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

Thursday, September 8, 2011
9:00 a.m.

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

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
Certified Court, Shorthand and Registered Merit Reporter
Nevada CCR #322, California CSR #8753, Idaho CSR #485
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A P P E A R A N C E S

Board Members Present:

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

Also: Mechele Ray
Executive Director

Harry B. Ward
Deputy Attorney General
Prosecuting Counsel

Sarah Bradley
Deputy Attorney General
Acting Board Counsel

Tammy Whatley
Investigator

Elyse Gresnick-Smith (Las Vegas)
Investigator

Bruce Yarborough (Las Vegas)
Investigator

Kimberly Christensen
Investigative Assistant

Other Participants in Carson City:

Billie Line, Jr.

(continued...)

1 Other Participants in Las Vegas:

2 Diana Shew, Esq.
3 Roddie Rushing
4 LeeAnn Archuleta
5 Joanna Needham
6 Eyal Schmucl
7 Robert Smith
8 Ken Hansen
9 Gregory Mays
10 Charles Johnson
11 Troy Carter
12 Josh Schreiber (Joseph Schreiber)
13 Johnathan Marques
14 Luis Valdez
15 Sean Kissel
16 Peter Richard Alojipan
17 Carlton Redden
18 Sedgie Lee Conerly

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1 CARSON CITY, NEVADA, THURSDAY, SEPTEMBER 8, 2011,

2 9:00 A.M.

3 -oOo-

4 BOARD CHAIRMAN SPENCER: Good morning.

5 Put a little enthusiasm.

6 BOARD MEMBER ZANE: Good morning.

7 BOARD CHAIRMAN SPENCER: Good. How are you?

8

9 AGENDA ITEM 1

10 ROLL CALL OF BOARD MEMBERS

11

12 BOARD CHAIRMAN SPENCER: Okay. Let's get this

13 show on the road. Roll call of members.

14 MS. RAY: Board Member Uithoven?

15 BOARD MEMBER UITHOVEN: Here.

16 MS. RAY: Board Member Zane?

17 BOARD MEMBER ZANE: Here.

18 MS. RAY: Board Member Nadeau?

19 BOARD MEMBER NADEAU: Here.

20 MS. RAY: Board Member Putnam?

21 BOARD MEMBER PUTNAM: Here.

22 MS. RAY: Chairman Spencer?

23 BOARD CHAIRMAN SPENCER: Here. Well, that

24 means we're here.

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AGENDA ITEM 2

ALL APPLICANTS AND WITNESSES TO BE SWORN IN

BOARD CHAIRMAN SPENCER: All applicants, which we don't have any applicants, but anybody who will give testimony before this Board today needs to be sworn in.

Do you have anybody down there?

MS. GRESNICK-SMITH: Yes.

BOARD MEMBER ZANE: We do.

BOARD CHAIRMAN SPENCER: Okay. Do you want to have them come up and raise their hand.

MS. GRESNICK-SMITH: You guys that are going to be speaking today, raise your hand and be sworn.

BOARD CHAIRMAN SPENCER: You're going to do it in the dark.

MR. WARD: That's fine.

Is everyone ready? Please raise your right hand. Do you solemnly swear or affirm to tell the truth, the whole truth and nothing but the truth, so help you God?

(Potential witnesses were sworn/affirmed.)

MR. WARD: Thank you.

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AGENDA ITEM 3

PUBLIC COMMENT

BOARD CHAIRMAN SPENCER: As we have started to do, we reserve this time right now for any public comment that anyone would like to make.

BOARD MEMBER ZANE: No response here.

BOARD CHAIRMAN SPENCER: Excuse me?

MS. RAY: No response.

BOARD CHAIRMAN SPENCER: No response. Okay.

AGENDA ITEM 4

OLD BUSINESS

BOARD CHAIRMAN SPENCER: Old business. Continuation of Board discussion and possible action to determine if Correction Corporation of America or any private prison facility or company, located in Nevada, should be required to obtain a private patrolman license and determination from Board counsel as it relates to individuals being confined in a residential program and how it relates to a private prison facility in the state of Nevada.

MS. RAY: Thank you, Mr. Chairman.

I'm not sure if Samuel Bojinowski is present in

1 Las Vegas?

2 MS. SHEW: This is Diana Shew. I'm the
3 assistant general counsel up here on behalf of
4 Correction Corporation of America, along with Warden
5 Roddie Rushing and his chief of security, LeeAnn
6 Archuleta.

7 BOARD CHAIRMAN SPENCER: Yes. Could you repeat
8 those again a little slower for our lady here.

9 MS. SHEW: Certainly. My name is Diana Shew.
10 And I am assistant general counsel. And present also is
11 Warden Roddie Rushing and his chief of security, who is
12 LeeAnn Archuleta.

13 BOARD CHAIRMAN SPENCER: Thank you very much.

14 MS. RAY: Thank you, Mr. Chairman. At the last
15 meeting, we kind of left this unresolved, this issue
16 unresolved, and CCA was willing to come back and further
17 discuss licensing issues. And it was also raised by
18 Board Member Nadeau to have Board Member -- or Board
19 Counsel do some research on the applicability statute,
20 specifically 648.018, 712.

21 MR. WARD: Correct.

22 MS. RAY: And on the residential confinement.

23 MR. WARD: Mr. Chairman, can I address the
24 Board?

25 MS. RAY: Elyse, can you turn the camera to --

1 MS. GRESNICK-SMITH: Your camera or our camera?

2 MS. RAY: Your camera so we can -- it's very
3 dark there.

4 MS. GRESNICK-SMITH: Okay.

5 (There was a period of time off the record
6 while the camera was adjusted, 9:09 to 9:18 a.m.)

7 MR. WARD: Mr. Chairman, for the record, my
8 name's Harry Ward. I'm the Deputy Attorney General in
9 this matter, or DAG. I've been asked to do some
10 research concerning the old business of Correction
11 Corporation of America.

12 I would just like to let the Board know that in
13 September 1988 the Attorney General's Office issued an
14 opinion. And the question was Are providers of
15 monitoring services, with respect to convicted persons
16 sentenced to residential confinement, required to obtain
17 private investigator's licenses under NRS Chapter 648?

18 And in a nutshell, without going through the
19 three or four pages, the conclusion was yes. The
20 residential confinement monitoring service described in
21 your request falls within the definition of, quote,
22 unquote, private investigators, as set forth in NRS
23 648.012 and is not exempt elsewhere in NRS Chapter 648.
24 Accordingly, any business that would provide such a
25 service on a contract basis is required to be licensed

1 by the Private Investigators Licensing Board.

2 Now, remember, this was done in September of
3 1988. As you all are aware, that NRS 648.018, there are
4 exceptions. And the exception is going to be section
5 12. Basically, it says "Except as to any polygraph
6 examiners and interns, this chapter does not apply,"
7 number 12, subsection 12, "to any person employed to
8 administer a program of supervision for persons who are
9 serving terms of residential confinement."

10 Without getting into the legislative history,
11 which can be done, it is my understanding that after the
12 A.G. gave this opinion in 1988, it was dealt with
13 legislatively, and an exemption was provided.

14 BOARD MEMBER NADEAU: What NRS was that?

15 MR. WARD: NRS 648.018, number 12. And you can
16 see that, I think, they added, according to the
17 legislative history, in 2009, that there was an
18 amendment, as well as 1985 and 1991 and 1989.

19 So to get the minutes of why this was changed
20 and when it was changed would require a little more
21 investigative work as far as getting the legislative
22 history. But my interpretation, yes, the A.G. at one
23 point said, yes, they did need a license. And then our
24 legislature came back almost immediately and said, "All
25 right. We're going to exempt these people."

1 Questions?

2 BOARD CHAIRMAN SPENCER: No. Are we going
3 to -- ma'am, do you have any questions?

4 MS. SHEW: Well, yeah. I guess, I have a
5 question on the ultimate conclusion. Because CCA's
6 position has always been and continues to be that we
7 will abide by the decision of this Board. If this Board
8 determines that CCA needs to be licensed, we're going to
9 be licensed. If this Board determines that we're
10 exempt, then we're exempt. So I want to make sure I
11 understand if the Board has reached a determination in
12 that regard, because we're going to abide by it.

13 BOARD CHAIRMAN SPENCER: Are we going to ask
14 the -- or how do you feel about it? Board comment?

15 BOARD MEMBER ZANE: The information received
16 doesn't help me to make a determination. I think, I'm
17 more particularly interested as to whether or not the
18 statutes and the exemptions apply to a commercial
19 confinement facility rather than owned confinement and
20 monitoring.

21 BOARD MEMBER NADEAU: Yeah. And it all has to
22 do with what the definition of "residential confinement"
23 is.

24 MR. WARD: Which has been undefined.

25 BOARD MEMBER NADEAU: Okay.

1 MR. WARD: By our legislature. And that's
2 something that might have to be addressed, what is
3 considered, quote, unquote, residential confinement
4 under 648.018. And that would probably lead us into
5 a -- better directions as to how the Board should
6 consider.

7 BOARD MEMBER PUTNAM: Would it be appropriate
8 for the Board to make a motion pending the definition
9 that -- blah, blah?

10 MR. WARD: I think, it would be appropriate to
11 maybe discuss with the corporation, maybe start
12 proceeding with the license, and if at any time, then
13 tell them that they may not require, in an abundance of
14 caution.

15 I don't know if anyone's going to or any other
16 corporation would test the law. But I think that's
17 basically what someone's going to have to do if it's not
18 changed. In other words, to take it up to the district
19 court or and/or the Supreme Court, to say this is either
20 vague or inconsistent or something of that nature.

21 BOARD CHAIRMAN SPENCER: Is the category that
22 they're saying that they should be licensed, or if
23 they're going to be licensed under it, as private
24 investigator?

25 MR. WARD: That's what it appears to be

1 under -- well, it's not -- it's the Chapter 648. So
2 that would be discretionary as to the Board as to how
3 and under which license they would be required. Because
4 when it references, it says "This chapter does not
5 apply."

6 BOARD MEMBER NADEAU: Right. Under 176A.060,
7 it says -- and that has to do with probation and
8 suspension of sentence. Let me find it again. It
9 defines residential confinement as a means of
10 confinement of a person convicted of a crime to a
11 person's place of residence under the terms and
12 conditions established by the sentencing court.

13 So it would seem to me that -- can we rely on
14 that? Because that's the Parole and Probation's
15 definition of residential confinement. Can we rely on
16 that, or do we have to bring our own definition?

17 MR. WARD: No, it can be relied on in reference
18 to your decision to support your decision.

19 BOARD MEMBER NADEAU: Okay. Okay. So from
20 that perspective, then, a facility would not be
21 considered residential confinement. Do you want to see
22 that?

23 MR. WARD: No. I'm familiar with that.

24 BOARD MEMBER NADEAU: Okay. I guess, that's
25 my --

1 MR. WARD: And then the Board would have to
2 discuss. As you well now, basically, residential
3 confinement, home confinement is a way for, I guess, our
4 Department of Corrections to control someone, keep them
5 out of the prison facility, but still they are still
6 under the umbrella of the Department of Corrections,
7 whether it's contracted out for monitoring or what. But
8 they are still -- if they violate that, of course, they
9 go to a judge, not to a private corporation saying give
10 their excuse as to why they violated. So they're still
11 under the umbrella of the Department of Corrections or
12 are still confined as far as Nevada is concerned.

13 BOARD CHAIRMAN SPENCER: Any other Board
14 comment or questions?

15 BOARD MEMBER PUTNAM: Only that --

16 BOARD MEMBER ZANE: The -- my recollection was
17 that this, this started out as an issue regarding the
18 possibility of federal preemption. And the company
19 didn't want to take the position, because as counsel has
20 stated, they wanted to simply abide by the Board's
21 position on how it was going to be. The counsel at the
22 time representing the company indicated that the only
23 exemption that may apply was the one that we just heard
24 about.

25 As far as the federal preemption is concerned,

1 I had occasion last month in Pahrump to be present when
2 I learned that the facility did house at least one
3 prisoner for the local sheriff for a period of time.
4 I'm not aware if that was addressed wholly or if there
5 was a charge associated with it. But, I think,
6 possibly, that I put to rest the issue regarding federal
7 preemption, since the facility is holding someone other
8 than a federal prisoner under the federal contract.

9 And for counsel's information, that individual
10 inmate would have been Eubanks. It would have been
11 either in late July or the first part of August.

12 BOARD CHAIRMAN SPENCER: Do you have a first
13 name?

14 BOARD MEMBER ZANE: I don't. But it would have
15 been the only person named -- named Eubanks held in
16 custody on behalf of the Nye County Sheriff in the
17 facility.

18 BOARD CHAIRMAN SPENCER: Yeah. It seems I
19 remember. Was that in the newspaper, too?

20 BOARD MEMBER ZANE: It was a five-defendant
21 murder case. He was held in the Nevada State Prison for
22 a period of time and then brought over to the facility
23 to be housed; I don't know how many days.

24 But when we are dealing with the issue of
25 federal preemption, it was simply -- if there was an

1 emergency of some sort, then there might be some issue
2 that we could deal with. But if it's just simply
3 housing out of convenience a local prisoner, I don't
4 think that the federal preemption applies, being
5 utilized for something other than the specific contract.

6 BOARD CHAIRMAN SPENCER: All right. In a
7 nutshell, Mark, are you for regulation from us or not?

8 BOARD MEMBER ZANE: It's my position -- as you
9 might recall, I was interested in pushing the company
10 forward to make sure that they had clear enough record,
11 that if we took disciplinary action in any future event,
12 that we weren't going to come back and be called into
13 court because we had the jurisdiction over the facility.
14 When we asked the folks, company counsel to advise us
15 whether or not they felt that a federal preemption
16 applied, the company counsel indicated that they were
17 going to abide by whatever the warden determined to be
18 applicable.

19 So, therefore, it is my interpretation that we
20 have enough of a waiver in the record, that I would be
21 prepared to make a motion that we have jurisdiction over
22 the facility and that they are subject to licensing and
23 registration of their employees.

24 BOARD MEMBER NADEAU: I'd second that.

25 BOARD MEMBER PUTNAM: Is that a motion?

1 BOARD MEMBER ZANE: That would be a motion.

2 BOARD MEMBER NADEAU: And I second.

3 BOARD CHAIRMAN SPENCER: There's a motion and a
4 second to have jurisdiction in this case involving
5 Correction Corporation of America or any other private
6 prison facility, a motion and a second to, in fact, have
7 that jurisdiction. All in favor, signify by saying
8 "aye."

9 (Board members said "aye.")

10 Opposed?

11 Well, we got that out of the way.

12 MS. SHEW: May I ask just a couple of quick
13 follow-up questions? I just have a couple follow-up
14 questions just for our purposes in going forward. One,
15 I couldn't hear very well. I was curious. I looked at
16 my notes. There was a definition of residential
17 confinement that was discussed. Where did that -- I
18 was -- is that a statutory? I just want to make a note.

19 BOARD MEMBER NADEAU: It's 176A.060.

20 MS. SHEW: Great. And then, and this, I
21 understand the general polling of the Board, which is
22 that this Board has jurisdiction over CCA. Again, we
23 will abide by that. This may not be a question for
24 today. But for purposes of clarification, somebody said
25 earlier that the question was a private investigator's

1 license. I believe it's always been a private patrol
2 officer license. I want to make sure I wasn't off base.

3 BOARD MEMBER ZANE: Right.

4 MS. SHEW: Okay. Wonderful. We appreciate the
5 time. I know you devoted a lot of time to this
6 question. It's obviously an important question to us.
7 And we're glad to have an answer. And we'll go forward.
8 So I appreciate it very much.

9 BOARD CHAIRMAN SPENCER: Thank you.

10 MR. WARD: Mr. Chairman, may I also address the
11 Board?

12 BOARD CHAIRMAN SPENCER: Certainly.

13 MR. WARD: Just briefly, as you well know, it
14 is our job to protect the public. And in licensing a
15 corporation like this, it's obviously to make sure that
16 their employees are the type of employees that you want
17 to be able to monitor inmates. And so that is basically
18 the job of the Board, is to protect the public. And
19 based on that, I know that's what your decision is.

20 BOARD CHAIRMAN SPENCER: Yeah.

21 BOARD MEMBER NADEAU: Thank you.

22 BOARD MEMBER PUTNAM: Thank you.

23 BOARD CHAIRMAN SPENCER: Mark, do you have any
24 questions?

25 BOARD MEMBER ZANE: Thank you. No, sir.

1 BOARD CHAIRMAN SPENCER: Oh, I thought you
2 interrupted earlier. Sorry.

3

4

AGENDA ITEM 5

5

JOANNA NEEDHAM

6

7 BOARD CHAIRMAN SPENCER: Okay. Let's move on
8 to item number five, Joanna Needham, Las Vegas, issued
9 an unlicensed activity citation and wishes to appeal it
10 in a hearing today.

11 Is Ms. Needham there?

12 BOARD MEMBER ZANE: Yes.

13 BOARD CHAIRMAN SPENCER: Yes. How are you this
14 morning?

15 MS. NEEDHAM: Good morning. Great. How are
16 you?

17 BOARD CHAIRMAN SPENCER: Great.

18 Counsel, go ahead.

19 MR. WARD: Mr. Chairman, Board members,
20 Ms. Needham, just to let you know what's going to go on,
21 you have a right to a hearing, and that's why you are
22 present here this morning. Do you understand that?

23 MS. NEEDHAM: Yes.

24 MR. WARD: And do you understand that we do
25 have a court reporter here in the north, taking down

1 everything that you say. Do you understand that?

2 MS. NEEDHAM: Yes, I do.

3 MR. WARD: Okay. And, likewise, when you
4 respond, please respond with a yes or a no, so the court
5 reporter can take down all of the information as a yes
6 or a no. She cannot take down a nod or a "m-hm" or an
7 "hm-m." Do you understand that?

8 MS. NEEDHAM: Yes, I do.

9 MR. WARD: Okay. Good. Likewise, the
10 procedure that we're going to go through, I will be
11 given an opportunity to give a brief opening statement.
12 Then you will have an option to give a brief opening
13 statement. Then I will call witnesses. And you,
14 likewise, have the right to cross-examine the witness.
15 Then, after I have finished my case, then you have the
16 right to call yourself as a witness or to tell your
17 story. Do you understand that procedure?

18 MS. NEEDHAM: Yes.

19 MR. WARD: And I will help you along if you do
20 need to make the -- if you need a question as to what
21 procedure goes next.

22 MS. NEEDHAM: Okay.

23 MR. WARD: And I apologize, for the south. I
24 think that -- my assistant is out, but I had someone
25 e-mail all of the exhibits. There will be exhibits that

1 will be introduced today to the Board.

2 And these exhibits, in your case, consist of
3 five. I'm sorry. Four exhibits. The citation, the
4 website, the letter, and an e-mail. And, likewise, I
5 have a copy of your -- I think, it was a 42-page exhibit
6 that will be your exhibit?

7 MS. NEEDHAM: Yes.

8 MR. WARD: Is that correct?

9 MS. NEEDHAM: That sounds right.

10 MR. WARD: Okay. And would you have any other
11 exhibits?

12 MS. NEEDHAM: Yes, I have from last time, from
13 June.

14 MR. WARD: Okay. And are you ready to proceed?

15 MS. NEEDHAM: Yes, I am.

16 MR. WARD: Okay. May it please the Board,
17 Mr. Chairman, for the record, my name's Harry Ward. I'm
18 the Deputy Attorney General in this matter. And I would
19 like to briefly give a brief opening statement in this
20 regard.

21 This matter is before the respondent,
22 Ms. Joanna Needham. This is citation C, as in Charlie,
23 025-11. This is an unlicensed activity hearing.
24 Basically, the licensing board received a complaint of
25 unlicensed activity. There was a website, known as

1 CasinoBodyguard.com. A Craigslist ad revealed that the
2 respondent, Ms. Joanna Needham, was advertising on this.
3 And as such, this single act is a violation of our
4 statute in violation of advertising. And as such, it is
5 our position that she has violated the law and should be
6 cited in this matter. Thank you.

7 Ms. Needham, it is now your turn to present an
8 opening statement, if you wish.

9 MS. NEEDHAM: Mm, I really don't have an
10 opening statement. I just wanted to tell my story.

11 MR. WARD: And you'll be given that
12 opportunity. Right now, next, I'm going to call a
13 witness. And we're going to go through a couple of the
14 exhibits. And then, likewise, you have an opportunity
15 to ask her questions. And then, when I've finished my
16 case, you'll be able to tell your side of the story.
17 Okay?

18 MS. NEEDHAM: Okay. Thank you.

19 MR. WARD: At this time, Mr. Chairman and
20 Board, I call Ms. Tammy Whatley as a witness in this
21 matter.

22 Okay. Please state your name for the record.

23 MS. WHATLEY: Tammy Whatley.

24 MR. WARD: And are you familiar with the
25 investigation concerning Ms. Joanna Needham?

1 MS. WHATLEY: I am.

2 MR. WARD: And can you tell us briefly what
3 brought your attention to this case?

4 MS. WHATLEY: The Private Investigators
5 Licensing Board did receive a complaint regarding
6 CasinoBodyguard.com. I did a Worldwide Web search and
7 did find that website. I did see individuals
8 advertising on that website, the individuals that had
9 their picture, their physical -- their picture, their
10 name, their physical descriptors, what appeared to be
11 personal e-mail addresses. And, also, there was, on one
12 of the screenshots, stating that you were to hire the
13 individual guard and pay that guard directly.

14 Therefore, I did cite Joanna Needham for
15 advertising.

16 MR. WARD: In regards to that, what documents
17 did you obtain in regards to this hearing?

18 MS. WHATLEY: Well, there is, as you said,
19 there is a Craigslist ad. There is screenshots from the
20 website. There is Joanna's photo.

21 MR. WARD: Now, at this point, Mr. Chairman,
22 I'm going to show to the court reporter the exhibits
23 that we plan to introduce. And, likewise, I'm going to
24 give you a copy as well as the Board members.

