not
24 for one day, one hour, or one minute did I go before a
25 principal and say I am consumer protect -- Consumer

1 Product Services, LLC. I handed a copy of a PILB
2 certificate with a number and a copy of an insurance
3 certificate showing it was properly insured.

4 And I did fax them to the main office. And I
5 hope you do have that.

6 MS. BRADLEY: Are you referring --

7 MR. AMICI: Just --

8 MS. BRADLEY: -- to another set of documents
9 that you want to have admitted? I don't know if the
10 Board has any other documents.

11 MR. AMICI: Well, I -- I don't -- they should
12 be in your possession. Michael does have them.

13 Just to be clear, when I walk into an office
14 and face a person for the first second, I say, "Here I
15 am. I am an employee of Simmons Investigative and
16 Security Agency, State of Nevada PILB number 424 and
17 424a. Here is the certificate." And then I hand them
18 the insurance certificate. And those are what I had
19 faxed to your office.

20 Now, through marketing and in my year with the
21 franchise place, the customers kept asking me for
22 certain things. Which I don't want to disclose business
23 secrets here in an open forum. But I have disclosed
24 them with the investigator here in Las Vegas. He has my
25 business secrets, my trade secrets. But because of

1 lawsuits across the country, properties are being sued
2 because they employ a, quote, security company. When
3 there's a major crime on the property, then all of a
4 sudden a lawsuit comes forward against the property,
5 because there are questions of saying Where was
6 security? And the clients had a request, this is what
7 we want.

8 So Courtesy Patrol Services is a Division of
9 Simmons Investigative and Security Agency, PILB 424.
10 And I have faxed you, and Michael should be in
11 possession of, all of my business cards, my letterheads.
12 Everything I have has the name and the PILB on it. This
13 is a separate division. At no time did I ever, for one
14 second, walk in and say this is who I am, because
15 Courtesy Patrol Services, LLC. But it is a division.

16 And when you make phone calls without backing
17 them up with -- with direct questions, most of the
18 community managers, if you call them today, will say,
19 "Oh, yes, it's Courtesy Patrol Services; that's who it
20 is," realizing I deal with the vice president. I am the
21 only vendor for all of their properties. I have seen
22 all of the community managers, but they have not
23 activity -- they do not have the pertinent paperwork.
24 The vice president of the property management companies,
25 they have the PI -- I always bring the certificate. I

1 don't say the number. I bring it and hand it to them.

2 So that's the one thing as far as unlicensed
3 activity, never, ever, never. And then everything, the
4 contracts and everything have "Simmons Investigative and
5 Security Agency, PILB number, Courtesy Patrol is a
6 division of."

7 MS. BRADLEY: Mr. Amici, can I interrupt you
8 for a second? You're referring to documents that I
9 think you think the Board has. And I don't believe they
10 do.

11 Is the Board in possession of a certificate of
12 insurance and a copy of a private investigator's board
13 license?

14 MR. DEAL: I don't have a copy of it.

15 MS. BRADLEY: Okay. Is it possible that the
16 Board could view your document?

17 MS. WHATLEY: Sure.

18 MS. BRADLEY: I just want to make sure the
19 record's clear and we're fair. He wanted them admitted.
20 It's my understanding Mr. Deal has no objection. So.

21 The record should reflect that that is
22 Respondent's Exhibit 1.

23 MR. AMICI: I may also add that I am the
24 registered agent with the Secretary of State of Nevada
25 for the Investigative and Security Agency.

1 MS. BRADLEY: I think, I don't know if
2 Exhibit 5 has also been admitted. That was the State's
3 exhibit, and I think Mr. Amici referred to it. Yeah?

4 MR. DEAL: That was an exhibit that Mr. Amici
5 referred to and wanted to, and so we stipulated to its
6 admissibility.

7 MS. BRADLEY: Okay. So the record should also
8 reflect that State's Exhibit 5 has been admitted.

9 MR. AMICI: And what, what is Exhibit 5?

10 MS. BRADLEY: That's your statement, the e-mail
11 that you sent on May 26 to Mr. Beringhele.

12 MR. AMICI: Oh, okay. Thank you.

13 BOARD CHAIRMAN SPENCER: Where are we now?

14 MS. BRADLEY: Once he's done testifying, then
15 the Board is free to ask questions of the witness.

16 BOARD CHAIRMAN SPENCER: Well,
17 cross-examination.

18 MR. AMICI: Well, actually, I'm done. I've
19 made the ultimate statement. There has never, ever, for
20 one second been unlicensed activity.

21 MS. BRADLEY: Okay. Thank you, Mr. Amici. At
22 this time, the State's prosecutor will cross-examine
23 you. And then, after the State's prosecutor does that,
24 then the Board members might ask you some questions.

25 (There was a brief period off the record,

1 conversation about a fax.)

2 MR. DEAL: We'll have cross-examination and
3 then brief rebuttal testimony.

4 MS. BRADLEY: Okay. Well, the Board members
5 need to ask him questions, I think, before you do that.

6 MR. DEAL: Okay.

7 MS. BRADLEY: So, Mr. Amici, Mr. Deal's going
8 to ask you some questions, and he's the State's
9 prosecutor.

10 MR. AMICI: Yes.

11 MR. DEAL: Mr. Amici, in your Exhibit Number 5,
12 you do reference the phone conversations that you had
13 with Executive Director Ray in December. Do you recall
14 those conversations?

15 MR. AMICI: Well, yes, and there were
16 conversations. Do I recall them verbatim? I can't say
17 that.

18 MR. DEAL: Well, and if you don't, you can take
19 a look at that exhibit. And paragraph two on the second
20 page, "After my" -- states "After my phone conversations
21 with the director of PILB around December"; and then it
22 goes on to say, a couple lines later, "I decided to take
23 the PILB private patrolman test after realizing the time
24 frame. I realized I could not continue to serve my
25 customers."

1 Is that accurate?

2 MR. AMICI: Yes.

3 MR. DEAL: Okay. And you heard Executive
4 Director Ray testify earlier; is that correct?

5 MR. AMICI: Yes, I did.

6 MR. DEAL: And did you hear her talk about the
7 phone conversations that she had with two entities, one
8 called Crossing at Green Valley and the other one called
9 Eastgate; did you hear her testify?

10 MR. AMICI: Yes, I heard that.

11 MR. DEAL: And, furthermore, both of those
12 companies reported using Courtesy Patrol Services, LLC,
13 for their security needs. They said nothing about
14 Simmons Security. Do you recall that?

15 MR. AMICI: That is correct, and that will
16 probably be correct today.

17 MR. DEAL: Okay. So they did report using --
18 they would have reported using Courtesy Patrol Services,
19 correct?

20 MR. AMICI: Yes. And in their minds, because
21 of what they desire, due to these liabilities that are
22 happening, it would be, if you're from Chicago, would
23 you go into detail. And I say, well, a baseball team,
24 you go -- you wouldn't say -- you may say the Cubbies.
25 And when they say the North Side Bombers, you would just

1 say what is the quickest thing that you can. And these
2 community managers in this particular property
3 management company, well, for the liability reasons,
4 wanted certain terminology used in -- on a vendor on
5 their property. And that's why this was designed.

6 MR. DEAL: Well, let me ask you a yes or no
7 question. Was Courtesy Patrol Services, LLC, licensed
8 by PILB?

9 MR. AMICI: No.

10 MR. DEAL: Okay.

11 MR. AMICI: Matter of fact, I'll even give you
12 a little more on that. As I say, I was trying to
13 protect. I had everything going through my mind, a
14 hundred different things. And I'm going into business.
15 So I go to LegalZoom to get an LLC, which I never
16 followed up on. I think, Investigator Whatley put in
17 there that -- and I didn't even know I had to register.
18 I thought, when I did the LLC, LegalZoom, I then had a
19 name that I could protect for the future of what I was
20 doing. But once I realized in the time frame there was
21 no way I was going to get the private patrolman's
22 license, and I had to move forward, I then went to
23 select companies, that I did my own investigations on as
24 to their credibility, their standings in the community,
25 and to say, "Here's what I have. I would like to come

1 to an agreement. You employ me, and we would run this
2 as a separate division for business purposes and make
3 sure it's viable. And I would be an employee."

4 MR. DEAL: Let me ask another question,
5 Mr. Amici. Have you -- you did see Exhibit 4. That's
6 the letter addressed to you from Dana Murrah, Vice
7 President of Operations at Apartment Management
8 Consultants?

9 MR. AMICI: Yes.

10 MR. DEAL: And in that letter, she says that,
11 and that letter's dated February 14th of this year, in
12 the second paragraph, quote, "We will resume service
13 with Courtesy Patrol Services, LLC, effective February
14 15th."

15 MR. AMICI: At that time, she was one of the
16 first people I sat down with explaining what I was going
17 to be doing and what I had to go through. But when I
18 literally sat down with her, the next day after this
19 letter, she was handed a certificate from the PILB and
20 the insurance papers; and I explained to her, and you
21 got to realize this is a property management person, of
22 the legalities of being licensed in the State of Nevada.
23 And that's when the certificate was given before any
24 business was done.

25 As I say, not one second did I do business as

1 Courtesy Patrol Services, LLC, with anybody.

2 MR. DEAL: Except that in Ms. Ray's dealings
3 with the two entities in this letter, they are not
4 mentioning anything about Simmons Services; they're
5 mentioning only Courtesy Patrol Services, LLC.

6 MR. AMICI: That's correct.

7 MR. DEAL: That's -- the State will call
8 rebuttal testimony from Ms. Ray. But other than that,
9 we're good to go.

10 MS. BRADLEY: Okay. Does the Board have any
11 questions for Mr. Amici?

12 BOARD CHAIRMAN SPENCER: I have one.
13 Mr. Amici, did you know they had a contractual agreement
14 with Simmons?

15 MR. AMICI: Yes.

16 BOARD CHAIRMAN SPENCER: Did you provide that?

17 MR. AMICI: Uh, no, I did not.

18 BOARD CHAIRMAN SPENCER: Do you have it with
19 you?

20 MR. AMICI: Uh, no, I did not bring that. The
21 investigator here was in contact with Mr. Simmons.
22 Everything with Mr. Simmons is aboveboard and will be
23 given. We have not refrained from anything, including
24 secrets.

25 BOARD CHAIRMAN SPENCER: Okay.

1 BOARD MEMBER PUTNAM: Mr. Chairman?

2 BOARD CHAIRMAN SPENCER: Yes.

3 BOARD MEMBER PUTNAM: Sir, you're presenting to
4 the Board, if I understand correctly, that you are
5 operating as a subsidiary to this other organization.
6 Is that true?

7 MR. AMICI: Given in the legal terminology?

8 BOARD MEMBER PUTNAM: No, I'm not getting into
9 legal, but.

10 MR. AMICI: It's a division. I always looked
11 at it as a division from the second it came to my mind.
12 I'm law enforcement career. You have the sheriff's
13 office, you have the K-9 division, traffic division.
14 This is a specialized division with specialized trained
15 officers for apartment communities only. We don't even
16 use them in our trade show and events stuff. They are
17 only for this purpose.

18 BOARD MEMBER PUTNAM: Okay. So, but my
19 question is this, that if you are a division of another
20 organization and not Courtesy Patrol Services, LLC, why
21 do you have insurance in the name of Courtesy Patrol
22 Services, LLC? Shouldn't that insurance be provided by
23 the firm that you are a division of?

24 MR. AMICI: It is. And you should be in
25 possession of that. They are here right now. And it --

1 I guess, I don't have what you just got.

2 MS. GRESNICK-SMITH: It's being faxed.

3 MR. AMICI: Oh, it's being faxed, what the
4 insurance policy has.

5 BOARD MEMBER PUTNAM: The insurance policy that
6 I saw lists as the insured your -- Courtesy Patrol
7 Services, LLC. And my question is, if you are acting as
8 a division of a different corporation that is, in fact,
9 licensed, why is it necessary for you to get insurance
10 as a division of a licensed entity?

11 MR. AMICI: If you are looking -- are you
12 looking at the one from the El Dorado Insurance Agency?

13 BOARD MEMBER PUTNAM: I don't know.

14 MR. AMICI: Well, I will tell you this, some of
15 it -- it has to have both D.L. Simmons Security Agency,
16 Courtesy Patrol Services underneath it, because this is
17 a specialized. It has equipment and stuff that Simmons
18 doesn't have. That's trade show and events. This has
19 vehicles. So for insurance purposes, we had to show the
20 division also as named on it, and we had to provide that
21 to a lot of properties.

22 BOARD MEMBER NADEAU: Mr. Chair?

23 BOARD MEMBER PUTNAM: Thank you, sir.

24 MR. AMICI: And whenever asked, whenever asked
25 by the customer to do things, I did it. In some cases,

1 we didn't need the insurance. It was really a waste of
2 money. But you can't be arguing with your customers and
3 saying, "No, we're not going to do that; it's all going
4 to stay in Simmons." So that's why you see that it says
5 right on the policy, it has both names.

6 BOARD MEMBER NADEAU: Mr. Chairman?

7 BOARD CHAIRMAN SPENCER: Yes.

8 BOARD MEMBER NADEAU: Mr. Amici, you indicate
9 that you're a corporate officer of both Simmons and
10 Courtesy?

11 MR. AMICI: I am not a corporate officer. I am
12 the registered agent.

13 BOARD MEMBER NADEAU: Okay.

14 MR. AMICI: There is a difference.

15 BOARD MEMBER NADEAU: No, no. Yeah, I
16 understand. Okay. That's what I was trying to clarify.
17 Thank you.

18 MS. BRADLEY: Does the Board have anymore
19 questions for Mr. Amici?

20 BOARD MEMBER ZANE: I have one. On the
21 insurance document, it indicates the dba, which is doing
22 business as.

23 MR. AMICI: Yes, sir.

24 BOARD MEMBER ZANE: Okay. Do you --

25 (There was a request by the Reporter to move

1 the microphone in Las Vegas so everyone can be heard.)

2 BOARD MEMBER ZANE: The question was that the
3 certificate of liability insurance lists Courtesy Patrol
4 as a dba, which would be the "doing business as"
5 abbreviation. And I was asking whether or not the
6 witness indicated or thought that the division, a
7 business acting in the division was the same thing as a
8 dba.

9 MR. AMICI: I -- going back in time, I would
10 say I thought no. I thought a division was just a
11 separate operation under the main player. Technically,
12 I've had opinions there should be dba's. However, we've
13 even found out that a dba can't be done through the
14 State of Nevada. Because we were going to do everything
15 we had to humanly do to make sure we covered everything.
16 We just found out the other day, the Secretary of State
17 doesn't issue the dba's; we have to go back through
18 Clark County. I was going to do it. They told me, "No,
19 you're not an officer, you're the registered agent."
20 So, then, it has to be done by the officer of Simmons
21 Investigative.

22 So we have tried. Believe me, we have tried.
23 Doing this thing was very frantic. And I explained that
24 to Michael, what I thought was happening with this
25 Signal 88 function. Their complaint is almost

1 falsehoods. I would question it. But I don't want to
2 get into that. But I had -- we had many things to do.
3 We tried to do everything here. We even double-insured
4 ourselves to make sure there was no questions.

5 BOARD MEMBER PUTNAM: Mr. Chairman?

6 BOARD MEMBER ZANE: The stuff --

7 BOARD CHAIRMAN SPENCER: Yes.

8 BOARD MEMBER ZANE: The stuff that you -- you
9 handed out to us, the identification -- just so the
10 record's clear, the door hanger or the insurance and the
11 business cards, are we referencing that as an exhibit?

12 MS. BRADLEY: I believe, Mr. Amici's documents
13 were all admitted together as Exhibit 1.

14 BOARD MEMBER ZANE: Okay.

15 MR. DEAL: The State, the State will, for the
16 record, will stipulate to their admission. We're not
17 objecting.

18 BOARD MEMBER ZANE: Okay. So in the defense
19 Exhibit 1, would it be your testimony that these were
20 the only types of material that you handed out?

21 MR. AMICI: Yes.

22 BOARD MEMBER ZANE: So there should be no other
23 item out there that does not specify that you're a
24 division of that Nevada PILB license number?

25 MR. AMICI: No, just all of my business cards

1 and letterheads, all of my mailings, everything has it
2 on there, as it should be, including the bills.

3 BOARD MEMBER ZANE: Okay.

4 MR. AMICI: Yeah, I gave for the investigation.
5 He can have that if he wants to see it. Signal 88's got
6 nothing to do with me. That's --

7 BOARD MEMBER ZANE: That's all I have,
8 Mr. Chairman.

9 BOARD CHAIRMAN SPENCER: Thank you.

10 BOARD MEMBER NADEAU: Mr. Chairman, thank you.
11 I have a couple more questions.

12 Number one, who's the qualifying agent for
13 Simmons Investigative?

14 MR. AMICI: Mr. Frank Hadnot.

15 BOARD MEMBER NADEAU: Okay. And did you --
16 were you in counsel with him on all of these activities?

17 MR. AMICI: Constantly. I even flew to
18 Florida, headquarters in Florida, flew there. We sat
19 down. And a constant every-week telephone calls on
20 everything.

21 BOARD MEMBER NADEAU: Okay. Did you seek legal
22 counsel on how to organize this and make sure that you
23 had appropriate legal aspects?

24 MR. AMICI: Because of the time frame and what
25 was going on with the franchise group, no. Legal

1 counsel, because of what Signal 88 was trying to do to
2 me, yes.

3 BOARD MEMBER NADEAU: But as far as organizing
4 Courtesy Security and that type of thing, you had no
5 legal counsel?

6 MR. AMICI: No, that was strictly a hundred
7 percent me and going through everything with Frank,
8 discussing it, and doing investigations on line of
9 everything that had to be done.

10 MS. BRADLEY: Are those the last -- oh, do you
11 have a question?

12 BOARD MEMBER NADEAU: Thank you, Mr. Chairman.

13 BOARD MEMBER PUTNAM: Mr. Chairman, I had a
14 further question.

15 Well, sir, if I understand you correctly, you
16 feel or felt that it was not necessary for you, as
17 Courtesy Patrol Services, to have a license, because you
18 were a -- you weren't a separate entity. You were --

19 MR. AMICI: Correct.

20 BOARD MEMBER PUTNAM: -- a division of.

21 MR. AMICI: I was a division. I am employed.
22 And I'm registered on the PILB site as an unarmed guard
23 with Simmons. I am running a separate division.

24 BOARD MEMBER PUTNAM: Well, you have a work
25 card, sir, but you're not licensed.

1 MR. AMICI: Right. I have a work card.

2 BOARD MEMBER PUTNAM: Yes. But my point is
3 this, is you took the test or were going to take the
4 test?

5 MR. AMICI: Was going to; but once the time
6 frame was evident to me, I realized that was not an
7 option.

8 BOARD MEMBER PUTNAM: Well, sir, if you felt
9 that it wasn't necessary for you to have a license, why
10 were you thinking of taking the test?

11 MR. AMICI: Oh, because I knew, if I was going
12 to continue on and not be employed by someone to do this
13 and represent myself, I would need to be licensed in the
14 state of Nevada as a private patrolman. But, as I say,
15 I had no idea of the time subsequence involved with
16 everything and already had standing customers in line
17 that were extremely happy with what I was presenting to
18 them, my service.

19 BOARD MEMBER PUTNAM: Well, sir, where my --
20 where I'm coming from is that, on the one hand, you say
21 you didn't feel it was necessary for you to be licensed.
22 And then, on the other hand, you say you were going to
23 take the test. Those --

24 MR. AMICI: Well, yes, I can take the test, if
25 I -- if I was going to go there as myself and Courtesy

1 Patrol Services. I'd go to a customer as an employee of
2 Simmons. So as long as Simmons Investigative and
3 Security Agency has a license, I'm just an employee for
4 them.

5 BOARD MEMBER PUTNAM: Well, sir, I'm looking at
6 a couple of things here. Part of the things here is the
7 exhibits. And one of them simply said it's a door
8 hanger. It says Courtesy Patrol Services. And, also,
9 apparently, a brochure. Oh, a division. Okay.

10 MR. AMICI: Yes, it's -- that's been from the
11 first second this thing launched, on day one.

12 MS. BRADLEY: Okay. If the Board has no more
13 questions, then Mr. Deal, on behalf of the State, is
14 going to call a rebuttal witness.

15 MR. DEAL: The State would like to --

16 BOARD MEMBER ZANE: I have, I have a follow-up
17 question, if I may.

18 BOARD CHAIRMAN SPENCER: Yeah, go ahead.

19 BOARD MEMBER ZANE: Who -- when you were paid
20 for your services, in what name were the checks, were
21 the deposits made, what company?

22 MR. AMICI: They're in Courtesy Patrol and,
23 underneath, Simmons Investigative and Security Agency.

24 BOARD MEMBER ZANE: Who were the signatories on
25 the bank accounts that they were deposited into?

1 MR. AMICI: The local account that I have as
2 being the registered agent.

3 BOARD MEMBER ZANE: Is anybody employed by
4 Simmons' signature on that account?

5 MR. AMICI: No, just me.

6 BOARD MEMBER ZANE: All right. And what bank
7 is that drawn on, that account be held with?

8 MR. AMICI: Wells Fargo.

9 BOARD MEMBER ZANE: Okay. That's all I have,
10 Mr. Chairman.

11 BOARD CHAIRMAN SPENCER: Thank you.

12 MR. DEAL: Just a couple questions of Ms. Ray.

13 Ms. Ray, did Mr. Amici ever contact you to
14 advise you or ask permission or let you know that
15 Courtesy Patrol Services would be operating as a
16 division of Simmons?

17 MS. RAY: Not until recently, when this all
18 came about.

19 MR. DEAL: Okay. Is there anything you'd like
20 to add to this, contribute to the Board's knowledge of
21 this case?

22 MS. RAY: Just that we don't have any record of
23 Simmons Security Services having a dba of Courtesy
24 Patrol, LLC. If they were going to have a separate
25 corporate entity, that would require board licensure.

1 If they were going to simply file for a dba, they would
2 provide that information to us. And none of that
3 information has been provided to us.

4 MR. DEAL: Thank you.

5 The State has nothing further.

6 MR. AMICI: Could I say something to that?

7 MS. BRADLEY: No. Not yet. Sorry.

8 Board members, do you have any questions for
9 Ms. Ray or Ms. Whatley? I apologize. We didn't do that
10 before. But you should have the opportunity to ask
11 questions of both of them.

12 BOARD CHAIRMAN SPENCER: Ms. Ray, if they're
13 going to have a division, for lack of a better term
14 right now, whose responsibility is it to -- to make that
15 known to you?

16 MS. RAY: Well, the licensed entity should be
17 contacting us.

18 BOARD CHAIRMAN SPENCER: In this case, would
19 that be Mr. Amici?

20 MS. RAY: Not for the dba.

21 BOARD CHAIRMAN SPENCER: Does he have a work
22 card listing him as an employee of Simmons?

23 MS. RAY: I believe, he does have a work card.
24 I don't know the date that he was hired by Simmons.

25 BOARD CHAIRMAN SPENCER: Is it fair to say

1 that, that for an employee, he's done what he's supposed
2 to do?

3 MS. RAY: Um. No.

4 BOARD CHAIRMAN SPENCER: Okay. What shouldn't
5 he have done?

6 MS. RAY: You know, Mr. Amici and I have had
7 conversations and e-mail exchanges, and I -- Mr. Amici
8 had clients that he wanted to continue to provide a
9 service for, and he was trying any way possible to
10 continue to provide that service. He, as he indicated
11 in his statement, interviewed multiple licensees in
12 order to find that fit. Simmons was just recent.
13 There's a period of time where he continued to service
14 his clients. And I explained to him that he couldn't do
15 that.

16 BOARD CHAIRMAN SPENCER: At the time the
17 citation was written, was he working under the moniker
18 of Simmons?

19 MS. RAY: I don't know the date that he was
20 registered. I can certainly look it up.

21 BOARD CHAIRMAN SPENCER: My concern is, you
22 know, is, A, Simmons, obviously, should have taken some,
23 some additional activity. They're the ones that would,
24 in my opinion, at that time, be responsible for doing
25 the right thing, following through with the -- with

1 their requirements and their procedures that should have
2 been in place.