25 BOARD MEMBER NADEAU: Thank you.

1 BOARD MEMBER PUTNAM: Thank you.

2 MR. WARD: And what I would like to have marked
3 for exhibits is going to be exhibits 1 through 4.

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

6 BOARD MEMBER ZANE: Okay. Yes.

7 (There was a pause.)

8 MR. WARD: Tell us when you guys are ready.

9 BOARD MEMBER ZANE: We're ready.

10 MR. WARD: Mr. Chairman, Board members, I have
11 marked for exhibits 1 through 4 concerning this matter.
12 At this time, I request these be admitted into evidence.

13 Ms. Needham, you have an opportunity to say "I
14 disagree" or "I object"; and you must give a reason why.

15 MS. NEEDHAM: Okay.

16 MR. WARD: Or you can say "I have no problem
17 with them being entered."

18 MS. NEEDHAM: I have no problem with them being
19 entered.

20 MR. WARD: Okay. Going back to Ms. Whatley,
21 I'm going to go through the exhibits. Exhibit 1 -- and
22 down here we have an original signed copy that will be
23 introduced into the evidence. What is Exhibit Number 1?
24 And at the bottom, you'll see that page one, two and
25 three. What is that exhibit?

1 MS. WHATLEY: That is the unlicensed citation
2 that I did issue.

3 MR. WARD: All right. In regards to this
4 unlicensed citation that did you issue, we have a copy
5 that's been introduced with a signature. So you did, in
6 fact, sign this copy; is that correct?

7 MS. WHATLEY: That is correct.

8 MR. WARD: Okay. And tell us just briefly, is
9 this how something is started when there is a, quote,
10 unquote, citation of violation through your agency?

11 MS. WHATLEY: I don't exactly understand what
12 you're asking.

13 MR. WARD: All right. Briefly, you got a
14 complaint; is that correct?

15 MS. WHATLEY: That is correct.

16 MR. WARD: And based on the complaint, you did
17 an investigation; is that correct?

18 MS. WHATLEY: That is correct.

19 MR. WARD: And based on your investigation
20 concerning the complaint, then you issued a citation; is
21 that correct?

22 MS. WHATLEY: That is correct.

23 MR. WARD: And then, in regards to the
24 citation, you had contact -- sometimes you do, and
25 sometimes you don't. But in this case you did have

1 contact with the respondent, Ms. Needham; is that
2 correct?

3 MS. WHATLEY: Not until after the citation was
4 issued.

5 MR. WARD: All right. So that makes it clear.
6 So after you issued the citation, she did contact you,
7 and then it was set for a hearing, correct?

8 MS. WHATLEY: That's correct. She appealed the
9 citation.

10 MR. WARD: And she appealed the citation. And
11 then, I think, in June, when we were here, she had an
12 exhibit, which, I think, will be introduced, and I did
13 attach her exhibit to this packet also, concerning,
14 quote, unquote, her defense; is that correct?

15 MS. WHATLEY: That's correct.

16 MR. WARD: Would you briefly -- can we just go
17 briefly through these exhibits? So Exhibit 1, pages one
18 through three, is the citation, correct?

19 MS. WHATLEY: Correct.

20 MR. WARD: Exhibit 2, can you explain what
21 Exhibit 2 is? And I apologize if they are dark. But it
22 looks like down at the bottom we have something circled.
23 And what is that?

24 MS. WHATLEY: That is the screenshot on the
25 CasinoBodyguard.com with a photo of Joanna Needham and

1 her e-mail address.

2 MR. WARD: And can you briefly give us a
3 history of, quote, unquote, CasinoBodyguard.com and who
4 the entrepreneur is in that matter?

5 MS. WHATLEY: Well, in my investigation, it
6 appeared that Kevin Philion was the ultimate person that
7 may have started or created CasinoBodyguard.com.
8 However, as I did say, one of the screenshots on the
9 website did state that each individual guard was to be
10 hired individually and paid individually.

11 MR. WARD: Okay. And through your
12 investigation, is that what you determined?

13 MS. WHATLEY: Yes.

14 MR. WARD: And in response, did you get a
15 response from Ms. Needham concerning those allegations?

16 MS. WHATLEY: Yes.

17 MR. WARD: We'll get into that later, or maybe
18 even she might on cross-examination.

19 So is Exhibit 2, page one -- it is your
20 determination that this is, quote, unquote, an
21 advertisement. And how is that advertised, through
22 Craigslist or something of that nature?

23 MS. WHATLEY: No, this was the website. This
24 is the CasinoBodyguard.com website.

25 MR. WARD: So it is advertised on a website; is

1 that correct?

2 MS. WHATLEY: That's correct.

3 MR. WARD: Okay. In going back to
4 CasinoBodyguard.com, the entrepreneur, did he have a
5 valid license?

6 MS. WHATLEY: No.

7 MR. WARD: So was Ms. Needham working
8 independently, or was she working under someone's
9 license under this CasinoBodyguard.com?

10 MS. WHATLEY: No one involved with
11 CasinoBodyguard.com was licensed by the Private
12 Investigators Licensing Board.

13 MR. WARD: In the State of Nevada?

14 MS. WHATLEY: In the State of Nevada.

15 MR. WARD: Okay. Going to Exhibit 3, can you
16 please explain what Exhibit 3 is to the Board?

17 MS. WHATLEY: Yes. Exhibit 3 is Joanna
18 Needham's request for appeal to the citation that was
19 issued.

20 MR. WARD: And in that regards, did you -- this
21 was basically her defense as to what she did; is that
22 correct?

23 MS. WHATLEY: Yes, her initial defense.

24 MR. WARD: Based on this, did you do any
25 further investigation as to what she said, as far as

1 what her position was; and if so, can you tell the
2 Board?

3 MS. WHATLEY: Actually, there were phone
4 conversations with Ms. Needham. There was this
5 correspondence here.

6 MR. WARD: When you say "this here," I have to
7 say this for the record.

8 MS. WHATLEY: Exhibit 3, which is her request
9 for appeal.

10 MR. WARD: Okay.

11 MS. WHATLEY: But, again, this was a citation
12 for advertisement. Her picture, her personal e-mail was
13 on that website. And that does constitute advertising.

14 MR. WARD: Okay. And in her defense, I
15 anticipate what she's going to say, but what did she
16 tell you in regards to authorization for that picture to
17 be put in there?

18 MS. WHATLEY: Through phone conversations,
19 through correspondence, she has stated that Kevin
20 Philion did post that.

21 MR. WARD: And when you say Kevin Philion,
22 that's the entrepreneur of CasinoBodyguards.com,
23 correct?

24 MS. WHATLEY: He appears to be, yes.

25 MR. WARD: Okay. And it's her -- from what you

1 can understand, it's her position that she said that she
2 did not authorize him to post her picture?

3 MS. WHATLEY: At one point, she did say that,
4 yes.

5 MR. WARD: But did you do any other
6 investigative work to see that there was some
7 correspondence between her and him that would maybe
8 negate her defense?

9 MS. WHATLEY: She provided that information,
10 yes.

11 MR. WARD: And that would probably be in her
12 exhibit that we will probably have introduced; is that
13 correct?

14 MS. WHATLEY: That's correct.

15 MR. WARD: And that consisted of what, e-mails?

16 MS. WHATLEY: There are e-mails between her and
17 Mr. Philion. There are e-mails between her and other
18 people that were advertising on the website.

19 MR. WARD: In a nutshell, what was she trying
20 to do; would it be accurate to say that she was trying
21 to get business through the website as an independent
22 private investigator?

23 MS. WHATLEY: Yes.

24 MR. WARD: To your knowledge, would that
25 require a license?

1 MS. WHATLEY: Yes.

2 MR. WARD: I have nothing further, and I tender
3 the witness.

4 BOARD CHAIRMAN SPENCER: I don't know what that
5 means.

6 MR. WARD: I'm sorry. That means that I have
7 no further questions for this witness. And you may ask
8 her some questions, if you want to.

9 MS. NEEDHAM: I was curious if the investigator
10 was able, able to contact Mr. Phillion.

11 MS. WHATLEY: That, we have --

12 MR. WARD: Yes.

13 MS. WHATLEY: Can we discuss it a second?

14 MR. WARD: Off the record.

15 (There was a brief discussion off the record
16 between Mr. Ward and Ms. Whatley.)

17 MR. WARD: Can we go back on the record?

18 MS. WHATLEY: Okay. An unlicensed activity
19 citation was issued. The certified mail was returned
20 unclaimed. However, the letter, the citation that was
21 sent via U.S. Postal Service regular mail has never
22 returned to us.

23 MS. NEEDHAM: Okay. I checked the Internet
24 yesterday, and he's still at the address, teaching at
25 the gym, as of today. He's got a class there. So the

1 address in Florida is a valid address for where he's
2 employed at the current time.

3 So I just go ahead and start my story; is that
4 where we start?

5 MR. WARD: Yes. Basically, you're saying you
6 have no more questions for Ms. Whatley; is that correct?

7 MS. NEEDHAM: That's correct.

8 MR. WARD: And then what I'm going to do is I'm
9 going to say "I have no further witnesses." And then,
10 now it is your opportunity to put on your defense, and
11 you can just tell your story.

12 And, likewise, what -- if you don't mind, I
13 think I have attached your 42 pages, your exhibits, and
14 we're going to introduce those. That's what you gave
15 back in June. Is that okay?

16 MS. NEEDHAM: That's fine.

17 MR. WARD: And, Mr. Chairman, I think there is
18 a subsequent exhibit. It's called -- it says "To PILB";
19 and it looks like 42 pages. And that is in the packet.
20 And that will be introduced as an exhibit in this
21 matter.

22 Ms. Needham, go ahead. It's now your
23 opportunity to give your side of the story.

24 MS. NEEDHAM: All right. Earlier this year, I
25 believe in January, there was a Craigslist ad

1 advertising for casino bodyguards. And that's been
2 something I've been trying to get involved with since I
3 moved to the state about four years ago. And I had
4 already had a few licenses through a couple of different
5 security companies. And I figured this may be a good
6 opportunity to do some more market, because the market
7 has been very slow in that regards to get any type of
8 bodyguard work.

9 Initially, this seminar and training day was
10 supposed to have occurred at the MGM. And it was about
11 \$120. And this Kevin Phillion person had several
12 different e-mail addresses. And when I initially
13 responded to acknowledge I would attend the seminar, a
14 lot of responses kept coming back with different
15 addresses, and he wasn't even acknowledging that I was
16 going to go to this event.

17 To make a long story short, after a couple of
18 weeks of exchanging e-mails, the location was changed to
19 the Gold's Gym, which you have the address at, and the
20 cost was dropped to \$40.

21 So I arrived at about 9:00 in the morning -- I
22 think, it was February 13th, at the Gold's Gym. And
23 there was only about seven or eight people there at the
24 time. Mr. Phillion took us to a room, had some chairs
25 set up. And the training I thought we were going to be

1 provided was going to be some type of mixed martial arts
2 training, which I had a background in, but I figured we
3 could always learn something new. We never did any of
4 that. He, basically, just had a black and white
5 jumpsuit on that said "CasinoBodyguard.com" on the back
6 and gave a little bit about his background, which was
7 marketing and former competitive bodybuilder, and then
8 asked everyone in the room to introduce themselves and
9 give their backgrounds.

10 And most of the people that were there that day
11 were, basically, security guards at local casinos, at
12 clubs and things like that. So I gave a little bit of
13 background on me. And then I -- he asked if there are
14 any questions. And I had some liability questions,
15 which he couldn't answer, like if you had to put hands
16 on people. He said we would not be working directly for
17 them -- for him, rather.

18 And that's kind of it. It was -- the day was
19 very nonproductive. We gave him our basic information,
20 our name, our e-mail address. And he wanted a photo
21 from the waste up. And I told him that even though I
22 had licenses with these other companies, I needed to
23 verify with them that it was legal to put my information
24 on this website, with their contact information. So it
25 wouldn't be going directly through me. It would end up

1 contacting the companies that I am employed with.

2 And I requested him not to put my information
3 on that site at the time. Because the site was
4 unprofessional. There really was no information on
5 there, to begin with. And he said he would work on the
6 website. And within a short amount of time, I checked
7 the website, and my picture was not on it. I think,
8 there were four pictures listed. Mine was not one of
9 them, which I was happy about, because I was still
10 trying to get ahold of my employer to see if this was
11 legal or not.

12 The next thing I know, I get an e-mail from
13 this one person named Jeff Dennis asking if I had gotten
14 any calls, because he thought it was a scam. And I was
15 curious where he got my contact information, because it
16 wasn't supposed to be on the website. So I immediately
17 went to the website, and it was gone, completely gone.
18 So I'm like, oh, this is great. So I sent an e-mail to
19 Philion, asked him what was going on. And then he
20 wanted \$2,000 from me to get another website going,
21 which I never even responded to.

22 At this point, he had told someone else, I
23 guess this Jeff person, that he had already taken off
24 for Florida, for family illness and this and that. I'd
25 done some checking around and found out he actually had

1 broken up with his girlfriend. And in Florida, they
2 said he's still in Vegas. So then he said his father
3 died. I checked the Internet for obituaries. Nothing
4 came up. So I don't know what this guy is into then,
5 but I know he in Florida. He's not back around here.
6 He's teaching classes.

7 But, number one, you know, I didn't authorize
8 him to put my information on there until, A, the website
9 was more professional-looking and, B, that I got
10 clearance from my employers to do this work.

11 So I didn't put my picture on the site. And I
12 didn't authorize him to do that. So that's my position
13 on this. Never got one call on it, never did anything.
14 But I went to check the website. It was down.

15 And I found out who made the report, because I
16 actually went to qualify in June. And it was another
17 company. We had a discussion about this, came up, and
18 he said, "Yeah, I'm the one who called on it." So I
19 know where the complaint came from. Which I'm fine with
20 that. They should monitor people if they're unlicensed.
21 But I didn't put my information on there.

22 MR. WARD: Ms. Needham, this is my opportunity
23 to ask you, cross-examine, and to cross-examine, to ask
24 you a few questions. Okay?

25 MS. NEEDHAM: Sure.

1 MR. WARD: And just for the Board's
2 edification, what type of licenses do you now hold?

3 MS. NEEDHAM: My initial one was just an
4 unarmed guard card through Trident. Then, because I
5 wanted to get into personal protection work through
6 Las Vegas Protective Services, I had a -- my CCL. I
7 have an armed guard card. I have an armed
8 investigator's license and a process server card.

9 MR. WARD: Did you at any time ever contact the
10 Private Investigators Licensing Board concerning
11 advertising on CasinoBodyguards.com?

12 MS. NEEDHAM: I haven't even gone that far. I
13 didn't even get that far. Because I didn't ask them for
14 it. Because I'm not sure of all the rules in this
15 state. I wanted to ask the employer that I'd had cards
16 through first. And this isn't a big pressing thing for
17 me, because I'm retired, and this would just be
18 part-time stuff for me to do. So it wasn't something
19 that was on the top of my list. I do other things.

20 So I hadn't even gotten to that point. I
21 didn't even know that -- now, I found out since that
22 that could not have even have been done. Even if my
23 picture was there and had the company contact
24 information, that would have been illegal. But I never
25 even got to that point.

1 MR. WARD: Is it accurate to say that now you
2 realize that it was a violation, and you did not know at
3 that time?

4 MS. NEEDHAM: Sure. Yes.

5 MR. WARD: I have no further questions. I have
6 no further questions. If you have any other witnesses,
7 that's fine.

8 MS. NEEDHAM: There was another gentleman here
9 that's listed right after me. And he was here in June,
10 but he's not here today. And he was -- basically, he
11 was just at the seminar. And I had a few e-mail
12 exchanges with some other people that had got my
13 information off that site, too, and they were all just a
14 little up in arms. Some had flat out knew, because he
15 was not licensed, that it was illegal. Because they've
16 lived in this state longer.

17 But, like I said, I'm here to do the right
18 thing. And I'm not hiding like these other people are.
19 I'm not sure they've been served. They never accepted
20 these letters from you people. But, like I say, he
21 jumped the gun on this and put my information on there,
22 without me getting the background first. I asked him
23 not to do that.

24 MR. WARD: All right. And I'm going to ask you
25 a question concerning your exhibit. Since yours are not

1 numbered, it's about midway, in the middle. It's
2 concerning an e-mail dated February 14th, 2011. And it
3 comes after a picture of everyone. So if you don't
4 mind, can you refer to that page? And I can count the
5 pages, but it's towards the back, maybe 10 pages from
6 the back. It's an e-mail. It looks like there's three
7 e-mails on this, on your exhibit. The top of it looks
8 like a February 13th, 2011 e-mail. Let me know when
9 you're -- when you've found it.

10 MS. NEEDHAM: What date, February --

11 MR. WARD: February. At the top, it says
12 February 13, 2011. The one I want to talk about is
13 February 14th in the middle of the page. And I
14 apologize that these are not numbered. I probably
15 should --

16 MS. NEEDHAM: All right. It's a lot of papers.

17 MR. WARD: So at the top of the page it says
18 "RE meeting date 2-13-2011, from" -- looks like
19 "NEEDJJ@aol.com, to Phillion@CasinoBodyguards.com."

20 MS. NEEDHAM: Yes.

21 MR. WARD: All right. If everyone has it. And
22 I'm referring to the middle one. It looks like from
23 you. Is that correct, is that your AOL account number?

24 MS. NEEDHAM: Yes.

25 MR. WARD: Okay. Dated February 14th, 2011.

1 And that's to Mr. Philion, CasinoBodyguards.com
2 regarding the meeting?

3 MS. NEEDHAM: Right.

4 MR. WARD: And you've read it?

5 MS. NEEDHAM: Yes.

6 MR. WARD: Can you explain this e-mail? It
7 says "I just went to the website and only see four out
8 of the group shown. When will the rest of us get added?
9 Thanks." And that's you signing it. Is that correct?

10 MS. NEEDHAM: Yes.

11 MR. WARD: So you did have some contact with
12 him; is that correct?

13 MS. NEEDHAM: Yeah, that was right after our
14 meeting. He said he was going to start putting up the
15 information. And like I had mentioned earlier, I had
16 seen four of the people listed on that site, and I was
17 not one of them. And I was asking him when the rest of
18 us were going to get added, with him knowing that mine
19 wasn't supposed to be posted until I got the
20 information.

21 MR. WARD: But it's still -- is it accurate to
22 say, to say it is still -- you did anticipate that your
23 information would be put on the website?

24 MS. NEEDHAM: If it was legal, yeah. I mean I
25 sent this guy a couple of pictures, and he kept saying

1 that they -- they weren't the right pictures. And he --
2 he finally accepted one of the pictures. But I was
3 still on hold, waiting for authorization, like I said,
4 from the companies that I work for.

5 MR. WARD: Now --

6 MS. NEEDHAM: So at some point in time, if
7 it -- if I did get the authorization, if they knew that
8 that was the legal thing to do, yeah, my information
9 would have been posted, yes.

10 MR. WARD: And maybe I did not explore this
11 enough. But, briefly, in regards to this, were you an
12 independent contractor? In other words, if you were
13 hired, were you hired directly through the website and
14 paid directly, or did the money go to Casino Bodyguard
15 and then to you? How did that work, or how was that
16 supposed to work?

17 MS. NEEDHAM: I don't believe that
18 CasinoBodyguard got anything from it. I was not going
19 to be paid directly. It was going to be through the
20 companies that I work for. It was just to be simply my
21 name and contact information on that site. And then it
22 was going to -- underneath my name, hopefully, it was
23 going to have the companies that I work for. And then
24 they would contact them to get ahold of me. I wouldn't
25 get any direct exchange of anything.

1 MR. WARD: Did the website list your direct
2 e-mail address or any of your companies', that you work
3 for?

4 MS. NEEDHAM: Well, after I found out, when I
5 got that e-mail from Jeff Dennis, who was listed on the
6 site, that's the only way I even knew my stuff was on
7 there. And all it had, I think, was my e-mail address.
8 They didn't have any of the company information.

9 MR. WARD: All right. I have nothing further.

10 At this time, Mr. Chairman, Board members, we
11 would go to, briefly, a closing statement. And,
12 basically, this will be where we would argue to the
13 Board whether there is a violation. And she would be
14 arguing that there isn't a violation.

15 BOARD MEMBER NADEAU: Is there a point at which
16 we can ask questions?

17 MS. BRADLEY: Yes, they are allowed to ask
18 questions of the witnesses.

19 MR. WARD: Okay. Before closing?

20 MS. BRADLEY: They're allowed to ask questions
21 of Ms. Whatley. Normally, what we want to do is have
22 you ask questions, she ask questions. The Board can
23 question her. And then she'll testify, you ask
24 questions, and then the Board ask questions. So,
25 normally, they get to ask questions after each person

1 testifies. So.

2 BOARD CHAIRMAN SPENCER: Any questions from the
3 Board?

4 BOARD MEMBER NADEAU: Mr. Chair, I have a
5 couple questions, if I may.

6 Ms. Needham, a couple questions for you. Are
7 you or have you been licensed in any other state in
8 the -- as a private investigator, private patrol or
9 anything of that nature?

10 MS. NEEDHAM: Not of that nature, no. I'm a
11 retired police officer in California.

12 BOARD MEMBER NADEAU: Okay. I'm sorry. Where,
13 and where was that?

14 MS. NEEDHAM: Los Angeles.

15 BOARD MEMBER NADEAU: Thank you. With LAPD or
16 different?

17 MS. NEEDHAM: Yes.

18 BOARD MEMBER NADEAU: Okay. Thank you. And
19 your rank when you retired?

20 MS. NEEDHAM: Police officer.

21 BOARD MEMBER NADEAU: You had indicated in your
22 testimony that you were waiting to get approval from
23 your companies before you would give Mr. Philion
24 authorization to publish your photograph?

25 MS. NEEDHAM: Yes.

1 BOARD MEMBER NADEAU: What, did you approach
2 your companies; what was their response?

3 MS. NEEDHAM: I didn't even have a chance to do
4 that. I teach motorcycle riding a lot. And like said,
5 this was kind of on the bottom of my list. And I was
6 under the impression that he was going to be working on
7 his website. Because it was pretty pathetic. And I
8 didn't even know that this, my stuff, was on there, like
9 I said, until I got this e-mail about two weeks later or
10 whatever time frame it was. It all happened pretty
11 quickly. So I didn't even get a chance to get ahold of
12 the two companies. Because I really hadn't worked for
13 them much anyway. So it wasn't a pressing issue.

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

15 BOARD CHAIRMAN SPENCER: Tammy, what brought
16 you into this, I mean how did you become aware of the
17 circumstance, Ms. Needham and this issue?

18 MS. WHATLEY: Mr. Chairman, the Private
19 Investigators Licensing Board received a complaint along
20 with a Craigslist ad showing CasinoBodyguards.com.

21 BOARD CHAIRMAN SPENCER: Okay. And how did it
22 come that you contacted her rather than someone else?

23 MS. WHATLEY: I actually went to the website.
24 And there were six individuals advertising individually
25 on that website. And as I said, one of the screenshots

1 stated that you were to hire the guard directly. It
2 says "We work on an hourly rate." Excuse me. Let me
3 back up. "All of our guards/escorts are trained to keep
4 you, as clients, safe from harm's way and protect you
5 from punks, drunks and muggers. We work on an hourly
6 rate, three-hour minimum. And, of course, this is
7 Vegas, chips for tips. I appreciate it. Simply go to
8 the gallery, view the bodyguards. Click on View
9 Bodyguards and view their profile. Make a selection,
10 and call or e-mail them directly and make appointment.
11 All payments go directly to your bodyguard, not to
12 CasinoBodyguard.com. If you have any questions on this
13 process, just contact Phillion@CasinoBodyguard.com."

14 MS. NEEDHAM: Can I respond to that, or do I --

15 BOARD CHAIRMAN SPENCER: What's that?

16 MS. NEEDHAM: Can I respond to that or --

17 BOARD CHAIRMAN SPENCER: Please do.

18 MS. NEEDHAM: Yeah, evidently, this guy was
19 changing the website probably on a daily basis. So I
20 don't know that that information was even on there. The
21 only information I saw in his initial website was
22 talking about undesirables walking through casinos and
23 that, you know, these people need protection. That's
24 really the only thing I ever saw on his website, along
25 with the initial four pictures. I didn't see any of

1 this other information about how to contact directly or
2 any of that.

3 Like I said, I don't know how often he changed
4 it. But he's got a lot of websites out there. That's
5 all I know.

6 BOARD CHAIRMAN SPENCER: Okay. Any further
7 questions from the Board?

8 BOARD MEMBER ZANE: I have one. During your
9 cross-examination, you had indicated, as a result of a
10 question from counsel, that -- what appeared to be an
11 admission. Now you know that this would be illegal?

12 MS. NEEDHAM: It would have. Advertising on
13 the Internet without being licensed, obviously, yes,
14 that is illegal.

15 BOARD MEMBER ZANE: Okay.

16 MS. NEEDHAM: The only reason that I even
17 approached this is I knew I was covered under the
18 companies that I worked for. I wasn't just going to go
19 out there and do this on my own. And then it was my
20 hope that all this information would have been put on
21 that site and to contact them to get ahold of me. I
22 wasn't going to go there and do this on my own.

23 BOARD MEMBER ZANE: So the e-mail questioning
24 why your photograph hadn't been placed on the site up
25 until that point was an inquiry regarding the process?

1 MS. NEEDHAM: Yes. I was under the impression
2 at that point it was already on the website, trying to
3 get it where it needed to be. I didn't check it on a
4 daily basis. I had other things going on.

5 BOARD MEMBER ZANE: That's all I have,
6 Mr. Chairman.

7 BOARD MEMBER PUTNAM: Mr. Chairman?

8 BOARD CHAIRMAN SPENCER: Yes.

9 BOARD MEMBER PUTNAM: I have a question for
10 this witness.

11 Ma'am, this e-mail, dated 14 February, reads "I
12 just went to the website and seen the four of the group
13 shown. When will the rest of us be added? Thanks.
14 Joanna."

15 MS. NEEDHAM: Correct.

16 BOARD MEMBER PUTNAM: That suggests to me that
17 you did, in fact, want to have your information posted
18 on the website. Am I wrong in that assumption?

19 MS. NEEDHAM: No. You're right. But it was
20 going to be after I got all the clearance from the
21 companies that I was working for.

22 BOARD MEMBER PUTNAM: Yes, ma'am, but that
23 isn't what it says here in this e-mail. You admit you
24 don't in any way put any restriction on it. You just
25 want to know when you're going to be on there.

1 MS. NEEDHAM: Well, we -- the day we had the
2 seminar, he gave us a tour of the gym. And as we were
3 walking around was when we had this discussion. He took
4 us around, and he showed us all the different things in
5 the gym and the boxing area. And while we were walking,
6 I had a discussion about all this stuff with him. So he
7 knew. That's why I was hoping he was going to be here.
8 But I'm not surprised that he's not.

9 BOARD MEMBER PUTNAM: Well --

10 MS. NEEDHAM: I knew at some point in time, my
11 stuff would be added.

12 BOARD MEMBER PUTNAM: This, this particular
13 e-mail makes no reference to that at all. And, you
14 know, it looks like you're anxious to get your
15 information on the website. And you don't qualify that
16 at all with regard to any checking that you felt might
17 be necessary.

18 MS. NEEDHAM: Right. Well, I just knew the
19 conversation we had at the gym. So I knew that was
20 understood between he and I. I thought, anyway.
21 Evidently, it wasn't. And I know that on Craigslist, it
22 has to have the PILB number, you know, when you're
23 advertising. I wasn't even aware of any of that stuff
24 until all this stuff happened.

25 BOARD CHAIRMAN SPENCER: Any further questions

1 from the Board?

2 BOARD MEMBER PUTNAM: Mr. Chairman, I have a
3 motion.

4 BOARD MEMBER NADEAU: Well, we've got summation
5 yet.

6 BOARD MEMBER PUTNAM: Okay.

7 MR. WARD: Mr. Chairman, may I give a brief
8 summation?

9 BOARD CHAIRMAN SPENCER: Certainly.

10 MR. WARD: Ms. Needham, at this time, I'm going
11 to just give a brief summation. You'll, likewise, have
12 an opportunity to give a closing or summation.

13 MS. NEEDHAM: All right.

14 MR. WARD: Mr. Chairman, Board members, while
15 she might be pulling at your heartstrings concerning
16 this matter, the old adage is ignorance of the law is no
17 excuse. I think, I've proven an unlicensed activity, a
18 single act, is viable for a violation. And in this
19 case, it was at least one single act, the posting of the
20 information on CasinoBodyguards.com. And as such, this
21 is a violation under our statutes. She should be fined
22 in this matter. Thank you.

23 It's your turn, ma'am.

24 MS. NEEDHAM: Well, I'll say I disagree. I'll
25 say I disagree with what you said. That was not my

1 website. He didn't have all the information that I'd
2 asked him to wait for before he even published this
3 contact information on me. And that's my position. I
4 mean the guy jumped the gun on the stuff. Yes, he had
5 my picture. And it was supposed to be held on until I
6 got clearance from the companies I worked for.

7 You know, I never received one call, nothing,
8 and here I am getting hit with a \$2,500 fine. And, you
9 know, I wasn't happy about getting that. And I'm the
10 only one sitting here. I don't know how many citations
11 were sent out on that website. I guess, there were six
12 pictures at some point. But I don't see anyone else
13 sitting here. I mean this is crazy. And he's still out
14 there, running around, doing things. Who knows what
15 other websites he's got, and putting people in these
16 positions. And it's not right.

17 I went there, hopefully, to get some marketing
18 done somewhere down the road. But it would have been
19 done anyway, because I'm sure the companies I worked for
20 would say you can't publish this stuff like that. It
21 has to go directly through them.

22 You know, if I had thought that that e-mail --
23 I provided you all the stuff. I could have been, you
24 know, I could have been -- and just not sent any of it.
25 But I sent it all to you. And I knew everything that

1 was in there that I provided.

2 MR. WARD: Are you finished with your
3 summation?

4 MS. NEEDHAM: Yes, I am.

5 MS. BRADLEY: I think, if the Board doesn't
6 have any more questions, it's probably time to
7 deliberate.

8 BOARD CHAIRMAN SPENCER: Okay. Entertain a
9 motion.

10 BOARD MEMBER PUTNAM: Mr. Chairman, I move that
11 citation number C-025-11, issued to Joanna Needham, be
12 upheld.

13 BOARD CHAIRMAN SPENCER: Do we have a second?

14 BOARD MEMBER ZANE: Second for discussion.

15 BOARD CHAIRMAN SPENCER: Okay. Let's hear the
16 discussion.

17 BOARD MEMBER ZANE: You understand -- how long
18 were you a police officer?

19 MS. NEEDHAM: Two and a half years.

20 BOARD MEMBER ZANE: So you're familiar with the
21 adversarial procedure?

22 MS. NEEDHAM: Yes.

23 BOARD MEMBER ZANE: Yes?

24 MS. NEEDHAM: Yes.

25 BOARD MEMBER ZANE: Is it important?

1 MS. NEEDHAM: Yes.

2 BOARD MEMBER ZANE: Is there a reason that you
3 offered no witnesses?

4 MS. NEEDHAM: I can't get ahold of these
5 people. They're all hiding. Like I said, I had a few
6 e-mail discussions with a few people.

7 BOARD MEMBER ZANE: What about the people that
8 you carry cards for?

9 MS. NEEDHAM: The last one was present at the
10 last hearing in June. I didn't know I had to have him
11 back. It was Las Vegas Protective Services. He was
12 here. And I didn't know I was going to need him at
13 this, or else I would have subpoenaed him.

14 BOARD CHAIRMAN SPENCER: Excuse me one second.

15 MS. BRADLEY: Once we have a motion on the
16 floor, it's a deliberation time. So the evidence
17 period's closed. So if you want to reopen the hearing
18 and ask Ms. Needham questions, you can do that. But,
19 normally, when the Board has a motion on the floor, it's
20 time to uphold the citation or not. It's really just
21 for Board members to talk about the evidence that's been
22 presented but not to get more. Does that make sense?

23 BOARD MEMBER ZANE: Yes, I knew that, and I
24 should have known that. Thank you. I didn't anticipate
25 asking her for new evidence.

1 BOARD CHAIRMAN SPENCER: Would you like to
2 reopen?

3 BOARD MEMBER ZANE: No.

4 BOARD CHAIRMAN SPENCER: Okay.

5 BOARD MEMBER PUTNAM: Mr. Chairman?

6 BOARD CHAIRMAN SPENCER: Yeah.

7 BOARD MEMBER PUTNAM: I have a comment. The
8 reason for my motion is my interpretation of the meaning
9 of that particular e-mail, which, to me, appears to
10 be -- to indicate a desire on the part of Joanna
11 Needham, at that time, to have, at that time, her
12 information posted on the website. To me, that's very
13 clear based upon that one, just that one document.

14 BOARD CHAIRMAN SPENCER: Well, my feeling is, I
15 think, if we're going to issue a citation in this case,
16 ideally it would have been to issue this fellow,
17 Phillion, with the citation.

18 BOARD MEMBER PUTNAM: Well, we did.

19 BOARD CHAIRMAN SPENCER: No.

20 BOARD MEMBER NADEAU: Yes. Yes, we did. The
21 testimony indicated we have.

22 BOARD CHAIRMAN SPENCER: Oh, we have issued.
23 Good. I think, there's a certain, certain reasonable
24 expectation of an employee or someone who's going to be
25 working vis-a-vis this individual, that he has properly

1 crossed the t's and dotted the i's. I just have a hard
2 time, for one brief thing, one brief e-mail, to run a
3 \$2,500 fine against anyone.

4 BOARD MEMBER NADEAU: Mr. Chair?

5 BOARD CHAIRMAN SPENCER: Yes.

6 BOARD MEMBER NADEAU: As all of us are, I'm
7 struggling with this from the perspective that, I think,
8 I believe, Ms. Needham ultimately wanted to run business
9 through some kind of a website in order to get
10 additional work and additional business. I can't -- I'm
11 not challenging her testimony. I can't go into her mind
12 to determine whatever.

13 What does concern me is, number one, she does
14 have a background that would give her some -- or I would
15 expect, would give her some perspective to understand
16 that in order to be a bodyguard or whatever, you needed
17 some kind of licensure.

18 The second part is that her contention is that
19 in -- given face -- take face value that that one
20 e-mail, but given that she said I was -- "My discussion
21 with Mr. Philion was that he could not put my picture on
22 the website until I gave him authorization." We have
23 nothing to collaborate that or validate that
24 information. But even if we take that at face value and
25 say it was done, what she said, she made no effort to

1 get permission from her companies, by her own admission.
2 She made no effort to get permission from her companies.
3 There's -- you know, so. And we're talking a month's
4 time period between the time that she had the class and
5 the time that she was issued the citations. Clearly,
6 there is a lot of e-mails going on. But.

7 But her -- by her own words, she was relying on
8 Mr. Philion to wait until she made that determination
9 through her employers. But she never made any efforts.
10 She never, she never took that step. And if she was to
11 bring one of her employers in to testify, that would
12 say, "Yes, she asked me," whatever, then I -- then I
13 could. But. And so I just say she never -- if that was
14 her intent, she never made that other step.

15 And we have nothing to show that, to document
16 that conversation that she had with Mr. Philion and
17 nothing that -- by her own testimony, that shows that
18 that was her -- that was the next step that she was
19 going to go through.

20 So, I guess, that's where I'm struggling,
21 because I think, you know, \$2,500 is a significant
22 amount of money for someone who probably may have been
23 led astray a little bit. But along the same lines, I
24 don't think she did her due diligence, either. And so
25 I'm struggling, but I'm going to have to support the

1 motion.

2 BOARD CHAIRMAN SPENCER: Any further comment,
3 discussion, questions?

4 MS. NEEDHAM: From me?

5 BOARD CHAIRMAN SPENCER: No, from the Board
6 members.

7 MS. NEEDHAM: Oh.

8 BOARD CHAIRMAN SPENCER: Robert, do you have
9 anything?

10 BOARD MEMBER UITHOVEN: I think, I agree
11 with -- originally, with Board Member Putnam. The
12 e-mail, the correspondence does seem to indicate a
13 desire to get this picture, which is an advertisement,
14 posted, published on the webpage.

15 You know, I share the concerns on how stiff the
16 fine is. And it is unfortunate that, you know,
17 Mr. Philion isn't -- you know, he seems to be the one
18 who -- if there is a level of blame or guilt, it's
19 there. But I think that I would have to support the
20 motion along the lines of there was an effort here to
21 get that, and that's documented here in the evidence, in
22 exhibits, to get that advertisement off.

23 So I -- and I think that's where Board Member
24 Putnam was going with it. But I also share your
25 concerns, Mr. Chairman, as well as Board Member Nadeau.

1 The fine is -- it's a tough fine to assess.

2 BOARD CHAIRMAN SPENCER: Okay. You know, I
3 agree with everything everybody said. I mean it's not a
4 clear picture, in my opinion, you know. And you have to
5 make your mind up based upon how you feel about what's
6 been presented. So, you know, people differ. I don't
7 have a problem with that at all.

8 Do we have anymore comment, or do we want to
9 vote?

10 Going once. Going twice. Do we have a second
11 on the motion?

12 MS. RAY: M-hm (affirmative).

13 BOARD MEMBER PUTNAM: Yes.

14 BOARD MEMBER NADEAU: Yeah.

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

17 (Board members said "aye.")

18 Opposed? No.

19 MS. WHATLEY: Mr. Chairman, may I make a
20 statement, please?

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

22 MS. WHATLEY: I know this was a heartwrenching
23 case. And it was heartwrenching for me as well. But
24 our duty is to protect the citizens of Nevada and those
25 visitors of Nevada. And if any of those people

1 advertised on this website were to obtain work and had a
2 terrible accident -- I understand it's a bad economy,
3 and people need work, and they're doing desperate things
4 to get work. But what if they were protecting the Royal
5 Family, or this or that, and something bad happened?
6 They have no insurance. They have nothing. And it
7 would be a black eye to Nevada and our tourism industry.

8 BOARD CHAIRMAN SPENCER: You know, I agree with
9 you wholeheartedly. I'm certainly not criticizing you
10 for issuing the citation.

11 MS. WHATLEY: Right. It is a heartwrenching
12 case.

13 BOARD CHAIRMAN SPENCER: You know, the citation
14 being issued, there's clearly probable cause to do that.
15 I have no problem with that at all. It's just that,
16 like I said, I feel bad.

17 BOARD MEMBER PUTNAM: Mr. Chairman, I would
18 like to make a comment, too, to Ms. Needham.

19 Ms. Needham, this fine may seem very excessive.
20 But the problem is the Board has no options when it
21 comes to the amount of the fine. It's established by
22 black letter law. So I, too, feel that, you know, this
23 was -- this whole matter by this outfit Bodyguards or
24 whatever, that it's -- it's bad news that it happened.
25 But the problem is that I do feel that you could have

1 done more to make sure your ad didn't appear on this
2 website.

3 MS. NEEDHAM: Well, I ran out of time. You
4 know, I had a couple of weeks. And I had other things
5 going on at the time. And this all happened pretty
6 quickly. And all of a sudden the site was gone. I
7 couldn't even do anything about it. And I'm the one
8 that's getting the bill. And all these other guys got
9 nothing. I just don't see the fairness of that at all.

10 And I'm the only one that had any kind of card
11 with any company. And all these other guys, at least
12 two of them, had nothing. You know, I was at least
13 attempting to do the right thing. And he published this
14 too quickly. And he didn't put all of the accurate
15 information down. All he had was my name and my e-mail
16 address. He didn't put any of the company information.
17 And even if he had, at this point, it would have been
18 illegal. But at least he would have done it. He didn't
19 even do what I asked him to do.

20 And the fact that this other gentleman says I
21 made no attempt, the other company that I work for, like
22 I said, this was pretty -- it was a couple of weeks span
23 when all this occurred. And I was doing other things at
24 the time. And I didn't check the website on a daily
25 basis. I guess, I should have.

1 But I'm very upset that I'm getting stuck with
2 this fine right now over something. I didn't even do
3 anything. I had not published myself on that website.
4 It wasn't my website. It was his. And he conveniently
5 shuts the thing down, and he's having a good ol' time in
6 Florida right now. It's very frustrating.

7 And I understand totally the investigator. You
8 know, when people that don't know what they're doing are
9 out there doing a job they shouldn't be doing, I totally
10 understand, with Ms. Whatley. But that wasn't the case
11 here.

12 MS. BRADLEY: Well, Ms. Needham, I think, the
13 Board made your decision. You will be getting a final
14 order in the mail, just so you know. And if you do want
15 to appeal that order to district court, there will be
16 information; well, maybe not information in that order,
17 but there is a procedure for you to appeal, if you'd
18 like, the Board's decision.

19 MS. NEEDHAM: All right.

20 MS. BRADLEY: And, also, if you'd like to --

21 BOARD CHAIRMAN SPENCER: Also --

22 MS. BRADLEY: -- you can contact the Board
23 office if you want to make a payment schedule or
24 something like that, for the fine, if you don't want to
25 pay it all at once. They'll work with you on that.

1 MS. NEEDHAM: Great.

2 BOARD CHAIRMAN SPENCER: Thank you.

3 MS. NEEDHAM: That's it.

4

5 AGENDA ITEM 6

6 DANIEL MILLER

7

8 BOARD CHAIRMAN SPENCER: Okay. Let's see what
9 we got next. We've got the same situation.

10 (There was a brief discussion off the record.)

11 BOARD CHAIRMAN SPENCER: Let's take a quick
12 break.

13 MR. WARD: Is Mr. Miller present in Vegas?

14 MS. GRESNICK-SMITH: Not at this time.

15 MR. WARD: Because if he is, he's next on the
16 agenda, similar case, and I would like for him to look
17 at the exhibits. So he will be coming up next on the
18 agenda, similar case, CasinoBodyguards.com.

19 BOARD MEMBER NADEAU: It appears that he's not
20 there.

21 MR. WARD: I'm just confirming that.

22 * * * * *

23 (A break was taken, 10:25 to 10:40 a.m.)

24 * * * * *

25 BOARD CHAIRMAN SPENCER: Mark, do you have a --

1 did Mr. Miller ever show up?

2 BOARD MEMBER ZANE: Daniel Miller?

3 Nobody's responding.

4 BOARD CHAIRMAN SPENCER: How many times has he
5 been scheduled?

6 MS. RAY: Last time and today.

7 BOARD CHAIRMAN SPENCER: That's about two
8 months, I think.

9 MS. RAY: And he was sitting at the meeting in
10 June and was aware that it was going to be continued
11 and, you know.

12 BOARD CHAIRMAN SPENCER: Okay. I'll entertain
13 a motion.

14 BOARD MEMBER PUTNAM: Mr. Chairman, I move that
15 citation number C-026-11, issued to Daniel Miller, be
16 upheld based upon his failure to appear at an appeal
17 hearing.

18 BOARD CHAIRMAN SPENCER: On this date?

19 BOARD MEMBER PUTNAM: This date.

20 MR. UITHOVEN: Second.

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

23 (Board members said "aye.")

24 BOARD CHAIRMAN SPENCER: Opposed?

25 Okay. Send him a letter.

1 MR. WARD: Mr. Chairman, may I just briefly, in
2 that regard, for the record, show that we've
3 established, also -- I'm going to ask Ms. Ray to take
4 the stand -- that he was present, that he was present at
5 the last meeting, and we have good service on his, so
6 that the Board can make a finding that he did have
7 notice of this hearing date?

8 BOARD CHAIRMAN SPENCER: Okay.

9 MS. BRADLEY: Would you please raise your right
10 hand. Do you swear that the testimony you're about to
11 provide today before the Board will be the truth, the
12 whole truth and nothing but the truth?