3 MS. BRADLEY: I don't think we're ready to get
4 into deliberations yet, Mr. Chair. I apologize.

5 Does anyone else have any questions for
6 Ms. Ray?

7 BOARD MEMBER NADEAU: Mr. Chair?

8 BOARD CHAIRMAN SPENCER: Yes?

9 BOARD MEMBER NADEAU: Ms. Ray, did -- have you
10 had any -- and you may not be able to answer this
11 question. But have you had any contact with Simmons
12 regarding any application by them for a dba? In other
13 words, has there been, has there been any contact,
14 either Ms. Ray or Ms. Whatley, regarding Simmons and
15 their conversation, corroboration, or anything of that
16 nature, in regards to this activity?

17 MS. RAY: There's been no contact with me or, I
18 believe, Ms. Whatley. However, Investigator Beringhele
19 has had contact, I believe, recently with Mr. Hadnot,
20 who is the qualifying agent for Simmons Security.

21 MR. BERINGHELE: Yes. Mike Beringhele. I
22 spoke to Mr. Bradford Hadnot on June 7th. He confirmed
23 that he had hired Sam Amici back on March 1st of this
24 year. They confirmed he was the registered agent and
25 but that they did not have a current dba. He said, he

1 apologized for not being quick at doing it, there had
2 been all sorts of other reasons that he stipulated to,
3 but that he is in the process now of completing the dba
4 process. He even told me he was under the mistaken
5 impression he had to go through the state to do it,
6 subsequently found out that he had to apply in Clark
7 County, business license, in order to acquire the dba.
8 And he was in the process, as of the time I was speaking
9 to him, of attempting to complete that.

10 MR. AMICI: May I say something also concerning
11 that?

12 MS. BRADLEY: You can ask -- okay. It's not
13 really time for you to give testimony right now. It's
14 time for -- or you can ask questions of Mr. Beringhele.
15 I guess, he's a witness now.

16 MR. AMICI: I don't want to, I don't want to
17 testify. I just want to add to that. If the state --

18 MS. BRADLEY: Okay. If you're not asking
19 questions, then that's what you're doing, is testifying.
20 So if you have questions for Mr. Beringhele, questions
21 for Ms. Ray, you can ask those questions. I can --

22 MR. AMICI: No, I have none.

23 MS. BRADLEY: Okay.

24 MR. AMICI: I have no questions.

25 MS. BRADLEY: We'll give you a chance to give

1 more testimony in a rebuttal case.

2 BOARD MEMBER NADEAU: Okay. I have a follow-up
3 question. So if they, if they do get the dba, as
4 Courtesy Security Services or whatever it's called, then
5 they're required to list that or apply, to go through
6 us.

7 MS. RAY: Provide that information to us.

8 BOARD MEMBER NADEAU: Provide that information
9 to us and such. Again, they've not -- even though
10 they've applied for the dba, they haven't done anything
11 to validate or anything of that nature other than the
12 conversation. Is that correct?

13 MS. RAY: That is correct.

14 BOARD MEMBER NADEAU: Okay. Thank you. That
15 answered my question.

16 MS. BRADLEY: Do you have anymore questions for
17 the witnesses, Mr. Deal?

18 MR. DEAL: No.

19 MS. BRADLEY: Okay.

20 BOARD MEMBER ZANE: I have another question,
21 please.

22 MS. BRADLEY: Okay.

23 BOARD CHAIRMAN SPENCER: Go ahead.

24 BOARD MEMBER ZANE: Ms. Ray, it would be -- was
25 it your understanding that the dba filed on behalf of

1 Simmons would be different than a sole and separate
2 limited liability company being formed to operate as a
3 subsidiary of Simmons?

4 MS. RAY: Yes, it would be.

5 BOARD MEMBER ZANE: Okay. Now, the complaint
6 that's on file, the violation and citation lists the
7 violation on or about February 15, 2011. That's,
8 apparently, when the violation began, according to what
9 was issued. If I told you that the website for the PILB
10 indicated a hire date for Mr. Amici by Simmons, would
11 that be the correct hire date?

12 MS. RAY: Well, I believe, Mr. Beringhele just
13 testified that Bradford had not said he hired Sam Amici
14 on March 1st. And I don't believe that the information
15 in GL Suite reflects March 1st.

16 BOARD MEMBER ZANE: Well, if I was to indicate
17 that GL Suite says February 21st, 2011 was the hire
18 date, would that be correct?

19 MS. RAY: I don't know. I don't know who -- I
20 believe, somebody from Simmons would have had to enter
21 that information into the system.

22 BOARD MEMBER ZANE: Okay.

23 BOARD CHAIRMAN SPENCER: What did you -- okay.

24 MS. BRADLEY: Okay. So that's --

25 BOARD MEMBER ZANE: That's all I have.

1 MS. BRADLEY: Thank you.

2 Anymore questions?

3 Mr. Amici, if you have any questions of any of
4 the witnesses, you can do that. And if not, then you
5 can go ahead and provide rebuttal testimony.

6 MR. AMICI: Just a couple things to clear up.
7 The dba was attempted to be done by me a while back. I
8 sent it in to Clark County. They then, through the mail
9 and everything else and three weeks later or something,
10 I got the dba back, the check back and everything,
11 saying "You can't do this as the registered agent.
12 You're not a corporate officer."

13 So the attempt was made. It's not something
14 that just happened. This has, as I said, been a
15 difficult process. So I want the Board to understand.
16 I took that upon myself to get it done but was rejected,
17 and now it is being done by the registered corporate
18 office.

19 Also, the LLC was what -- something I did
20 before anything, acquired to protect myself, to have a
21 protected name and entity. But I never even, and I
22 believe, Investigator Whatley knows, I didn't even
23 register. Once I realized, hey, you can't do this, you
24 can't operate as this, I didn't even pursue and register
25 with the Secretary of State. So. And I just want that

1 clear.

2 A hundred things were going through my mind
3 when this was happening, and I was trying to do
4 everything humanly possible. But there was never, ever
5 unlicensed activity for one second of one day. And that
6 is under oath.

7 MS. BRADLEY: Thank you, Mr. Amici.

8 Now, the testimony has been provided, the
9 exhibits have been admitted. It's now the time for the
10 Board deliberations, and the Board can decide the
11 matter.

12 MR. DEAL: The State would make a brief
13 statement.

14 MS. BRADLEY: Oh. Sure. Closing statements.

15 MR. DEAL: Sorry.

16 MS. BRADLEY: No, please do.

17 MR. DEAL: Members of the Board, the
18 substantial evidence demonstrates violations of NRS
19 Chapter 648.060 and 063 as outlined in the citation.

20 Mr. Amici's own Exhibit Number 5, on page two,
21 the third paragraph, says on March 1st of 2011, that's
22 the date upon which he says he was hired by Simmons.
23 However, multiple pieces of evidence, including Exhibit
24 Number 4, a letter from Dana Murrah on February 14th,
25 two weeks prior to ever being hired by Simmons, states

1 that they're utilizing the services of Courtesy Patrol
2 Services.

3 That entity was never licensed by the Board.
4 That's unlicensed activity. The citation was properly
5 issued by Investigator Whatley and ought to be upheld.

6 Thank you.

7 MS. BRADLEY: Do you have a closing statement,
8 Mr. Amici?

9 MR. AMICI: Just rebuttal to that. I thought I
10 made it very clear there was never unlicensed activity.
11 And even today, after all of this, after I had sent the
12 certificates, so it can never be done again, and even an
13 e-mail saying "If you're ever called by somebody, you
14 must say this." But these are my customers. I can't
15 dictate to them. But even today, after I've sent out
16 faxes and everything, I'll bet you, if you call, 50
17 percent of them will say Courtesy Patrol, even today,
18 even next month, even next year.

19 MS. BRADLEY: Thank you.

20 BOARD CHAIRMAN SPENCER: Comments from the
21 Board?

22 BOARD MEMBER NADEAU: Obviously, this is
23 confusing. But one thing that we didn't see, and that
24 is the corporate documents for the Courtesy Patrol
25 Services, LLC, as far as whether or not Simmons is a --

1 has any corporate standing. So I was just curious. It
2 would seem to me that if Courtesy Services was a
3 division of Simmons, then Simmons should be listed in
4 some fashion with the LLC, I guess. So that's kind of
5 confusing to me.

6 But the other side of that is that if Mr. Amici
7 was acting on behalf of Simmons, we've had considerable
8 discussion about the responsibilities of qualified,
9 qualifying agent, as to his -- regardless of whether
10 they're in-state or out-of-state, they have the
11 responsibility for people who are working for them and
12 the activities that are enacted and handled on their
13 behalf.

14 And the insurance clearly indicates that, at
15 some point, Simmons agreed to be doing business as
16 Courtesy Services. So it seems to me that the -- we
17 have no, no comment or no testimony or -- of anything
18 about the qualification agent for Simmons. And it seems
19 to me, if they're doing business under the Simmons
20 license, then Simmons, the qualifying agent for Simmons
21 has some, some responsibility.

22 I think, Mr. Amici had clients that he was
23 trying to -- trying to provide service for, and he was
24 trying to find some way of dealing with it. So I'm
25 really torn on this. Because he certainly, if he had

1 sought legal counsel, probably would have gone in a
2 different direction and not, not done what he --
3 what's -- I mean, because it was obvious that somebody's
4 been doing business without a license and some, you
5 know, unlicensed activity.

6 So that's really my comments.

7 BOARD MEMBER PUTNAM: Mr. Chairman, the
8 citation was issued, I believe, in February. And the
9 dba thing is just now falling into place. This is June.
10 It seems like this -- at least in my mind, it appears
11 that Mr. Amici has continued to do business and has --
12 after the fact is then attempting to somehow do that
13 business or say that that business was done with the
14 blessings of Simmons. And yet Simmons has taken no
15 action.

16 As I say, the citation was issued in February.
17 And here we are in June. And just now, Simmons is doing
18 something about it. So there's, in my mind, there is
19 no -- this is unlicensed activity that has been going on
20 from February until -- till June, at the least.

21 MR. AMICI: Can I comment on that?

22 MS. BRADLEY: No. The Board's already heard
23 testimony from all the parties. It's now time for the
24 Board to deliberate.

25 BOARD CHAIRMAN SPENCER: In my mind, this is

1 not a clear-cut violation as far as Mr. Amici is
2 concerned. At least from 3-25-2011, of this year, you
3 know, Simmons is taking responsibility at least for the
4 insurance at that point in time.

5 We have an absentee qualifying agent who lives
6 in Florida who's not taking care of business.

7 BOARD MEMBER NADEAU: I just noticed something,
8 also, on the certificate of liability insurance.

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

10 BOARD MEMBER NADEAU: The term of the
11 insurance. Now, I don't know if insurance companies
12 issue policies retroactively, but this says from
13 12-31-10 to 12-31-11.

14 BOARD CHAIRMAN SPENCER: Well, I didn't see
15 that, either.

16 BOARD MEMBER NADEAU: But it's dated, and it's
17 dated 3-25. So, I guess, insurance issue retroactively.
18 But that's kind of an interesting thing. But, anyway.

19 BOARD CHAIRMAN SPENCER: I mean it would
20 appear, it would appear that just on the face of it,
21 that, yes, Mr. Amici is practicing without a license.
22 But I tend to think that the ball lies in the Simmons
23 court, and they didn't get around to taking care of it.

24 At the very least, he should be here to
25 testify. I don't know whose fault that is or if you

1 want to ascribe fault, but. I don't feel good about it.

2 BOARD MEMBER ZANE: Mr. Chairman, if I might?

3 BOARD CHAIRMAN SPENCER: Please.

4 BOARD MEMBER ZANE: I share your view and that
5 of Member Nadeau up to the extent that the funds for
6 services were accepted by and exclusively held by the
7 entity that's not licensed.

8 BOARD CHAIRMAN SPENCER: Say that again,
9 please.

10 BOARD MEMBER ZANE: The money went to the
11 unlicensed entity.

12 BOARD CHAIRMAN SPENCER: Oh, yes.

13 BOARD MEMBER ZANE: Nobody else is on the
14 checking account, according to the testimony. In my way
15 of thinking, we just follow the money. It makes it
16 simple from the perspective of the violation. However,
17 the intent of the statute is that the public be
18 protected. That's where the conflict comes in. Because
19 there does appear to be some effect here to allow for
20 the public to be protected, because there was insurance
21 in place, and there was a disclaimer on the bottom that
22 there was some divisionalization of this company to,
23 more or less, its entity.

24 So the basis is, is if you're not licensed in
25 Nevada, hire a Nevada licensed company to do your

1 business here. It seems like he tried to do that. But
2 I have a problem when the money flows to a company that
3 Simmons is not a signatory on.

4 BOARD CHAIRMAN SPENCER: Can I ask him a
5 question, to Mr. Amici?

6 MS. BRADLEY: Technically, we're done taking
7 testimony. So it's really deliberations. I mean, I
8 guess, if it's something you think really necessary --

9 BOARD CHAIRMAN SPENCER: Yeah.

10 MS. BRADLEY: -- you can ask him. But then
11 he'll get a chance to.

12 BOARD CHAIRMAN SPENCER: That's fine.

13 MS. BRADLEY: It'll reopen testimony.

14 BOARD CHAIRMAN SPENCER: Mr. Amici?

15 MR. AMICI: Yes, sir.

16 BOARD CHAIRMAN SPENCER: When you got, when you
17 got paid, what did you do with the money?

18 MR. AMICI: The funds that go above and beyond
19 the cost of the business are transferred to Mr. Hadnot.

20 BOARD CHAIRMAN SPENCER: Okay. Is there an
21 accounting form or something that you use, so it would
22 be -- is it pretty much the same amount every, every
23 month?

24 MR. AMICI: Well, it's -- no, it's not. I'm
25 getting better. I'm getting better at my costs. So

1 it's just getting better. It's a business.

2 BOARD CHAIRMAN SPENCER: Yeah.

3 MR. AMICI: Up and down. Gasoline is now
4 reduced.

5 BOARD CHAIRMAN SPENCER: Yeah. But every
6 month, something, some money goes to Simmons?

7 MR. AMICI: Yes, sir.

8 BOARD CHAIRMAN SPENCER: And how long has that
9 been going on, how long have you been paying him?

10 MR. AMICI: Since March.

11 Now that we've had a chance to say something
12 beyond deliberations, I still can't make one statement
13 to clear one thing up?

14 MS. BRADLEY: If the Board gives you leave to
15 respond, you can. But the period of testimony has been
16 closed. If the Board wants to reopen it, they can.
17 It's in the Board's discretion.

18 MR. AMICI: I'm just asking for fairness.

19 MS. BRADLEY: Well, you've already had multiple
20 chances to testify. And so normally what happens is
21 once everyone's done testifying, the Board deliberates,
22 and nobody's allowed to speak.

23 If the Board wants to reopen testimony, I
24 suppose they can. But.

25 BOARD CHAIRMAN SPENCER: Go ahead.

1 MR. AMICI: The only thing I wanted to clear up
2 is, remember, I filed this in a panic. I never -- it
3 never turned into an LLC. Everyone's hung up on the
4 LLC. It was like I said, I've got to be in business to
5 go forward. So that was the first thing I did, day one.
6 That was number one on my list.

7 Then you could even see in your complaint from
8 Investigator Whatley, it was never registered. So the
9 LLC, once I knew it could not be me, that was -- that
10 was never involved.

11 BOARD MEMBER ZANE: How do we proceed now?

12 MS. BRADLEY: Does anyone want to ask questions
13 of Mr. Amici?

14 MR. DEAL: We have some clarifying.

15 MS. BRADLEY: Okay.

16 BOARD MEMBER ZANE: Based upon his last
17 comment, I would.

18 MS. BRADLEY: Okay.

19 BOARD MEMBER ZANE: If it's appropriate.

20 MS. BRADLEY: It's fine. We've reopened
21 testimony. So he has some testimony. I think, you can
22 ask him. And, I believe, Mr. Deal has something he
23 would like to do as well. So.

24 BOARD MEMBER ZANE: Okay. Well, I can defer to
25 Mr. Deal, because he might be asking the same question I

1 am.

2 MR. DEAL: Just, just so we're clear on the
3 time line, before I ask a couple questions, Mr. Amici,
4 your affiliation with Simmons did not begin until March
5 1st of this year; is that correct? And that's how you
6 stated it?

7 MR. AMICI: To the best of my -- yes,
8 because -- and then you said I registered on the 21st.
9 So I'd only been in talks with him. We've been
10 negotiating.

11 MR. DEAL: I have to ask another question. I
12 just want to know, just get that point down, you didn't
13 begin your affiliation with them until March 1st?

14 MR. AMICI: Yes.

15 MR. DEAL: And that's your own statement?

16 MR. AMICI: We used -- we used March 1st as the
17 date.

18 MR. DEAL: But you registered Courtesy Patrol
19 Services as an LLC on February 8th, and it was active.
20 Are you aware of that? It's under your name.

21 MR. AMICI: I'm under the belief that it was
22 never active, but it was registered through the computer
23 or LegalZoom people.

24 MR. DEAL: Can we have Mr. Amici take a look at
25 State's Exhibit 3, which should be down there? It's a

1 printout from the Secretary of State's Office.

2 BOARD MEMBER NADEAU: We never got a three.

3 MR. DEAL: We didn't use it.

4 MR. AMICI: Yeah. I've just got -- I've given
5 this, all of this to Michael.

6 MS. RAY: Do you want me to hand it out?

7 MR. DEAL: Sure.

8 Mr. Amici, do you see State's Exhibit 3?

9 MR. AMICI: Yes, I do.

10 MR. DEAL: And the name listed on the top there
11 is Courtesy Patrol Services, LLC, correct?

12 MR. AMICI: Correct.

13 MR. DEAL: And under the status, it's listed as
14 active, correct?

15 MS. BRADLEY: Can I stop you for one second?

16 MR. DEAL: Yes.

17 MS. BRADLEY: Does anyone have objections to
18 State's Exhibit 3 being admitted? Okay. And the Board
19 would then admit State's Exhibit 3 into the evidence.

20 BOARD CHAIRMAN SPENCER: Yeah.

21 MS. BRADLEY: Thank you.

22 MR. DEAL: Mr. Amici, you'll see that the
23 status is listed as active, correct?

24 MR. AMICI: Correct.

25 MR. DEAL: On the second line there. And the

1 file date was on February 8th of 2011, correct? Just to
2 the right of the active status there?

3 MR. AMICI: Yes. Yes.

4 MR. DEAL: And, again, to reiterate, you didn't
5 begin affiliating with Simmons until March 1st?

6 MR. AMICI: Correct.

7 MR. DEAL: So between -- prior to your
8 affiliation with Simmons on March 1st, you were
9 operating under Courtesy Patrol Services, LLC, correct?

10 MR. AMICI: No. At no time was I operating in
11 front of a customer as Courtesy Patrol Services, LLC.

12 MR. DEAL: Well, we heard, we heard testimony
13 otherwise, but.

14 MR. AMICI: Oh, I may have registered on that
15 date. As I said, I knew ahead of time. But that date,
16 I was still affiliated with the franchise group
17 Signal 88. I was making moves to prepare myself.

18 MR. DEAL: At what time did you sever -- well,
19 I guess, we don't want to get into the Signal 88 stuff,
20 but. We do have that letter, Exhibit 4, that's
21 February 4th. Again, while Courtesy Patrol was licensed
22 and prior to your affiliation with Simmons, the State of
23 Nevada entity is availing themselves of Courtesy Patrol
24 Services, an unlicensed entity at that time.

25 With that, we'll move forward.

1 And for the Board's clarification, State's
2 Exhibit 1, which is the complaint filed by Signal 88,
3 states the date upon which Mr. Amici left their services
4 and commenced his own entity, February 15th, again,
5 prior to his March 1st services or affiliation with
6 Simmons. So there's a time line, an unlicensed time
7 line.

8 MR. AMICI: If you will go, if you'll go back
9 to my original statement to the investigator, you'll
10 see, in the paragraph four, explaining in detail from
11 February 15th to March 1st.

12 MR. DEAL: The Board will also --

13 MR. AMICI: And I explained that, and I've been
14 advised to say it didn't work out business-wise. There
15 was a lot of discrepancies there, both legal and
16 liability-wise.

17 MR. DEAL: But the Board should also be advised
18 that this citation is directed at activity specifically
19 taking place on or about February 15th and shortly
20 thereafter. That's the time frame that we're focused
21 on.

22 MR. AMICI: Correct.

23 MS. BRADLEY: Do you have anymore questions,
24 Mr. Deal?

25 MR. DEAL: No. Thank you.

1 MS. BRADLEY: Mr. Amici, do you have anymore
2 testimony to present?

3 MR. AMICI: No.

4 MS. BRADLEY: Board members, do you have any
5 questions for Mr. Amici based on the testimony we just
6 heard?

7 BOARD MEMBER ZANE: No.

8 BOARD MEMBER NADEAU: No.

9 MS. BRADLEY: Okay. So, I believe, it's again
10 time for the Board to deliberate and determine whether
11 to uphold the citation or not.

12 BOARD MEMBER NADEAU: Mr. Chair, are you
13 prepared for a motion?

14 BOARD CHAIRMAN SPENCER: Yes.

15 BOARD MEMBER NADEAU: I would move that we
16 uphold the citation.

17 BOARD MEMBER PUTNAM: Second.

18 BOARD CHAIRMAN SPENCER: I have a motion and
19 second. Is anyone requesting --

20 BOARD MEMBER NADEAU: Discussion?

21 BOARD CHAIRMAN SPENCER: Discussion.

22 BOARD MEMBER NADEAU: It's just I think
23 Mr. Amici probably, probably wanted to do the right
24 thing. But in his haste, he didn't do the right thing.
25 And it's my contention or my belief that he was actively

1 pursuing business and doing a lot of, you know, pursuing
2 clients and those types of things while he was trying to
3 find someplace to land. But, regardless, I think it's
4 clear, through the application for the LLC and the fact
5 that even in the insurance papers here, it indicates
6 that, that he wants to discount the LLC. But the LLC is
7 listed and there's a constant nexus or constant trail
8 for that.

9 So in my sense, he may have been trying to do
10 the right thing, but he didn't seek appropriate counsel,
11 and he was doing business without a license for a period
12 of time.

13 BOARD CHAIRMAN SPENCER: Any other comment from
14 Board members?

15 Hearing none, we'll proceed. I have a motion
16 and a second. All in favor, signify by saying "aye."

17 (Board members said "aye.")

18 BOARD CHAIRMAN SPENCER: Opposed?

19 Mr. Amici, you've been found that -- or the
20 citation has been upheld.

21 MS. BRADLEY: You'll get an order in the mail
22 notifying you of the Board's findings. Thank you,
23 Mr. Amici.

24 MR. AMICI: Thank you.

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AGENDA ITEM 6

EDDIE TUCKER AND ET SECURITY, INC.

BOARD CHAIRMAN SPENCER: All right. Moving right along, number six, Eddie Tucker and ET Security.

Mr. Tucker?

MR. TUCKER: Yes, sir.

BOARD CHAIRMAN SPENCER: I do like the name of your company.

MR. TUCKER: Thank you.

BOARD CHAIRMAN SPENCER: All right. Counsel.

MR. DEAL: The State's witness is Tammy Whatley. I believe, it would be redundant to go over her name and qualifications again, so we can jump right into it.

Ms. Whatley, did you issue a citation in this case?

MS. WHATLEY: Yes, I did.

MR. DEAL: Okay. Can you take a look at State's Exhibit 1?

And, Mr. Tucker, someone could hand you a copy of State's Exhibit 1.

MS. GRESNICK-SMITH: We didn't get these additional.

MR. DEAL: You haven't gotten it?