13 MS. RAY: I do.

14 MR. WARD: Please state your name for the
15 record.

16 MS. RAY: Mechele Ray.

17 MR. WARD: And what is your position?

18 MS. RAY: Executive Director.

19 MR. WARD: In regards to the case of Daniel
20 Miller, C, as in Charlie, 026-11, do you have personal
21 knowledge that it was set for the agenda in June?

22 MS. RAY: Yes, it was.

23 MR. WARD: Do you know if he was, likewise, at
24 the meeting in June?

25 MS. RAY: He was present.

1 MR. WARD: Did he have -- was he informed at
2 that meeting that this matter would be continued to this
3 date, the next meeting?

4 MS. RAY: Yes, he was.

5 MR. WARD: Likewise, was he also mailed the
6 original citation in regards to this complaint?

7 MS. RAY: I did not mail him the citation for
8 notice.

9 MR. WARD: Okay. But he did show up in June?

10 MS. RAY: He did.

11 MR. WARD: For the hearing?

12 MS. RAY: Yes.

13 MR. WARD: And his hearing was continued to
14 today?

15 MS. RAY: Yes.

16 MR. WARD: I have no further questions.

17 Did you send him -- did you have any contact
18 with him regarding the citation and the meeting?

19 MS. RAY: I mailed him a letter that indicated
20 the date, the time and the location of today's meeting,
21 both certified and regular mail.

22 MR. WARD: Okay. So not only did he know
23 personally from the June meeting that it was continued,
24 you, likewise, mailed him something. Was the mail
25 returned or anything of that nature?

1 MS. RAY: No. I have proof that it was mailed,
2 but I do not have proof that it was received, on the
3 certified letter. And the regular letter has not been
4 returned to our office.

5 MR. WARD: I have nothing further. If you
6 would like to question Ms. Ray concerning his, quote,
7 unquote, notice or proper notice for this meeting, why
8 he did not appear.

9 MS. BRADLEY: I think, just to have the record
10 clear -- I know the Board already voted to uphold the
11 citation -- but it might also be appropriate for the
12 Board to make a motion that based on -- if the Board
13 feels it appropriate, based on Ms. Ray's testimony, he
14 did have proper legal notice and should have been here;
15 and, therefore, it was appropriate to uphold the
16 citation.

17 BOARD MEMBER PUTNAM: So moved.

18 BOARD CHAIRMAN SPENCER: Second.

19 BOARD MEMBER ZANE: Second.

20 BOARD CHAIRMAN SPENCER: All in favor?

21 (Board members said "aye.")

22 Opposed?

23 MR. WARD: Thank you, counsel.

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AGENDA ITEM 7

EYAL SCHMUEL

BOARD CHAIRMAN SPENCER: All right. Number seven, Eyal Schmucl. Is Mr. Schmucl there?

BOARD MEMBER UITHOVEN: Yes.

BOARD MEMBER ZANE: Yes.

MR. SCHMUEL: Good morning.

BOARD CHAIRMAN SPENCER: Good morning. How are you?

MR. SCHMUEL: I'm well.

BOARD CHAIRMAN SPENCER: Good. You're here to appeal your citation, number C-073-11?

MR. SCHMUEL: Yes, sir.

BOARD CHAIRMAN SPENCER: Okay. Counsel.

MR. WARD: Mr. Chairman, Board members, may it please the Board, for the record, my name is Harry Ward. I'm Deputy Attorney General in this matter. We're here today in regards to citation C, as in Charlie, 073-11.

Mr. Schmucl, at this time, I'm going to give a brief opening. My understanding is that you will, likewise, be able to give a brief opening. There's a lady here taking down everything that we say. So please respond with a "Yes" or a "No" instead of going "Uh-huh" or "Huh-uh." Do you understand that?

1 MR. SCHMUEL: Yes, sir.

2 MR. WARD: Okay. Thank you.

3 May I begin, briefly?

4 BOARD CHAIRMAN SPENCER: Please.

5 MR. WARD: Mr. Chairman, Board members, on
6 approximately April 11th, respondent was asked to
7 perform security services in the state of Nevada.
8 You'll hear testimony from the respondent that he is not
9 licensed in Nevada, but he sought assistance from a
10 licensed private investigator in Nevada. That will be
11 the testimony of the respondent.

12 In May 2011, he placed an ad on Craigslist with
13 his cell number in that ad. Respondent was issued a
14 citation. And under the law, this is an unlicensed
15 activity by that one single act. And as such, under the
16 law, the evidence will show that an administrative fine
17 under 648.165 is required in regards to that one single
18 act.

19 Nothing further.

20 It's now your turn.

21 MR. SCHMUEL: I don't have any opening.

22 BOARD CHAIRMAN SPENCER: Okay.

23 MR. WARD: At this time, I'm going to call some
24 witnesses. And you'll have an opportunity to
25 cross-examine them, as well as the Board will have an

1 opportunity to ask questions. And then I may have some
2 redirect? Do you understand?

3 MR. SCHMUEL: Yes, sir.

4 MR. WARD: At this time, I call Ms. Tammy
5 Whatley.

6 You've been sworn in; is that correct?

7 MS. WHATLEY: That's correct.

8 MR. WARD: Please state your name for the
9 record.

10 MS. WHATLEY: Tammy Whatley.

11 MR. WARD: And what is your occupation?

12 MS. WHATLEY: Investigator.

13 MR. WARD: Approximately how long have you been
14 an investigator?

15 MS. WHATLEY: With this Board, three years,
16 nearly three years. Total, 11 years.

17 MR. WARD: Okay. And are you familiar with
18 this case, that being citation C, as in Charlie, 073-11?

19 MS. WHATLEY: I am.

20 MR. WARD: Okay. Briefly, would you explain to
21 us the facts concerning this investigation.

22 MS. WHATLEY: Yes. The Private Investigators
23 Licensing Board received a complaint. Along with this
24 complaint was a Craigslist advertisement. The
25 Craigslist advertisement did indicate there were

1 interviews going on to hire guards for the Electric
2 Daisy Carnival. And it had -- it gave the location of
3 the interviews, and it also provided a phone number.
4 Executive Director Mechele Ray called the phone number,
5 and the respondent stated, "Thank you for calling
6 Israeli Protection Services."

7 Our -- one of our investigators in our Vegas
8 office, Investigator Beringhele, did go to the place in
9 which interviews were being conducted. He obtained a --
10 an application. There was not a heading on the
11 application, but there was a phone number. It was the
12 same phone number that is tied to Israeli Protection
13 Services.

14 An unlicensed activity -- an unlicensed
15 activity citation was personally served.

16 MR. WARD: Mr. Schmuel, at this time, I'm going
17 to ask the southern office, I mean Board members to be
18 handing out an exhibit, which I'm going to do up here.
19 And, likewise, I'm going to ask you to review it. And
20 if you have any comments on this exhibit, that I intend
21 to introduce, you'll have an opportunity to review it
22 and to express to the Board.

23 BOARD MEMBER PUTNAM: Thank you.

24 BOARD MEMBER NADEAU: Thank you.

25 MR. WARD: And, Mr. Schmuel, I'm going to give

1 you a few minutes just to review it, and then we're
2 going to -- you'll have an opportunity, also, to ask the
3 witnesses questions about those exhibits. Okay?

4 MR. SCHMUEL: Yes, sir.

5 MR. WARD: Mr. Chairman, Board members, at this
6 point, I would like to introduce Exhibit 1, which
7 consists of pages, I think, one through -- I apologize.
8 I think, it's 34. One through 34.

9 All right. Ms. Whatley, you've had an
10 opportunity to investigate this matter; is that correct?

11 MS. WHATLEY: That's correct.

12 MR. WARD: And we're going to go briefly
13 through this exhibit, and I'm going to ask for your
14 input and your testimony in this regard.

15 And, likewise, Mr. Schmucl, you will be able to
16 ask her questions when it's your opportunity, as well as
17 the Board members.

18 MR. SCHMUEL: Yes, sir.

19 MR. WARD: Now, page one of the exhibit -- I
20 know the document speaks for itself. But, basically,
21 what is that, to your understanding?

22 MS. WHATLEY: Basically, this is the
23 correspondence we received to appeal the citation, and
24 it is Mr. Schmucl's defense, so to speak, stating that
25 he was actually contracting with one of our licensed

1 companies to conduct the business he was conducting.

2 MR. WARD: And did you ever see if that company
3 did have a license, and did you do any further
4 investigation of that nature?

5 MS. WHATLEY: The company mentioned, the person
6 mentioned, Waddell Bennett, is a licensed person. I
7 checked for their employees, people that were allowed to
8 work under them, that there was no mention of Mr. -- or
9 Eyal Schmucl.

10 MR. WARD: The respondent before the Board
11 today?

12 MS. WHATLEY: That's correct.

13 MR. WARD: Then, likewise, going to pages,
14 looks like, two, three and four, a citation was issued
15 in this matter concerning your investigation; is that
16 correct?

17 MS. WHATLEY: That is correct.

18 MR. WARD: And the signature on page three,
19 that is you; is that correct?

20 MS. WHATLEY: That is correct.

21 MR. WARD: So a citation was issued in this
22 matter; is that correct?

23 MS. WHATLEY: Yes.

24 MR. WARD: Now, going to page five, could you
25 tell us what page five is about?

1 MS. WHATLEY: Yes. This was the Craigslist
2 posting that was provided with the complaint.

3 MR. WARD: In that regards, does this support
4 your allegations that there was a, quote, unquote,
5 advertisement or unauthorized activity under NRS
6 648.061, I think it's 1(b)?

7 MS. WHATLEY: 060.

8 MR. WARD: I'm sorry. 060, subsection 1(b)?

9 MS. WHATLEY: Yes.

10 MR. WARD: And moving right along, then we go
11 to -- I guess, it was page six. And I may have jumped
12 the gun. Can you explain what this --

13 MS. WHATLEY: I did --

14 MR. WARD: -- exhibit is?

15 MS. WHATLEY: I apologize. I did a search of
16 the Secretary of State website, and there was not a
17 listing for Mr. Schmuel.

18 MR. WARD: Okay. And moving on, it looks like,
19 to page eight, you did a business entity search?

20 MS. WHATLEY: Yes, I did.

21 MR. WARD: And what were your results?

22 MS. WHATLEY: Negative results.

23 MR. WARD: And it shows no results; is that
24 correct?

25 MS. WHATLEY: That is correct.

1 MR. WARD: Now, what is page nine?

2 MS. WHATLEY: That is from the website. It is
3 www.IsraeliProtectionServices.com. And it does show the
4 exact same phone number as listed on the Craigslist ad
5 and the application which Investigator Beringhele
6 obtained at the interview.

7 MR. WARD: So is it fair to say that the number
8 at the top, where it says "Call us toll-free,
9 1-800-818-2621," is the same phone number that was
10 listed on the Craigslist site?

11 MS. WHATLEY: Yes.

12 MR. WARD: And that was a Craigslist listing in
13 the state of Nevada?

14 MS. WHATLEY: That is correct.

15 MR. WARD: Moving on to page 10, briefly, can
16 you describe what page 10 is and give us a background?

17 MS. WHATLEY: This is another screenshot from
18 IsraeliProtectionServices.com. And it states that,
19 their services, what they provide.

20 MR. WARD: To your knowledge, is Israeli
21 Protective Services licensed in the State of Nevada?

22 MS. WHATLEY: Not in Nevada.

23 MR. WARD: And just for his benefit, are they
24 licensed, to your -- did your investigation lead to any
25 licensing in any other states?

1 MS. WHATLEY: They are licensed in California.

2 MR. WARD: Okay. And I may have jumped ahead
3 myself, but I'm on page 12.

4 MS. WHATLEY: Yes.

5 MR. WARD: I see at the top it says
6 "Established in 2-09." And is that, in fact, the same
7 respondent that is here today, to your knowledge?

8 MS. WHATLEY: To the best of my knowledge, yes.

9 MR. WARD: Okay. Moving right through the
10 pages, page 14, can you please describe what page 14 is?

11 MS. WHATLEY: Yes. It's another screenshot
12 from www.IsraeliProtectionServices.com. And, again,
13 their services are security and executive protection.

14 MR. WARD: And this is through your
15 investigation, part of your work file; is that correct?

16 MS. WHATLEY: That is correct.

17 MR. WARD: And I think we can continue going
18 through this, I think, 15, 16, 17 and 18. I'd like to
19 ask you a few questions about page 18.

20 MS. WHATLEY: Okay.

21 MR. WARD: Likewise, what is this on page 18?

22 MS. WHATLEY: This is another screenshot from
23 their website. It's the employment page.

24 MR. WARD: Okay. And, once again, there's no
25 reference that he was licensed in the state of Nevada;

1 is that correct?

2 MS. WHATLEY: Not in Nevada.

3 MR. WARD: Okay. And just briefly, page 20,
4 where did this information come from?

5 MS. WHATLEY: I printed this from their
6 website.

7 MR. WARD: When you say "their," that means
8 Israeli Protection Services; is that correct?

9 MS. WHATLEY: Yes.

10 MR. WARD: And, briefly, what would be 21, 22,
11 23 and 24 and 25?

12 MS. WHATLEY: It is an application that was
13 printed off from Israeli Protection Services' website.

14 MR. WARD: And for what purpose, to your
15 knowledge, would this have been for, employment?

16 MS. WHATLEY: Yes. If you sought employment
17 with Israeli Protection Services, you would fill out
18 this application, if you were applying on-line.

19 MR. WARD: Okay. And I'll get back to the ad
20 on Craigslist. But, once again, the same phone number
21 for this website is the same number listed on
22 Craigslist?

23 MS. WHATLEY: That is correct.

24 MR. WARD: And, moving right along, I think, on
25 page 27, it says "Citation personally served." So it

1 was your understanding that he was personally served; is
2 that correct?

3 MS. WHATLEY: That the citation was issued at
4 the interview site.

5 MR. WARD: Okay. Now, going to page 28, would
6 you please tell me what 28 references.

7 MS. WHATLEY: Okay. This is an e-mail from
8 Investigator Beringhele to me, stating "Tammy, as a
9 follow-up to my earlier e-mail sent 5-17-2011 at
10 approximately 5:16 p.m., it should be noted that listed
11 on the upper right-hand corner of the first page of the
12 application is telephone number 800-818-2621. This
13 telephone number matches their toll-free number listed
14 on their website for contact. Their address is 471
15 East --

16 MR. WARD: That's fine. But that would
17 reference page nine of this same exhibit; is that your
18 understanding?

19 MS. WHATLEY: Yes.

20 MR. WARD: So that's -- page 28 references page
21 nine of the listing of the website; is that correct?

22 MS. WHATLEY: Correct.

23 MR. WARD: Okay. Now, all of these documents
24 are from your investigative file; is that correct?

25 MS. WHATLEY: That's correct.

1 MR. WARD: Okay. Now, moving right along, it
2 says "Employment Application," page 29 and 30. Where
3 did you receive those documents from?

4 MS. WHATLEY: This is a copy of the application
5 that Investigator Beringhele did pick up at the
6 interview site.

7 MR. WARD: Okay. And when you say "interview
8 site," can you educate me; what does that mean?

9 MS. WHATLEY: On the Craigslist ad, it gave the
10 address on which they were conducting interviews.

11 MR. WARD: And I'm going to refer to -- what is
12 this, page five?

13 MS. WHATLEY: That is correct.

14 MR. WARD: Okay. Please explain.

15 MS. WHATLEY: It was the Best Western Main
16 Street Inn, 1000 North Main Street, Las Vegas, Nevada,
17 89101. They were there conducting interviews, and that
18 is where Investigator Beringhele made contact.

19 MR. WARD: With the respondent in this matter,
20 correct?

21 MS. WHATLEY: With -- with the people
22 conducting interviews for Israeli Protective Services.

23 MR. WARD: And this was in the state of Nevada;
24 is that correct?

25 MS. WHATLEY: Yes.

1 MR. WARD: The interview place --

2 MS. WHATLEY: Yes.

3 MR. WARD: -- in Las Vegas? Okay. Now, going
4 back, I think, we're now on page 31.

5 MS. WHATLEY: Yes.

6 MR. WARD: Is this also, likewise, a part of
7 your investigative file?

8 MS. WHATLEY: Yes, it is.

9 MR. WARD: And what is that in regards?

10 MS. WHATLEY: It is an e-mail stating that
11 we -- the Private Investigators Licensing Board was
12 receiving many complaints. People were calling into our
13 office asking if this company was legitimate, were they
14 licensed. We were just getting inundated with phone
15 calls from other licensees, prospective employees of the
16 company, that saw the Craigslist ad or that had been
17 interviewed.

18 MR. WARD: Okay. Now, if you don't mind going
19 to page 32. I know I asked you about Exhibit 1. Would
20 you please explain page 32.

21 MS. WHATLEY: Okay. Page 32 is from our
22 website. This is Waddell Bennett's personal page,
23 showing who he has and does work for.

24 MR. WARD: I hate to interrupt. But this was
25 referenced in the letter which is exhibit -- I mean page

1 one of this exhibit, that the respondent sent to you,
2 that he was seeking work through his friend; is that
3 correct?

4 MS. WHATLEY: That is correct.

5 MR. WARD: Please continue. So what is that
6 32, what does that describe or indicate?

7 MS. WHATLEY: That indicates who Waddell
8 Bennett works for or with.

9 MR. WARD: And -- okay. And does it list the
10 respondent in this matter?

11 MS. WHATLEY: No.

12 MR. WARD: And, likewise, I guess, page 34?

13 MS. WHATLEY: Cybernet is also associated with
14 Waddell Bennett, and Cybernet Security Protection
15 Services, and this is a list of their employees.

16 MR. WARD: And, likewise, in that regard, we
17 don't see the respondent in that matter?

18 MS. WHATLEY: No, we do not.

19 MR. WARD: Is there anything else that you
20 would like to add in regards to this hearing in this
21 matter?

22 MS. WHATLEY: No.

23 MR. WARD: At this time, I tender the witness,
24 I guess, to the respondent for cross-examination, as
25 well as to the Board.

1 Mr. Schmuel, it's your turn to ask her some
2 questions.

3 MR. SCHMUEL: Okay. Yes. You guys were saying
4 on the applications there was -- when the investigator
5 came in and got an application from us, there was a
6 number, a phone number on top. Which is incorrect.
7 Because I remember the investigator coming back the next
8 day, that served me the citation. That day that he did
9 come in and pick up the application, he did ask me if
10 there's a number. There was nothing on the application.
11 He did ask me if there was a number or anything that I
12 can --

13 MS. BRADLEY: Excuse me.

14 MR. SCHMUEL: -- I can give him so he can
15 contact us. And I did give him, and he did write it
16 down.

17 MS. BRADLEY: Excuse me, sir.

18 MR. SCHMUEL: Yes?

19 MS. BRADLEY: I think, you might have
20 misunderstood. And I apologize. Right now, it is the
21 state's case, because they have the burden of proving
22 that the citation was given properly. And so, right
23 now --

24 MR. SCHMUEL: Okay.

25 MS. BRADLEY: You'll get a chance to testify.

1 And that's, I think, what you were doing there.

2 MS. RAY: Okay.

3 MS. BRADLEY: But right now, it's really your
4 time to ask Investigator Whatley, if you have any
5 questions about the testimony she just provided. So do
6 you have any --

7 MR. SCHMUEL: No.

8 MS. BRADLEY: -- questions for her?

9 MR. SCHMUEL: No.

10 MS. BRADLEY: Okay. And, Board members, do you
11 have questions for Investigator Whatley?

12 BOARD CHAIRMAN SPENCER: Not at this time, no.

13 MS. BRADLEY: Okay.

14 MR. WARD: At this time, I would rest my case.
15 In other words, I have no further witnesses. So now
16 it's your opportunity to put on your case, to testify or
17 to call witnesses and/or both.

18 MS. BRADLEY: So now you get to testify. If
19 you have witnesses, you can call them. And, also,
20 Mr. Ward will get to ask you questions when you're done,
21 and the Board might ask you questions. Okay?

22 MR. SCHMUEL: Yes, ma'am.

23 MS. BRADLEY: So go ahead and start.

24 MR. SCHMUEL: Okay. Basically, what happened
25 was we have a company, I have a company in California.

1 I was called by another company that we do, that subs us
2 out, and they asked me if I knew anybody in the state of
3 Nevada that has a license. And I told them I do.

4 I then contacted Waddell. I asked him if he's
5 interested in doing this event. And he said he is. And
6 then he asked me if I was willing to help him out with
7 this event, says, "I need a company that -- you know,
8 that -- for putting up this event." I stated, yes, I
9 could help him out. And he told me that I needed to
10 apply for a guard card with you guys, which -- the
11 Nevada guard card. And I did so. I started doing that
12 as well.

13 Then Mr. Waddell was unable to do the hiring
14 process. So I was here to do it for him. The reason
15 why my phone number was on the website is -- I mean on
16 the Craigslist was due to the fact that Waddell wasn't
17 able to pick up his phone calls. So we put my number,
18 an 800 number. And he said we were going to do that for
19 a couple of days until we get a cell phone with a local
20 number. So I was just assisting him, putting my number,
21 because it would be easier, instead of putting my 760
22 number from Palm Springs, put an 800 number so people
23 can just call the 800 number and not wonder what the 760
24 number is, the area code. So that's why we put the 800
25 number.

1 And then I fully forgot to take it off. And I
2 did that, forgot to take off the voicemail for my
3 company. But that wasn't our intention or anything like
4 that, of doing so.

5 And then, like I was saying about the --
6 regarding the application, that application, Waddell
7 e-mailed me the application, his application. And
8 that's the application that we gave at the interviews.
9 We had no -- we didn't have any phone numbers on it or
10 anything like that. And, like I stated earlier, was
11 that when the investigator came that day, he asked me,
12 you know, he asked me if there is a number that he can
13 contact me or contact us or anything like that. And I
14 did then give him a number, and he did write it down.