1 MS. GRESNICK-SMITH: No, this isn't in the
2 batch that we have this morning.

3 MS. BRADLEY: Okay. She doesn't have them.
4 We'll fax them over there. That way, Mr. Tucker can
5 review the exhibits, and Mr. Zane.

6 MS. RAY: What's the fax number?

7 MR. BERINGHELE: I don't know.

8 MS. GRESNICK-SMITH: But they know downstairs.

9 MS. RAY: Oh, okay.

10 BOARD MEMBER ZANE: Hang on just a minute.

11 MS. GRESNICK-SMITH: Okay. We did get them.
12 My apologies. Are there just three exhibits total?

13 MR. DEAL: Yes, for this case.

14 MS. BRADLEY: And, Mr. Zane, if you could
15 refrain from looking at them until they've been
16 admitted, I would appreciate that.

17 BOARD MEMBER ZANE: Thank you.

18 BOARD CHAIRMAN SPENCER: Why don't we take a
19 short break so the people, Mr. Tucker can have time to
20 look those over.

21 MS. BRADLEY: And maybe, Elyse, would you maybe
22 take the exhibits, and then you can hand them to
23 Mr. Zane when they've been admitted. Would that work?

24 * * * * *

25 (A break was taken, 10:25 to 10:35 a.m.)

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BOARD CHAIRMAN SPENCER: We're back in session.

Mr. Tucker, did you get an opportunity to go through those all right?

MR. TUCKER: Yes, sir, I did.

BOARD CHAIRMAN SPENCER: Okay. Mr. Deal.

MR. DEAL: So, Mr. Tucker, you've seen Exhibit 1, the citation that you were issued?

MR. TUCKER: Yes, I did.

MR. DEAL: Okay. So, Ms. Whatley, can you describe the contents of the citation and what prompted the issuance of the citation?

MS. WHATLEY: Yes. The Private Investigators Licensing Board received a complaint, and along with that complaint was a copy of the Craigslist ad. And I did issue the citation to Eddie Tucker for advertising, which is in violation of 648.060(1)(b).

MR. DEAL: Let me interrupt you and try to get State's Exhibits 1 and 2 admitted into evidence so that the Board members can review them prior to your discussing them.

MS. WHATLEY: Okay. Sure.

MS. BRADLEY: And, Mr. Tucker, do you have any objection to those being admitted?

MR. TUCKER: No, I don't.

1 MS. BRADLEY: Okay. Thank you.

2 So are those Exhibits 1 and 2 admitted, then?

3 Yes.

4 BOARD CHAIRMAN SPENCER: Yes. I mean am I
5 going to say no?

6 MS. BRADLEY: We just want the record to be
7 clear.

8 MR. DEAL: Exhibit 1 is the citation.

9 Exhibit 2 is the Craigslist ad.

10 MS. BRADLEY: We just want the record to be
11 clear that they are admitted, and he had no objection.

12 (Off the record while the exhibits were
13 distributed.)

14 MR. DEAL: Are we ready to proceed?

15 BOARD CHAIRMAN SPENCER: Yeah.

16 MR. DEAL: Okay. Ms. Whatley, can you describe
17 the contents of your citation and what, again, what
18 prompted the issuance of that citation?

19 MS. WHATLEY: Yes. The Private Investigators
20 Licensing Board did receive a complaint, and attached to
21 the complaint was a Craigslist advertisement. I did do
22 a search of our data base and determined that Eddie
23 Tucker was a -- an applicant going through the process
24 of being licensed and appearing, you know, at this Board
25 meeting for his licensure. And I felt that as an

1 applicant, he did have to take an exam. And part of
2 that exam process is studying and knowing the NRS and
3 the NAC that relate to our industry. And it is a clear
4 violation to advertise without a license. So I issued
5 the citation.

6 MR. DEAL: So just for clarification, at the
7 time this Craigslist ad was posted, and that would be on
8 May 12th of this year, was Mr. Tucker licensed by this
9 Board?

10 MS. WHATLEY: No.

11 MR. DEAL: So to post an advertisement on
12 Craigslist was in violation of NRS .060?

13 MS. WHATLEY: 648.060.

14 MR. DEAL: 648.060?

15 MS. WHATLEY: Yes.

16 MR. DEAL: Thank you. Nothing further.

17 BOARD CHAIRMAN SPENCER: Okay.

18 MR. DEAL: Mr. Tucker, if you'd like to
19 cross-examine Ms. Whatley, you have an opportunity to do
20 so, ask her questions.

21 MR. TUCKER: Well, I just want to make a
22 statement, if that's okay.

23 MS. BRADLEY: Right now, because the burden is
24 on the State, the State is presenting its case and its
25 evidence regarding the citation. And so you will get a

1 chance to provide testimony once the State finishes.
2 Now is the time for you to ask Ms. Whatley questions
3 about what she just said, if you have questions of her
4 testimony.

5 MR. TUCKER: Not at this time.

6 MS. BRADLEY: And Board members, do you have
7 questions of Ms. Whatley?

8 BOARD MEMBER PUTNAM: No.

9 MR. DEAL: In that case, then the state has
10 presented its case and provided the necessary evidence
11 to substantiate the citation and will rest its case.

12 MS. BRADLEY: Okay. Mr. Tucker, it is now your
13 time to provide a statement.

14 MR. TUCKER: I just wanted to say I was mis --
15 I misunderstood the statute. I had no intention of
16 doing business in the state of Nevada without a license.
17 I was basically just preparing myself to do so. I had
18 no knowledge that soliciting employees or supervisors
19 where I was in violation of the statute. I do apologize
20 to the Board. But, once again, I had no intentions of
21 doing business before receiving a license.

22 MS. BRADLEY: Thank you, Mr. Tucker.

23 Do you have any questions for Mr. Tucker,
24 Mr. Deal?

25 MR. DEAL: No.

1 MS. BRADLEY: Does the Board, members have any
2 questions for Mr. Tucker?

3 BOARD MEMBER NADEAU: No.

4 BOARD MEMBER PUTNAM: No.

5 MS. BRADLEY: Okay. Mr. Tucker, do you have
6 any witnesses that you're going to call today, or is
7 your -- you're the only testimony you're going to
8 provide?

9 MR. TUCKER: I'm the only.

10 MS. BRADLEY: Okay. And do you have any
11 exhibits that you want to have admitted?

12 MR. TUCKER: No, ma'am.

13 MS. BRADLEY: Okay. Thank you, Mr. Tucker.

14 I believe, it's now time for the Board to
15 deliberate and determine whether or not to uphold the
16 citation.

17 MR. DEAL: Could I make a brief statement?

18 MS. BRADLEY: Yes. Or after brief closing
19 statements.

20 MR. DEAL: Members of the Board, the evidence
21 presented shows a violation of NRS 648.060. The
22 evidence presented prompted Ms. Whatley to issue that
23 citation. It was properly issued. Mr. Tucker
24 prematurely advertised the services of his private
25 security company at a time when he was not licensed to

1 do so.

2 As such, the citation was properly issued and
3 should be upheld.

4 MS. BRADLEY: Mr. Tucker, do you have any
5 closing statement to make?

6 MR. TUCKER: No, I don't.

7 MS. BRADLEY: Just to summarize? No. Okay.
8 Thank you.

9 BOARD CHAIRMAN SPENCER: Observations of the
10 Board?

11 BOARD MEMBER PUTNAM: Mr. Chairman?

12 BOARD CHAIRMAN SPENCER: Yes.

13 BOARD MEMBER PUTNAM: Mr. Tucker, if I
14 understood correctly, readily admits to the allegations
15 in the citation.

16 BOARD CHAIRMAN SPENCER: Any other members?

17 BOARD MEMBER UITHOVEN: Mr. Chairman, to
18 Ms. Whatley, if I can, just for clarification purposes,
19 advertising for employees requires a license?

20 MS. WHATLEY: We have issued citations for that
21 in the past. Because if they're -- if they're obtaining
22 employees, they -- what are you going to do with those
23 employees, how are we going to regulate when they
24 utilize those employees?

25 BOARD MEMBER UITHOVEN: Right. Yeah, I was

1 looking on here, on the exhibit, the Craigslist ad, and
2 it doesn't give an effective date of when they would
3 begin work. So the assumption would be that this job,
4 that the position and the job required for the position
5 would begin immediately. If it had said something in
6 here, I might -- I guess, I'm just kind of thinking out
7 loud here. If it had said something in this ad,
8 "effective upon receiving a license," would that fall
9 within -- and I hate to get into hypotheticals.

10 MS. WHATLEY: Well --

11 BOARD MEMBER UITHOVEN: If it's not appropriate
12 to get into hypotheticals, maybe I shouldn't. But if
13 somewhere in an ad, if any firm, whether it's Mr. Tucker
14 or anybody in the state, is seeking a license, and they
15 want to try to get employees ready, if they had
16 advertised, or if anybody had -- would advertise, would
17 it be, would it be appropriate for the Board to issue a
18 citation if someone had included "positions available
19 upon receiving license" or something like that?

20 Have we run into that before? And maybe,
21 Mr. Chairman, maybe you might recall if we've run into
22 that before. I'm just struggling a little bit here with
23 when you look at the specific ad. Again, you know, you
24 can't, you can't hire people to do the work that you're
25 not licensed to do. I do see that. And I'm prepared to

1 make a -- you know, let's take action on that specific.
2 But just for discussion purposes, if somebody were to
3 advertise going forward that they would not be able to
4 utilize such employees until receiving a license, would
5 that then prevent our Board or you from issuing a
6 citation?

7 MS. WHATLEY: Well, Board Member Uithoven, if
8 you'll notice, it says "ET Security, Inc." So we
9 don't -- the way our statutes and regulations are, each
10 of our licensees must also include a license number in
11 their advertisements; and if they don't, they receive
12 fines.

13 So there are several issues with this. By even
14 advertising ET Security, Inc., that's getting their name
15 out there. Regardless of what else they're wanting to
16 do in that ad, that that's still advertising their
17 company.

18 BOARD MEMBER UITHOVEN: Okay. Thank you.
19 That's all I have.

20 BOARD CHAIRMAN SPENCER: I'm sure you're --

21 BOARD MEMBER UITHOVEN: You know, it's a tough
22 situation. But it is advertising. And it's seeking
23 employees to conduct a job they're not licensed to do.

24 BOARD CHAIRMAN SPENCER: I'll take a motion.

25 BOARD MEMBER PUTNAM: Move the citation against

1 Mr. Tucker be upheld.

2 BOARD MEMBER UITHOVEN: Second.

3 BOARD CHAIRMAN SPENCER: Motion and a second.

4 BOARD MEMBER ZANE: Discussion.

5 BOARD CHAIRMAN SPENCER: Discussion. Go ahead.

6 BOARD MEMBER ZANE: I share Mr. Uithoven's
7 concerns and -- but based upon the presentation of
8 evidence and the lack of any presentation of mitigation,
9 and since we're in a hearing, and that's what we're
10 supposed to determine, I don't have a choice but to
11 uphold the citation.

12 BOARD CHAIRMAN SPENCER: Well, that's three of
13 us, then, that have the concerns about -- about the
14 issue. And I suppose that is a form of advertisement,
15 somewhere down the road.

16 Any further comment, discussion?

17 BOARD MEMBER ZANE: Well, I would like to
18 receive evidence so that we could have debated the
19 issue. But I don't know that we can without.

20 BOARD MEMBER NADEAU: My difficulty is, in the
21 advertisement, I can't go into his mind and know what
22 his intention was in the advertisement. The
23 advertisement's clear, and it looks like it's real-time.
24 It's not -- and he's not looking at, you know -- and so,
25 I guess, I have to sustain, I have to uphold the

1 citation, too. So. But the idea, yeah, I don't know
2 what his intentions were. I can't base it on that. I
3 just can base it on what we have, what we have before
4 us.

5 BOARD CHAIRMAN SPENCER: It's not as clear as a
6 lot of them we've had.

7 BOARD MEMBER UITHOVEN: Right.

8 BOARD MEMBER NADEAU: Yeah, agreed.

9 BOARD MEMBER UITHOVEN: We are expanded. You
10 know, I struggled that we are expanding, that we have
11 expanded. But there is no license number there in the
12 advertisement, ET Security. So.

13 BOARD CHAIRMAN SPENCER: Any further
14 discussion?

15 I have a motion and a second. All in favor?

16 (Board members said "aye.")

17 BOARD CHAIRMAN SPENCER: Opposed?

18 All right. Mr. Tucker, we would welcome you
19 into licensure in the state. However.

20

21 AGENDA ITEM 21 (FROM YESTERDAY'S AGENDA)

22 ET SECURITY, INC.

23

24 MS. RAY: Mr. Chairman, can we go back to the
25 item number 21 from yesterday, which is Mr. Tucker's

1 licensing application that we continued pending the
2 outcome of the appeal?

3 BOARD CHAIRMAN SPENCER: Okay. This goes back
4 to yesterday's agenda, item number 21, for licensure for
5 private patrol, ET Security, Inc., from Panorama City,
6 California, lack of a appropriate private patrolman
7 license.

8 Mr. Tucker requested that the Board grant an
9 individual private patrol license be placed in abeyance
10 so that he may become the qualification agent for ET
11 Security, corporate office be approved, or Mr. Tucker
12 himself, pursuant to all statutory requirements.

13 Mr. Tucker, give us a little bit of background
14 on yourself and your qualifications.

15 MR. TUCKER: Well, I -- overall, I have about
16 30 years in security. My company that's based out of
17 California is about 14 years in running. That's
18 basically my background. I've been doing security a
19 long time. That's basically what I do.

20 BOARD CHAIRMAN SPENCER: Okay. Questions from
21 the Board?

22 BOARD MEMBER PUTNAM: Mr. Chairman?

23 Mr. Tucker, I'd like to talk a little bit about
24 your 1983 arrest in Los Angeles for a fraudulent check.
25 You put this in your application, and you indicated the

1 charges were later dropped. Is that correct?

2 MR. TUCKER: Yes, that's -- yes, I did.

3 BOARD MEMBER PUTNAM: Well, the State of
4 California criminal justice check reveals that you were,
5 in fact, convicted of issuing an insufficient fund
6 check, that you were sentenced to two years probation
7 and served 21 days in jail. Do you --

8 MR. TUCKER: Yes, I did.

9 BOARD MEMBER PUTNAM: And that, to me, does not
10 sound like the charges were dropped.

11 MR. TUCKER: That was a misunderstanding on my
12 part as far as what the courts did. I wasn't that
13 knowledgeable of that particular case. And during that
14 time, what happened is I was married. My wife
15 instructed me to write a check to Sears for a
16 refrigerator, not knowing at the time that she had
17 deleted the funds. So I wrote the check not knowing
18 that the funds weren't in there. And I went on with my
19 life. I was arrested at my job, not knowing why, until
20 they explained it to me.

21 So all this was a total surprise to me.

22 BOARD MEMBER PUTNAM: Yes, sir. But my concern
23 isn't with regard to the circumstances that led to your
24 arrest but, rather, your claim that the charges were
25 dropped when, in fact, you were sentenced to two years

1 probation and served 21 days in jail. Do you recall --

2 MR. TUCKER: I was --

3 BOARD MEMBER PUTNAM: -- serving 21 days in
4 jail?

5 MR. TUCKER: Yes, I do. Yes, I do. And, like
6 I said, to my knowledge, the charges were dropped after
7 I served the 21 days. I didn't know that it was still
8 considered as pending or whatever the case may be.

9 BOARD MEMBER PUTNAM: Well, as I say, the
10 record --

11 MR. TUCKER: It was a misunderstanding.

12 BOARD MEMBER PUTNAM: The record indicates a
13 two years probation.

14 MR. TUCKER: Right.

15 BOARD MEMBER PUTNAM: Were you ever contacted
16 by a probation officer or anything during this period of
17 time?

18 MR. TUCKER: No, I never contacted anyone. I
19 believe, it was summary probation. I didn't have to
20 contact anyone.

21 BOARD MEMBER PUTNAM: Also, you failed to
22 disclose an arrest in Chicago in February of 1977 for
23 possession of marijuana.

24 MR. TUCKER: Now, that one, I totally forgot.
25 I was only 17 years old. I really didn't go to jail. I

1 spent maybe two hours in what they called the house of
2 correction. And, to me, that wasn't jail. Actually, I
3 totally forgot that incident, to be honest with you.
4 That one I did forget, because it was so long ago, and I
5 was a --

6 (The Las Vegas teleconference connection was
7 lost and reestablished.)

8 BOARD MEMBER PUTNAM: Back on.

9 MS. BRADLEY: We're back, Mr. Tucker. I
10 apologize.

11 MR. TUCKER: Okay. Like I was saying, that,
12 you know, I had totally forgotten that incident, because
13 it was so long ago. And I really didn't go to jail in
14 that incident.

15 BOARD MEMBER PUTNAM: Okay, sir.

16 MR. TUCKER: And I didn't have too much. It
17 wasn't like I was walking around with a bag of marijuana
18 or anything. I, once again, totally forgot that
19 incident, because I didn't actually go to jail.

20 BOARD MEMBER PUTNAM: All right, sir. Well,
21 thank you very much.

22 MR. TUCKER: Okay.

23 BOARD CHAIRMAN SPENCER: Further questions from
24 the -- or from the Board?

25 I'll entertain a motion.

1 BOARD MEMBER PUTNAM: Mr. Chairman, I move that
2 ET Security, Incorporated, Panorama City, California, be
3 granted a corporate private patrol license, that Eddie
4 Tucker be granted an individual private patrol license,
5 to be placed in abeyance, so that he can become the
6 qualification agent for ET Security, Incorporated, a
7 corporate officer of Eddie Tucker be approved, subject
8 to all the statutory and regulatory requirements and,
9 also, subject to Mr. Tucker meeting his obligations and
10 his obligations to the Board with regard to his recent
11 citation, and the license not to be issued until such
12 time as those obligations are resolved.

13 BOARD MEMBER UITHOVEN: Second.

14 BOARD CHAIRMAN SPENCER: I have a motion and a
15 second.

16 MS. RAY: Who seconded?

17 BOARD MEMBER UITHOVEN: I second, Robert.

18 BOARD CHAIRMAN SPENCER: Is there discussion on
19 the motion?

20 All right. All in favor, signify by saying
21 "aye."

22 (Board members said "aye.")

23 BOARD CHAIRMAN SPENCER: Opposed?

24 BOARD MEMBER NADEAU: Me.

25 BOARD CHAIRMAN SPENCER: Okay.

1 Congratulations.

2 MR. TUCKER: Thank you. Can I pay that today?

3 MS. RAY: No, Mr. Tucker, but I will be in
4 touch with you the first part of next week.

5 MR. TUCKER: Thank you.

6

7 AGENDA ITEM 9

8 MICHAEL DURHAM AND PHOENIX SECURITY, LLC

9

10 MR. DEAL: Mr. Chairman, if we could take the
11 next item number nine out of order, because we have a
12 witness down in Las Vegas, and I'd like to have him be
13 able to get on with his day.

14 BOARD CHAIRMAN SPENCER: That's great. We'll
15 take number nine, Michael Durham and Phoenix Security,
16 LLC, from McKinney, Texas.

17 MR. DEAL: Mr. Vizcarra, are you present down
18 there in Las Vegas?

19 MR. VIZCARRA: I am.

20 BOARD CHAIRMAN SPENCER: Good afternoon, sir.

21 MR. DURHAM: Good afternoon.

22 MR. DEAL: Proceed?

23 Can you please state your full name and spell
24 your last name for the record, sir?

25 MR. DURHAM: Yes. It's Michael Frederick

1 Durham. It's D-U-R-H-A-M.

2 MR. DEAL: Oh, that's the difficulty. We need
3 Mr. -- is Mr. Vizcarra there?

4 MR. VIZCARRA: Yes, sir, I am.

5 MR. DEAL: We'd like to have -- we're going to
6 have -- as the State, we're going to present our case
7 first. Well, I guess, he could come up and sit. I'm
8 not sure how he could testify down there.

9 MS. BRADLEY: Thank you, Mr. Durham.

10 MR. DEAL: Mr. Vizcarra, can you please state
11 your full name and spell your last name for the record.

12 MR. VIZCARRA: Johnathan Arthur Vizcarra. It's
13 spelled V-I-Z-C-A-R-R-A.

14 MR. DEAL: And what is your occupation, sir?

15 MR. VIZCARRA: I am the president of Las Vegas
16 Protective Services.

17 MR. DEAL: And how long have you been in that
18 position? Can you hear me?

19 MR. VIZCARRA: I'm sorry?

20 MR. DEAL: How long have you been in that
21 position?

22 MR. VIZCARRA: Since two thousand -- since
23 2007. We incorporated on September 19th.

24 MR. DEAL: Okay. Are you familiar with Phoenix
25 Security, LLC?

1 MR. VIZCARRA: I am familiar with them as being
2 occupants of the executive suite where I occupy space.

3 MR. DEAL: Did -- can you describe your
4 familiarity with Phoenix Security and, more
5 specifically, describe the contents of a -- or what
6 prompted a complaint to be filed against them?

7 MR. VIZCARRA: On or about mid March, I noticed
8 applicants coming into the executive suite where I have
9 my office, applying for positions with Phoenix Security,
10 LLC. Upon looking into Phoenix Security, I noticed that
11 they had a Craigslist posting advertising for employees.
12 Upon checking the Nevada Private Investigators Licensing
13 Board website, I discovered that they did not possess a
14 license --

15 MR. DEAL: Let me --

16 MR. VIZCARRA: -- to operate in the state of
17 Nevada as a private patrolman.

18 MR. DEAL: Let me stop you for a moment. If
19 you could take a look at Exhibit Number 4.

20 MR. VIZCARRA: Thank you.

21 Yes, that's the advertisement that I saw.

22 MR. DEAL: Okay. Okay. Then, at this time,
23 we'd like to admit State's 4 into evidence, with the
24 Board's permission.

25 BOARD CHAIRMAN SPENCER: Certainly.

1 MR. DEAL: And then can we distribute that to
2 the State's Board, to the board member down in Las Vegas
3 and the Board members here?

4 MS. BRADLEY: And, also, a copy needs to go to
5 Mr. Durham.

6 Mr. Durham, do you have the exhibit?

7 MR. DURHAM: I do not.

8 MR. VIZCARRA: Here.

9 MR. DURHAM: I now have a copy.

10 MR. DEAL: Just a moment, Mr. Vizcarra. I want
11 to get them distributed to the Board members so that
12 they can take a look at that ad before we continue.

13 MR. VIZCARRA: Okay.

14 BOARD MEMBER ZANE: Yep.

15 (There was a pause while the exhibit was
16 reviewed.)

17 MR. DEAL: Now, Mr. Vizcarra, given that the
18 exhibit, Craigslist ad exhibit that is now in evidence,
19 can you back up and describe for the Board what prompted
20 you to file a complaint against Phoenix Security and
21 Mr. Durham?

22 MR. VIZCARRA: I believe that they were
23 operating without a license and that they were in
24 violation of the NRS.

25 MR. DEAL: And what prompted that belief? Go

1 back into the activities that you observed.

2 MR. VIZCARRA: Correct. I saw employees coming
3 in, submitting applications. I saw people being
4 interviewed.

5 Do you want me to jump forward from this time
6 frame, do you want me to just give my -- all of my
7 testimony, or should I wait for your prompt?

8 MR. DEAL: Whatever you think is most clear.

9 MR. VIZCARRA: Okay. Sometime after the date
10 on March 17th, when they -- when they interviewed
11 prospective employees per this advertisement, they were
12 then coming in on Wednesdays and handing out payroll
13 checks. Again, after checking the -- the state's board
14 licensing data base, I discovered that they did not have
15 a license, they were not in possession of a license. It
16 did not appear that they were under a dba of any other
17 parent corporation. And so I reported that to the
18 Private Investigators Licensing Board, of my
19 observations and what I had found out.