15 And Waddell is not here to -- he's actually
16 working. He said he wasn't able to be here.

17 MR. WARD: Are you finished?

18 MR. SCHMUEL: Yes, sir.

19 MR. WARD: All right. At this time, I have an
20 opportunity to cross-examine you. And then the Board
21 would, likewise, be able to ask you some questions.
22 Okay?

23 MR. SCHMUEL: Yes, sir.

24 MR. WARD: Now, page one, this is your letter
25 concerning what happened; is that correct?

1 MR. SCHMUEL: Yes, sir.

2 MR. WARD: And in your testimony, you said that
3 you had contacted Waddell to assist you in this matter;
4 is that correct?

5 MR. SCHMUEL: Yes, sir. I told -- I asked him
6 if he's willing to do this event, since I don't have a
7 license out here. And he said that he would be, yeah,
8 he would like to take this event. And everything was
9 based under contract with -- directly with him and --
10 and Staff Roll, which is the company that would hire,
11 you know, that hires us usually in California. It would
12 have nothing to do with me. I wouldn't have a contract
13 with him or anything like that. I would be formed
14 directly. Because they sent him a contract directly.
15 Staff Roll did, sent him directly a contract, to
16 Waddell.

17 MR. WARD: And just briefly educate us. You
18 are licensed in the state of California; is that
19 correct?

20 MR. SCHMUEL: Yes, sir. Yes, sir.

21 MR. WARD: Okay. And so what you see in these
22 exhibits is part of your business; is that correct?

23 MR. SCHMUEL: Yes, sir.

24 MR. WARD: Okay. And is it correct to say that
25 you're not licensed in Nevada; is that correct?

1 MR. SCHMUEL: Yes, sir, I'm not.

2 MR. WARD: And you had knowledge that --

3 MR. SCHMUEL: And that's like -- I'm sorry.

4 That's like --

5 MR. WARD: That was a horrible question.

6 That's why you contacted Mr. Bennett; is that correct?

7 MR. SCHMUEL: Yes, sir, that's why I did so.

8 MR. WARD: Okay. Now, going to page five, and
9 I'm just trying to clear this up, that is the, quote,
10 unquote, advertisement with your 800 number; is that
11 correct?

12 MR. SCHMUEL: Yes, sir.

13 MR. WARD: And you've testified to this.

14 Briefly explain. This was accidentally left on there
15 for a while because?

16 MR. SCHMUEL: What happened is Mr. Bennett and
17 I, to do so, to answer the phone calls, so we decided to
18 put my 800 number meanwhile till we do get a local
19 number, so we can have -- for his company, because he
20 has his own means of -- of a phone that he has, was his
21 cell number. And he does work. He has a full-time job
22 as well. Said he wasn't able to do the interviews. So
23 that's why I did it. And that's why we put my number,
24 so if anybody has any questions, they can contact me,
25 because I'm going to be -- I'm going to run the show.

1 MR. WARD: But you don't dispute that that's
2 your 800 number; is that correct?

3 MR. SCHMUEL: No, I don't dispute.

4 MR. WARD: Do you now realize that that is a
5 violation of advertising, unauthorized activity, not
6 being licensed?

7 MR. SCHMUEL: I do, sir. And that's why I
8 didn't do this intentionally. And that's why I
9 contacted him, because he is licensed here. And I knew
10 that, that I couldn't operate here without a license.
11 And that's why I did contact Mr. Waddell.

12 MR. WARD: I understand your position. Now,
13 going to page 29, and I asked Ms. Whatley something
14 about that, and I think you testified. Do you have page
15 29?

16 MR. SCHMUEL: Yes, sir.

17 MR. WARD: Now, this application, this is the
18 application that was presented at that meeting; is that
19 correct?

20 MR. SCHMUEL: Yes, sir.

21 MR. WARD: Now, the number up at the top, the
22 800 number up at the top, it's your testimony that
23 that's what -- the investigator put that number down?

24 MR. SCHMUEL: I don't see an 800 number on top.

25 BOARD CHAIRMAN SPENCER: 29.

1 MR. WARD: I'm sorry. Page 29?

2 MR. SCHMUEL: Yes, sir. There's --

3 MR. WARD: Do you see a handwritten phone
4 number up at the top right-hand corner?

5 MR. SCHMUEL: No, I do not. I just see some
6 scribbles like you scratched out something.

7 BOARD CHAIRMAN SPENCER: That's it.

8 MR. SCHMUEL: Is that it?

9 MR. WARD: Yeah, maybe it didn't go through.
10 But, anyway, your testimony is that you never put your
11 number on this application; is that your testimony?

12 MR. SCHMUEL: Yes, sir, I never put anything on
13 my -- on the application. And I recall that a hundred
14 percent, that the investigator asked me. Because I
15 remember him coming the following day and saying -- you
16 know, when he served me. And I remembered his face from
17 the previous day. And he asked me if there's a number
18 or anything that he can contact me, and he wrote it down
19 himself.

20 MR. WARD: This employment application, page 29
21 and 30, is this from your data base, or is it from
22 someone else's data base?

23 MR. SCHMUEL: It's from Waddell. He e-mailed
24 me this information before I came out here to do the
25 interviews. And I printed out copies of this

1 application. But it was directed from Waddell. That's
2 his application that he gave me to have everybody fill
3 out.

4 MR. WARD: And I'm a little unclear. Were you,
5 in fact, present in Las Vegas at the time to assist
6 people in filling out these applications?

7 MR. SCHMUEL: Yes, sir.

8 MR. WARD: I have no further questions. The
9 Board may ask you some questions.

10 BOARD MEMBER PUTNAM: Okay. Mr. Chairman, I
11 have a question for this witness.

12 Sir, in your letter to Mechele Ray indicating
13 that you wanted to explain what had happened, in the
14 second paragraph, the last sentence says "Mr. Bennett
15 instructed me to register with the Nevada Private
16 Investigators Board so that I could assist in the
17 event."

18 MR. SCHMUEL: Yes, sir.

19 BOARD MEMBER PUTNAM: Did you, in fact, contact
20 the Private Investigators Licensing Board to register?

21 MR. SCHMUEL: I applied for a guard card, for a
22 guard -- for a security card. He said that's what I
23 needed to help him out. So that's what I did, I started
24 the process. And I did actually receive a card from you
25 guys, a security guard card from you guys.

1 BOARD MEMBER PUTNAM: Is that true?

2 MS. RAY: Yes.

3 BOARD MEMBER NADEAU: Mr. Chair, I have a
4 question.

5 BOARD CHAIRMAN SPENCER: Please.

6 BOARD MEMBER NADEAU: Sir, on page 29 of the --
7 of that, as I'm understanding, and you're saying there's
8 scribbling up at the top, which you may not be able to
9 make out, but the phone number is 800-818-2671.

10 MR. SCHMUEL: 2621.

11 BOARD MEMBER NADEAU: Yeah, 2621. Okay.

12 MR. SCHMUEL: That's my number.

13 BOARD MEMBER NADEAU: That's your number?

14 MR. SCHMUEL: Yes, sir.

15 BOARD MEMBER NADEAU: You're saying that he got
16 that on the day that the citation was written?

17 MR. SCHMUEL: No, the day prior to the
18 citation.

19 BOARD MEMBER NADEAU: Okay.

20 MR. SCHMUEL: Because the investigator came the
21 day before.

22 BOARD MEMBER NADEAU: Right.

23 MR. SCHMUEL: When we were giving out -- you
24 know, doing interviews. And then, the second day, he
25 came back and -- the investigator, and that's when they

1 served us with the -- served me with the citation.

2 BOARD MEMBER NADEAU: Okay. So on the day that
3 the investigator went to the interviews --

4 MR. SCHMUEL: Yes, sir.

5 BOARD MEMBER NADEAU: -- and spoke with you and
6 got the application, it's at that point you gave him
7 your cell phone number for contact?

8 MR. SCHMUEL: My -- the 800, yes, sir. Because
9 we didn't have the cell number yet that we were -- that
10 Mr. Waddell and I did. We hadn't gotten the cell phone
11 with the current, with like the local number, that we
12 wanted to do.

13 BOARD MEMBER NADEAU: Okay.

14 MR. SCHMUEL: So that's why I gave him the 800
15 number, because it goes directly to my cell.

16 BOARD MEMBER NADEAU: Okay. Hold on just a
17 second so I can get back here.

18 MR. SCHMUEL: No problem.

19 BOARD MEMBER NADEAU: So when did you get the
20 800, when -- when was it determined that you would not
21 be able to get a cell phone or get a phone number for --
22 from Waddell?

23 MR. SCHMUEL: Well, when we started, when we
24 started this, when we spoke about, you know, doing this,
25 and we -- Waddell was not available. Because I was --

1 it was like a couple days prior to me coming out to
2 Vegas to start doing the interviews. And then Waddell
3 was not able to do it, because, like I said, he has a
4 full-time job, and he wasn't able to answer the phone.
5 We said, meanwhile, until we get a cell phone, another
6 cell phone that we can -- with a local number, we'll use
7 my number for right now. And then, so that way, if
8 anybody has any questions, instead of calling him and
9 bothering him while he's at work, since I'm helping him
10 out, they'll be able to call me, and then, if they have
11 any questions, I'll be able to answer for them.

12 BOARD MEMBER NADEAU: Okay.

13 MR. SCHMUEL: So that's the only reason why we
14 put this number on here. It wasn't intended --

15 BOARD MEMBER NADEAU: Right.

16 MR. SCHMUEL: -- my company's doing this or
17 anything like that.

18 BOARD MEMBER NADEAU: Right. No, I understand.
19 But then, on page five, it is the Craigslist posting.
20 And that's dated May 14th, which is four days before you
21 received the -- but there's no indication of -- in other
22 words, I understand your testimony. And I'm certainly
23 not questioning that. But what I'm -- what I am trying
24 to determine is there's nothing in here that shows,
25 number one, that there's another company besides you

1 that's involved in this. It only indicates the location
2 for the -- to pick up the applications and apply.

3 MR. SCHMUEL: Yes, sir.

4 BOARD MEMBER NADEAU: And the 800 number that
5 is your number.

6 MR. SCHMUEL: Yes, sir.

7 BOARD MEMBER NADEAU: And it's my understanding
8 that Mr. Waddell or -- was -- he was not at the
9 interview location; is that correct?

10 MR. SCHMUEL: No. He was working. Yes, sir,
11 he had to work, because he had a full-time job as well.
12 So he was not able to be there.

13 BOARD MEMBER NADEAU: And at that time, you
14 were not working for him in any fashion, as far as you
15 didn't have a patrol, private patrol license?

16 MR. SCHMUEL: No.

17 BOARD MEMBER NADEAU: Or you weren't working
18 for --

19 MR. SCHMUEL: Well, he said that -- that's what
20 we did, we applied for it, and then out here we started
21 applying and then while we were doing the interviews.
22 He told me the steps that we need to take. And then I
23 don't know what else needs to do, what he needed to do
24 with his company to put me, as far as, you know, working
25 for his company. I'm not sure.

1 BOARD MEMBER NADEAU: Okay. But you were
2 not -- and maybe this is -- but you weren't, you weren't
3 licensed in any fashion as an employee or anything of
4 that nature at the time you were doing the interviews
5 and all of this other stuff?

6 MR. SCHMUEL: I was actually working for him.

7 BOARD MEMBER NADEAU: There may have been an
8 intention to do this, but he had not registered you or
9 anything; is that correct?

10 MR. SCHMUEL: Not that I -- not that I'm aware.
11 I'm not sure what he'd tell me he has to do. Because
12 it's his company. And he's in the state of Nevada. So
13 he would know more than I would. I would know like in
14 California; I know the laws and regulations out there.
15 I am not familiar with the laws and regulations back
16 here in Nevada. So I'm not sure what he would have to
17 do.

18 BOARD MEMBER NADEAU: And so, when you were at
19 the Best Western, how did you represent yourself, as far
20 as who, who was doing the hiring?

21 MR. SCHMUEL: Serve Net. I work for Serve Net.
22 I did not work for -- or this time, I worked for Serve
23 Net.

24 BOARD MEMBER NADEAU: Did you have any
25 identification or anything of that nature that

1 identified you as working for Serve Net?

2 MR. SCHMUEL: I mean he hired me, basically.
3 He asked me to. That's my only way of showing them. I
4 mean that's why I was here. That's why I did it. This
5 was him. And, like I say, I mean I went through all
6 steps and --

7 BOARD MEMBER NADEAU: It's not represented in
8 Investigator Beringhele's e-mail, but did you identify
9 yourself to him as working for Serve Net?

10 MR. SCHMUEL: Yes, the second time, when he
11 came in with the two investigation --

12 BOARD MEMBER NADEAU: No, no. The first day.

13 MR. SCHMUEL: He didn't ask me. He didn't even
14 tell me he was an investigator. He just came and picked
15 up an application and then asked me for the phone
16 number, and then he left.

17 BOARD MEMBER NADEAU: But you didn't tell him
18 who you were or anything like that or --

19 MR. SCHMUEL: He did not ask or anything like
20 that. He did not ask. There was no questions asked or
21 anything like that.

22 BOARD MEMBER NADEAU: Well, okay. I understand
23 he didn't ask it. But you didn't volunteer?

24 MR. SCHMUEL: I mean he came to grab an
25 application. Usually people ask when they come in and

1 fill out an application, you know, when we interview.
2 You know, he didn't even fill out the application. He
3 just took it with him. He said, "I'll bring it back
4 later." He just grabbed an application, asked me if
5 there was a number if he needed to ask questions or
6 anything. He wrote the number down, and he left. He
7 was there for a couple minutes and left. He didn't ask
8 any questions or anything like that.

9 BOARD MEMBER NADEAU: Right. Did you ever
10 get --

11 MR. SCHMUEL: Because I --

12 BOARD MEMBER NADEAU: Sorry. Did you ever get
13 a number for people to call?

14 MR. SCHMUEL: I'm sorry?

15 BOARD MEMBER NADEAU: Did you ever get a number
16 for people to call besides your 800 number?

17 MR. SCHMUEL: No, because the second day,
18 because our second day of interviewing, that's what
19 happened, and we ended up not doing this anymore.

20 BOARD MEMBER NADEAU: Got you. Thank you.

21 MR. SCHMUEL: We stopped. We stopped doing it.

22 BOARD MEMBER NADEAU: No more questions. Thank
23 you, Mr. Chair.

24 BOARD CHAIRMAN SPENCER: Any further questions?

25 MR. WARD: Mr. Chairman, Board members, at this

1 time, I wouldn't mind calling Ms. Whatley back to the
2 stand in regards to some information concerning cards or
3 applying for cards.

4 Once again, please state your name for the
5 record.

6 MS. WHATLEY: Tammy Whatley.

7 MR. WARD: In regards to any licensing or
8 applying for any cards, what did your investigation
9 determine?

10 MS. WHATLEY: That Mr. Schmucl did receive
11 provisional status for a registration card on May 24th.

12 MR. WARD: And when was the interview
13 originally at the Best Western; what was the date?

14 MS. WHATLEY: According to the Craigslist ad
15 and Investigator Beringhele, May 17 and May 18.

16 MR. WARD: And do you know maybe when he
17 started it -- what -- define; what does provisional
18 mean? Explain it to me.

19 MS. WHATLEY: Provisional is temporary status,
20 which does allow you to work.

21 (The Las Vegas videoconferencing connection was
22 lost and reestablished.)

23 BOARD CHAIRMAN SPENCER: Are you there?

24 MR. SCHMUEL: Yes.

25 MR. WARD: All right. We're back on the

1 record, Mr. Chairman, Board.

2 Ms. Whatley, you've taken the stand again. Can
3 you briefly -- I think, I'll first start over. What is
4 provisional status again?

5 MS. WHATLEY: Provisional status means that
6 you -- it's a temporary status, meaning you are eligible
7 to work for a licensee. And once your fingerprint
8 returns come back, as long as everything is good, then
9 you would receive a -- then you would be completed, and
10 you would receive a permit card that is good for five
11 years.

12 MR. WARD: And do you know when he applied for
13 that, "he" being the respondent?

14 MS. WHATLEY: According to our data base, it
15 looks like he started the application May 13th.

16 MR. WARD: And that would be after the fact; is
17 that your testimony?

18 MS. WHATLEY: Well, May 13th is before the
19 fact. But the provisional status is after the fact.
20 Our records indicate that he was made provisional May
21 24th.

22 MR. WARD: So, I guess, to be accurate, he may
23 have applied for it the day before, but he was not
24 provisionally accepted until May 24; is that correct?

25 MS. WHATLEY: That is correct, he would not

1 have been eligible to work for a licensee until May
2 24th.

3 MR. WARD: Okay. I have no further questions.
4 Mr. Schmucl and, likewise, the Board, you have the right
5 to ask her some questions.

6 MR. SCHMUEL: I have no further questions.

7 BOARD MEMBER PUTNAM: Ms. Whatley, just to make
8 sure I understand this correctly, this ad was placed on
9 Craigslist on the 14th of May, the interviews were
10 conducted on the 17th and 18th of May, all of these
11 things occurring before he was granted provisional
12 status on May 24th?

13 MS. WHATLEY: To Mr. Chair, to Board Member
14 Putnam, that is correct.

15 BOARD MEMBER PUTNAM: Thank you.

16 MR. WARD: I have no further questions. And I
17 have no further testimony and will be calling no further
18 witnesses. At this time, I would like, Mr. Chairman,
19 Board members, to give a brief closing, summation.

20 MS. BRADLEY: Does he have any questions for
21 Ms. Whatley?

22 MR. SCHMUEL: No, ma'am.

23 MS. BRADLEY: And do the Board members?

24 BOARD MEMBER NADEAU: No.

25 BOARD CHAIRMAN SPENCER: Nope.

1 MS. BRADLEY: Okay.

2 MR. WARD: Okay. Mr. Chairman, Board members,
3 just briefly, the matter before you is C, as in Charlie,
4 073-11 based on unlicensed activity. You've heard the
5 testimony. You've reviewed the evidence. Based on the
6 evidence and the testimony, there is a clear, quote,
7 unquote, single act under NRS 648.063 of an
8 advertisement under NRS 648.060, subsection 1(b). And
9 as such, an administrative fine is appropriate under NRS
10 648.165. Thank you.

11 MS. BRADLEY: Do you have a statement you'd
12 like to make, sir?

13 MR. SCHMUEL: No, ma'am.

14 MS. BRADLEY: Okay.

15 BOARD MEMBER PUTNAM: Mr. Chairman?

16 BOARD CHAIRMAN SPENCER: Any discussion from
17 the Board?

18 MR. SCHMUEL: I'm sorry?

19 BOARD CHAIRMAN SPENCER: I was just asking the
20 Board members if they had any questions they wanted to
21 ask.

22 BOARD MEMBER UITHOVEN: No.

23 BOARD CHAIRMAN SPENCER: Hearing none, I'll
24 entertain a motion.

25 BOARD MEMBER ZANE: I have one, Mr. Chairman.

1 BOARD CHAIRMAN SPENCER: Yeah?

2 BOARD MEMBER ZANE: NRS 648, we don't have any
3 prescribed definitions for the advertisement. Is there
4 something that we can use as a guideline?

5 BOARD MEMBER NADEAU: Is there something we can
6 use as an advertisement for -- as a definition of
7 advertisement?

8 MS. RAY: We have a regulation.

9 MR. WARD: 648.060.

10 MS. RAY: Well, that's the statute. And then
11 there's one that outlines what constitutes.

12 BOARD MEMBER NADEAU: Okay. Did you hear that,
13 Mark, there's a reg that applies?

14 BOARD MEMBER ZANE: Yes. Do you know which one
15 it is?

16 MS. RAY: Board Member Zane, it's NAC 648.525.

17 BOARD MEMBER NADEAU: Okay. I've got it here,
18 if you want it.

19 BOARD CHAIRMAN SPENCER: Mark, do you have any
20 follow-up on that?

21 BOARD MEMBER ZANE: No. Thank you.

22 BOARD CHAIRMAN SPENCER: Okay. One more time.
23 Any other questions?

24 Okay. Entertain a motion.

25 BOARD MEMBER PUTNAM: Mr. Chairman, I move that

1 citation number C-073-11, issued to Eyal Schmucl from
2 Palm Springs, California, be upheld.

3 BOARD MEMBER ZANE: Second.

4 BOARD CHAIRMAN SPENCER: Motion and a second.

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

6 BOARD MEMBER NADEAU: Any discussion?

7 BOARD CHAIRMAN SPENCER: Any discussion?

8 Excuse me.

9 BOARD MEMBER NADEAU: I think, we should have.

10 BOARD CHAIRMAN SPENCER: Okay. Let's go on to
11 discussion on the motion.

12 BOARD MEMBER PUTNAM: Well, Mr. Chairman, if I
13 may make a comment, first of all, as indicated by the
14 testimony, on the date that this ad was placed on
15 Craigslist and the dates of the application, this
16 gentleman had not received and had not been granted
17 provisional status as an employee of -- what's his name?

18 MS. WHATLEY: Waddell Bennett.

19 BOARD CHAIRMAN SPENCER: Bennett.

20 BOARD MEMBER PUTNAM: Bennett, as an employee
21 of Bennett.

22 And another thing that concerns me greatly,
23 that would suggest or possibly suggests that he could
24 not do this hiring and conduct these interviews and
25 place this ad in the name of his company, is the fact

1 that at the Best Western Main Street Inn there were no
2 signs posted or anything else. Which I mean it would
3 seem to me that if you were going to be conducting
4 interviews like that, you'd have signs all over the
5 place trying to point out where you are. But.

6 And, you know, the employment situation with
7 Bennett just doesn't hold water, because it didn't occur
8 until after these events which led to the citation
9 occurred.

10 BOARD CHAIRMAN SPENCER: Any further comment?

11 BOARD MEMBER NADEAU: Yep. Mr. Chair, I
12 concur. You know, there's clearly a requirement for him
13 to be licensed under 648.060. The citation is
14 authorized. And even on the Craigslist, to follow up on
15 Board Member Putnam, even on the Craigslist there was no
16 indication of -- as required under the advertising
17 provisions. So I concur, and I support the motion.

18 BOARD CHAIRMAN SPENCER: Okay. Anymore
19 discussion on the motion?

20 BOARD MEMBER UITHOVEN: None.

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

24 (Board members said "aye.")

25 Opposed?

1 Hearing none, we have upheld the motion,
2 Mr. Schmucl. It's pretty clear that Mr. Bennett should
3 have instructed you more completely as to what you
4 needed to do to comply with the law. Because you want
5 to do it the right way. But it didn't turn out that
6 way. And that's unfortunate.

7 Do you have any questions?

8 MR. SCHMUEL: No, sir.

9 BOARD CHAIRMAN SPENCER: Okay.

10 MS. BRADLEY: You'll be getting an order in the
11 mail, and that will tell you the Board has upheld the
12 citation. There is a mechanism for appeal. And if
13 that's something you want to do, you can do that within
14 the time frame that's allowed. And, also, I believe,
15 you can contact the Board office if you'd like to make a
16 payment arrangement for that fine.

17 MR. SCHMUEL: I guess, I'm getting cited
18 because -- what is the exact reason?

19 MS. BRADLEY: I'm sorry. What?

20 MR. SCHMUEL: I guess, I'm getting cited
21 because -- what's the exact reason? Are you saying that
22 I didn't go through steps, or what was the exact reason
23 why I'm getting cited?

24 MS. BRADLEY: I think, the Board voted to
25 uphold the citation, because they thought that the

1 advertisement was done. And the advertisement, you
2 can't advertise like that without being licensed.

3 MR. SCHMUEL: But Waddell is licensed. And the
4 only thing that we did is just put my number on it.

5 MS. BRADLEY: Well --

6 MR. SCHMUEL: Because he wasn't able to put
7 his.

8 MS. BRADLEY: Yes. Well, the Board has already
9 voted and talked about the matter. So I'm not sure if
10 the Board wants to comment any further on that. But,
11 certainly, if you want to appeal, you can appeal.

12 BOARD CHAIRMAN SPENCER: That's what I said to
13 you earlier, Mr. Schmuel, is that Mr. Bennett didn't
14 follow through or take the time to properly instruct you
15 as to what you had to do, what you must do in a
16 situation like this. Clearly, you were trying to find a
17 right way to do it. And you weren't led that way.

18 MR. SCHMUEL: Okay. All right. Thank you,
19 sir.

20 BOARD CHAIRMAN SPENCER: Thank you.

21 MR. SCHMUEL: Thank you.

22 BOARD CHAIRMAN SPENCER: Yes, sir, did you have
23 a comment?

24 BOARD MEMBER NADEAU: No.

25 BOARD CHAIRMAN SPENCER: Okay.

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AGENDA ITEM 8

ROBERT SMITH

BOARD CHAIRMAN SPENCER: Okay. Mr. Robert Smith, Las Vegas, Nevada.

MR. SMITH: I'm present.

BOARD CHAIRMAN SPENCER: How are you, Mr. Smith?

MR. SMITH: I'm great, sir. Good morning to all the Board members.

BOARD MEMBER PUTNAM: Good morning.

BOARD CHAIRMAN SPENCER: Take it away, counselor.

MR. WARD: Mr. Smith, you have been sworn in; is that correct, if you're going to testify?

MR. SMITH: That's correct.

MR. WARD: Okay. May it please the Board, Mr. Chairman, Board members, the matter is, I think, agenda number eight, Robert Smith, citation C, as in Charlie, 028-11.

At this time, I have an opportunity to give an opening statement, which I will, briefly. And then, likewise, you have an opportunity to give your opening statement. If you respond, please respond with a "Yes" or "No," because we have a young lady here taking down

1 everything. Do you understand, Mr. Smith?

2 MR. SMITH: Yes, I do.

3 MR. WARD: Okay. Mr. Chairman, Board members,
4 briefly, this is, likewise, an unlicensed activity,
5 advertisement, under NRS 648.060, subsection 1(b),
6 constituting -- also, there was a single act under
7 648.063.

8 Mr. Robert Michael Smith has no license in
9 Nevada. He sought a security driver detail crew, I
10 think it was Linked In.

11 Oh, I'm sorry. We will, we will get into that.
12 But, anyway, there is also -- you will hear evidence
13 today concerning a single act of advertising in the
14 state of Nevada, and Mr. Smith is not advertised in the
15 state of Nevada.

16 Thank you.

17 Mr. Smith.

18 MR. SMITH: Yes, sir?

19 MR. WARD: It's your opportunity to give your
20 brief opening in regards to what you expect the evidence
21 to show in this matter.

22 MR. SMITH: Well, I'm not basically here today
23 to suggest that I was not trying to conduct any
24 business. But yet there was a miscommunication on my
25 part and the state that when I was trying to seek a

1 license.

2 MR. WARD: Okay. At this time --

3 MS. BRADLEY: Thank you.

4 MR. WARD: At this time, I'm going to call a
5 witness. And I'm going to ask that my exhibits be
6 dispersed to everybody down in the south. Because I
7 will have exhibits, you will have an opportunity to
8 review these exhibits and then comment. And, likewise,
9 I will be introducing them.

10 MR. SMITH: Okay.

11 MR. WARD: And, once again, Mr. Smith, you'll
12 have an opportunity to cross-examine the witness in this
13 matter in regards to these exhibits.

14 MR. SMITH: I understand.

15 MR. WARD: Mr. Chairman, Board members, at this
16 time, I would like to introduce Exhibit 1, pages one
17 through -- I think, it's 48. Hopefully, everyone will
18 have 48 pages.

19 BOARD MEMBER NADEAU: May I interrupt just for
20 a moment?

21 MR. WARD: Sure.

22 BOARD MEMBER NADEAU: Okay. Is this case
23 associated with the Stephen Garese? It is?

24 MS. WHATLEY: One of the complaints received --

25 BOARD MEMBER NADEAU: And the reason I'm asking

1 is because --

2 MS. WHATLEY: Yes.

3 BOARD MEMBER NADEAU: -- we have
4 correspondence. Okay. I just wanted to make sure.

5 MS. WHATLEY: Yes. They're intertwined.

6 BOARD MEMBER NADEAU: Okay. Enough said.

7 MR. WARD: The question was there might be
8 something on the next case on the agenda. But, I
9 believe, the witness will be able to testify in regards
10 to the exhibits in this matter concerning, I guess,
11 agenda number nine.

12 BOARD MEMBER NADEAU: I just wanted to make
13 sure we didn't have --

14 MR. SMITH: That's who, Mr. Garese? Yes,
15 that's correct.

16 MR. WARD: And, likewise, you'll be able to
17 tell your side of the story, sir.

18 Okay. At this time, I would like to call to
19 the witness stand Ms. Whatley.

20 Please state yours name for the record.

21 MS. WHATLEY: Tammy Whatley.

22 MR. WARD: And what is your occupation?

23 MS. WHATLEY: Investigator.

24 MR. WARD: Approximately how long have you been
25 working?

1 MS. WHATLEY: With the Private Investigators
2 Licensing Board, nearly three years. And total, 11
3 years.

4 MR. WARD: And are you familiar with the case
5 C, as in Charlie, 028-11, in the name of Robert Smith,
6 the respondent in this matter?

7 MS. WHATLEY: Yes, I am.

8 MR. WARD: Would you please tell the Board
9 briefly your association with this case.

10 MS. WHATLEY: The Private Investigators
11 Licensing Board received a couple of complaints against
12 this company. One of the complaints was against an
13 Alpha Protection Services and Omega Protection Services.
14 And they are somewhat intertwined. But in this
15 particular case, we received the complaints. One of
16 them had a business card with Omega and the address in
17 Las Vegas with -- let's see. I apologize.

18 MR. WARD: Use the page numbers.

19 MS. WHATLEY: Okay. But, regardless, one of
20 the complaints provided a business card. And from that
21 business card, I did a data base search to determine
22 that Mr. Smith did not have a license from the Private
23 Investigators Licensing Board. I did a Secretary of
24 State, City of Las Vegas, and Clark County business
25 license search, all with a negative result.

1 I did do a World Wide Web search. I found a
2 profile on Linked In. I found an advertisement on
3 GetBbodyguardJobs.net. And I did find the website
4 OmegaPersonalProtection.com.

5 MR. WARD: And we'll go through these exhibits
6 very briefly, if you don't mind.

7 MS. WHATLEY: Okay.

8 MR. WARD: All right. Starting off, this is
9 Exhibit 1, page one. And to your knowledge, that was --
10 all of these records were in your investigative file; is
11 that correct?

12 MS. WHATLEY: Correct.

13 MR. WARD: And what is number one; basically,
14 them asking for a hearing in this matter?

15 MS. WHATLEY: To appeal the citation issued,
16 yes.

17 MR. WARD: Okay. And we'll get to that part.
18 Page two, that is in what regards?

19 MS. WHATLEY: That the citation was sent via
20 certified mail, as well as regular U.S. mail. And this
21 is showing that the citation was signed for.

22 MR. WARD: Now, in reference to the next three
23 pages, looks like three, four and five, that is the
24 citation; is that correct?

25 MS. WHATLEY: That is correct.

1 MR. WARD: And you did, in fact, on page four,
2 sign the citation?

3 MS. WHATLEY: Yes, I did.

4 MR. WARD: Okay. And I know the document
5 speaks for itself, but briefly explain why you issued a
6 citation in this matter.

7 MS. WHATLEY: My investigation revealed that
8 there was unlicensed activity in advertising services
9 without a license in Nevada. And, thus, I did issue a
10 citation.

11 MR. WARD: Okay. And we will get to that.
12 Let's go to page six. Can you explain that document,
13 please?

14 MS. WHATLEY: Yes. That was one of the
15 complaints received.

16 MR. WARD: And that was received from who?

17 MS. WHATLEY: Mr. James Cameron.

18 MR. WARD: Okay. And, basically, did this
19 bring it to your attention of unauthorized advertising?

20 MS. WHATLEY: Yes.

21 MR. WARD: And based on this, you conducted an
22 investigation; is that correct?

23 MS. WHATLEY: Yes.

24 MR. WARD: Okay. Page seven, can you -- is
25 that, likewise, part of the page six?

1 MS. WHATLEY: It was provided as well. This
2 is -- has to do with the Alpha --

3 MR. WARD: Okay.

4 MS. WHATLEY: -- Protection Services.

5 MR. WARD: And that's number nine on the
6 agenda; is that correct, Mr. Stephen Garese?

7 MS. WHATLEY: Yes.

8 MR. WARD: Okay. But let's go to page eight.
9 Likewise, that is for agenda number nine. But can you
10 explain that, I mean why these materials are in your
11 investigation file, in a nutshell?

12 MS. WHATLEY: Well, as I said, many of these
13 documents were provided in the original complaint. And
14 from there, I did then conduct Web searches.

15 MR. WARD: Okay.

16 MS. WHATLEY: And the two companies do appear
17 to be interrelated.

18 MR. WARD: And the two companies being which
19 companies?

20 MS. WHATLEY: Alpha Protection Services and
21 Omega Protection Services.

22 MR. WARD: And the respondent is owner of
23 Alpha; is that correct?

24 MS. WHATLEY: No, Omega.

25 MR. WARD: I'm sorry. Omega.

1 MS. WHATLEY: I'm sorry.

2 MR. WARD: No, I just --

3 MS. WHATLEY: It's confusing.

4 MR. WARD: But we'll get to that, because that
5 is in your exhibits; is that correct?

6 MS. WHATLEY: Yes.

7 MR. WARD: All right. Then, I guess, we would
8 move on to page 10. There that says "Attached are two
9 business cards"; is that correct?

10 MS. WHATLEY: Yes, that is correct.

11 MR. WARD: And this, likewise, would have come
12 from Mr. Cameron?

13 MS. WHATLEY: That is correct.

14 MR. WARD: And these attachments, would they be
15 page 11, just page 11?

16 MS. WHATLEY: That is correct.

17 MR. WARD: Now, the respondent is Mr. Robert
18 Michael Smith. And your investigation shows that he
19 does one. Which company?

20 MS. WHATLEY: Omega Personal Protection.

21 MR. WARD: Okay. Now, at the bottom, it says
22 "Alpha Personal Protection." What is that; how are they
23 related, or if they are?

24 MS. WHATLEY: Well, in my research of
25 OmegaPersonalProtection.com, on one of the pages is

1 Mr. Garese's picture and a little bit about him.
2 Because, apparently, Omega and Alpha, or I should say
3 Mr. Smith and Mr. Garese have a school that they conduct
4 for bodyguard or executive protection.

5 MR. WARD: Based on the citation, is Exhibit 11
6 the basis for your filing a citation, one of them?

7 MS. WHATLEY: One of them, and the website as
8 well.

9 MR. WARD: And we will get to that. When you
10 say "the website," it looks like -- is there a website
11 in -- on page 11, www.OmegaPersonalProtection.com; is
12 that the website you're referring to?

13 MS. WHATLEY: That is correct.

14 MR. WARD: All right. Let's move on to page
15 12. What does page 12 consist of?

16 MS. WHATLEY: I conducted a business entity
17 search on the Nevada Secretary of State website, with
18 negative results.

19 MR. WARD: And when you mean negative, what do
20 you mean when you say that?

21 MS. WHATLEY: They are not listed. It is not a
22 registered entity with the Secretary of State.

23 MR. WARD: All right. And moving on to 13,
24 still part of the search?

25 MS. WHATLEY: Yes. This is the City of

1 Las Vegas business -- business license search.

2 MR. WARD: And you did that because sometimes
3 the city, likewise, will require a business license?

4 MS. WHATLEY: That is correct.

5 MR. WARD: And, once again, same thing for page
6 14?

7 MS. WHATLEY: That's correct.

8 MR. WARD: Now, going to page 15, can you
9 explain what page 15 is?

10 MS. WHATLEY: Yes. This is the profile found
11 on LinkedIn, www.Linkedin.com. And it does advertise a
12 Robert Smith, his profile, CEO and president at Omega
13 Personal Protection, Las Vegas, Nevada area, security
14 and investigations, and it goes on to list his
15 credentials.

16 MR. WARD: For my information, is he licensed
17 in the state of Nevada?

18 MS. WHATLEY: No, he is not.

19 MR. WARD: And then we would go to -- is it
20 page 19?

21 MS. WHATLEY: Yes.

22 MR. WARD: So what is page 19?

23 MS. WHATLEY: When I conducted a Google search,
24 this is everything that came up when I did Google on
25 Omega Personal Protection, Las Vegas.

1 MR. WARD: And the result of the search, what
2 was indicated, referred to that page?

3 MS. WHATLEY: It actually -- one moment. Let
4 me check everything. Okay. There is one on the bottom
5 of page 19, Omega Personal Protection, Inc., Omega
6 Personal Protection, and it goes on, and it has an
7 address on Old Sorrel Court, which is the address that
8 the citation was sent to.

9 MR. WARD: In regards to the phone numbers, and
10 I'm going to ask the indulgence, is that the same phone
11 number on, I guess, Exhibit 11, the business card?

12 MS. WHATLEY: Yes, it is. And further on --
13 and it shows others. It does show the
14 www.OmegaPersonalProtection.com. And I do believe this
15 is also where I found the advertisement on
16 GetBodyguardJobs.net.

17 MR. WARD: That's the next page, page 22.

18 MS. WHATLEY: Okay.

19 MR. WARD: All right. Now, I'm referencing
20 page 22. Is that what you're referring to?

21 MS. WHATLEY: Yes.

22 MR. WARD: And what is that, GetBodyguards.com
23 or --

24 MS. WHATLEY: It is -- there's a posting here
25 that states "Location, Las Vegas, Nevada. Bodyguard.

1 Don't miss this exciting five-day executive, celebrity
2 protection course in Las Vegas, Nevada, August 1st
3 through the 5th, 2011. Call" -- and it gives the same
4 number as on the card and on the other, on the Google
5 search.

6 MR. WARD: Okay. Moving right along through
7 the pages, we're going to, I guess, page 24?

8 MS. WHATLEY: Yes.

9 MR. WARD: And what does -- was this also in
10 your investigative file?

11 MS. WHATLEY: Yes.

12 MR. WARD: What does 24, what -- did that help
13 you in your investigation?

14 MS. WHATLEY: This is from the website
15 www.OmegaPersonalProtection.com. And it states
16 Robert M. Smith is the president and CEO of Omega
17 Protection Services, Las Vegas, Nevada, and it goes on.
18 It, basically, states that he is the president and CEO
19 of this unlicensed company, and it is located in
20 Las Vegas, Nevada.

21 MR. WARD: And, likewise, page 25 is a portion
22 of that same one; is that correct?

23 MS. WHATLEY: That's correct.

24 MR. WARD: As well as probably 26?

25 MS. WHATLEY: Yes.

1 MR. WARD: And maybe 27?

2 MS. WHATLEY: Yes.

3 MR. WARD: Okay. Now, page 28, can you
4 explain, I guess, 28 and the next few pages?

5 MS. WHATLEY: Okay.

6 MR. WARD: 28 and 29.

7 MS. WHATLEY: Okay. Yes. This is also
8 screenshots from OmegaPersonalProtection.com. And it is
9 where Mr. Garese is associated, also. It has his name,
10 and he is an OPP agent instructor, and it gives a little
11 bit of information about him and his productions. And
12 Mr. Garese is the person identified with Alpha
13 Protection Services.

14 MR. WARD: Okay. And then that's where we get
15 into -- I guess, it's page 30, the next page, 30. Can
16 you explain, I guess, to the Board why Mr. Garese's
17 information is in your file in this case, likewise?

18 MS. WHATLEY: This is a screenshot from
19 www.OmegaPersonalProtection.com.

20 MR. WARD: Okay. How does that relate to
21 Mr. Robert Smith?

22 MS. WHATLEY: Mr. Robert Smith is the, as we
23 just saw, president and CEO of
24 OmegaPersonalProtection.com.

25 MR. WARD: Okay. Thank you. Going through the

1 exhibits, what about page 32?

2 MS. WHATLEY: Again, that is another
3 screenshot.

4 MR. WARD: 33?

5 MS. WHATLEY: I'm sorry. They are screenshots
6 of the website of OmegaPersonalProtection.com.

7 MR. WARD: And that looks like it goes through
8 page 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44,
9 basically all the way to page 48?

10 MS. WHATLEY: That is correct.

11 MR. WARD: Now, in a nutshell, can you, once
12 again, explain to the Board why a citation was issued in
13 this matter?

14 MS. WHATLEY: In this particular matter, it's
15 for the advertising of offering to provide bodyguard,
16 executive protection services by an unlicensed company
17 in the state of Nevada.

18 MR. WARD: And, to your knowledge, does a
19 person have to be licensed to do this in the state of
20 Nevada?

21 MS. WHATLEY: Yes.

22 MR. WARD: And, to your knowledge, was the
23 respondent, Mr. Robert Smith, licensed to perform those
24 services?

25 MS. WHATLEY: No.

1 MR. WARD: I have no further questions, and I
2 would tender the witness first, I guess, to Mr. Robert
3 Smith and then to the Board.

4 Mr. Smith, you have an opportunity to ask her
5 questions.

6 MR. SMITH: Okay. Ms. Whatley, you stated that
7 when you did a background check on the business entity
8 search, also did you do it by my name, by any chance? I
9 don't know if I missed that part.

10 MS. WHATLEY: It may not have made it in the
11 file. I typically do a personal name as well as
12 business name. But let me check my file.

13 MR. SMITH: I'm referring to the Secretary of
14 State of Nevada.

15 MS. WHATLEY: Okay.

16 MR. WARD: Is there a page number that you're
17 referring to on the exhibit?

18 MS. WHATLEY: He said it's not there, his last
19 name.

20 MR. WARD: Got it.

21 MR. SMITH: I see the City of Las Vegas, but I
22 do not see the Secretary of State.

23 MS. WHATLEY: Okay. I am not seeing that the
24 Secretary of State individual name is in my file.

25 MR. SMITH: Okay. No further questions at this

1 time.

2 MS. BRADLEY: Do the Board members have
3 questions for her?

4 BOARD CHAIRMAN SPENCER: Board member
5 questions?

6 BOARD MEMBER NADEAU: I have none.

7 BOARD MEMBER PUTNAM: I have none.

8 BOARD MEMBER ZANE: No.

9 BOARD MEMBER UITHOVEN: No.

10 BOARD CHAIRMAN SPENCER: All right.

11 MR. WARD: Mr. Chairman, Board members, at this
12 time, I rest my case. And, I guess, Mr. Smith will have
13 an opportunity to present his case.

14 MS. BRADLEY: Mr. Smith, now is --

15 MR. SMITH: Okay. Thank you.

16 MS. BRADLEY: Now is the time for you to go
17 ahead and testify, if you'd like. You also can call
18 witnesses. And after you finish your testimony,
19 Mr. Ward will ask you some questions, and the Board
20 members also might ask you questions. Okay?

21 MR. SMITH: I understand.

22 Okay. I just want to read off something to
23 help me out a little bit.

24 I'm basically here, and like I said, I'm not
25 suggesting that I have not been trying to help business.

1 I've not been hiding anything. As you can see, I'm on
2 the website, I got business cards, things like that. I
3 am a sole proprietor, working for myself, as a
4 bodyguard. I tried myself business as Omega Personal
5 Protection. I'm not a company that employs anyone for
6 hire. I'm a contractor and would supply other
7 bodyguards, if needed, for an assignment. And the
8 company or client will pay for the services to myself
9 and others.

10 I'm just a middle person who finds others,
11 others that want to work. I have a mobile car detail
12 business. And under that mobile detail business license
13 by the State of Nevada, I was told by the state, here in
14 this building that I came to, that I am able to list up
15 to four other jobs that I do. Which I don't have four,
16 but three other jobs. So I included, I listed Omega
17 Personal Protection as a second business. So I have
18 Omega Personal Protection listed under my name, which is
19 Robert M. Smith, as a nontitled business entity with the
20 Secretary of State of Nevada, and it's bearing a
21 business license number of N, Nancy, V, Victor,
22 20101536141.