20 MR. DEAL: Did you do a search on the Secretary
21 of State's website to see if they are incorporated?

22 MR. VIZCARRA: I did.

23 MR. DEAL: And what did you find out?

24 MR. VIZCARRA: I discovered that they were
25 incorporated in the State of Nevada as Phoenix Security,

1 LLC.

2 MR. DEAL: And, again, you said you performed
3 multiple checks to see if they were licensed by the
4 PILB?

5 MR. VIZCARRA: Correct. In addition, too, I
6 checked Clark County, City of Henderson and City of
7 Las Vegas for business licensing and discovered they did
8 not have that as well.

9 MR. DEAL: No licenses?

10 MR. VIZCARRA: No, sir.

11 MR. DEAL: Okay. No more questions for
12 Mr. Vizcarra.

13 BOARD CHAIRMAN SPENCER: Okay.

14 MS. BRADLEY: Mr. Durham, do you have any
15 questions for Mr. Vizcarra?

16 MR. DURHAM: Yes, I do.

17 Mr. Vizcarra, you said that we had people
18 coming in, picking up paychecks, and employees.

19 MR. VIZCARRA: M-hm (affirmative).

20 MR. DURHAM: How do you know that these were --

21 MR. VIZCARRA: Oh.

22 MR. DURHAM: -- people who were working for me?
23 I don't have any employees or --

24 MR. VIZCARRA: Okay. Sitting in my office, I
25 can hear my receptionist. People were coming in,

1 claiming to be representatives of your company. Issuing
2 out payroll checks to employees who stated that they
3 were employees of Phoenix Security, that they were there
4 to pick up payroll checks.

5 MR. DURHAM: Okay.

6 MS. BRADLEY: Board members, do you have any
7 questions for the witness?

8 BOARD CHAIRMAN SPENCER: No, I don't have any.

9 BOARD MEMBER PUTNAM: No.

10 MR. DEAL: With no questions, Mr. Vizcarra,
11 that would conclude your testimony. But if you could
12 wait in the audience just in case we need to call you
13 for any sort of rebuttal clarification.

14 MR. VIZCARRA: Thank you.

15 MR. DEAL: Thank you.

16 And at this time, we'll have testimony from
17 Investigator Whatley.

18 Investigator Whatley, did you issue a citation
19 in this case?

20 MS. WHATLEY: Yes, I did.

21 MR. DEAL: If someone could give Mr. Durham a
22 copy of Exhibit 3.

23 And, Mechele, could we get a copy?

24 Ms. Whatley, is this the citation that you
25 issued?

1 MS. WHATLEY: Yes, it is.

2 MR. DEAL: Is that your signature on page two?

3 MS. WHATLEY: Yes, it is.

4 MR. DEAL: Okay. At this time, we'll move to
5 admit State's Exhibit 3 into evidence.

6 BOARD CHAIRMAN SPENCER: Yes.

7 MR. DEAL: And distribute it to the Board.

8 Ms. Whatley, could you describe the contents of
9 the citation and the activity that led, that prompted
10 its issuance.

11 INVESTIGATOR WHATLEY: Okay. The Private
12 Investigators Licensing Board did receive a complaint of
13 alleged unlicensed activity by Phoenix Security, LLC. I
14 did receive a copy of the Craigslist ad. And I did
15 check our data base. There was no such licensee.
16 However, further investigation within the office did
17 determine at one point Mr. Durham had submitted an
18 application; but it was missing so many items, that
19 investigative assistant Brandi King did return that
20 application to him.

21 Based upon that, I did also do the Secretary of
22 State search and see that Mr. Durham was listed on the
23 LLC, I believe it is. Yes, the Phoenix Security, LLC.
24 And I did issue an unlicensed activity citation for the
25 advertising on Craigslist.

1 MR. DEAL: At any point, did you receive an
2 e-mail from Elyse Gresnick-Smith with regard to an
3 individual who had applied for a position with Phoenix
4 Security?

5 MS. WHATLEY: Yes, I did.

6 MR. DEAL: What did that e-mail tell you?

7 MS. WHATLEY: Actually, I did receive an e-mail
8 stating that Investigator Gresnick-Smith did speak to a
9 registered employee or -- or a person that did say that
10 he had interviewed with Phoenix Security and wanted to
11 determine if they were licensed.

12 Our office also received many calls during that
13 period of time, asking if Phoenix Security, LLC, was
14 licensed.

15 MR. DEAL: And at any point, was Phoenix
16 Security, LLC, licensed by PILB?

17 MS. WHATLEY: No.

18 MR. DEAL: Nothing further.

19 MS. BRADLEY: Mr. Durham, do you have any
20 questions for Ms. Whatley?

21 MR. DURHAM: Yeah, Ms. Whatley, at any point,
22 did you coordinate with Investigator Nick Robles?

23 MS. WHATLEY: I did. And it's Roble.

24 MR. DURHAM: I'm sorry. Roble. What about a
25 Mr. Walquist with the Nevada state compliance

1 enforcement investigators?

2 MS. WHATLEY: I don't recall that name.

3 MR. DURHAM: Thank you.

4 MS. BRADLEY: Do the Board members have any
5 questions of Ms. Whatley?

6 BOARD MEMBER PUTNAM: No.

7 BOARD CHAIRMAN SPENCER: No.

8 MS. BRADLEY: Do you have any other witnesses?

9 MR. DEAL: No, nothing further from the State.

10 MS. BRADLEY: Okay. Mr. Durham, it's now your
11 time to present your case. Do you have any witnesses
12 that you'd like to call?

13 MR. DURHAM: No witnesses.

14 MS. BRADLEY: Okay. And would you like to
15 provide testimony?

16 MR. DURHAM: Yes, I would.

17 MS. BRADLEY: Do you have any exhibits that
18 you'd like admitted?

19 MR. DURHAM: I have a letter that I wrote to
20 the PILB in response to the citation. I don't know if
21 it's --

22 MR. DEAL: We have copies of that letter, and I
23 can stipulate to have it -- to the contents, so we can
24 get it admitted into evidence so the Board members can
25 review it up here, also, if that's okay with you.

1 MR. DURHAM: Okay.

2 MS. BRADLEY: Okay. So that should be admitted
3 as Respondent's Exhibit 1. Just give us a second to
4 make sure all the Board members get a copy, Mr. Durham.

5 MR. DURHAM: Yes, ma'am.

6 MS. BRADLEY: Okay. I believe, all the Board
7 members do have copies of that exhibit now, Mr. Durham,
8 if you'd like to go ahead and proceed.

9 MR. DURHAM: Okay. I just want to make it
10 clear that at no time has Phoenix Security operated in
11 the state of Nevada. We -- I have not hired employees.
12 Or, well, we did the interviews, but we did not hire or
13 pay anybody other than the one gentleman I currently
14 have working for me, contrary to Mr. Vizcarra's
15 testimony.

16 Also, in my letter, I basically outline the
17 events of what happened. I would like to explain what
18 my intent was. My intent was to only pool personnel,
19 basically build a personnel pool, so that at such time
20 when I did acquire my license, I could immediately begin
21 hiring personnel and go to work.

22 So my background, I worked a military contract
23 the last few years in Iraq, and it's common practice for
24 us there to always solicit and get applications and
25 basically develop a pool of applicants, so that at such

1 time when we do compete in our work and bid, we could
2 immediately go in and establish personnel in that
3 position. So that's simply what we were trying to do
4 here.

5 We were trying to be cautious about this as
6 well and not to do any unlicensed activity in the state
7 of Nevada. We did, in fact, have our application in at
8 the time. We were set to try to finish everything in
9 April, take the test on the 6th. However, as stated
10 earlier, our package was returned to us by Ms. King.
11 And, yes, that's -- completed that and resubmitted the
12 application. So that is in with the PILB for review
13 now.

14 But, again, we were simply just trying to
15 develop a pool of applicants that we could go to once we
16 did receive all the proper licenses.

17 As you can see in my letter, I did state to --
18 Mr. Nick Roble, investigator with the PILB, informed me
19 as such. I asked if he could come by our office
20 location. So I called him under the Dallas, Texas, I
21 called him from Texas, and spoke to him about that and
22 explained our situation and what we were doing.

23 The citation came to me as a surprise in that,
24 after speaking with him, I had no inclination or clue
25 that we were doing anything wrong. I thought, after our

1 conversation that day, we were simply trying to develop
2 a pool of applicants, was fine. That conversation
3 seemed to go very well with Mr. Roble. And there was
4 nothing said about it.

5 We also had correspondence with Mr. Walquist
6 from the Nevada state compliance enforcement and,
7 basically, explained the same things to him as well.

8 So, again, just for the record, our intent was
9 simply to develop a pool of applicants and not to do any
10 work until we actually had the proper licenses in place.

11 And that's all I have. Thank you.

12 MR. DEAL: Cross-examination.

13 MS. BRADLEY: Yes.

14 MR. DEAL: Mr. Durham, were you licensed by the
15 PILB on March 14th of this year?

16 MR. DURHAM: No.

17 MR. DEAL: Was Phoenix Security licensed by the
18 PILB on March 14th of this year?

19 MR. DURHAM: No.

20 MR. DEAL: But on March 14th a Craigslist ad
21 was posted soliciting applicants for Phoenix Security,
22 correct?

23 MR. DURHAM: Yes, that is correct. And if you
24 also look at the ad, we do stipulate that people need to
25 be in compliance with the PILB regulations for

1 licensing. Again, our intent was not to put anyone to
2 work until we had the proper licenses in place. It was
3 simply to develop a pool of applicants to draw from once
4 we had licenses in place.

5 MR. DEAL: In your April 20th letter that we
6 had, have in evidence -- I think, that's Defendant's
7 Exhibit 1, is how it will be referred to. Towards the
8 end there, you do concede, on the fourth to the last
9 line, "We strongly" -- quote, "We strongly feel that the
10 citation is the result of unfortunate ignorance on our
11 behalf."

12 At that point, did you recognize that you had
13 violated Nevada law?

14 MR. DURHAM: We -- not quite. We understood
15 that -- we did not understand that, that a citation
16 would come. We were ignorant to the fact of the entire
17 elements of the NRS regulation that we are being accused
18 of violating.

19 MR. DEAL: Nevertheless, is it true that the
20 fact remains that on March 14th of this year, you posted
21 an ad on Craigslist without being licensed by PILB?

22 MR. DURHAM: That is true.

23 MR. DEAL: Nothing further.

24 MS. BRADLEY: Do the Board members have any
25 questions for Mr. Durham?

1 Okay. Do you have anything else you'd like to
2 present, Mr. Durham?

3 MR. DURHAM: Just from the testimony from the
4 witness that was called earlier, and I have no idea of
5 anything he's talking about as far as paying people and
6 issuing checks and things of that sort. We have done no
7 work in the state of Nevada other than what we've done
8 for the Craigslist application. And we have performed
9 no work and that we have, in my mind, committed no
10 unlicensed activity in the state of Nevada.

11 And, again, we are trying to be truly cautious
12 about this. We do understand it's an intensive process,
13 the application process. And we did not want to
14 jeopardize or chance to acquire a license. So we would
15 not attempt to go around the PILB or take on any work
16 without the appropriate licenses.

17 MS. BRADLEY: Thank you, Mr. Durham. Do you
18 rest your case?

19 MR. DURHAM: I do. Thank you.

20 MS. BRADLEY: Closing statements?

21 MR. DEAL: I'd quickly like to call Ms. Whatley
22 as a rebuttal witness.

23 MS. BRADLEY: Okay.

24 MR. DEAL: And I direct your attention to
25 State's Exhibit 5.

1 And if you could hand her a copy of that. And,
2 also, a copy of State's 5 to Mr. Durham.

3 Ms. Whatley, in our case in chief, we
4 referenced an e-mail that you received from
5 Ms. Gresnick-Smith. Is this a copy of that e-mail?

6 MS. WHATLEY: Yes, it is.

7 MR. DEAL: At this time, we'd move to admit
8 State's 5 into evidence.

9 MS. BRADLEY: Do you have any objection,
10 Mr. Durham?

11 MR. DURHAM: I'm sorry. I didn't hear the last
12 thing.

13 MS. BRADLEY: Do you have any objection to
14 Exhibit 5 being admitted into evidence?

15 MR. DURHAM: No.

16 MS. BRADLEY: Thank you.

17 MR. DEAL: Ms. Whatley, can you please read the
18 first line of this e-mail?

19 MS. WHATLEY: A Mr. Thomas called to verify
20 that this company was licensed, because he had
21 interviewed and been offered a position.

22 MR. DEAL: And what's the date on this e-mail?

23 MS. WHATLEY: It is March 30th, 2011.

24 MR. DEAL: And was Phoenix Security licensed on
25 that date?

1 MS. WHATLEY: No. At that time, they did not
2 even have an application in our office.

3 MR. DEAL: Nothing further.

4 MS. BRADLEY: Do you have any questions for
5 Ms. Whatley, Mr. Durham?

6 MR. DURHAM: I do not.

7 MS. BRADLEY: Does the Board have any questions
8 for Ms. Whatley?

9 BOARD MEMBER UITHOVEN: No.

10 MS. BRADLEY: Does the State rest?

11 MR. DEAL: Yes.

12 MS. BRADLEY: Mr. Durham, do you have anything
13 else that you'd like to present in response to what
14 Ms. Whatley just testified to?

15 MR. DURHAM: Yes. Is there any -- does this
16 person have any kind of a documentation that he was
17 offered a position? I mean I don't know how difficult
18 it would be for someone to call and say that they were
19 offered a position. I have no knowledge or recollection
20 of meeting Mr. Thomas or talking to Mr. Thomas or
21 offering him any position whatsoever.

22 MS. BRADLEY: Okay. Do you rest, then,
23 Mr. Durham?

24 MR. DURHAM: I do, yes.

25 MS. BRADLEY: Closing statements.

1 BOARD MEMBER NADEAU: Could we ask --

2 MS. BRADLEY: Oh. Yes.

3 BOARD MEMBER NADEAU: May I ask Mr. Durham a
4 question?

5 MS. BRADLEY: Yes.

6 BOARD MEMBER NADEAU: Thank you.

7 Mr. Durham, are you the sole person who is
8 conducting interviews and would be in a position to
9 offer anyone a job? You mentioned earlier that there
10 was another employee that was receiving some type of
11 paycheck there in the Las Vegas office. And so, I
12 guess, what I'm trying to discern here is, is that other
13 person also doing interviews, and would that person be
14 in a position to offer someone a job?

15 MR. DURHAM: Yes, he is. That's Wayne. That's
16 my associate there, here in Las Vegas.

17 BOARD MEMBER NADEAU: I'm sorry. What was his
18 last name?

19 MR. DURHAM: I don't have his last name here
20 right now.

21 BOARD MEMBER NADEAU: And what's his position
22 with Phoenix?

23 MR. DURHAM: He's -- he's a manager here with
24 us.

25 BOARD MEMBER NADEAU: Okay. So from your

1 knowledge, he could have interviewed folks and offered
2 them positions, and you may not know, be aware of that;
3 is that -- would that be safe to say?

4 MR. DURHAM: He could have done that. He -- I
5 would know about it from the workers' compensation and
6 things like that, that have to be approved. I have to
7 see all those things. So likely he would not do that
8 without my knowledge. But it is possible that, yes, he
9 could have done it. But it's not likely, in the event
10 that there were no follow-up documents that I would need
11 to look at for pay, rates, things like that, for
12 compensation, those kinds of things.

13 BOARD MEMBER NADEAU: And my other question, is
14 he a licensee, does he have a PILB license?

15 MR. DURHAM: Not PILB license. He has a casino
16 license and a gaming license. And a upon expiration of
17 those licenses, he has to apply for the PILB license.

18 BOARD MEMBER NADEAU: Okay. Thank you.
19 Thank you, Mr. Chair.

20 BOARD CHAIRMAN SPENCER: Okay.

21 MS. BRADLEY: Closing statements?

22 MR. DEAL: Members of the Board, the evidence
23 and testimony presented in this case demonstrates a
24 violation of NRS 648.060. Without being licensed by
25 this Board, Mr. Durham, Phoenix Security, posted an ad

1 on Craigslist on March 14th of this year. We have
2 testimony to support the fact that employees were
3 solicited. That's clear in the Craigslist ad.
4 Interviews were conducted. And people were hired.

5 The citation was properly issued, and the State
6 asks the Board uphold the citation.

7 MS. BRADLEY: Do you have a closing statement
8 to present to the Board, Mr. Durham?

9 MR. DURHAM: Yes. First, we have no employees
10 that were mentioned as a result of the Craigslist,
11 Craigslist ad. We have paid no one working for us as a
12 result of the Craigslist ad. And, lastly, as I said
13 earlier, we do have an application, has been resubmitted
14 with the PILB. And I would just ask that the outcome of
15 this hearing, hopefully, that won't negatively affect
16 our current application in process.

17 MS. BRADLEY: Thank you, Mr. Durham.

18 MR. DEAL: I have a brief rebuttal argument.
19 The Craigslist ad should stand on its own. It
20 accurately states, at the top, "Now accepting
21 applications." The first line of the ad says "Currently
22 accepting applications for security personnel. We are
23 conducting interviews this Thursday, March 17th." This
24 is all occurring at a time when this individual and this
25 entity is not licensed.

1 Thank you.

2 MS. BRADLEY: It's now time for the Board to
3 deliberate and determine whether the citation should be
4 upheld or not.

5 BOARD CHAIRMAN SPENCER: Comments from the
6 members of the Board?

7 BOARD MEMBER PUTNAM: Mr. Chairman, it's
8 another example of putting the cart before the horse.

9 BOARD MEMBER UITHOVEN: Mr. Chair, I have a
10 motion.

11 BOARD CHAIRMAN SPENCER: Yes.

12 BOARD MEMBER UITHOVEN: I'd move that we uphold
13 the citation for Michael Durham and Phoenix Security,
14 LLC.

15 BOARD MEMBER PUTNAM: Second.

16 BOARD CHAIRMAN SPENCER: I have a motion and a
17 second. Any need for discussion on the motion?

18 BOARD MEMBER UITHOVEN: Mr. Chair, I would
19 just, again -- the -- the ad is there. This one, I
20 think, even goes further than the one we had previously
21 on our agenda, some more specific direction of
22 interviews and hiring. But just based on the ad alone
23 and whether people were hired based on the ad or not
24 doesn't get me to my decision. The fact that the ad was
25 posted, and that is unlicensed activity, brings me to

1 the decision to uphold the citation.

2 BOARD CHAIRMAN SPENCER: I have a motion.

3 BOARD MEMBER PUTNAM: I seconded it.

4 BOARD CHAIRMAN SPENCER: And a second. All in
5 favor, signify by saying "aye."

6 (Board members said "aye.")

7 Opposed?

8 Hearing none.

9 Mr. Tucker, obviously, you have given this some
10 forethought as far as doing it the right way. And we
11 applaud you on that. Please continue to do so.

12 MR. DURHAM: Thank you, sir.

13 MS. BRADLEY: Thank you, Mr. Durham. You'll
14 get an order in the mail from the Board regarding the
15 Board's decision.

16 MR. DURHAM: Thank you for your time.

17 BOARD CHAIRMAN SPENCER: Thank you.

18 BOARD MEMBER PUTNAM: Thank you.

19

20 AGENDA ITEM 7

21 JOANNA NEEDHAM

22

23 BOARD CHAIRMAN SPENCER: Okay. Where are we?
24 Number seven okay with you?

25 MR. DEAL: Excuse me?

1 BOARD CHAIRMAN SPENCER: Number seven okay with
2 you?

3 MR. DEAL: Sure.

4 BOARD CHAIRMAN SPENCER: Number seven, Joanna
5 Needham, unlicensed activity, citation C-025-11.

6 Good afternoon.

7 MS. NEEDHAM: Good afternoon. Good morning.

8 BOARD CHAIRMAN SPENCER: Oh, is it still
9 morning?

10 MS. NEEDHAM: Yes.

11 BOARD CHAIRMAN SPENCER: It is.

12 MR. DEAL: The State will go ahead and proceed
13 with testimony from Tammy Whatley.

14 Ms. Whatley, did you issue a citation in this
15 case?

16 MS. WHATLEY: Yes, I did.

17 MR. DEAL: Would someone please hand
18 Ms. Needham a copy of Exhibit 1.

19 MS. NEEDHAM: Thank you.

20 MR. DEAL: And would someone please hand
21 Ms. Needham a copy of State's 2 and 3.

22 Now, just so we can authenticate these and get
23 them admitted into evidence, Ms. Whatley, can you tell
24 me what State's Exhibit 1 is?

25 MS. WHATLEY: That's a copy of the unlicensed

1 activity citation issued to Joanna Needham.

2 MR. DEAL: And was that issued by you?

3 MS. WHATLEY: Yes, it was.

4 MR. DEAL: At this time, we'd move to admit
5 State's Exhibit 1 into evidence and distribute it to the
6 members of the Board.

7 BOARD CHAIRMAN SPENCER: Okay.

8 MR. DEAL: And just for clarification, I'm
9 aware that this citation is not signed by you. Is this
10 a true and correct copy of the citation that you did
11 issue?

12 MS. WHATLEY: Yes, it is.

13 MR. DEAL: Okay. Taking a look at State's
14 Exhibit 2, Ms. Whatley, what is that?

15 MS. WHATLEY: That is one of the screenshots
16 from CasinoBodyguard.com.

17 MR. DEAL: And did you take that -- did you
18 produce that screenshot?

19 MS. WHATLEY: Yes, I did. I printed it.

20 MR. DEAL: Okay. At this time, we'd move to
21 admit State's 2 into evidence.

22 BOARD CHAIRMAN SPENCER: Okay.

23 MR. DEAL: And distribute it to members of the
24 Board.

25 And then we can do 3, also. What is State's 3?

1 MS. WHATLEY: That is the letter from Joanna
2 Needham requesting -- explaining a little bit of the
3 situation and requesting the appeal.

4 MR. DEAL: At this time, we'd move to admit
5 State's 3.

6 BOARD CHAIRMAN SPENCER: Very good.

7 MR. DEAL: And we could take a moment for
8 members of the Board to review those exhibits before we
9 delve into their contents.

10 Ms. Whatley, can you take a look at State's
11 exhibits 1 and 2?

12 MS. WHATLEY: Yes.

13 MR. DEAL: Can you describe the contents of the
14 citation and what prompted you to issue it?

15 MS. WHATLEY: The Private Investigators
16 Licensing Board received a complaint regarding
17 CasinoBodyguard.com. And in investigating that website,
18 it -- there was a determination on my part that -- well,
19 there was actually -- the screens showed individual
20 pictures of individual guards, with their names, their
21 physical descriptors and their personal e-mails. So you
22 could hire whichever guard you wanted. You could
23 contact them personally.

24 So, actually, this turned into multiple cases.
25 And this particular one is Joanna Needham. And because

1 her picture's there, her physical descriptors, her
2 e-mail, she could be contacted directly to be hired as a
3 bodyguard, I did issue the unlicensed activity citation
4 to Joanna Needham.

5 MR. DEAL: And is that for advertising without
6 a license?

7 MS. WHATLEY: Yes, it is.

8 MR. DEAL: And just so we're clear, the
9 rationale is because her picture is readily available
10 with her direct contact information, you could contact
11 her and hire her directly through this screenshot?

12 MS. WHATLEY: Yes, that is correct.

13 MR. DEAL: And that is why it prompted a
14 citation and constitutes a violation?

15 MS. WHATLEY: Yes.

16 MR. DEAL: Nothing further.

17 MS. BRADLEY: Ms. Needham, do you have any
18 questions for Ms. Whatley?

19 MS. NEEDHAM: Not really. I had a -- I had a
20 conversation with her on the phone when I received the
21 citation and explained to her I was going to write this
22 appeals letter and explained to her what happened. So I
23 really don't have any questions for her.

24 MS. BRADLEY: Okay. Thank you.

25 Does the Board have any questions for

1 Ms. Whatley?

2 BOARD CHAIRMAN SPENCER: No.

3 BOARD MEMBER PUTNAM: No.

4 MR. DEAL: The State would rest.

5 MS. BRADLEY: Okay. The State has no further
6 witnesses to call.

7 Ms. Needham, it's time for your case. You can
8 call witnesses. Do you have any witnesses you'd like to
9 call?

10 MS. NEEDHAM: I thought I'd actually -- one of
11 the other people that was involved in this is here
12 today. So I'll have him come up. I don't know if I'm
13 going to ask him or not, but I may.

14 MS. BRADLEY: Yes, you can call him as a
15 witness if you'd like. Just let us know. You can also
16 provide testimony. And do you have any exhibits that
17 you'd like the Board to view?

18 MS. NEEDHAM: Well, I have a whole stack of
19 things. I don't know if they're going to need them all
20 or not. I did a lot of investigation on this person
21 myself. So I'm not sure what you're going to need. I
22 guess, as I speak and present it, I could give it to
23 them at that point. I don't know. It's a lot of stuff.

24 MS. BRADLEY: Well, the way it works is you
25 would need to ask them to be admitted as you lay

1 foundation for them. Are these exhibits that the State
2 has already seen?

3 MR. DEAL: Let me just --

4 MS. NEEDHAM: I believe, it was -- I think, I
5 sent one thing with the appeals letter, with an ad that
6 he had put out saying that he was doing bodyguard work
7 in the area. I think, that's the only thing I sent with
8 my appeals letter.

9 MR. DEAL: Let me clarify with you,
10 Ms. Needham, if we're on the same page, we can admit
11 everything that I've got. One of the exhibits that we
12 admitted, I believe, as State's 3 was the letter that
13 you sent to Ms. Whatley. And, I believe, as an
14 attachment to that letter was an e-mail that you
15 received from a Mr. Philion.

16 MS. NEEDHAM: Yes.

17 MR. DEAL: And I have that marked as State's 4.
18 And I'm willing to stipulate to its authenticity, and we
19 can get that admitted into evidence.

20 MS. NEEDHAM: Yes.

21 MR. DEAL: And that's all that I have in my
22 file.

23 MS. BRADLEY: Okay.

24 MS. NEEDHAM: Okay. Everything else is
25 separate, then.

1 MR. DEAL: Okay.

2 MS. BRADLEY: Okay. Well --

3 MR. DEAL: So State's 4 could be admitted.

4 MS. BRADLEY: State's 4 could be admitted with
5 no objection.

6 MR. DEAL: And if everyone could get a copy.
7 And you probably have a copy of State's 4. But if the
8 Board member down in Las Vegas could get a copy of
9 State's 4.

10 MS. NEEDHAM: What most of this stuff is, is
11 subsequent -- he evidently posted an ad on Craigslist.
12 And then some of these are subsequent things he
13 continued to post.

14 MS. BRADLEY: Ms. Needham, I think, what we're
15 going to do, need to do is, if there's additional items
16 that we haven't admitted already -- so we have State's 1
17 through 4 admitted. And so maybe take a second to
18 review those. You should have copies of them. And see
19 if there's anything in there that you wanted admitted.
20 And then, if there's any additional documents that you
21 wanted admitted, we could ask the Las Vegas office to
22 fax them to us. So that way, the State's attorney and
23 the Board members here can review them.

24 Okay. So maybe if we want to take a few-minute
25 recess so Ms. Needham can look through the paperwork

1 she's got. And that way, we can make sure anything she
2 wants admitted gets admitted. Okay?

3 BOARD CHAIRMAN SPENCER: Fine.

4 MS. RAY: Okay.

5 * * * * *

6 (A break was taken, 11:40 to 12:12 p.m.)

7 * * * * *

8 BOARD CHAIRMAN SPENCER: All right. We're
9 ready to resume.

10

11 AGENDA ITEMS 7 AND 8

12 JOANNA NEEDHAM AND DANIEL MILLER

13

14 MR. DEAL: I have been -- Matthew Deal, Deputy
15 Attorney General, for the record. I've been in
16 discussions with Board counsel, Sarah Bradley. And
17 there's some procedural issues that I think we need to
18 discuss. And if Mr. Miller is in the room, also, his
19 case involves the same set of facts.

20 Mr. Miller, are you there in Las Vegas?

21 MR. MILLER: Yes, I am.

22 MR. DEAL: If you'd like to come and take a
23 seat, we'll kind of let you know our proposal here.

24 And this is, of course, with the Board's
25 approval. The issue is that both of these cases, the

1 one involving Ms. Needham and the one involving
2 Mr. Miller, also involve a third party, whose name is
3 Kevin Philion. There's an ongoing investigation that
4 Investigator Whatley is working on that also is designed
5 to issue him a citation. And all the facts of his case
6 and these two cases are kind of interwoven. And the
7 fear is that by presenting too much of these cases that
8 implicate Mr. Philion, without his presence here to
9 defend himself, we could get into some legal due process
10 violations and also some open meeting law violations.

11 So I think the proposal is to table these items
12 until your next Board meeting, at which time
13 Investigator Whatley can -- we can properly serve
14 Mr. Philion, he can come and defend himself, you two
15 could call him as a hostile witness to present in your
16 own cases, et cetera, so that they're all presented at
17 the same time.

18 Otherwise, the fear is that if we present -- if
19 the State continues to present its case, and there's 42
20 pages worth of evidence that implicate him, we're going
21 to delve into too much of those facts, and the Board's
22 bias will be -- you will be tainted when you go to hear
23 Mr. Philion's case down the road.

24 So that's the proposal, with your approval and
25 with the advise of counsel, also.

1 MS. BRADLEY: Ms. Needham and Mr. Miller, do
2 you have any objection to having your matters continued
3 to the next meeting?

4 MS. NEEDHAM: The problem I see is I don't know
5 that he's going to come back here, to be honest with
6 you. The sheet that I gave you with the Olympia Gym
7 information, I pulled that up yesterday on the computer.
8 He's back in Florida, teaching classes there. He
9 initially -- all the paperwork I sent you was several
10 e-mails. Like I said, I didn't even know my information
11 was on that site until I received an e-mail from one of
12 the other gentlemen over there. And that's why I didn't
13 even know that my stuff was posted where it shouldn't
14 have been. And he had told that person at that time.
15 Philion had told this person that he was in Florida. I
16 found out. I called Florida. And he was not. They
17 said, "No, he's still in Vegas."

18 He's just playing games. I don't know if he's
19 ever going to return to Vegas, to be honest with you.

20 MR. DEAL: We need the Board -- Investigator
21 Whatley needs to finish her investigation, issue a
22 citation, and give him a period upon which to be served
23 and respond. If he doesn't respond within that time
24 period, then we'll go forward with your two cases, and
25 he will lose his case by default, by exceeding the time

1 frame. So it's not as if these cases will be drawn out
2 into perpetuity. We will address them once we properly
3 serve a citation upon Mr. Philion and allow, give him a
4 time period within which to respond. If he doesn't do
5 that, then we'll move forward like we would have today.

6 MS. BRADLEY: And, if anything, do you want him
7 to be a witness? I don't know if you do. We can issue
8 a subpoena to him, and then he'd have -- he can be
9 compelled to attend. So if, I heard, you feel he's
10 necessary to your case, he can be subpoenaed.

11 MS. NEEDHAM: I don't personally feel that I
12 need to have him here. But the address he's at is that
13 Olympia Gym. At least you could have him served there.
14 He teaches classes and everything else. Like I said, I
15 don't think you're going to find him back in Vegas any
16 time soon.

17 So I had a trip planned right now that I had to
18 cancel because of this. I have a very busy schedule.
19 And I know we all do. But that has drawn on to
20 somewhere down the road. I don't know what my
21 itinerary's going to be. You know what I mean? It's
22 just hard. Because, like I said, I don't think he's
23 going to be very cooperative, to be honest with you.

24 MS. BRADLEY: I mean my concern for you,
25 Ms. Needham, and my advice for the Board would be we

1 want to have your exhibits admitted. That's a due
2 process issue. You have a right to attend and present
3 evidence and testimony on your behalf. So we want to
4 allow you that opportunity.

5 But as Board counsel, my concern was, when we
6 look at those 42 pages that you had, a lot of them
7 involve someone else that the Board may possibly meet
8 here in the future. And so once I saw the nature of the
9 exhibits, I had a concern about having these five Board
10 members review those documents and make a decision
11 regarding you today and then possibly need to make a
12 decision regarding him.

13 So the reason we're wanting to continue it is
14 to try to give you all fairness we can and let all your
15 exhibits be in and allow him fairness as well and not
16 have any possible bias or problem with the Board seeing
17 evidence, you know, against him before his matter is
18 before them. So.

19 MS. NEEDHAM: Okay. So --

20 MS. BRADLEY: I apologize for that. I believe,
21 the next meeting is in September.

22 BOARD CHAIRMAN SPENCER: Yes.

23 MS. BRADLEY: Do we have the date?

24 MS. RAY: I will look it up.

25 MS. BRADLEY: But we're certainly not trying to

1 make it hard for you. We can try to go ahead, if you
2 want, in your matter. I feel like, though, we may not
3 be able to admit all the exhibits that you sent to us,
4 though, because --

5 BOARD MEMBER NADEAU: 7th and 8th, isn't it?

6 MS. BRADLEY: That's why I'm torn. I want to
7 be able to have all the exhibits you want admitted, but
8 I don't want to run into a problem with the Board in the
9 future by doing that. So.

10 MS. NEEDHAM: Right.

11 MS. BRADLEY: The next Board meeting would be
12 September 8th.

13 BOARD MEMBER NADEAU: Mr. Chair?

14 BOARD CHAIRMAN SPENCER: Yes?

15 BOARD MEMBER NADEAU: May I ask counsel a
16 question?

17 BOARD CHAIRMAN SPENCER: Yes.

18 BOARD MEMBER NADEAU: If this is continued,
19 will she suffer any, any ramifications or anything of
20 that nature, since it's a pending investigation, not --
21 it's not -- it isn't being resolved?

22 MS. BRADLEY: I don't believe there would be
23 any negative ramification. The negative ramification
24 for her would be the fact that she came here today, and
25 she would have to come again on a future date.

1 BOARD MEMBER NADEAU: Oh.

2 MS. NEEDHAM: I guess, I'll be back in
3 September. Now, if he doesn't show, we just continue
4 with ours, right?

5 MS. BRADLEY: Yes. He has a time period to
6 respond, and so there's -- that's what our concern is,
7 is if he does appeal, we don't want to have the Board
8 hearing an appeal where they've already heard evidence
9 down the road.

10 MS. NEEDHAM: Yeah, I was under the impression
11 that everyone that was on that site was issued this
12 citation. Am I correct in assuming he didn't respond or
13 he didn't receive it?

14 MS. BRADLEY: There was an issue, I believe,
15 with actually his mailing address. So he was not
16 actually given notice. And so that's why there was
17 no -- he wasn't actually served.

18 MS. NEEDHAM: All right.

19 MS. BRADLEY: You two were both served, and his
20 wasn't.

21 MS. NEEDHAM: All right.

22 MS. BRADLEY: But, you know, we can assure you,
23 I think, that, no matter what, we're going to go forward
24 with these in September.

25 MS. NEEDHAM: All right.

1 MS. BRADLEY: And I mean if you want to object,
2 you can. And, like I said, we could just do it today.
3 I just want to be as fair to you as we can and as fair
4 to him as we can.

5 MS. NEEDHAM: That's fine.

6 MR. DEAL: Mr. Miller?

7 MR. MILLER: Absolutely.

8 MS. BRADLEY: Okay. We will send you notice in
9 the mail letting you know the meeting time, location,
10 those things. It should be in the same location. But
11 you will get something in writing for your records
12 anyway.

13 MS. NEEDHAM: All right. Thank you.

14 MS. BRADLEY: Thank you.

15 MR. MILLER: Thank you.

16 MS. BRADLEY: Entertain a motion.

17 BOARD CHAIRMAN SPENCER: We may make a motion?

18 MS. BRADLEY: Yeah, why don't we just be safe
19 having voted on continuing both matters to September.

20 BOARD CHAIRMAN SPENCER: Motion.

21 BOARD MEMBER NADEAU: Mr. Chair, I move that we
22 continue Joanna Needham and Daniel Miller to our
23 September agenda.

24 BOARD MEMBER PUTNAM: Second.

25 BOARD CHAIRMAN SPENCER: All in favor?

1 (Board members said "aye.")

2 Opposed?

3 MS. BRADLEY: Can I have your exhibits back?

4 Mr. Zane?

5 BOARD MEMBER ZANE: Yes?

6 MS. BRADLEY: Can you please give Elyse back
7 the exhibits relating to Ms. Needham. We just don't
8 want you to hang on to them. Thank you.

9 (There was a period off the record while the
10 exhibits were collected.)

11 BOARD CHAIRMAN SPENCER: Okay. In the past,
12 we've had 10 different ways of doing these registration
13 appeal hearings. We have yet to find --

14 MS. BRADLEY: Can everyone in Las Vegas hear
15 the Chair?

16 (Las Vegas attendees said "yes.")

17 BOARD CHAIRMAN SPENCER: In the past, we've had
18 the -- those people who wanted a closed hearing do so.
19 We go on the record. There are people in and people
20 out. We've yet to find a good way to do it. I'm
21 wondering if in the future what we ought to do is -- I
22 don't know if we can have them tell us ahead of time if
23 they want a closed hearing or not.

24 MS. BRADLEY: Well, you'd still have to go on
25 and off, because --

1 BOARD CHAIRMAN SPENCER: Oh, that's fine.

2 MS. BRADLEY: Because if you did do a closed
3 hearing, you could receive information, but you can't
4 make any decisions in closed hearing. So you'd still
5 have to go on and off probably almost the same amount of
6 time.

7 The other issue is, even though we're off,
8 there are still minutes that are required to be kept of
9 a closed session, but they're just obviously not
10 detailed minutes.

11 MS. RAY: Are you suggesting that anybody that
12 would like to have a closed session would move to the
13 end of the meeting?

14 BOARD CHAIRMAN SPENCER: No.

15 MS. RAY: Okay.

16 BOARD CHAIRMAN SPENCER: I was just trying to
17 see if there's a better way.

18 MS. BRADLEY: Actually, I think, I misspoke.
19 They don't have a verbatim transcript, but there has to
20 be minutes of the substance. They're just a closed
21 session, which are not public.

22 MS. RAY: And we get a separate transcript.

23 MS. BRADLEY: Oh, okay. So you have a
24 verbatim? Okay.

25 BOARD CHAIRMAN SPENCER: All right. Let's move

1 on, then.

2

3

AGENDA ITEM 10

4

TERRELL BURKLEY

5

6

BOARD CHAIRMAN SPENCER: Registration appeal
7 hearing, Mr. Terrell Burkley.

8

BOARD MEMBER ZANE: He's coming.

9

BOARD CHAIRMAN SPENCER: Good morning,
10 Mr. Burkley, or good afternoon.

11

MR. BURKLEY: Good afternoon.

12

BOARD CHAIRMAN SPENCER: And do you want to
13 make an announcement first for everyone?

14

MS. BRADLEY: Yeah, I guess, I could do that.

15

We're now going to do all the registration
16 appeals. When you hear your name called, please come
17 forward. Whether you're in Reno, or Carson City, excuse
18 me, or in Las Vegas, please come forward. And the Board
19 will then address you regarding your application.

20

If you want to have the meeting closed, because
21 you're dealing -- it's dealing with something sensitive,
22 like criminal history or financial history or something
23 that you would like, you know, to be able to give the
24 Board information on and not have it become public, you
25 can do that. And just let the Board know that you would

1 like to have it closed.

2 Just be advised that you can give the Board
3 information. They can ask you questions. You can
4 respond during the closed session. However the Board
5 will still deliberate in the open. They can't decide
6 your application or make comments regarding, you know,
7 the truth of what you're saying, or anything like that,
8 in that closed session.

9 So Mr. Burkley, it looks like you're first.
10 Are you okay with the session being open today?

11 MR. BURKLEY: Yes, I am.

12 MS. BRADLEY: Okay. Thank you.

13 MS. WHATLEY: Mr. Chairman, I did deny the work
14 card application for Mr. Burkley based on criminal
15 history and undisclosed arrest history. In '09,
16 Mr. Burkley did disclose that he had an arrest for
17 possession of stolen property and burglary. He did
18 disclose he had a DUI in 2010. He did not disclose a
19 July 2010 doing business without a license citation. He
20 did disclose on his arrest history -- not -- excuse me.
21 He did disclose on his questionnaire, under the question
22 "Are you now on bail, probation, parole, on your own
23 recognizance or have any active warrants for your
24 arrest?" he did mark yes and put nine months probation.
25 He is, according to the background information

1 I obtained, currently being supervised by parole and
2 probation until July 12, '12 in relation to the arrest
3 for the possession of stolen property and burglary, and
4 which were -- there's not a felony at issue. Let me
5 see. Let me see the fingerprint results. I believe, it
6 was adjudicated to gross misc.

7 So I just felt that because of the type of
8 offense and the one undisclosed, it should come before
9 the Board. I denied him for those two reasons.

10 BOARD CHAIRMAN SPENCER: What was the type of
11 offense again? I'm sorry.

12 MS. WHATLEY: August 20th of '09, the actual
13 arrest was burglary, nonmedical PCS, possession of
14 stolen property, two counts of that. It appears it was
15 adjudicated as -- one moment. Maybe it's this one that
16 shows what it's adjudicated as.

17 Yes. In his request for appeal, he did provide
18 his presentence investigation report. And it was
19 adjudicated as a gross misdemeanor.

20 BOARD CHAIRMAN SPENCER: And these are --

21 MS. WHATLEY: I'm sorry?

22 BOARD CHAIRMAN SPENCER: It was a gross
23 misdemeanor?

24 MS. WHATLEY: Yes. The burglary, which would
25 have been the felony charge, and the other, it was

1 reduced. What he was actually charged with, it was
2 adjudicated a gross misdemeanor, and he was placed on
3 probation.

4 BOARD CHAIRMAN SPENCER: Mr. Burkley, do you
5 have another side of the story or any additional
6 information you could provide us with?

7 MR. BURKLEY: Yes. I was just trying to -- I
8 had my sheriff's card back in '04. And I worked for a
9 couple, couple different securities, different
10 companies. And I got hired at the school district. And
11 I didn't need a sheriff's card. So it expired. And,
12 you know, I got into some trouble in -- you know, I got
13 let go by the school district. So then I tried to
14 reapply for my sheriff's card, you know, just trying to
15 better my life. You know, I made a mistake, and I was
16 just trying to, you know, move forward.

17 BOARD CHAIRMAN SPENCER: Okay. Questions from
18 the Board?

19 BOARD MEMBER ZANE: What was the circumstances
20 behind the burglary and the possession of stolen
21 property?

22 MR. BURKLEY: The circumstances of that, well,
23 actually, I bought some stolen goods from somebody,
24 and -- and then, after the fact, the goods got up in my
25 name, and that's how I got contact with the police and,

1 you know, got arrested and everything.

2 BOARD MEMBER PUTNAM: And did I understand
3 correctly, sir, that you're still on probation now?

4 MR. BURKLEY: Yes, I am, sir. I have 16 hours
5 community service, and I pay my \$30 supervision fee
6 every month.

7 BOARD MEMBER PUTNAM: And was is that for?

8 MR. BURKLEY: For my probation.

9 BOARD MEMBER PUTNAM: No, I mean what is the
10 probation for?

11 MR. BURKLEY: Oh. It's for the possession of
12 stolen property and the burglary.

13 BOARD MEMBER PUTNAM: Thank you, sir.

14 BOARD CHAIRMAN SPENCER: Entertain a motion.

15 BOARD MEMBER PUTNAM: Mr. Chairman, I move that
16 the denial of registration for Terrell Burkley be
17 upheld.

18 BOARD CHAIRMAN SPENCER: We have a motion.

19 BOARD MEMBER PUTNAM: Anybody want to second
20 that?

21 BOARD MEMBER NADEAU: I'll second it.

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

24 (Board members said "aye.")

25 Opposed?

1 Hearing none.

2 Mr. Burkley, your appeal is still denied. You
3 have one year in which you can -- if you stay clean
4 during that period of time, then you can reapply.

5 MR. BURKLEY: Thank you, sir.

6 BOARD CHAIRMAN SPENCER: Thank you.

7

8 AGENDA ITEM 11

9 SCOTT VASAITIS

10

11 BOARD CHAIRMAN SPENCER: 11 is Scott Vasaitis.

12 BOARD MEMBER ZANE: Nobody's coming forward.

13 BOARD CHAIRMAN SPENCER: Scott, any Scotts?

14 BOARD MEMBER ZANE: There was a couple of other
15 people here, Mr. Chairman. As the day went on, I know
16 one individual said he was going to be coming back. And
17 that was when we anticipated having a lengthy hearing.

18 BOARD CHAIRMAN SPENCER: Okay.

19 BOARD MEMBER PUTNAM: Is it appropriate, is a
20 motion appropriate that his denial be upheld because of
21 his failure to be here?

22 MS. BRADLEY: Well, the Board previously made a
23 blanket motion for everyone that wasn't here that's on
24 the agenda.

25 BOARD MEMBER PUTNAM: Oh, okay.

1 BOARD CHAIRMAN SPENCER: Yeah, that's a good
2 idea.

3

4 AGENDA ITEM 12

5 DEVIN CARBULLIDO

6

7 BOARD CHAIRMAN SPENCER: Okay. Number 12,
8 Devin Carbullido?

9 BOARD MEMBER ZANE: Nobody's coming forward.

10

11 AGENDA ITEM 13

12 CALEB CANDER

13

14 BOARD CHAIRMAN SPENCER: All right. Caleb
15 Cander.

16 BOARD MEMBER ZANE: What number is that,
17 Mr. Chairman?

18 BOARD CHAIRMAN SPENCER: Number 13, Caleb
19 Cander.

20 MS. RAY: It's Cander.

21 BOARD MEMBER PUTNAM: It's Caleb Cander.

22 BOARD CHAIRMAN SPENCER: Oh, Cander. It says
23 Cander here.

24 No response, huh? All right.

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AGENDA ITEM 14

KEITH LEE

BOARD CHAIRMAN SPENCER: Number 14, Keith Lee.

MR. BERINGHELE: Sir, Keith Lee will return.

He stepped out for a few minutes and said he will be back.

BOARD CHAIRMAN SPENCER: Okay. Great.

AGENDA ITEM 14

WILLIAM SHANE BARKER

BOARD CHAIRMAN SPENCER: Number 15, William Shane Barker.

MS. RAY: Mr. Chairman, I -- Mr. Barker had called. I did send him notice. However, he has a dangerous weapons conviction and under our current statute does not have any appeal rights to the registration.

AGENDA ITEMS 16 AND 16a

JASON MALDONADO

BOARD CHAIRMAN SPENCER: Board action to re-hear Jason Maldonado's request for an appeal hearing.

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

2 Mr. Maldonado was on the agenda for March. He requested
3 an appeal for his registration. And he was unable to
4 make it to the hearing due to car problems, as I recall.
5 And so the Board made a blanket motion for everybody
6 that was not in attendance to deny their registration
7 appeal hearing.

8 But Mr. Maldonado had made contact with us,
9 explained the situation. So this is to undo the action
10 from the March meeting, and then 16a is to hear his
11 appeal request.

12 BOARD CHAIRMAN SPENCER: So is 16 an action
13 item?

14 BOARD MEMBER NADEAU: Is he there now?

15 BOARD MEMBER PUTNAM: Yeah.

16 MS. RAY: I don't know.

17 BOARD MEMBER ZANE: Maldonado, yes, he's
18 present.

19 BOARD MEMBER UITHOVEN: Yeah, he's there.

20 BOARD MEMBER PUTNAM: Mr. Chairman, I move that
21 Board action be taken to re-hear Jason Maldonado's
22 request of an appeal hearing, for an appeal hearing.