23 I inquired into a license by the State of
24 Nevada, and they told me this is what I needed to do.
25 In February of 2011, myself and my friend, which is

1 Steve Garese, heard that we may need a license through
2 another agency but did not know who to go to. So I went
3 to Google, Bing, Ask Jeeves, Ask.com with a specific
4 question in mind, put down "Do you need a license to be
5 a bodyguard in Nevada?" Every search engine had the
6 same result, no, not in the state of Nevada. On August
7 4th, 2011, Answer.com had the same results, which is
8 just recently, after the same question was asked. I
9 have the hard copy here to prove.

10 Basically, Mr. Garese was -- Mr. Garese was a
11 friend of mine who had the experience. Me and him got
12 together, decided we would go ahead and put on a school.
13 When I did come here, and I put down Omega Personal
14 Protection, I was under the assumption that I was legal
15 as far as conducting business. Mr. Garese happened to
16 be an instructor and a so-called agent of Omega Personal
17 Protection.

18 There was, there was a time where we heard that
19 there was going to be a meeting in this building in
20 reference to -- give me one second.

21 There was going to be some type of meeting in
22 here to adopt bodyguards into the PILB. And I was,
23 basically, waiting to hear what the outcome was. Which
24 I understand that the PILB had adopted bodyguards,
25 repossessors, security consultants, things like that.

1 And I was under the assumption, through my friend Steve
2 Garese, that told me, that we had a couple of months to
3 be compliant. Which would have been at the end of
4 August 31st or the beginning of September 1st. And at
5 that time, then I was -- sent the letter saying that I
6 was noncompliant and that I didn't have a license.

7 So I went ahead and, you know, ceased all
8 activities, pretty much stopped everything I was doing
9 until this, until today.

10 That's all that I have right now.

11 MS. BRADLEY: Do you have any other witnesses
12 you're planning to call?

13 MR. SMITH: No, ma'am.

14 MR. WARD: Mr. Smith, at this time, I have an
15 opportunity to ask you some questions. Okay?

16 MR. SMITH: Yes, sir. Yes, sir.

17 MR. WARD: Basically, from what you're saying,
18 your defense you is did a due diligence. Is that
19 accurate?

20 MR. SMITH: I could have done a little better,
21 but, yes.

22 MR. WARD: Okay. Basically, from what I've
23 heard, you said you went to Google, Ask Jeeves and all
24 these others to see if you needed a license in the state
25 of Nevada to be a bodyguard; is that correct?

1 MR. SMITH: That's correct.

2 MR. WARD: But at this time, as you sit here
3 today, you realize that do you need a license to be a
4 bodyguard in the state of Nevada; is that correct?

5 MR. SMITH: Yes, sir.

6 MR. WARD: When did you determine that you
7 needed to have a license in the state of Nevada to be a
8 bodyguard?

9 MR. SMITH: Well, I mean I was contacted by the
10 complainant. And he, basically, told me that you needed
11 a PILB license number. But I thought, because of the
12 competition, that, basically, it was not true. And then
13 I asked my friend if he could contact the PILB. Which
14 he came back and told me about this meeting and that --
15 let me see if I can get his letter.

16 So he found the phone number to the PILB and
17 called the gentleman on the phone and said that there
18 was a vote scheduled to occur to add bodyguards to the
19 list.

20 MR. WARD: What -- I hate to interrupt, but
21 attorneys do it all the time. What time or date was
22 this, 2011?

23 MR. SMITH: Yes, sir, 2011. I believe, a
24 couple months back somewhere.

25 MR. WARD: During your due diligence where you

1 search on Google, did you ever come across the PILB
2 website?

3 MR. SMITH: Yes, I did.

4 MR. WARD: Did you ever look at their
5 regulations on that website?

6 MR. SMITH: Yes, I did. And at the time, I did
7 not see anything about bodyguards. I seen security,
8 security officers, private patrolmen, which I didn't
9 understand at the time. But I didn't see anything for
10 bodyguards.

11 MR. WARD: Was there a phone number for PILB in
12 your due diligence?

13 MR. SMITH: Uh, yes, I'm sure there was.

14 MR. WARD: Did you ever, at any time, contact
15 them directly to see if you need to be licensed?

16 MR. SMITH: No, I did not. I didn't contact
17 them directly because of my friend contacting them
18 already.

19 MR. WARD: When you say your friend, you're
20 talking about Mr. Garese?

21 MR. SMITH: Mr. Garese, yes, Stephen Garese.

22 MR. WARD: I have no further questions. I'm
23 going to tender you to the Board, if they have any
24 questions, sir. Thank you.

25 MR. SMITH: Yes, sir.

1 BOARD CHAIRMAN SPENCER: Any Board questions?

2 BOARD MEMBER PUTNAM: Mr. Chairman?

3 Sir, you said that you thought you had until
4 the end of August or the first of September to file an
5 application, if it became necessary?

6 MR. SMITH: From the information that
7 Mr. Garese had received from the PILB, whoever he spoke
8 to.

9 BOARD MEMBER PUTNAM: And then, at the same
10 time, that this was the same time that you received the
11 citation?

12 MR. SMITH: No, sir.

13 BOARD MEMBER PUTNAM: Oh.

14 MR. SMITH: This was beforehand.

15 BOARD MEMBER PUTNAM: It was before you
16 received the citation?

17 MR. SMITH: Before I received the citation, I
18 got the information that we would have up to September
19 to be complaint.

20 BOARD MEMBER PUTNAM: All right. In connection
21 with that date, when were you cited; do you recall?

22 MR. SMITH: Uh, it is in the exhibit.

23 BOARD MEMBER PUTNAM: Yes, sir. Well, the date
24 on the citation is the 15th of July.

25 MR. WARD: Page four.

1 MR. SMITH: Right. July 20th, 2011 is when I
2 was given the citation.

3 BOARD MEMBER PUTNAM: The date on the citation
4 is the 15th of July. In either case --

5 MR. SMITH: I have July 20th, sir.

6 BOARD MEMBER PUTNAM: All right. Fine. So
7 then, since you were cited prior to the end of August or
8 the first of September, by virtue of the citation, at
9 that point, you should have been aware that you did, in
10 fact, need a license. Does that make sense?

11 MR. SMITH: The day I read this letter, I was
12 definitely sure, of course, that I needed a license.
13 And I still had, from what I thought -- okay. It was
14 not proved. But from what I thought, I still had up to
15 September.

16 BOARD MEMBER PUTNAM: No further questions.
17 Thank you, sir.

18 BOARD CHAIRMAN SPENCER: Please.

19 BOARD MEMBER NADEAU: I guess, certainly, the
20 south, if they'd like to go ahead and ask first.

21 Do you guys have any? Okay.

22 BOARD MEMBER ZANE: No.

23 BOARD MEMBER NADEAU: I guess, I could go
24 ahead.

25 BOARD MEMBER ZANE: I'm sorry.

1 BOARD MEMBER NADEAU: Mr. Smith?

2 MR. SMITH: Yes, sir.

3 BOARD MEMBER NADEAU: You indicate that you
4 were contacted by someone. Was it Mr. Cameron, or was
5 it someone who --

6 MR. SMITH: Mr. Cameron, Steven Cameron, yes.

7 BOARD MEMBER NADEAU: Who advised you that
8 he -- that you needed a license in order to advertise
9 and, you know, all of that other stuff?

10 MR. SMITH: Well, because the way he contacted
11 me was very combative, and I figured, you know,
12 competition was in, a new company was in Vegas, so I --
13 not company, but per se new business was in the
14 Las Vegas, and the way he was being combative, I wasn't
15 listening too much to him.

16 BOARD MEMBER NADEAU: Okay.

17 MR. SMITH: I figured I had this state business
18 license, and I was legit.

19 BOARD MEMBER NADEAU: Do you recall when he
20 contacted you?

21 MR. SMITH: Uh, no, sir, I really don't.

22 BOARD MEMBER NADEAU: In the exhibits that we
23 have, particularly exhibit page number six, that's
24 dated, I believe, in March. So that was like four
25 months before you received the citation.

1 MR. SMITH: Okay.

2 BOARD MEMBER NADEAU: You did. But if I
3 understood you correctly, though, you never took -- you
4 never went beyond just looking at the titles of the
5 statutes under the PILB website, or did you look into
6 any of them, or did you -- you said you Googled. Did
7 you Google bodyguard licensure, or did you -- or was it
8 personal protection, or what was it? And the reason I
9 ask that question is because under the -- under Nevada
10 Revised Statutes, bodyguard has been, and personal
11 protection has been in that statute since 1991. So it
12 wasn't like -- and, obviously, Mr. -- your friend gave
13 you some misinformation. Because that --

14 MR. SMITH: Right.

15 BOARD MEMBER NADEAU: That actual language has
16 been in the statute since 1991.

17 MR. SMITH: Yes.

18 BOARD MEMBER NADEAU: So I was trying to figure
19 out if you had gone in and actually read the statute.

20 MR. SMITH: No. As far as the PILB was
21 concerned, no, I did not. I, basically, looked through
22 the front, maybe the front and first page or second
23 page, didn't see anything for bodyguard. And then, when
24 he gave me the information that there was a meeting in
25 this building to incorporate bodyguards on the list of

1 those that needed licenses, then I just took it as that.

2 Matter of fact, I was here. I really don't
3 recall the date, but I was here in the building, and
4 there was a sign stating that the PILB would have their
5 meeting that day, and it was supposed to be -- the
6 agenda was supposed to be to incorporate others on the
7 list, I guess. And bodyguards would have been one of
8 them.

9 BOARD MEMBER NADEAU: Okay. Well, just so you
10 know, bodyguards has been in the statute. And I can --
11 I can give you very specifically, "Bodyguards or other
12 persons for the purpose of protecting persons or
13 property." So personal security and bodyguards has been
14 in the statutes since 1991. So it's just for your
15 clarification.

16 MR. SMITH: Yes, sir.

17 BOARD MEMBER NADEAU: I have no other
18 questions. Thank you, Mr. Chair.

19 BOARD CHAIRMAN SPENCER: Okay.

20 BOARD MEMBER ZANE: Mr. Chairman, I have a
21 question.

22 BOARD CHAIRMAN SPENCER: Please.

23 BOARD MEMBER ZANE: On the page that's marked
24 as page 15, which appears to be the end page.

25 MR. SMITH: Page 15?

1 BOARD MEMBER ZANE: Yeah.

2 MR. SMITH: That's -- yes.

3 BOARD MEMBER ZANE: Your page said you're the
4 CEO and president for Omega Personal Protection,
5 Las Vegas, Nevada area, security and investigation. Is
6 that -- what portion of your company did you --

7 MR. SMITH: The security investigation, I
8 guess, comes under a title that Linked In provides. And
9 that falls in -- I guess, when you put in security, it
10 puts in the security and investigations. Because I
11 didn't provide any investigative services.

12 BOARD MEMBER ZANE: All right.

13 MR. SMITH: That's -- in other words, that's
14 something that when you -- you have to choose a -- I
15 guess, whatever your job is going to be, whatever you
16 do, when you put in security, it goes up security and
17 investigation automatically.

18 BOARD MEMBER ZANE: Okay. How about on the
19 next page, which would be 016?

20 MR. SMITH: Yes.

21 BOARD MEMBER ZANE: On page 016, at the top of
22 the page, the continuation of the Linked In
23 advertisement, beginning from the first paragraph, the
24 last sentence indicates that you conduct investigations
25 into thefts, robbery and gaming violations, et cetera?

1 MR. SMITH: Yes, sir.

2 BOARD MEMBER ZANE: Is that something that
3 you --

4 MR. SMITH: That's something that I do up
5 today. And that is for the resort and casino. I'm
6 employed there. If you look on page 015, it starts out
7 as a dignitary protection security officer for the
8 resort casino, and it just continues on to page 016.

9 BOARD MEMBER ZANE: Do you have a proprietary
10 work card for that employment?

11 MR. SMITH: Well, I have a gaming card, yes,
12 sir. It's on the Internet. No card. They don't take
13 any more cards. They go through the gaming commission.
14 And, yes, I have that.

15 Stephen Garese, as far as he goes, he has his
16 own private investigation part, slash, security business
17 that he does. And it really doesn't have anything to do
18 with my Omega Personal Protection.

19 BOARD MEMBER ZANE: That's all I have,
20 Mr. Chairman.

21 BOARD CHAIRMAN SPENCER: Thank you.

22 All right. Last time for any further
23 questions.

24 Would you like to follow up with closing
25 arguments?

1 MR. WARD: Very brief closing argument, if I
2 may, Mr. Chairman, Board members, Mr. Smith. At this
3 time, I'm going to present a very brief closing
4 argument.

5 May it please the Board, I believe that I have
6 proven that there has been unlicensed activity in this
7 matter, specifically advertising as per NRS 648.060,
8 subsection 1(b), advertising, as defined also in NAC
9 648.525. Specifically, under 2, it says "As used in
10 this section, advertisement," quote, unquote, "and
11 communication," quote, unquote, include, without
12 limitation," and, I believe, under 2(c), says "business
13 cards."

14 The evidence before this Board establishes that
15 there is a single violation at least under NRS 648.063.
16 And, as such, an administrative fine under NRS 648.165
17 should be approved. Thank you.

18 BOARD CHAIRMAN SPENCER: Okay.

19 MR. WARD: Your turn, sir.

20 MR. SMITH: Well, like I said, I'm not here to
21 suggest that I haven't been trying to conduct business.
22 I am not. I'm trying to do the right thing. I thought
23 I was doing the right thing at the time. And I'd like
24 to, you know, still, with whatever the Board decides; I
25 guess, you know, I would have to go with it. But I

1 still would like to go ahead and get my license in the
2 future and continue on.

3 That's all I have.

4 BOARD CHAIRMAN SPENCER: Thank you.

5 BOARD MEMBER PUTNAM: Mr. Chairman, I have a
6 motion.

7 BOARD CHAIRMAN SPENCER: All right.

8 BOARD MEMBER PUTNAM: Mr. Chairman, I move that
9 citation number C-028-11, to Robert Smith of Las Vegas,
10 be upheld.

11 BOARD MEMBER ZANE: Second.

12 BOARD CHAIRMAN SPENCER: I have a motion and a
13 second. All in favor -- or any discussion on the
14 motion?

15 Motion and second. All in favor, signify by
16 saying "aye."

17 (Board members said "aye.")

18 Opposed?

19 BOARD CHAIRMAN SPENCER: Hearing none, the
20 motion carries.

21 MS. BRADLEY: The citation has been upheld.
22 And an order will be sent to you giving you written
23 confirmation of the Board's order today. If you want to
24 appeal it, there is a procedure to do that. You can
25 appeal it to district court. And if you need to make

1 payment arrangements for the fine, you can contact the
2 Board office, and they'll help you with that. Okay?

3 MR. SMITH: Okay. Thank you very much.

4 BOARD MEMBER ZANE: Thank you.

5 MR. SMITH: Thank you.

6

7 AGENDA ITEM 9

8 STEPHEN GARESE

9

10 BOARD CHAIRMAN SPENCER: All right. Number
11 nine, Stephen Garese, of Grants Pass, Oregon.

12 MS. RAY: Thank you, Mr. Chairman. I received
13 a request for Mr. Garese asking for a continuance to the
14 next meeting.

15 BOARD CHAIRMAN SPENCER: Is that his first?

16 MS. RAY: Yes, it is.

17 BOARD CHAIRMAN SPENCER: Anyone want to make a
18 motion to continue the hearing?

19 BOARD MEMBER NADEAU: Move that we continue
20 Mr. Garese's hearing until the next scheduled Board
21 meeting, based on his request.

22 BOARD MEMBER PUTNAM: Second.

23 BOARD CHAIRMAN SPENCER: All in favor, signify
24 by saying "aye."

25 (Board members said "aye.")

1 Opposed?

2 Okay.

3 MS. RAY: Let's take a little break. We need
4 to call.

5 BOARD CHAIRMAN SPENCER: Okay. We're going to
6 take a break now.

7 * * * * *

8 (A break was taken, 12:13 to 12:25 p.m.)

9 * * * * *

10 BOARD MEMBER NADEAU: Mark, Robert?

11 BOARD MEMBER ZANE: Yes?

12 BOARD MEMBER UITHOVEN: Yes?

13 BOARD MEMBER NADEAU: David, Dave had to leave.
14 And so he's asking me to take over, as far as chair, if
15 that's okay with you guys.

16 BOARD MEMBER ZANE: That's okay.

17 BOARD MEMBER UITHOVEN: Okay.

18 ACTING CHAIRMAN NADEAU: All right. Then,
19 we'll go ahead and we'll start with our registration
20 appeal hearings.

21

22 AGENDA ITEM 9

23 KEN HANSEN

24

25 ACTING CHAIRMAN NADEAU: And so let's start

1 with Ken Hansen.

2 Mr. Hansen, would you mind moving to the next
3 seat adjacent to you, so that we could see you better,
4 please. Thank you.

5 Just as a disclosure, under the authority of
6 NRS 241.030, the Board, upon motion, may close the
7 meeting to the public for the purpose of considering an
8 applicant's character, alleged misconduct, professional
9 competence or physical or mental health.

10 What that says, sir, is that you're able to
11 either have an open or closed meeting. And I am asking
12 you if you would, what you would -- if you have a
13 preference as far as closing the meeting or not.

14 MR. HANSEN: I'm sorry. I need to have you
15 repeat that. I'm not quite understanding what you said.

16 ACTING CHAIRMAN NADEAU: I'm sorry. Do you --

17 BOARD MEMBER UITHOVEN: You've been offered --

18 ACTING CHAIRMAN NADEAU: Go ahead, please.

19 BOARD MEMBER UITHOVEN: You've been offered
20 a -- we can close the hearing for you, if you would
21 like.

22 MR. HANSEN: A closed hearing?

23 BOARD MEMBER UITHOVEN: Yes. That is your
24 choice. You have the option of having a closed hearing,
25 if you wish.

1 MR. HANSEN: No. I have no problem having it
2 open.

3 ACTING CHAIRMAN NADEAU: Okay. Sir, what --

4 BOARD MEMBER UITHOVEN: Okay. Keep it open.

5 ACTING CHAIRMAN NADEAU: All right. Sir, what
6 we'll do is we'll go ahead and have our investigators or
7 whoever, whoever made the determination to deny your
8 application or your registration, we'll have them go
9 ahead and give the rationale for the denial. And then
10 we'll give you an opportunity to explain your side of
11 the situation. Okay.

12 BOARD MEMBER ZANE: Mr. Chairman?

13 ACTING CHAIRMAN NADEAU: Investigator
14 Whatley --

15 BOARD MEMBER ZANE: Mr. Chairman, if I may?

16 ACTING CHAIRMAN NADEAU: Yes, sir.

17 BOARD MEMBER ZANE: Did everybody in the room
18 hear the issue about the closed meeting opportunity?
19 Does anybody have any questions? So when you make your
20 approach, indicate whether or not you would wish your
21 meeting closed. And that means that everybody here
22 that's not affiliated with the Board has to leave while
23 testimony is taken. And then we have to open the
24 meeting to make a decision. Okay? Any questions?

25 Thank you.

1 ACTING CHAIRMAN NADEAU: Thank you. Thanks,
2 Mark.

3 All right. Who was the person that did the
4 denial?

5 MS. WHATLEY: It was me.

6 ACTING CHAIRMAN NADEAU: You?

7 MS. WHATLEY: Yes.

8 ACTING CHAIRMAN NADEAU: Okay.

9 MS. WHATLEY: Investigator Whatley, Board
10 Investigator. I was the investigator assigned. And Ken
11 Hansen, he disclosed one arrest on the arrest history
12 page for child support arrears.

13 When I did receive the fingerprint returns, I
14 found that there was a January 16th, '95 arrest for
15 criminal damage to property, first degree felony. The
16 fingerprint results show it was adjudicated 12-4-95,
17 conviction of criminal damage to property, second degree
18 felony. There was a 4-13-1998 arrest, theft by
19 deception, felony, dismissed. There was a 2-2-1999
20 driving while license suspended or revoked, which is a
21 misdemeanor, guilty. There was the 1999, the child
22 support issue, which he did disclose. And then there
23 was an 11-11-2006 failure to appear.

24 And due to the fingerprint results indicating
25 that Mr. Hansen has been convicted of a felony, I

1 denied -- well, he's before the Board. His work card
2 should be denied or revoked based on the felony
3 conviction, unless he can show proof that he does not
4 have a felony conviction. But he does have the
5 undisclosed arrests.

6 ACTING CHAIRMAN NADEAU: Thank you.

7 Sir, Mr. Hansen, this is your opportunity to go
8 ahead and explain or talk. Give us your side of the
9 story.

10 MR. HANSEN: Well, the issue that I thought
11 that was keeping the license was the 1995 felony.

12 MS. WHATLEY: Yes.

13 MR. HANSEN: Okay. I have documentation from
14 the Paulding County District of Hearn that show that
15 that was not a felony.

16 I don't know what the procedure here is.

17 ACTING CHAIRMAN NADEAU: Can you go ahead and
18 provide those to the --

19 MR. HANSEN: I have a packet here.

20 MS. GRESNICK-SMITH: Do you want me to fax this
21 up to you guys?

22 ACTING CHAIRMAN NADEAU: Go ahead and just let
23 the Board look at it there. Unless --

24 BOARD MEMBER PUTNAM: Yeah.

25 ACTING CHAIRMAN NADEAU: Yeah. I don't think

1 we need to hold things up, if they could go ahead and
2 take a look at it.

3 MR. HANSEN: Okay. If you look at the first
4 page, it's just included copies of my state gaming
5 license and other issuances of background checks that
6 never, ever show this as being a problem. I don't know
7 why the state gaming license would give me a gaming
8 license if they thought this was a felony.