23 BOARD MEMBER UITHOVEN: Second.

24 BOARD CHAIRMAN SPENCER: Okay. All in favor?

25 (Board members said "aye.")

1 Opposed?

2 Okay. Mr. Maldonado, how are you today?

3 MR. MALDONADO: All right. How are you?

4 BOARD CHAIRMAN SPENCER: Good.

5 MS. CHRISTENSEN: Okay. He was originally
6 denied because of he had some nondisclosures and, I
7 believe -- and for the moral character and turpitude.
8 He had several, several different types of arrests. And
9 then --

10 BOARD MEMBER ZANE: Can you hear them?

11 MR. MALDONADO: Yes, that's fine.

12 MS. CHRISTENSEN: And some of -- it looks like
13 at one point there was hostile dangerous weapon with
14 domestic violence. And then he did provide -- but that
15 was denied afterwards. He provided the documents.

16 MS. RAY: Dismissed or denied?

17 MS. CHRISTENSEN: Denied.

18 BOARD CHAIRMAN SPENCER: Mr. Maldonado, do you
19 care to comment on these issues, you're not providing
20 information?

21 MR. MALDONADO: Well, some of the charges I had
22 forgotten about until I recently got a statewide record
23 check. And then I was aware of some of the charges I
24 didn't list. Some of the traffic violations I didn't
25 list, because I really felt that they'd been handled,

1 such as driving without a license, unregistered vehicle,
2 no insurance.

3 BOARD CHAIRMAN SPENCER: Okay. Questions from
4 the Board?

5 BOARD MEMBER NADEAU: Mr. Chair, what
6 convictions do we know of? On the domestic battery and
7 the -- or domestic violence and the assault with a
8 deadly weapon, those have been, those have been
9 dismissed, and we have verification of that, correct?

10 MS. CHRISTENSEN: Yes.

11 BOARD MEMBER NADEAU: What, what conditions do
12 we know of that's in his record?

13 MS. CHRISTENSEN: He had, it looks like -- I do
14 not have the disposition for the petty larceny charge.
15 It does not appear on the fingerprint return.

16 BOARD MEMBER NADEAU: Okay.

17 MS. CHRISTENSEN: We have a conviction of a
18 DUI. It looks like two.

19 BOARD MEMBER NADEAU: His contention is he had
20 a card in 2005. Apparently, we issued him a security
21 guard card in 2005. Is that correct?

22 MS. RAY: We didn't do them in 2005. So.

23 BOARD MEMBER NADEAU: Okay. So. So it would
24 have probably come from metro?

25 MS. RAY: Yes.

1 BOARD MEMBER NADEAU: Okay. So he was issued a
2 card in 2005 and, but subsequently he's asking for us to
3 issue him a card now?

4 MS. RAY: Yes.

5 BOARD MEMBER NADEAU: Okay.

6 MS. CHRISTENSEN: Yes.

7 MS. RAY: And what was undisclosed?

8 MS. CHRISTENSEN: They're -- they were failures
9 to appear on traffic citations.

10 MS. RAY: Okay. Yeah.

11 MS. CHRISTENSEN: And disorderly conduct.

12 BOARD MEMBER NADEAU: And our denial was based
13 on the two arrests?

14 MS. CHRISTENSEN: Just on all the -- he had
15 several failure to appears for traffic citations.

16 BOARD MEMBER NADEAU: Okay.

17 MS. CHRISTENSEN: That were not disclosed.

18 BOARD MEMBER NADEAU: Okay.

19 MS. RAY: The dangerous weapon, what was that?
20 Oh, that was dismissed.

21 MS. CHRISTENSEN: That was dismissed. Or
22 denied. Denied.

23 BOARD MEMBER PUTNAM: So how many arrests did
24 he fail to list?

25 MS. CHRISTENSEN: Looks like three.

1 BOARD MEMBER PUTNAM: And what were they for?

2 MS. CHRISTENSEN: Failure to appear for a
3 suspended driver's license, disorderly conduct, and a
4 contempt of court charge.

5 BOARD MEMBER PUTNAM: Okay. And what happened
6 on those arrests?

7 MS. CHRISTENSEN: I don't -- I don't know.

8 BOARD MEMBER PUTNAM: Okay. But he failed to
9 list those on his application?

10 MS. CHRISTENSEN: Correct.

11 BOARD CHAIRMAN SPENCER: Anymore questions?

12 I'll entertain a motion.

13 BOARD MEMBER PUTNAM: Mr. Chairman, I move that
14 the registration denial for Jason Maldonado be upheld.

15 BOARD CHAIRMAN SPENCER: I have a motion.

16 BOARD MEMBER UITHOVEN: Second.

17 BOARD CHAIRMAN SPENCER: And a second. All in
18 favor, signify by saying "aye."

19 (Board members said "aye.")

20 BOARD CHAIRMAN SPENCER: Opposed?

21 BOARD MEMBER NADEAU: Nay.

22 BOARD CHAIRMAN SPENCER: Okay. Mr. Maldonado,
23 you are denied, and you can reapply in a year's time.

24 MR. MALDONADO: Okay.

25 BOARD CHAIRMAN SPENCER: Thank you.

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AGENDA ITEM

KEITH LEE

MR. BERINGHELE: Mr. Keith Lee has returned.

BOARD CHAIRMAN SPENCER: All right. Keith Lee.

Hi, Mr. Lee.

MR. LEE: How are you doing, sir, Board?

BOARD CHAIRMAN SPENCER: Fine. How are you
today?

MR. LEE: Pretty good. Thank you.

BOARD CHAIRMAN SPENCER: All right.

BOARD MEMBER ZANE: Can you hear everyone okay?

MR. LEE: Yes, sir.

BOARD MEMBER ZANE: And do you want this open
to the public?

MR. LEE: Oh. It doesn't matter. Open to the
public.

MS. GRESNICK-SMITH: Mr. Lee was originally
denied due to an active warrants and a pending battery
and domestic violence charge. He did --

(There was a moment off the record to adjust
the microphones.)

MS. GRESNICK-SMITH: Can you hear me?

BOARD MEMBER UITHOVEN: Yes, if you could
restart.

1 MS. GRESNICK-SMITH: Mr. Lee was originally
2 denied due to a warrant, an active warrant and this
3 pending battery and domestic violence charge. He did
4 provide documents showing that his warrant was quashed,
5 and he took care of it. However, he did have a pending
6 court date regarding that battery and domestic violence
7 charge. I haven't seen anything since, but I believe
8 his court date was in May. So I don't know if he was
9 convicted or if the charges were dropped.

10 BOARD CHAIRMAN SPENCER: Mr. Lee, would you
11 like to comment on that?

12 MR. LEE: Yes. Yes, sir, I went to court on
13 May the 12th, I think. And the motion was dismissed and
14 granted, sir. I have the paperwork here certifying it.

15 BOARD CHAIRMAN SPENCER: Okay. Granted his
16 motion.

17 BOARD MEMBER ZANE: Was there another issue?

18 MS. GRESNICK-SMITH: No, that was it.

19 BOARD CHAIRMAN SPENCER: Okay. I'll entertain
20 a motion.

21 MS. GRESNICK-SMITH: Did you want me to fax
22 these up to you? It does show that the charges were
23 dismissed. So.

24 BOARD MEMBER NADEAU: Move to overturn the
25 denial.

1 BOARD CHAIRMAN SPENCER: I have a motion.

2 BOARD MEMBER ZANE: Second.

3 BOARD CHAIRMAN SPENCER: And a second to
4 overturn the denial. All in favor, signify by saying
5 "aye."

6 (Board members said "aye.")

7 BOARD CHAIRMAN SPENCER: You got it. It's
8 overturned, sir. You are okay to go ahead.

9 MR. LEE: Thank you. Thank you, Board.

10 MS. BRADLEY: Mr. Lee, the Board will send you
11 documents in the mail after this meeting, just so that
12 you have what you need. Okay?

13 MR. LEE: Thank you very much.

14

15 AGENDA ITEM 17

16 MICHAEL CALDER

17

18 BOARD CHAIRMAN SPENCER: Michael Calder.

19 MR. CALDER: Yes, sir.

20 BOARD CHAIRMAN SPENCER: Good afternoon,
21 Mr. Calder.

22 MR. CALDER: Good afternoon to you.

23 BOARD CHAIRMAN SPENCER: We're trying to figure
24 out who's got you. So.

25 BOARD MEMBER ZANE: Were you sworn earlier?

1 MR. CALDER: Yes.

2 BOARD MEMBER ZANE: Do you want the meeting to
3 be open?

4 MR. CALDER: Yeah, it don't matter. Yeah.

5 BOARD MEMBER ZANE: Okay.

6 MS. CHRISTENSEN: He was originally denied also
7 for undisclosed arrests and for the moral turpitude. It
8 looks like he had somewhere around 14 arrests that were
9 not disclosed, a couple of them being firearms.

10 MS. RAY: Arrests or convictions?

11 MS. CHRISTENSEN: Convictions.

12 BOARD MEMBER PUTNAM: 14 convictions?

13 MS. CHRISTENSEN: According to his fingerprint
14 return. October of '78, concealed dangerous weapon,
15 disposition: convicted.

16 BOARD CHAIRMAN SPENCER: Mr. Calder, did you
17 care to comment on that?

18 MR. CALDER: No, other than I'm not the same
19 guy as I used to be. Well, I just need to get my card
20 back so I can get back to work. I'm in the process of
21 losing my house right now. And I need my card back to
22 get back to work. I got a job waiting for me when I get
23 this card back. Other than that, no, I'm not the same
24 guy I used to be at all.

25 BOARD MEMBER NADEAU: Mr. Chair? Mr. Chair?

1 BOARD CHAIRMAN SPENCER: Yes.

2 BOARD MEMBER NADEAU: I don't see in the
3 statute. I'm sitting here reading in the statute. I
4 don't see where we have the latitude to make -- to issue
5 a permit to someone who has a weapons violation.

6 BOARD CHAIRMAN SPENCER: I don't think so,
7 either.

8 BOARD MEMBER NADEAU: As the statute reads,
9 that I see, have no conviction of any crime involving
10 moral turpitude or illegal use or possession of a
11 dangerous weapon. It doesn't -- I don't see an
12 exemption for it, even if there's a, you know, time
13 period or anything of that nature.

14 BOARD CHAIRMAN SPENCER: Did you hear that,
15 Mr. Calder?

16 MR. CALDER: I heard it, but I didn't
17 understand it.

18 BOARD CHAIRMAN SPENCER: Basically, what it
19 says is the law does not provide for not -- the law does
20 not provide an exception in your types of cases, for the
21 one with the weapon and the moral turpitude.

22 MS. BRADLEY: Mr. Calder, what they're saying
23 is -- it's in NRS 648.060, just so that you know, and in
24 subsection (3), subsection (d). And it says that a
25 person, to have a license or registration from the

1 Board, has to have not been convicted of a felony or a
2 crime of moral turpitude or illegal use or possession of
3 dangerous weapons. So they're saying that the NRS
4 requires that you don't have that.

5 It might be possible for you to get that
6 conviction expunged, because it's been so long. You
7 might be able to go back to the original jurisdiction.
8 But the way that the Nevada legislature wrote this
9 statute, they didn't give the Board the discretion, even
10 though it's been a long time. And that's what they're
11 trying to tell you.

12 MR. CALDER: So the statute of limitations
13 still holds, basically?

14 MS. BRADLEY: It's the way that this law is
15 written. I'm kind of gathering from the Board they're
16 feeling a little bad about it, because it's been a long
17 time. But this is written in absolute terms,
18 unfortunately. So I think what you might want to do is
19 try to get that expunged. And I think maybe, since it's
20 been so long, you might be able to.

21 MR. CALDER: All right.

22 MS. BRADLEY: You'll have to contact them and
23 see.

24 MR. CALDER: Back in Utah, right?

25 MS. BRADLEY: Yes, wherever, wherever it was.

1 MR. CALDER: All right.

2 MS. BRADLEY: They haven't voted yet, but
3 that's what they were trying to tell you.

4 MR. CALDER: Okay.

5 BOARD MEMBER PUTNAM: Mr. Chairman?

6 BOARD CHAIRMAN SPENCER: Yes.

7 BOARD MEMBER PUTNAM: I have a motion. I move
8 that based upon Nevada state law, the denial of
9 registration of Michael Calder be upheld.

10 BOARD MEMBER NADEAU: Second.

11 BOARD CHAIRMAN SPENCER: I have a motion and a
12 second. All in favor?

13 (Board members said "aye.")

14 BOARD CHAIRMAN SPENCER: Opposed?

15 Okay. Mr. Calder, the only way you can get
16 around that is, like I said and like the lady said, is
17 get it expunged.

18 MR. CALDER: All right.

19 BOARD CHAIRMAN SPENCER: Thank you.

20 MR. CALDER: Thanks, guys.

21

22 AGENDA ITEM 18

23 CHARLES FLETCHER

24

25 BOARD CHAIRMAN SPENCER: This is 18, Charles

1 Fletcher.

2 BOARD MEMBER ZANE: He's coming.

3 MR. FLETCHER: Good afternoon, Mr. Chairman and
4 Board members.

5 BOARD CHAIRMAN SPENCER: How are you?

6 MR. FLETCHER: Fine, sir. Yourself?

7 BOARD CHAIRMAN SPENCER: Not too bad.

8 MR. FLETCHER: Okay.

9 BOARD CHAIRMAN SPENCER: Who's got this one?

10 MS. CHRISTENSEN: Me. Okay.

11 BOARD MEMBER ZANE: Sir, were you sworn in, and
12 open forum is fine?

13 MR. FLETCHER: Yes.

14 MS. CHRISTENSEN: He was also denied for
15 nondisclosure. I also -- a possible conviction, looks
16 like, for firearms again. And I apologize. Just one
17 second.

18 BOARD CHAIRMAN SPENCER: Mr. Fletcher,
19 basically, it was denied because you didn't report some
20 of the -- of your record. Do you recall doing that?

21 MR. FLETCHER: Mr. Chairman, anything that I
22 didn't report I didn't know about.

23 MS. CHRISTENSEN: He had 14 arrests.

24 BOARD CHAIRMAN SPENCER: 14 also.

25 MS. BRADLEY: I'm sorry. For the record,

1 Mr. Fletcher, do you want the session to be open? I
2 didn't hear what --

3 MR. FLETCHER: Absolutely.

4 MS. BRADLEY: Okay.

5 MR. FLETCHER: Absolutely.

6 MS. BRADLEY: I didn't hear what they were
7 saying, so I just wanted to make sure. Thank you.

8 BOARD CHAIRMAN SPENCER: Do you want to give me
9 some specifics on those, the dates?

10 MS. CHRISTENSEN: The arrests do date back to
11 the 1960s.

12 BOARD CHAIRMAN SPENCER: 1960?

13 MS. CHRISTENSEN: Yes. We've got -- and I'm
14 not sure, but there was an assault with a deadly weapon.
15 I do not know what the disposition was. That was in
16 1970.

17 BOARD CHAIRMAN SPENCER: Where?

18 MS. CHRISTENSEN: California, San Francisco.

19 BOARD CHAIRMAN SPENCER: Do you recall being
20 arrested in 1960?

21 BOARD MEMBER NADEAU: 1970.

22 BOARD CHAIRMAN SPENCER: '70.

23 MR. FLETCHER: Not really, Board members and
24 Mr. Chairman. You probably can see that I'm -- I was a
25 police officer for 10 years. I sent the Board, the

1 commission, all of my POST certificates and all of my
2 licenses and diplomas in the agency that I work for.
3 And the D.O.G., D.O.J. had no problem issuing me my POST
4 certificate, firearms certificate and everything else
5 that I needed to become a police officer.

6 BOARD CHAIRMAN SPENCER: Is it possible we have
7 a -- where were you a police officer, sir?

8 MR. FLETCHER: San Francisco.

9 BOARD CHAIRMAN SPENCER: San Francisco. What
10 years?

11 MR. FLETCHER: 1988 through 1996.

12 BOARD CHAIRMAN SPENCER: Okay.

13 BOARD MEMBER PUTNAM: If I might ask, sir, why
14 did you leave after eight years?

15 MR. FLETCHER: I'm sorry, sir?

16 BOARD MEMBER PUTNAM: Why did you leave
17 San Francisco P.D. after eight years?

18 MR. FLETCHER: Well, sir, I was an -- I am an
19 entrepreneur, and I have had this aspiration to have my
20 own business. When I -- and so I bought a semi truck,
21 and I started trucking. I was making 3,100 a month as a
22 police officer. I started making 4,000 a week as a
23 trucker.

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

25 (The Las Vegas teleconference connection was

1 lost and reestablished.)

2 BOARD CHAIRMAN SPENCER: We're back.

3 BOARD MEMBER NADEAU: And Mr. Chair?

4 BOARD CHAIRMAN SPENCER: Yes.

5 BOARD MEMBER NADEAU: Mr. Fletcher, do you
6 recall the assault with a deadly weapon charge in 19 --

7 MR. FLETCHER: Absolutely not. I've never
8 assaulted anyone with a deadly weapon, ever.

9 BOARD MEMBER NADEAU: So you're contending that
10 this criminal history isn't you?

11 MR. FLETCHER: I -- I've never assaulted
12 anybody with a deadly weapon. I've never even drawn my
13 firearm as a -- as a police officer.

14 BOARD CHAIRMAN SPENCER: Well, then, maybe we
15 have some erroneous information.

16 MS. WHATLEY: The sale of the -- sale or
17 possession of switchblade knives. That's what it says.

18 BOARD CHAIRMAN SPENCER: What year?

19 BOARD MEMBER PUTNAM: What?

20 MS. CHRISTENSEN: That was in '71. Possession
21 of dangerous drugs. And, there again, I do not have the
22 disposition on these. They're not showing.

23 BOARD MEMBER PUTNAM: This is from an FBI
24 report based on his fingerprints?

25 MS. CHRISTENSEN: Correct. And none of these

1 were disclosed.

2 BOARD MEMBER NADEAU: And they're under his
3 name?

4 MS. CHRISTENSEN: Yes. And she just verified
5 that.

6 BOARD MEMBER NADEAU: Okay.

7 BOARD CHAIRMAN SPENCER: Where did those occur?

8 MS. CHRISTENSEN: I'm sorry?

9 BOARD CHAIRMAN SPENCER: Where did those occur?

10 MS. CHRISTENSEN: In California.
11 San Francisco. I thought he had several.

12 BOARD MEMBER NADEAU: Is there a Social
13 Security number on there?

14 MS. WHATLEY: M-hm (affirmative).

15 BOARD MEMBER NADEAU: If so, what are the last
16 four digits?

17 MS. CHRISTENSEN: 6344.

18 BOARD MEMBER NADEAU: It matches what he gave
19 us as his police officer certification.

20 BOARD MEMBER PUTNAM: And that's based on the
21 fingerprints check.

22 BOARD CHAIRMAN SPENCER: Mr. Fletcher, the
23 records that they're reporting are based upon your
24 fingerprints that were submitted to the FBI. They're
25 saying that in early '70, you had a weapons charge, a

1 switchblade knife.

2 MS. CHRISTENSEN: '71. There were several
3 weapons charges.

4 BOARD CHAIRMAN SPENCER: Yeah, several weapons
5 charges and a drug charge, as I recall. You don't
6 recall that?

7 MR. FLETCHER: Let me comment, sir. Back in
8 the day, we all recall what's called the numbers game.
9 And you know what that is? Do you recall that, what the
10 numbers game is?

11 BOARD CHAIRMAN SPENCER: Uh-huh (affirmative).

12 MR. FLETCHER: Anyway, let me expound. I was
13 with several individuals that got pulled over. And
14 they, and the police found weapons, and they -- not only
15 that, they found a syringe, a knife, a syringe in the
16 vehicle. There was five of us in the vehicle. They
17 charged everyone in the vehicle with a weapon. And I
18 think the weapon was like a starter pistol. It wasn't
19 even a real firearm. It was a starter pistol. And they
20 found a switchblade knife, I guess. And they also found
21 a syringe. And they charged everybody in the vehicle
22 with that. Those things, those items surely weren't
23 mine.

24 BOARD MEMBER PUTNAM: All right. But he failed
25 to list these in his application?

1 MS. CHRISTENSEN: Correct.

2 BOARD MEMBER PUTNAM: Well, sir, if you
3 recalled those incidents, why did you fail to list them
4 in your application for the card?

5 MR. FLETCHER: Well, sir, this was so long ago,
6 number one. I didn't realize that I was actually
7 charged with all those things. Actually, I was
8 detained. I was taken, I believe, to -- to juvenile
9 center.

10 BOARD MEMBER PUTNAM: Well, no, sir, I believe
11 the question, you were asked about arrests, not what you
12 were charged with. You do remember being arrested,
13 don't you?

14 MR. FLETCHER: Oh, after the -- it was brought
15 up, yes, I do now, afterwards. We all were arrested.

16 BOARD CHAIRMAN SPENCER: Well, I would suggest
17 that what you probably should do is contact the
18 authorities there and try to get them to sort that out
19 and perhaps even clear it up for you.

20 MR. FLETCHER: My only -- I'm sorry.
21 Mr. Board, Mr. Chairman, the only thing I could say is
22 to the D.O.J. had no problem issuing me, you know, my
23 full certificates at a later date, you know, and
24 allowing me to perform my duties.

25 BOARD CHAIRMAN SPENCER: Yeah, that is very

1 strange.

2 BOARD MEMBER PUTNAM: Well, sir, the only thing
3 I could comment there is did you list those arrests when
4 you made application for the San Francisco P.D.?

5 MR. FLETCHER: Oh, absolutely. Well, no, I
6 don't think I did. They would have came up with it
7 before, if that was an issue. And if it had came up
8 then, it probably would have triggered my -- my
9 recollection; I probably would have remembered that that
10 day.

11 BOARD MEMBER PUTNAM: Well, the thing is, I
12 would imagine that if you had left those off your
13 application for your involvement in police work, that
14 they would have made you aware of it at that time and
15 probably would not have hired you, if you left them off.

16 MR. FLETCHER: If they were an issue, they
17 would have brought them up, Mr. Chairman, and I probably
18 would have been acknowledged of them then and would have
19 sparked my memory for even today.

20 BOARD CHAIRMAN SPENCER: Well, I wish there was
21 something more positive that we could tell you, but my
22 best recommendation to make --

23 MS. WHATLEY: Mr. Chairman, also on January 6,
24 1993, police department, Burlingame, arrested him for
25 impersonating a police officer.

1 BOARD CHAIRMAN SPENCER: Did you hear that,
2 sir?

3 MR. FLETCHER: I heard it, and -- and I have --
4 and I was working as a police officer at the time. So I
5 don't know. You can't impersonate yourself to a police
6 officer if you are one.

7 BOARD CHAIRMAN SPENCER: No.

8 BOARD MEMBER PUTNAM: What happened to the
9 charges; does it show?

10 MS. WHATLEY: It does not. Actually, I take
11 that back. The court disposition shows that it was
12 relinquished. Yeah, it went down to PC carrying a
13 loaded in a public place, and then the actual
14 disposition is -- it doesn't look like they went forward
15 with it. It was -- it looks like it was referred to
16 another sheriff's department or a P.D. Yeah, it was to
17 another sheriff's office.

18 BOARD CHAIRMAN SPENCER: Do you recall a
19 disciplinary issue that you might have had in 1993?

20 MR. FLETCHER: I do. I definitely recall that.
21 It wasn't a disciplinary and action. They made a
22 mistake. And they acknowledged their mistake. It
23 should say that in the records, sir.

24 BOARD CHAIRMAN SPENCER: It says that it was
25 referred to another jurisdiction. So I'm assuming it

1 was your -- referred to your department, then.

2 I'm afraid there's nothing that we can do,
3 based upon fingerprint verification on these other
4 charges. I am really amazed that they didn't come up
5 before, when San Francisco did a background on you. So
6 we would be remiss on that, you know, doing anything
7 other than going along with the fingerprint-based
8 report.

9 BOARD MEMBER PUTNAM: One question. That '93
10 thing, was that listed on his application, that arrest?

11 MS. CHRISTENSEN: No. And, I believe, the only
12 one he disclosed was his domestic violence battery
13 charge in October of '08, was the only one he disclosed.

14 BOARD CHAIRMAN SPENCER: No, I don't see that
15 we have any choice.

16 BOARD MEMBER PUTNAM: Yeah.

17 BOARD CHAIRMAN SPENCER: But that's just my
18 opinion.

19 BOARD MEMBER PUTNAM: Are you ready for a
20 motion?

21 BOARD CHAIRMAN SPENCER: Yeah, hear from -- any
22 other questions from the Board?

23 BOARD MEMBER ZANE: I do, sir.

24 BOARD CHAIRMAN SPENCER: Okay.

25 BOARD MEMBER ZANE: Mr. Fletcher, when there's

1 a letter in here of a commendation from the Geneva
2 Towers Apartments submitted, was that through your
3 employment with San Francisco?

4 MR. FLETCHER: Correct.

5 BOARD MEMBER ZANE: Okay. So were you employed
6 in a security detail for public housing?

7 MR. FLETCHER: I was employed by the Federal
8 Housing Authority.

9 BOARD MEMBER ZANE: Okay. So you were not an
10 employee of the City of San Francisco Police Department?

11 MR. FLETCHER: The federal housing, the federal
12 police.

13 BOARD MEMBER ZANE: The federal police?

14 MR. FLETCHER: Correct.

15 BOARD MEMBER ZANE: So the training
16 certificates that you've given us as evidence is a
17 transcript of your attendance at that certain type of
18 training during that period of time, correct?

19 MR. FLETCHER: It's at the academy. It's the
20 police, it's accredited police academy. And the POST
21 certificates I supplied you are from the California
22 D.O.J.

23 BOARD MEMBER ZANE: I don't see any POST
24 certificates in the information I'm looking at. I see
25 two, one certificate for 22 hours worth of --

1 MR. FLETCHER: You see the module, right?

2 BOARD MEMBER ZANE: Pardon me?

3 MR. FLETCHER: You see the module?

4 BOARD MEMBER ZANE: It's got -- it's 25DK.

5 MR. FLETCHER: That's a POST certificate, sir.

6 That's an original POST certificate from the California

7 D.O.J.

8 BOARD MEMBER ZANE: What I'm looking at is a

9 transcript of San Mateo College.

10 MR. FLETCHER: Here are the modules, here are

11 the modules from the Academy of San Mateo, original.

12 BOARD MEMBER ZANE: What I'm looking at, this

13 is transcripts that you attended San Mateo College and

14 that the Peace Officer Standards in Training admission

15 gave you certain credits for the time that you went

16 there.

17 MR. FLETCHER: Sir, these are, these are POST

18 certificates, the California D.O.J. That's what this

19 is. Here is the diploma. There's no diploma. Giving

20 the name of the agency and my name. Right there.

21 BOARD MEMBER ZANE: The name of the agency?

22 I assume I'm looking at stuff that the other

23 Board members don't have, a Certificate of Appreciation

24 awarded from the Federal Housing Police Services on the

25 30th day of September, 1992, and Verification of Program

1 Completion from San Mateo, the College of San Mateo.
2 One of these is a Reserve Officer Training Module. The
3 second one is a Reserve Officer Training Module. And
4 the third is a Reserve Officer Training Module. They're
5 certificates of completion for course studies.

6 MR. FLETCHER: That's correct.

7 BOARD MEMBER ZANE: That's all I have. That's
8 all I have, Mr. Chairman.

9 BOARD CHAIRMAN SPENCER: All right. Entertain
10 a motion.

11 BOARD MEMBER NADEAU: Mr. Chairman?

12 BOARD CHAIRMAN SPENCER: Yes.

13 BOARD MEMBER ZANE: Oh, I'm sorry.

14 BOARD MEMBER NADEAU: No, go ahead, Mark.

15 BOARD MEMBER ZANE: I move that we uphold the
16 denial of the work card permit.

17 BOARD MEMBER NADEAU: I second.

18 BOARD CHAIRMAN SPENCER: Motion and second.

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

20 (Board members said "aye.")

21 BOARD CHAIRMAN SPENCER: Opposed?

22 Hearing none.

23 Mr. Fletcher, we have to deny you now. But if
24 you wish to get some of those straightened out and come
25 back, we'll be happy to see what we can do for you.

1 MR. FLETCHER: Thank you, Mr. Chairman and
2 Board members.

3 BOARD CHAIRMAN SPENCER: Thank you.
4

5 AGENDA ITEM 19

6 DAVID WEAVER
7

8 BOARD CHAIRMAN SPENCER: All right. Number 19,
9 David Weaver.

10 BOARD MEMBER ZANE: No, sir.
11

12 AGENDA 20

13 CARLTON REDDEN
14

15 BOARD CHAIRMAN SPENCER: Carlton Redden?

16 BOARD MEMBER ZANE: No, sir.
17

18 AGENDA ITEM 21

19 JOSE ANGUIANO
20

21 BOARD CHAIRMAN SPENCER: Jose Anguiano?

22 BOARD MEMBER ZANE: Yes, sir.

23 BOARD CHAIRMAN SPENCER: Hello there. How are
24 you doing?

25 MR. ANGUIANO: I'm pretty good. How about

1 yourself?

2 BOARD CHAIRMAN SPENCER: Not too bad.

3 BOARD MEMBER ZANE: Were you sworn in earlier?

4 MR. ANGUIANO: Yes, sir.

5 BOARD MEMBER ZANE: Do you want open or closed?

6 MR. ANGUIANO: Open.

7 BOARD MEMBER ZANE: Open? Okay.

8 He was sworn in, and he says that it can be
9 open.

10 BOARD CHAIRMAN SPENCER: Okay. Great.

11 MS. CHRISTENSEN: Okay. He was originally
12 denied because he had -- he had a dis -- a
13 nondisclosure, which was basically a traffic-type issue.
14 But we also had a -- which he did disclose, prohibited
15 dangerous weapon on school grounds in February of 2010.
16 He is currently, I believe, going through the court
17 system. He is paying. He has fines and stuff that he
18 needs to pay, community service. So there's no
19 disposition on that.

20 BOARD CHAIRMAN SPENCER: Mr. Anguiano, would
21 you like to comment on those?

22 MR. ANGUIANO: As far as the warrant goes, I
23 have it here, right here. And community service, well,
24 there's nothing I can do. I finished my hours, but my
25 court date is not due till the 18th of next month.

1 BOARD CHAIRMAN SPENCER: Okay. What about the
2 weapons charge?

3 MR. ANGUIANO: Those were just BB guns found in
4 the trunk of my car. I did know the BBs guns were in
5 the car. I just didn't know I was going to be on school
6 property that day.

7 BOARD CHAIRMAN SPENCER: BB guns?

8 MR. ANGUIANO: Yes. And one of them didn't
9 even work.

10 BOARD CHAIRMAN SPENCER: Okay. Any questions
11 from the Board?

12 BOARD MEMBER PUTNAM: Mr. Chairman?

13 BOARD CHAIRMAN SPENCER: Yes.

14 BOARD MEMBER PUTNAM: Did he list these things
15 on his application?

16 MS. CHRISTENSEN: He did.

17 BOARD CHAIRMAN SPENCER: And was it turned back
18 on that?

19 MS. CHRISTENSEN: When was he arrested on those
20 or --

21 BOARD CHAIRMAN SPENCER: Why was he denied?

22 MS. CHRISTENSEN: He had one other
23 nondisclosure, and then because I had the dangerous
24 weapon out there with nothing, no conviction, no
25 disposition, still going through the courts.

1 BOARD CHAIRMAN SPENCER: Oh, okay.

2 MS. CHRISTENSEN: And he has the two, as he
3 stated, the two active warrants that he's tried to take
4 care of, which are traffic warrants, that he's trying to
5 get paid before they can be taken care of.

6 BOARD MEMBER PUTNAM: So he has two outstanding
7 warrants at this time?

8 MS. CHRISTENSEN: M-hm (affirmative).

9 BOARD MEMBER ZANE: I'm reading the documents,
10 Mr. Chairman.

11 MR. ANGUIANO: It says right --

12 MS. RAY: Mr. Anguiano, could you repeat, and
13 speak up, please?

14 MR. ANGUIANO: I was telling you that the paper
15 shows that the warrants were clear on Monday, all three
16 of them. Apparently, I have three now.

17 BOARD MEMBER PUTNAM: They are still
18 outstanding?

19 MR. ANGUIANO: No, they're cleared. No,
20 they're clear now.

21 BOARD MEMBER PUTNAM: They're cleared?

22 MR. ANGUIANO: Yeah. I'm doing payments.

23 BOARD CHAIRMAN SPENCER: Okay.

24 BOARD MEMBER ZANE: That would be the case,
25 according to the records that I reviewed.

1 MR. ANGUIANO: And as far as the dangerous
2 weapons, the BB guns, I did, knew they were in the car.
3 I just wasn't expecting to go on school grounds that
4 whole day. Wrong day, wrong time.

5 BOARD MEMBER PUTNAM: Sir, I have a question
6 with regard to that. What is the status of that case?
7 Has it -- have you been discharged?

8 MR. ANGUIANO: I was asked to do 25 hours of
9 community service. I completed them. But I -- my next
10 court date is the 18th. That's when I get a release of
11 the charge.

12 BOARD MEMBER PUTNAM: So the charges are still
13 pending on the weapons charge?

14 MR. ANGUIANO: Well, they're not really
15 pending. They just want to see that I completed the
16 community service, and that will be dismissed.

17 BOARD MEMBER PUTNAM: Yes, but the thing is, it
18 has not yet been dismissed, right?

19 MR. ANGUIANO: That's right.

20 BOARD MEMBER PUTNAM: So, in effect, it is
21 still pending, if I -- unless I'm wrong.

22 MR. ANGUIANO: You're right, sir.

23 BOARD MEMBER ZANE: What was the criminal
24 classification for the charge; was it a misdemeanor,
25 gross?

1 MR. ANGUIANO: It was a misdemeanor. This is a
2 misdemeanor citation.

3 BOARD MEMBER ZANE: I'm looking at a referral
4 form for the community service issued by Clark County.
5 Can you tell me, verify that the case number that we're
6 talking about is 10F, as in Frank, 02297X, as in x-ray?

7 MS. CHRISTENSEN: Yes, it is.

8 BOARD MEMBER PUTNAM: Yes.

9 MS. CHRISTENSEN: That's what it's showing on
10 his SCOPE.

11 BOARD MEMBER ZANE: Okay. That would, it would
12 appear that the fine of \$250 and community service in
13 lieu of the fine, 25, community service mandatory hours,
14 100, that would appear to be the disposition on that,
15 the sentence anyway.

16 BOARD MEMBER PUTNAM: Okay. But you have
17 another court date coming up, sir, with regard to these
18 charges?

19 MR. ANGUIANO: No, it will just be on the 18th
20 of the following month.

21 BOARD CHAIRMAN SPENCER: How about conditional
22 and have him come in the office and show the dismissal?

23 BOARD MEMBER NADEAU: Mr. Chair?

24 BOARD CHAIRMAN SPENCER: Yes?

25 BOARD MEMBER NADEAU: I need to know what

1 the -- what is the actual charge of the conviction?

2 MS. CHRISTENSEN: It does not --

3 BOARD MEMBER NADEAU: Mark, does it say on
4 there what the final, what the charge was on the final
5 disposition?

6 BOARD MEMBER ZANE: It does not, not on the
7 document I'm looking at. The only thing corresponding
8 was the case number.

9 MS. CHRISTENSEN: Correct.

10 BOARD MEMBER NADEAU: Mr. Chair, I don't mean
11 to be a stickler for language, but our indications are
12 that it was possession of a dangerous weapon on a school
13 ground.

14 BOARD CHAIRMAN SPENCER: Right.

15 BOARD MEMBER NADEAU: The statute is very
16 clear. I don't see where we have latitude. Now, if
17 it's been reduced to some other charge, and it's not a
18 dangerous weapon charge, then we may have some leeway.
19 But in this particular case, I don't see where we have
20 statutory authority to ignore it or go past that. I
21 mean I'm not trying to be --

22 BOARD CHAIRMAN SPENCER: No, no.

23 BOARD MEMBER PUTNAM: Yeah.

24 BOARD MEMBER NADEAU: I'm just -- you know, I'm
25 just frustrated, because that's what the charge is. And

1 unless it's -- and, you know, it would seem unusual that
2 that would be the charge if it's a misdemeanor. Because
3 I don't know of a misdemeanor dangerous weapon. But I'd
4 have to, I'd have to see a disposition to see that it's
5 not a dangerous weapon. The only information we have is
6 that it was possession of a dangerous weapon on the
7 school grounds.

8 MR. ANGUIANO: I was trying to get more
9 information; but, unfortunately, the court doesn't give
10 you papers, and you can't really rely on the public
11 defenders.

12 BOARD CHAIRMAN SPENCER: Yes. All right.
13 Well, I'll entertain a motion.

14 BOARD MEMBER NADEAU: Based on the information
15 we have, I'd move -- that we have at this time, I'd move
16 that we have to uphold the denial.

17 BOARD MEMBER PUTNAM: Second.

18 BOARD CHAIRMAN SPENCER: Moved and second. All
19 in favor, signify by saying "aye."

20 (Board members said "aye.")

21 BOARD CHAIRMAN SPENCER: Opposed?

22 None.

23 When you get your dismissal or completion
24 information, you might want to try to come back again
25 with that information.

1 MR. ANGUIANO: Yes, sir.

2 BOARD CHAIRMAN SPENCER: And, also, a
3 description of the weapon. I just don't know how they
4 could get a BB gun into a --

5 MR. ANGUIANO: Well, like you said, it's
6 considered a weapon on school property, but.

7 BOARD CHAIRMAN SPENCER: Yeah. But a dangerous
8 weapon, you know, I don't know. But bring it back.

9 And he can bring it back, can't he?

10 MS. RAY: Well, denials are a year. In a year,
11 we can. I'm sure there's something we can review, if
12 necessary.

13 BOARD CHAIRMAN SPENCER: Check it out. And do
14 you live in Las Vegas? So take it in to the people
15 there and have them look at it.

16 MR. ANGUIANO: Yes, sir.

17 BOARD CHAIRMAN SPENCER: Okay?

18 MR. ANGUIANO: Yes, sir.

19 BOARD CHAIRMAN SPENCER: All right. Okay. All
20 right. That's all we can do for you now.

21 MR. ANGUIANO: Thank you, sir.

22 BOARD CHAIRMAN SPENCER: Thank you.

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AGENDA ITEM 22

SLOVODAN JOVIC

BOARD CHAIRMAN SPENCER: All right. Slobodan Jovic.

MR. JOVIC: Hello, guys.

BOARD CHAIRMAN SPENCER: How are you, sir?

MR. JOVIC: Fine, sir.

BOARD MEMBER ZANE: Were you sworn in earlier?

MR. JOVIC: (Nodded head affirmatively.)

BOARD MEMBER ZANE: Do you want this open to the public?

MR. JOVIC: Public.

BOARD MEMBER ZANE: He says he's sworn before, and open is fine.

BOARD CHAIRMAN SPENCER: Okay. Thank you.

MS. KING: Good afternoon, Mr. Chairman and Board members. Investigative Assistant Brandi King. I denied Mr. Jovic's application for nondisclosure and moral turpitude. On his application, he disclosed seven arrests. And on my preliminary background, the SCOPE revealed 16 arrests and/or citations. And I have the dates of both and a list of the nondisclosed arrests or citations.

BOARD CHAIRMAN SPENCER: Mr. Jovic, what do you

1 have to say about that?

2 MR. JOVIC: I have only case open, the DUI
3 charges. So rest of case are dismissed. So I went to
4 school, DUI MOD. So I graduate next year, in July. So.

5 BOARD CHAIRMAN SPENCER: Are you saying all of
6 these, all of these instances have been dismissed?

7 MR. JOVIC: Yes. Only one case open, DUI.

8 BOARD MEMBER PUTNAM: And what's that case,
9 sir, what are the charges on that case?

10 BOARD MEMBER NADEAU: DUI.

11 MR. JOVIC: Just DUI. DUI. So I am going to
12 MOD DUI school.

13 BOARD CHAIRMAN SPENCER: You're getting ready
14 to get rid of the some DUI charges?

15 MR. JOVIC: Yes.

16 BOARD CHAIRMAN SPENCER: Are you not drinking
17 now?

18 MR. JOVIC: No, I'm sober 27 months. And I
19 finished two weeks school, and then the one more year,
20 that I finish July next year, July 2012.

21 BOARD CHAIRMAN SPENCER: Okay.

22 MR. JOVIC: Now I'm different. I think
23 positive. I think positive, I do.

24 BOARD CHAIRMAN SPENCER: Aren't you from
25 Serbo-Croatia?

1 MR. JOVIC: Actually, Slavia-Bosnia.

2 BOARD CHAIRMAN SPENCER: Yeah, Bosnia?

3 MR. JOVIC: Yes. Yes, sir.

4 BOARD CHAIRMAN SPENCER: Questions from the
5 Board?

6 BOARD MEMBER NADEAU: We just don't have any
7 explanation for why Mr. Jovic did not disclose all the
8 other citations. And there's petty larceny. There's a
9 couple alcohol-related, trespass. All of those were
10 undisclosed. And they are fairly recent, within the
11 last four or five years.

12 Is there a reason you didn't disclose those?
13 Sir? Mr. Jovic?

14 BOARD MEMBER ZANE: Is there a reason that you
15 didn't put down other arrests?

16 MR. JOVIC: Oh, the reason. So the question is
17 what is charged me? What's charge mean?

18 BOARD MEMBER ZANE: You failed to put down some
19 arrests?

20 MR. JOVIC: Yeah.

21 BOARD MEMBER ZANE: You were arrested?

22 MR. JOVIC: (Nodded head affirmatively.)

23 BOARD MEMBER ZANE: Why? How -- can you tell
24 us about --

25 MR. JOVIC: I was arrested a couple of times

1 for -- for public drinking open. And two-day time for
2 domestic violence. So for DUI.

3 BOARD MEMBER ZANE: How come you didn't put
4 them all down on the form?

5 MR. JOVIC: I don't, I don't complete form?

6 BOARD MEMBER ZANE: No.

7 MR. JOVIC: I don't understand question.

8 BOARD MEMBER ZANE: The form asks every arrest.
9 How come you didn't put down every arrest?

10 MR. JOVIC: I sent fax to justice court and
11 metro office of my criminal history. I sent fax.

12 BOARD MEMBER ZANE: To?

13 MR. JOVIC: To Carson City, to her.

14 MS. KING: I believe, what he's saying is that
15 instead of submitting a written statement regarding his
16 arrest, he sent me a copy of the SCOPE, which I already
17 have. And he also sent me some court hearing documents
18 dated July of 2009, leading up to this year.

19 So he didn't provide anything on the previous
20 arrests. But this does show that he is to complete two
21 years in the moderate DUI program. But I do not have
22 dispositions on many of the arrests.

23 BOARD CHAIRMAN SPENCER: I'll consider a
24 motion.

25 BOARD MEMBER UITHOVEN: Mr. Chairman, I'll make

1 a motion that we uphold the denial for Slobodan Jovic.

2 BOARD MEMBER PUTNAM: Second.

3 BOARD CHAIRMAN SPENCER: Motion and second.

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

5 (Board members said "aye.")

6 BOARD CHAIRMAN SPENCER: It carries.

7 Mr. Jovic, we can't. We have to continue to
8 deny you today, because you've failed to disclose all
9 this information. Good luck with your continuing
10 efforts with your DUI. And later on down the road, you
11 can reapply, in about a year's time.

12 MR. JOVIC: All right. Thank you, everybody.

13 BOARD CHAIRMAN SPENCER: Thank you.

14

15 AGENDA ITEM

16 JOEY SELAG

17

18 BOARD CHAIRMAN SPENCER: Joey Selag.

19 MR. SELAG: Yes, sir.

20 BOARD CHAIRMAN SPENCER: Oh.

21 MR. USTER: I'm here just, also, in support.

22 BOARD MEMBER ZANE: Okay. We have a -- we have
23 an individual in the audience who would like to speak in
24 support, if it's appropriate, of this particular item.

25 BOARD CHAIRMAN SPENCER: Okay. Do you want to

1 swear him in?

2 BOARD MEMBER ZANE: He wasn't sworn.

3 MS. BRADLEY: Oh, okay. He needs to be sworn?

4 Would you please raise your right hand. And do
5 you swear or affirm that the testimony you're about to
6 provide before the Board will be the truth, the whole
7 truth and nothing but the truth, so help you God?

8 MR. USTER: Yes, I do.

9 MS. BRADLEY: Thank you.

10 BOARD CHAIRMAN SPENCER: We'll call you up in
11 just a moment. You can have a seat there. That's
12 great.

13 MR. MASON: Thank you.

14 MR. SELAG: Is that for my case there?

15 MS. RAY: Yeah.

16 MR. SELAG: I brought my director of forensics.
17 He's with Nevada State Lakes Crossing.

18 BOARD CHAIRMAN SPENCER: Yeah, I'm sorry. Do
19 you have these, on what happened?

20 MS. RAY: We're getting copies and will fax
21 them.

22 But, Mr. Chairman, this is Joey Selag, I
23 assume.

24 MR. SELAG: Yes.

25 MS. RAY: And he is asking for an exemption

1 outlined in NAC 648.338. The reason that this has come
2 about is, since we took over the work cards, when we
3 processed the applications, it asks for previous
4 employment. And Mr. Selag has worked for SCG, license
5 number 1189, since 2001?

6 MR. SELAG: Yes.

7 MS. RAY: Okay. And during the course of doing
8 the renewal application, he listed that his current
9 employer is through the State of Nevada Lakes Crossing.

10 MR. SELAG: Lakes Crossing. And I brought my
11 director of forensics.

12 MS. RAY: So you do have some information from
13 Mr. Selag on this issue in your materials, and -- and
14 that's why we're here today. I don't know that we have
15 any leeway in this matter. Because pursuant to 169.125,
16 the position that Mr. Selag holds falls within the
17 definitions listed as a peace officer. So that's the
18 background.

19 He was -- he hasn't been denied. He has
20 actively been employed by a licensee since 2001. When
21 the work cards were issued through the counties, nobody
22 paid attention to these kinds of things. This is his
23 second job. He works full-time for Lakes Crossing and
24 part-time for SCG.

25 And I think you need to be sworn.

1 MS. BRADLEY: Are you going to call him as a
2 witness?

3 MR. SELAG: Yes.

4 MS. BRADLEY: Okay. Why don't you both stand
5 and raise your right hand.

6 MS. RAY: This gentlemen?

7 MS. BRADLEY: He was already sworn.

8 Do you swear or affirm that the testimony
9 you're about to give before the Board today will be the
10 truth, the whole truth and nothing but the truth, so
11 help you God?

12 MR. SELAG: I do.

13 MR. MASON: I do.

14 MS. BRADLEY: Thank you.

15 MS. RAY: And, I believe, Mr. Chairman, if I
16 might also add a comment, that SCG has put you on leave.

17 MR. SELAG: Leave, yeah.

18 MS. RAY: Pending the outcome of this matter.

19 MR. SELAG: I've been on leave for about two
20 months.

21 MS. RAY: Yeah.

22 BOARD CHAIRMAN SPENCER: Where is the peace
23 officer status?

24 MS. RAY: This is Mr. Selag's.

25 MR. SELAG: Under 289.240.

1 MS. RAY: 289.240, is that what you said?

2 MR. SELAG: Yeah. And it's under 289.240.
3 It's under the Health and Human Services.

4 BOARD CHAIRMAN SPENCER: Questions from the
5 Board?

6 BOARD MEMBER NADEAU: Well, why do we -- have
7 we had an -- maybe I missed it. But did we have an
8 explanation why he was denied? Is that what --

9 MS. RAY: Why he was what? Denied?

10 BOARD MEMBER NADEAU: Yeah.

11 MS. RAY: He hasn't actually been denied.

12 BOARD MEMBER NADEAU: Okay. He's just asking
13 for the exemption.

14 MS. RAY: We're going to start seeing more and
15 more of these. And I think I kind of touched on this
16 yesterday; you know, when we have the application, and
17 it asks for the previous employer and -- and these
18 individuals, because we weren't doing the work cards, we
19 didn't know about the work history. And --

20 MS. BRADLEY: And it's my understanding he's
21 here to request an exemption under NAC 648.338. And if
22 you look at subsection (2), upon receipt of a written
23 request for an exemption, the Board may grant that --
24 and then there's subs (a) and (b), which are the things
25 you have to find before you can grant the exemption.

1 So he wants to have a work card, but he can't
2 unless you grant him an exemption. And I think he wants
3 to make a comment, and he does have two witnesses if and
4 when you you'd like to hear from them.

5 BOARD CHAIRMAN SPENCER: Okay.

6 MR. SELAG: Can I make a comment?

7 BOARD CHAIRMAN SPENCER: Yes.

8 MS. RAY: And speak up.

9 MR. SELAG: Yes. Sorry. As of now, I'm
10 still -- my card is active. I applied last year, and
11 you guys granted me the card. I have an active card.
12 But, for some reason, this came up. And they told me I
13 can no longer -- or I -- well, actually, I can still
14 work, but I have to get a granted exemption from the
15 Board. But I still have an active card. You guys have
16 not revoked the card. You have done nothing to the
17 card.

18 All I am here for is to ask for an exemption
19 under the 648.338(2)(1)(a) and (b), if it says that
20 there's no conflicts or there's no advantage, that my
21 employer, both employers, have any -- gain any
22 advantage. Which there isn't. And both of my employers
23 are here to testify.

24 BOARD CHAIRMAN SPENCER: All right. Sir, would
25 you like to identify yourself and speak for this

1 gentleman?

2 MR. USTER: Yes. My name is James Uster,
3 U-S-T-E-R. I'm the contract manager for Security
4 Consultants Group.

5 Mr. Selag is an excellent security officer. We
6 would love to see the exemption granted, because he does
7 a fine job. He's assigned to a federal building in
8 Reno, Nevada. And there is absolutely no conflict
9 between what he does for us and what he does for the
10 State of Nevada. So we feel that since he's been
11 employed since 2001 previously with Security
12 Consultants, or Security Innovations, and now it's
13 Security Consultants Group, that since no conflict has
14 ever been incurred, that we would like to continue his
15 employment. I know that he wants to work a part-time
16 position for us so that he can send his daughter to
17 school, to college, which I think is admirable on his
18 part. And we certainly would like to continue his
19 employment.

20 BOARD MEMBER PUTNAM: And I see here that you
21 have a letter signed by your supervisor at Lakes
22 Crossing, indicating there's also not a conflict of
23 interest.

24 MR. SELAG: He's here, sir.

25 BOARD CHAIRMAN SPENCER: Sir, come forward and

1 identify yourself.

2 MR. MASON: Sure. Mr. Chairman and the Board
3 members, for the record, my name is Mike Mason. I'm a
4 lieutenant at Lakes Crossing Center. I run operations,
5 and I'm also Joey's boss.

6 I just wanted to let you know I did provide a
7 letter. Joey's worked for me for about eight years. He
8 is an exemplary employee, also, for me. The whole
9 entire eight years he's worked for me, he's worked for
10 this operation, and it never once caused a conflict. He
11 is a certified peace officer, category three, so his job
12 is within the scope of our operations. So he doesn't
13 perform any peace officer duties when he's outside of
14 work.

15 We're a state facility. We deal with
16 competency to stand trial issues. We have nothing to do
17 with the federal side whatever. So I've seen no
18 conflict in the entire time he's worked for me. There's
19 never been a conflict, and he's never had any issues in
20 the entire time he's been employed.

21 BOARD CHAIRMAN SPENCER: Questions?

22 BOARD MEMBER ZANE: I have one.

23 BOARD CHAIRMAN SPENCER: Okay.

24 BOARD MEMBER ZANE: In your employment with the
25 state, do you, do you have direct access to computerized

1 information that would include criminal history
2 information as well as NCIC?

3 MR. SELAG: No, sir.

4 MR. MASON: If I may make a comment, although
5 Joey may have some access to it, it's only -- he has no
6 control over it. I have access to it. And the only one
7 that he may hear about in any context in meetings would
8 be in relation to an inmate that we would have in our
9 possession. He has no control over what's run. He has
10 no access to run NCIC about work cards.

11 MR. SELAG: The only thing --

12 BOARD MEMBER ZANE: Thank you.

13 MR. MASON: Yes.

14 MR. SELAG: I'm sorry. Just to add, interject
15 that, just so that for my safety, my safety and
16 everybody's safety, if the person is violent or
17 dangerous, of course, that is, that's the only thing.

18 BOARD MEMBER ZANE: Thank you.

19 BOARD CHAIRMAN SPENCER: Okay.

20 MR. SELAG: Thank you.

21 BOARD MEMBER NADEAU: Do we have handy the
22 definition of the various categories of peace officer,
23 cat one, cat two, cat three?

24 MS. RAY: I think, there's specifics in 289 --

25 MR. SELAG: 240.

1 MS. RAY: 240.

2 BOARD MEMBER NADEAU: 240. Okay. Let me get
3 that.

4 MR. SELAG: It's under the Health and Human
5 Services.

6 MR. MASON: It'll say certain officers at Lakes
7 Crossing Center. There will be some designators.

8 BOARD MEMBER NADEAU: No, actually, I was
9 looking for --

10 MS. WHATLEY: It's NAC 289.

11 MR. MASON: Yeah, NAC.

12 MR. SELAG: NAC 289.240.

13 BOARD MEMBER NADEAU: Is that where, is that
14 where the --

15 MS. WHATLEY: Categories.

16 BOARD MEMBER NADEAU: -- categories also come
17 from?

18 MS. WHATLEY: M-hm (affirmative).

19 BOARD MEMBER NADEAU: Okay. It's been a while.
20 I have to try to.

21 (There was a pause in the proceeding.)

22 BOARD MEMBER ZANE: Mr. Chairman, was there
23 some additional materials submitted?

24 MS. RAY: You should -- I believe, that was
25 faxed. Let me catch Brandi.

1 (There was a pause in the proceeding.)

2 Somebody should be delivering it.

3 MR. BERINGHELE: Okay. Thanks.

4 BOARD MEMBER NADEAU: I'm still struggling with
5 trying to find the definition of what the powers of the
6 various categories of peace officer. I see 140,
7 et cetera, talk about standards in training. But they
8 don't talk about powers of a police officer. And maybe
9 the statute's changed, but I thought we could find it.

10 Oh, here. Here we go. Never mind. I found
11 it.

12 MS. RAY: Did you find it?

13 MR. MASON: I couldn't tell you the actual
14 statute offhand; but if you look for the specific one
15 that applies to us, it's a little more detail that tells
16 exactly.

17 BOARD MEMBER NADEAU: On the forensics?

18 MR. MASON: Yeah, within the scopes of ours, it
19 is a little more detailed. It is kind of vague. I've
20 read through those many times.

21 (There was a pause in the proceeding while
22 material was being faxed.)

23 MR. MASON: So if you want any support -- and
24 Julie Slabaugh is our A.G. And she isn't here. So if
25 you need any support of what our function is, she could

1 probably provide it.

2 MS. RAY: M-hm (affirmative) she's been here a
3 while, a few years.

4 (There was a period off the record.)

5 BOARD MEMBER ZANE: Well, am I correct in my
6 assumption that this would be a category three peace
7 officer position?

8 MR. SELAG: Yes.

9 BOARD MEMBER ZANE: So under 289.480. Thank
10 you.

11 BOARD CHAIRMAN SPENCER: Any further questions
12 or comments from the Board?

13 BOARD MEMBER ZANE: I have none.

14 BOARD CHAIRMAN SPENCER: Motions?

15 BOARD MEMBER PUTNAM: Mr. Chairman?

16 BOARD MEMBER ZANE: I'd make a motion to
17 support an exemption.

18 BOARD MEMBER NADEAU: I'll second.

19 BOARD CHAIRMAN SPENCER: Motion and second to
20 support an exemption. All in favor, signify by saying
21 "aye."

22 (Board members said "aye.")

23 Take it away.

24 MR. SELAG: Thank you very much.

25 MR. USTER: Thank you very much, gentlemen.

1 BOARD CHAIRMAN SPENCER: Thank you all.

2 MR. MASON: Thank you.

3 MR. SELAG: Will I be receiving any letters

4 or --

5 MS. RAY: I'll send you a confirmation.

6 MR. SELAG: Okay. Thank you very much.

7 MS. RAY: You're welcome.

8 BOARD MEMBER ZANE: Now, that, as I understand
9 it, that exemption only applies to this set of
10 circumstances and these employers, correct?

11 MR. SELAG: Yes.

12 MS. BRADLEY: So if something changes, you'll
13 want to let the Board know.

14 MR. SELAG: I will definitely do that. Thank
15 you.

16 BOARD CHAIRMAN SPENCER: You bet.

17 MR. SELAG: Thank you.

18

19 AGENDA ITEMS 11, 12, 13, 19 AND 20

20 SCOTT VASAITIS, DEVIN CARBULLIDO, CALEB CANDER,

21 DAVID WEAVER AND CARLTON REDDEN

22

23 BOARD CHAIRMAN SPENCER: Okay. That's it. All
24 those didn't show up.

25 BOARD MEMBER PUTNAM: Yeah. I'll make a

1 motion.

2 BOARD CHAIRMAN SPENCER: Take it away.

3 BOARD MEMBER PUTNAM: Mr. Chairman, I'd move
4 that the denial of registration --

5 BOARD CHAIRMAN SPENCER: Okay. Well, let me
6 just check. I'm going to run through a list of names
7 and see if anybody is down there.

8 Scott Vasaitis?

9 Devin Carbullido?

10 BOARD MEMBER ZANE: No.

11 BOARD CHAIRMAN SPENCER: Caleb Cander?

12 BOARD MEMBER ZANE: No.

13 BOARD CHAIRMAN SPENCER: David Weaver?

14 BOARD MEMBER ZANE: No.

15 BOARD CHAIRMAN SPENCER: Carlton Redden?

16 BOARD MEMBER ZANE: No.

17 BOARD CHAIRMAN SPENCER: Okay. That's it. On
18 those individuals, go ahead.

19 BOARD MEMBER PUTNAM: Okay. Mr. Chairman, I
20 have a motion that the individuals just named by you,
21 regarding those individuals, that their denial of
22 registration is upheld by this Board.

23 BOARD MEMBER UITHOVEN: Second.

24 BOARD CHAIRMAN SPENCER: Motion and second.

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

1 (Board members said "aye.")

2 BOARD CHAIRMAN SPENCER: Opposed?

3 Passes.

4

5 AGENDA ITEM 24

6 BOARD COMMENT AND DISCUSSION ONLY

7

8 BOARD CHAIRMAN SPENCER: All right. All right.

9 Yesterday we continued the discussion and possible
10 direction from the Board relating to the licensing of
11 franchises in the state of Nevada. Okay.

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

13 Well, we've touched upon this a little bit for
14 the last two days. But I would like to touch upon it
15 some more. And Mr. Conahan, who was approved yesterday
16 as the qualifying agent for Signal 88 Franchise Group,
17 Inc., doing business as Signal 88, he was approved, and
18 he has agreed to stay today so we could have some
19 discussion. If you remember, I had placed it on the
20 last meeting agenda. And the people that were going to
21 show up to talk about it, to assist me to kind of get
22 some dialogue going, they weren't in attendance.

23 So I kind of want to talk about it a little bit
24 now. And I think that we can really get into it,
25 because we've completed the appeal citation that we're

1 going to end up kind of talking a little bit more about,
2 and Signal 88 and how they operate as a franchise group.
3 And I think Mr. Conahan can kind of explain how that
4 works.

5 But just some additional information. When
6 Signal 88 first got licensed, and the previous
7 qualifying agent, who I don't think had a lot of --
8 didn't have a physical presence here in Nevada, had a
9 Mr. -- and maybe I can get the names. I don't know.
10 But, anyway, there were some individuals that ran the
11 business for them, one of which was Mr. Amici. And they
12 were operating as a separate company from the licensed
13 franchise group, Signal 88. Which, in my opinion, was
14 done improperly. So that's kind of what I want to talk
15 about.

16 But Mr. Conahan, who is now the qualifying
17 agent and who has assured the Board that he will have a
18 physical presence in Nevada, and he will be overseeing
19 the day-to-day operations, and has submitted an e-mail
20 that said if Signal 88 Franchise Group should sell a
21 franchise in the state of Nevada, that that franchise
22 would seek licensure, be licensed appropriately in the
23 private patrolman categories, et cetera.

24 But my concern is, and what I'd like to talk
25 about is it appeared to me it was the using of a

1 license, and it was inappropriate. So that's kind of
2 where I am at. And Mr. Conahan is probably the expert
3 here on franchises. And so I would appreciate any help
4 on this matter.

5 MR. CONAHAN: Mr. Chairman and members of the
6 Board and Ms. Ray, good afternoon. I wouldn't, I
7 wouldn't say I'm an expert on this, by any stretch. I
8 just joined the organization in January. I think, I
9 shared with you my credentials yesterday, when I was
10 before you for the QM license.

11 But, you know, the QM that I am replacing,
12 qualified manager license holder, was actually the
13 founder of the original company in Omaha, Nebraska, Shea
14 Gann. And Shea acted as the qualified manager. The
15 whole licensing, or I'm sorry, the whole franchise
16 process that we work with, with Signal 88, and to the
17 security industry, this is fairly new. You don't see a
18 lot of it. And, in fact, we're probably, if not the
19 top, one of the top franchise, security franchise
20 companies in the country. I only know myself and a few
21 others. And they currently don't have very many
22 franchises at all. We currently are in 37 states. We
23 have 70 franchises, Hawaii, Alaska, from coast to coast.

24 The whole model is based on the founding
25 company in Omaha. And under our franchise documents

1 that -- or franchise agreements that every franchisee
2 wishes to obtain, they are required to adhere to all
3 state licensing requirements. We cannot hold a license
4 for them. It is up to them to meet the qualifications.
5 What we do is we assist them in their business model.
6 We assist them in helping them find a qualified manager,
7 if that need be the case. But they need to meet all of
8 the state's qualifications.

9 You may or may not know, I mean across the
10 country in all 50 states, there's different licensing
11 requirements for each state. And so we try to bring our
12 expertise and what the state's requirements are for each
13 of our franchisees or a potential franchisee and help
14 them understand the compliance issues that each state
15 has and where they would like to purchase a franchise.
16 Anything else is threatened.

17 Question-wise?

18 BOARD CHAIRMAN SPENCER: Questions, anybody?

19 BOARD MEMBER NADEAU: I have a question. Are
20 the franchises typically for this state, or are they for
21 individual locations within -- are they a statewide
22 franchise, or are they individual offices or locations?
23 In other words, could you have one in Las Vegas, one in
24 Reno, one in Elko?

25 MR. CONAHAN: Yeah, very good question. The

1 way the franchise model is set up, to sell a franchise,
2 it's based on population area. We go by zip code. And
3 so a potential franchisee can come in, they can
4 ascertain, you know, an area that we don't currently
5 have a franchise and by a certain population space. So,
6 yes, there could be multiple franchises in a city or a
7 state.

8 BOARD MEMBER NADEAU: How do you discern
9 between, then, Signal 88, one franchisee from another,
10 when you're talking about state licensure, name, ID,
11 those kinds of things?

12 MR. CONAHAN: And what we've seen in other
13 states, like California and Arizona, there's a
14 requirement by the state that we can't just go by Signal
15 88 Security. It has to be -- in California, for exempt,
16 for -- I can't even say it now. But, for example, they
17 have Signal 88 Security San Diego North. They have
18 Signal 88 Security Temecula. So it's broken out like
19 that. And Arizona is the same way.

20 BOARD MEMBER NADEAU: And does each one of
21 those, then, under our -- under our statutes, each of
22 the individual franchisees would have to have the --
23 have their own qualified agent. Is that consistent
24 around the country?

25 MR. CONAHAN: Yes. Yes, it is.

1 BOARD MEMBER PUTNAM: Okay. So pardon me, sir.
2 If I understand correctly, if someone buys a franchise,
3 then they cannot use your license or your qualifying
4 agent. They must get a license as that particular
5 entity.

6 MR. CONAHAN: Yes.

7 BOARD MEMBER PUTNAM: And must have a separate
8 qualifying agent for that particular entity?

9 MR. CONAHAN: That is correct, sir.

10 BOARD MEMBER PUTNAM: Thank you.

11 BOARD CHAIRMAN SPENCER: What kind of a
12 guarantee do they have?

13 MR. CONAHAN: You know, it's been, it's been
14 amazing how much business. The franchise has grown, the
15 franchise group has grown to those 70 offices or 70
16 franchises in a little less than two years. So there's
17 huge demands out there. What we fill is a void.
18 There's probably a lot of security companies that get
19 started, but either by -- we find a lot of people
20 starting a franchise, former law enforcement or
21 military. So they have a security background, but they
22 lack the business background. We try to help them, you
23 know, bridge those issues where they may have some
24 weaknesses, to not ensure, but, you know, to help them,
25 you know, be a productive business.

1 BOARD CHAIRMAN SPENCER: How long is the
2 obligation to you?

3 MR. CONAHAN: Three years, sir. They're
4 three-year agreements. So we don't lock anybody in for
5 any length of time. There's a royalty that we -- you
6 know, we take as a franchise group, just like any other
7 franchise business. In some instances, we help them,
8 you know, with H.R. issues, with payroll, those type of
9 things.

10 BOARD MEMBER NADEAU: Mr. Chair?

11 Mechele, what problems or issues, if any, do
12 you see that we may encounter through this business
13 model?

14 MS. RAY: As stated by Mr. Conahan, I don't
15 think we'll have any. Because both will be licensed.
16 And, obviously, Signal 88 and Mr. Conahan, as the
17 qualifying agent, they're going to obviously be
18 receiving funds once this other licensed company with
19 the dba, you know, Signal 88 Las Vegas, both entities
20 are licensed. It wasn't done that way.

21 BOARD MEMBER NADEAU: Initially.

22 MS. RAY: Initially with Mr. Amici, who was
23 here earlier, which is what started all of this going.

24 BOARD MEMBER NADEAU: And, Mr. Chair, a while
25 back, this Board, we had a lot of confusion and a lot of

1 discussion regarding -- and as far as how like Guarda,
2 were able to identify themselves in the different
3 element corporations and businesses with -- under that
4 umbrella. We were able to get that kind of -- but I
5 kind of see some of the same sort of confusions that
6 would arise out of this. But, obviously, we've gotten
7 beyond that now.

8 MS. RAY: Right. And another example is we
9 licensed another company yesterday, who is owned by the
10 same parent corporation. And now that -- and they offer
11 a different type of screening service than their sister
12 company, who has the very same, similar name, you know.
13 So it's just a different model or service that one
14 entity offers than the other. But they operate
15 independent from each other, which is why they're each
16 required to obtain a license.

17 And I think I have a better understanding about
18 the franchise situation now, and with Mr. Conahan's
19 assurances that should they sell a franchise, that
20 before anything happens, that the new entity will have a
21 license, a qualifying agent in place before any of that
22 takes place.

23 BOARD MEMBER NADEAU: So from your
24 perspective --

25 MR. CONAHAN: This -- I'm sorry. Ms. Ray and

1 the Board members, you know, rest assured, I'm not going
2 to be an absentee qualified manager.

3 I think, I think one of the issues with our
4 company is the fact that we grew so quickly. And maybe
5 some things did get dropped early on. But, you know, I
6 have a solid understanding of Nevada regulations based
7 on testing and all of my studying. So I am the person
8 to go to. I will -- you can deal with me directly. And
9 I will definitely deal with you guys directly if we have
10 any issues.

11 BOARD MEMBER NADEAU: And we -- if Mr. Amici
12 experienced any -- I guess, you know what's going on
13 now. But, you know, there's a front-end piece of
14 getting the licensure here, and it's not easy. So on
15 the franchisee, it's going to be somewhat of a ramp-up
16 period before they'll even be -- can be licensed and,
17 basically, take -- I don't know if you've experienced
18 that in other jurisdictions or not.

19 MR. CONAHAN: I guess, I'm not sure the
20 question, sir.

21 BOARD MEMBER NADEAU: I guess, what I'm saying
22 is that you can't just say -- somebody can't come to you
23 and say, "I want to open up a franchise in Reno for
24 Signal 88." There's a ramp-up time that's going to
25 be -- in other words, you can't just say, "Well, Signal

1 88's got a presence in Nevada, so go ahead and just open
2 your office in Reno." There's a period of time of
3 getting -- making sure that, if you don't have an
4 already licensed QA or somebody that would be a QA, that
5 there's going to be some ramp-up time and that type. I
6 guess, that's what I'm trying to say.

7 MR. CONAHAN: No, that's absolutely accurate.
8 You know, there will be the ramp-up time. They have to
9 follow and meet all the state qualifications prior to
10 them becoming an active franchise and doing business in
11 Nevada.

12 MS. RAY: Yes. Thank you.

13 Mr. Chairman, they need to like count on four
14 to six months at a minimum. So.

15 MR. CONAHAN: And we realize that. And every
16 state, like I said, is different, different times, we
17 know. Minnesota, I'll give you a for-instance; it takes
18 almost a year to get a license up there. So we're very
19 open and up-front with our franchise, potential
20 franchisees in letting them know that there's -- you
21 know, there's a ramp-up period before they can even jump
22 into something like this.

23 BOARD MEMBER NADEAU: And this may be
24 proprietary. So if you don't want to answer it, you
25 don't have to. But do you typically, your corporate

1 officers typically then take a position as a corporate
2 officer on the new entity?

3 MR. CONAHAN: No, we do not, sir. They're
4 owned independently of the franchise group.

5 BOARD MEMBER NADEAU: Okay.

6 MS. RAY: May I make a comment?

7 BOARD CHAIRMAN SPENCER: Certainly.

8 MS. RAY: Mr. Chairman, I'd just like to thank
9 Mr. Conahan for sticking around and sitting through
10 today so that we could have this discussion. I
11 appreciate it.

12 MR. CONAHAN: No, absolutely, it was very
13 interesting for me, as a new QM, to see some of this.
14 So I appreciate the opportunity to be here.

15 BOARD CHAIRMAN SPENCER: Thank you very much.

16 MR. CONAHAN: Thank you, gentlemen.

17

18 AGENDA ITEM 25

19 FUTURE AGENDA ITEMS

20

21 BOARD CHAIRMAN SPENCER: Future agenda items.

22 MS. RAY: Mr. Chairman, I covered my section of
23 that yesterday.

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AGENDA ITEM 26

PUBLIC COMMENT AND DISCUSSION ONLY

BOARD CHAIRMAN SPENCER: Okay. Public comment?

MS. RAY: Do you have any public?

BOARD MEMBER ZANE: No, no public here.

BOARD MEMBER PUTNAM: We have no public here.

BOARD CHAIRMAN SPENCER: We have no public
here.

BOARD MEMBER NADEAU: Move to adjourn.

BOARD CHAIRMAN SPENCER: How about a motion?

BOARD MEMBER PUTNAM: Move the meeting be
adjourned.

BOARD CHAIRMAN SPENCER: Second. All in favor?

(Board members said "aye.")

* * * * *

(The meeting adjourned at 2:05 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, June 9, 2011, at 9:00 a.m., and commencing at 9:05 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 within transcript, consisting of pages 1 through 191, 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 15th day of August, 2011.

SHANNON L. TAYLOR
Nevada CCR #322, RMR