9 If you will look to the first page of the
10 actual D.A. report, it shows who brought the action
11 against me. This was my employer, Domino's Pizza,
12 bringing a criminal charge against property that was
13 damaged during working activity.

14 The second page just shows the -- the jurors
15 and the grand jury, I guess. You will see the upshot of
16 the actual court documents showing it clearly as a
17 misdemeanor sentence. I highlighted it so that you
18 could see. Now, they did charge a fine and some other
19 things.

20 ACTING CHAIRMAN NADEAU: I do have a question.
21 Are those court-certified documents or reproductions?

22 MR. HANSEN: I'm sorry?

23 ACTING CHAIRMAN NADEAU: Are those
24 court-certified documents, or are they reproductions?

25 BOARD MEMBER ZANE: They appear to be

1 reproductions.

2 MR. HANSEN: They are, but I have originals.
3 I -- from -- I just was -- I could give the originals,
4 but I --

5 BOARD MEMBER ZANE: We will give it to him.
6 We'll give them back to you.

7 Mr. Chair, I'm reading from copies of the State
8 of Georgia vs. Kenneth Christian Hansen. And its case
9 number is 95CR000396. Are we doing the same case?

10 ACTING CHAIRMAN NADEAU: Tammy, did you hear
11 that?

12 MS. WHATLEY: I'm sorry. I did not.

13 ACTING CHAIRMAN NADEAU: Could you repeat the
14 case number, please.

15 BOARD MEMBER ZANE: The case number 95CR000396.

16 MS. WHATLEY: One second. I'm looking at the
17 court disposition, looking for that case number.
18 Please, I see a charge number.

19 ACTING CHAIRMAN NADEAU: 9500 --

20 MS. WHATLEY: Let me see if -- I'm not seeing
21 the case number.

22 ACTING CHAIRMAN NADEAU: Mr. Hansen, this was
23 not, as I understand, this was not the only arrest that
24 you did not list on your application. And why didn't
25 you list the other ones?

1 MR. HANSEN: Well, this, this is the only time
2 that I've been arrested other than when I was arrested
3 with my child support. Now, I was charged with theft by
4 deception, as the investigator said, that's withdrawn.
5 Again, this was a situation that involved my employment.
6 I was selling outdoor lighted signs. A deposit was
7 taken and submitted to the company. And then the client
8 cancelled the order. The company refused to give them
9 the refund. And he charged me. Well, after submitting
10 documentation to the D.A., they dropped the case.

11 What is at stake here is my integrity. The
12 mere fact that I have been charged with various things,
13 but have been dropped, or in this case where there is a
14 misdemeanor and not a felony, simply says that in my
15 course of life, as with some people, you will bump into
16 situations where you have to explain yourself or where
17 you may have to supply documentation or what have you.
18 It does not make a black mark on my integrity that these
19 things have happened. What needs to be looked at here
20 is that this is a misdemeanor and not a felony.

21 And the other situations simply were after
22 being brought to the court. And facts were brought out.
23 Things were dropped. Things were not followed through.
24 In fact, the child support thing, where I was arrested
25 for falling behind in my child support, was expunged. I

1 had to plead an Alford plea when it happened. But two
2 years later, that was expunged because the way the law
3 was written was unconstitutional.

4 And that's why even today, when I sit in front
5 of this Board or in front of this panel, if you will, or
6 committee, I know that the facts will come forth and
7 will exonerate me to be able to get a guard card and
8 continue on with my life.

9 I was shocked after six months --

10 ACTING CHAIRMAN NADEAU: Okay.

11 MR. HANSEN: -- to find that a 16-year
12 situation, that I never even considered to be a problem,
13 became a problem.

14 ACTING CHAIRMAN NADEAU: But --

15 MR. HANSEN: But, luckily, I was able to get
16 from the D.A. the facts --

17 ACTING CHAIRMAN NADEAU: Okay.

18 MR. HANSEN: -- that actually show that it was
19 a misdemeanor and not a felony.

20 ACTING CHAIRMAN NADEAU: All right, sir. Thank
21 you. Let's go ahead and --

22 MS. WHATLEY: The case number?

23 ACTING CHAIRMAN NADEAU: I'm sorry?

24 MS. WHATLEY: The case number?

25 ACTING CHAIRMAN NADEAU: Yes?

1 MS. WHATLEY: Can you repeat it again? I found
2 the case number on the --

3 ACTING CHAIRMAN NADEAU: Mark, can you repeat
4 the case number, please?

5 BOARD MEMBER ZANE: 95000396.

6 MS. WHATLEY: Hm. There's a little -- it's
7 very similar, but not exactly, and I wonder if they just
8 changed part of it. Most of those numbers are in here,
9 but not exactly.

10 MR. HANSEN: Now, I --

11 ACTING CHAIRMAN NADEAU: Okay. Are there any
12 questions from the -- from our members down in the
13 south?

14 BOARD MEMBER ZANE: As I understand it, the
15 reason, the main reason for the denial was the felony
16 issue. Was he -- was there any content about the arrest
17 that he failed to note?

18 MS. WHATLEY: Board Member Zane, I would have
19 worked with him on those others, because I can certainly
20 see where there could have been some misunderstanding on
21 the others. My issue was the felony, and my issue was
22 proven that it's not a felony.

23 BOARD MEMBER ZANE: Okay. Thank you.

24 BOARD MEMBER PUTNAM: Mr. Chairman?

25 ACTING CHAIRMAN NADEAU: Yes?

1 BOARD MEMBER PUTNAM: Sir, even though the
2 outcome of those cases that you've been talking about
3 did not reflect unfavorably on you, one of the questions
4 on that application was "Have you been arrested?" And
5 you were arrested on these occasions. And had you
6 listed those and made explanations in that application,
7 we wouldn't have any problems.

8 MR. HANSEN: As I remember on the application,
9 I believe, it said "List your felony arrests." And in
10 this particular instance, I was not arrested. I was
11 contacted by the Paulding County Sheriff's Department,
12 because I live three counties over, and he asked me, "Do
13 I need to get your Cobb County police officers to pick
14 you up, or will you bring yourself in?" And I said that
15 I will come in first thing the next morning and turn
16 myself in, not even realizing what they were doing. And
17 my dad and I went down, and I turned myself in. While
18 they were taking my pictures and taking my fingerprints,
19 my dad was doing the other thing, getting the bail.
20 Lasted 20 or 30 minutes. And we went after that and
21 tried to figure out what to do to get this behind me.
22 And for 16 years, it was never a problem.

23 BOARD MEMBER PUTNAM: Well, no, sir, but what
24 I'm saying is, this problem that we are having today is
25 the result of your not being completely candid when you

1 filled out the application, because I know the
2 application asks --

3 MR. HANSEN: Well, again, I believe I was
4 candid in the application. I'm not sure that it said
5 any of that. I was thinking that it said "List your
6 felony arrests."

7 BOARD MEMBER PUTNAM: It asks for misdemeanor
8 arrests, too, right?

9 MS. WHATLEY: Yeah. That, the form, actually,
10 I have it printed out. Let me. The printout, it says
11 "Have you at any time been arrested, indicted, received
12 a citation or been ordered to appear in court for any
13 criminal offense?"

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

15 ACTING CHAIRMAN NADEAU: And none of these were
16 listed?

17 MS. WHATLEY: He listed the child support.

18 ACTING CHAIRMAN NADEAU: Okay. Okay. Thank
19 you. Member --

20 MR. HANSEN: And, I believe I indicated at one
21 point that was the only thing that really, in my life
22 that I thought would hold me back --

23 ACTING CHAIRMAN NADEAU: Okay.

24 MR. HANSEN: -- was the child support issue,
25 because that was a felony.

1 ACTING CHAIRMAN NADEAU: Member Uithoven, do
2 you have any questions?

3 MR. HANSEN: But, again, it was expunged.

4 ACTING CHAIRMAN NADEAU: Member Uithoven, do
5 you have any questions?

6 BOARD MEMBER UITHOVEN: I do not.

7 ACTING CHAIRMAN NADEAU: Member Zane, do you
8 have any additional question?

9 BOARD MEMBER ZANE: Not questions, just that
10 if -- well, the felony conviction, they incorporated the
11 case number. Is there a disposition on the FBI report?

12 ACTING CHAIRMAN NADEAU: Is there a disposition
13 on what?

14 BOARD MEMBER ZANE: On the FBI report, to
15 indicate the --

16 MS. WHATLEY: Yes. That's why I was conferring
17 with legal counsel at the time you began with the case
18 number. The fingerprint results do show it was a felony
19 conviction. I will state that in the last two weeks, we
20 did have a set of fingerprints come back that had
21 incorrect information, and those fingerprints are in the
22 process of being corrected by the entering agency. But
23 these fingerprints do show a felony conviction.

24 MR. HANSEN: The only felony that I have ever
25 known of was the child support felony. And the way the

1 law was written, it was deemed unconstitutional. And
2 there were about 10,000 of us who were expunged because
3 of that. But I always knew that that might come up.
4 That's why I always list that. Because I was certain
5 that that would probably come up. And it did. And they
6 said that they had no problem with that.

7 But they have a problem with this, and it's a
8 misdemeanor. Now, Paulding County is a rural county in
9 Georgia. But to state a misdemeanor was a felony is
10 something that even a rural county would not do.

11 BOARD MEMBER UITHOVEN: Well, it looks like it
12 was originally a felony arrest, and then it was pleaded
13 down to a misdemeanor.

14 MR. HANSEN: So that's -- that's a possibility.
15 I --

16 BOARD MEMBER UITHOVEN: That's what these
17 documents that you provided seem to indicate,
18 misdemeanor.

19 MR. HANSEN: And, again, after the facts came
20 over, it was not a felony, it was a misdemeanor.

21 BOARD MEMBER ZANE: Mr. Chairman, Mr. Hansen
22 has shown us, given us a copy of a certified document
23 from the Superior Court, Paulding County, Georgia,
24 for -- the date is September 1995. There's a minute
25 order issued by the same court indicating that the

1 felony restitution amount should be reduced to a
2 misdemeanor and that the felony is incorrect. It's
3 signed by a Judge Tallahoosy (phonetic spelling),
4 Judicial Circuit for the Superior Court for Paulding
5 County.

6 It would be my assumption that we're speaking
7 of the same entry, which is a felony arrest that was
8 reduced to a misdemeanor.

9 ACTING CHAIRMAN NADEAU: Okay. Thank you.

10 All right. Any additional questions?

11 BOARD MEMBER ZANE: Not from me.

12 ACTING CHAIRMAN NADEAU: Okay. Then, I
13 would --

14 Go ahead. Go ahead, Mr. Hansen. One last
15 shot. Go ahead. Go ahead. You had something
16 additional you wanted to add? Sir?

17 MR. HANSEN: I just have a quick comment.
18 This, this particular situation should never have been a
19 criminal issue.

20 BOARD MEMBER ZANE: The fact is, is that it
21 was.

22 MR. HANSEN: Well, I can't, I can't stop them
23 from making it a criminal issue. Let me tell you what
24 happened.

25 ACTING CHAIRMAN NADEAU: Sir.

1 BOARD MEMBER PUTNAM: Sir.

2 ACTING CHAIRMAN NADEAU: Sir, Mr. Hansen,
3 Mr. Hansen, we understand your position on this. But we
4 have to act on the information and the statute. We have
5 to follow statutory requirements.

6 So let's -- is the Board prepared for a motion?

7 BOARD MEMBER ZANE: I am.

8 ACTING CHAIRMAN NADEAU: Okay.

9 BOARD MEMBER ZANE: I move that we overturn the
10 denial and issue a work card.

11 BOARD MEMBER UITHOVEN: Second.

12 ACTING CHAIRMAN NADEAU: Okay. Discussion?

13 No discussion. All in favor, signify by saying
14 "aye."

15 (Board members said "aye.")

16 Opposed?

17 None. All right. Mr. Hansen, we've overturned
18 the denial. But I think you need to be aware that you
19 need to add all of those, anything, any arrests in any
20 applications, you need to list those arrests, including
21 the one that's been reduced. Okay?

22 MR. HANSEN: Yes, sir.

23 ACTING CHAIRMAN NADEAU: Okay. The Board --
24 Mr. Hansen? Mr. Hansen, the Board will be contacting
25 you for issuance of your -- or to go ahead and get this

1 squared away. Okay?

2 MR. HANSEN: Okay.

3 MS. RAY: Mr. Chairman?

4 ACTING CHAIRMAN NADEAU: Yes?

5 MS. RAY: May I make a comment?

6 ACTING CHAIRMAN NADEAU: Yes.

7 MS. RAY: If we could retain those copies that
8 you provided to the Board in Las Vegas. Oh, great.
9 Okay.

10 And your application has been complete. You
11 will be receiving your work card in the mail at the
12 mailing address that we have on file.

13 MR. HANSEN: These are the originals?

14 MS. GRESNICK-SMITH: No.

15 BOARD MEMBER UITHOVEN: Mr. Chairman, we have a
16 request. And I know it's -- we've got a lot of people
17 waiting. We have a gentleman here who has a 1:15
18 meeting with Homeland Security officials, who's asked to
19 be moved up on the agenda.

20 ACTING CHAIRMAN NADEAU: What number is that?

21 BOARD MEMBER UITHOVEN: Number 24.

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AGENDA ITEM 24

GREGORY MAYS

ACTING CHAIRMAN NADEAU: Yes. Okay. Let's go ahead and take number 24, Gregory Mays.

BOARD MEMBER UITHOVEN: You can go ahead out of order, then.

ACTING CHAIRMAN NADEAU: Mr. Mays?

BOARD MEMBER UITHOVEN: He is here.

MR. MAYS: I appreciate you moving me up. We have a Homeland Security meeting today that I have to be at, at 1:15. I'm sorry. At 1:30.

ACTING CHAIRMAN NADEAU: Mr. Mays, you heard the disclaimer at the beginning. Would you request that this be open or closed?

MR. MAYS: Open, please.

MS. RAY: Mr. Chairman?

ACTING CHAIRMAN NADEAU: Yes?

MS. RAY: This is for an exemption request.

ACTING CHAIRMAN NADEAU: Oh, for an exemption request?

MS. RAY: Not a work card denial.

ACTING CHAIRMAN NADEAU: Oh, okay. I'm sorry. My apologies.

All right. Mr. Mays, we have some

1 correspondence from you, I guess?

2 MR. MAYS: Yes.

3 ACTING CHAIRMAN NADEAU: Okay. Go ahead and
4 make your -- go ahead and make your request.

5 MR. MAYS: All right. I am currently a
6 commissioned police officer with the Gooch Prince Thomas
7 (phonetic spelling) law office. I'm with the senior
8 sergeant and operations sergeant and training sergeant
9 with the department. I have in the past been working a
10 management security roll, was licensed, prior to going
11 back into law enforcement, with the PILB. Also, a
12 certified CFI with PILB. I'm looking to finally get an
13 exemption. In both capacities, I'm primarily a training
14 coordinator in both capacities, with the security side
15 as well as the law enforcement side.

16 So, essentially, what I have here is I have a
17 letter from my constable, who is my director, my
18 department and my agency, as well as the PILB licensee,
19 with management security. And in both aspects, both of
20 them agree that due to the nature of the constable's
21 office and due to my current position, that they don't
22 believe it will be a conflict per NRS, or excuse me, NAC
23 648.338.

24 And what I'm, essentially, asking for today is
25 for an exemption to be able to maintain my position with

1 them as security, the training coordinator and security
2 supervisor.

3 ACTING CHAIRMAN NADEAU: Board members, do you
4 have copies of those letters and the -- and his request?

5 BOARD MEMBER ZANE: Yes, we do.

6 MR. MAYS: I apologize. It was a little late
7 coming on the mismatch, as well as my constable's
8 paperwork. But both have been sent up by e-mail. And,
9 I guess, they've made a copy of that.

10 And right after I got into the department, I
11 did contact Investigator Whatley in regards to this. I
12 also had spoke on numerous times with Investigator
13 Robles. And, again, that's why I requested the meeting
14 today.

15 ACTING CHAIRMAN NADEAU: Any questions from the
16 south?

17 BOARD MEMBER UITHOVEN: Just a minute.

18 BOARD MEMBER PUTNAM: Mr. Chairman, I have a
19 question for Mr. Mays.

20 ACTING CHAIRMAN NADEAU: Okay. Go ahead.

21 BOARD MEMBER PUTNAM: Sir, your only function
22 with this Anderson Security Agency would be as a
23 training officer; is that correct?

24 MR. MAYS: We are looking for training as well
25 as the supervision. Anderson is primarily a -- not to

1 call it anything, what it is; but, essentially, they
2 hire in clients. It's more of a special event and
3 special occasion kind of security. They're not more --
4 as some of the other ones are, more of an
5 enforcement-type security. So what I'm looking for is
6 the security supervisor and training coordinator. So if
7 they were to send me out for a special event, which is
8 primarily the only time I would be out in the field and
9 out of the office, would be for special events, diamond
10 shows and things of that nature.

11 Does that answer your question?

12 BOARD MEMBER PUTNAM: Yes, sir. Thank you.

13 ACTING CHAIRMAN NADEAU: You're a full-time
14 deputy constable?

15 MR. MAYS: I am, I'm a constable sergeant. I'm
16 the second in command of the department.

17 ACTING CHAIRMAN NADEAU: Robert, do you have
18 any questions?

19 BOARD MEMBER UITHOVEN: No.

20 ACTING CHAIRMAN NADEAU: Mark, do you have any
21 questions?

22 BOARD MEMBER ZANE: If I could have just a
23 second.

24 ACTING CHAIRMAN NADEAU: All right. That's
25 fine.

1 BOARD MEMBER ZANE: In reviewing NAC 648.338,
2 I'm not aware that -- or somebody maybe help me out.

3 I know that you listed this as other
4 exemptions.

5 But this one in particular, as it comes from a
6 peace officer, does NAC 648.338 allow for an exemption
7 if he were a peace officer?

8 MS. RAY: Mr. Chairman, if you would like me to
9 respond?

10 ACTING CHAIRMAN NADEAU: Go ahead.

11 MS. RAY: We did have this at the last meeting.
12 And, I guess, a category two officer requested the
13 exemption. And he was able to provide information to
14 the Board. And the Board felt that there was no
15 conflict of interest and granted the exemption.

16 ACTING CHAIRMAN NADEAU: But as I read the
17 statute, under 289.150, there's specifically powers of a
18 peace officer, constables and their deputies whose
19 official duties require them to carry weapons and make
20 arrests.

21 I was trying to look under categories.

22 BOARD MEMBER ZANE: I think that it's extremely
23 clear that -- the actions of the peace officer. That
24 allows an exemption as provided for in subsection 2.
25 And I thought, today I've been under the impression that

1 that's where we have been following through with the
2 exemptions. As I recall the exemption we had yesterday,
3 that individual wasn't a peace officer. And, I believe,
4 the last exemption that I recall was the one for the
5 employee at the Nevada Mental Health Institute.

6 MS. CHRISTENSEN: M-hm (affirmative), yeah.

7 ACTING CHAIRMAN NADEAU: Right. And as I
8 recall, they have very limited peace officer powers
9 specific only to the time that they were working. This,
10 particularly as being a supervisor and second in
11 command, peace officer powers are pretty well expanded,
12 in my estimation. I don't know.

13 MR. MAYS: If I may, as far as the constable's
14 office, we have limited jurisdiction as to what we
15 actually do. Whereas, my department is a little more
16 progressive, but we do not serve in a patrol function,
17 but we would have common patrol-like situations.
18 Primarily, we serve civil service. At some point, we'll
19 have a warrant list, and not necessarily myself, but the
20 department. So our interaction with the public, as far
21 as the enforcement side, is more of a civil, and it's
22 documented, and the arrest is actually a civil law
23 enforcement agency. Essentially, we serve civil service
24 for the justice courts.

25 BOARD MEMBER ZANE: Are you POST-certified?

1 MR. MAYS: I am.

2 BOARD MEMBER ZANE: What categories?

3 MS. RAY: I'm category two currently.

4 BOARD MEMBER ZANE: Category two?

5 MR. MAYS: Yes.

6 BOARD MEMBER ZANE: 289.150, subsection 5, and
7 it says -- where it says "Sheriffs, their deputies and
8 correctional officers; city and town marshals," and
9 indicates "The following persons have the powers of a
10 peace officer," and then, number (\5, "Constables and
11 their deputies whose official duties require them to
12 carry weapons and make arrests."

13 MR. MAYS: Yes.

14 BOARD MEMBER ZANE: Okay.

15 ACTING CHAIRMAN NADEAU: Any other, any
16 additional questions, comments?

17 BOARD MEMBER ZANE: No, sir.

18 ACTING CHAIRMAN NADEAU: Then, I'd entertain a
19 motion.

20 BOARD MEMBER ZANE: Mr. Chairman, I'd move that
21 the request for waiver for -- or, I'm sorry, request for
22 an exemption, filed by Gregory Mays, be denied.

23 ACTING CHAIRMAN NADEAU: I have a motion. Do
24 we have a second?

25 BOARD MEMBER PUTNAM: Second.

1 ACTING CHAIRMAN NADEAU: Discussion on the
2 motion?

3 Hearing none, all in favor, signify by saying
4 "aye."

5 (Board members said "aye.")

6 Opposed?

7 Hearing none.

8 Mr. Mays, you've been denied the exemption.

9 MR. MAYS: Okay. And what's the appeal
10 process? Is there an appeal process at this point,
11 because of the nature?

12 ACTING CHAIRMAN NADEAU: I would contact
13 Mechele or our legal counsel to see what the appeal is.
14 Okay. I can't tell you what the appeal would be.

15 MR. MAYS: Okay. I appreciate your time.
16 Thank you.

17 ACTING CHAIRMAN NADEAU: Thank you, sir.

18

19 AGENDA ITEM 11

20 CHARLES JOHNSON

21

22 ACTING CHAIRMAN NADEAU: All right. Let's
23 continue on, then, with number 11, Charles Johnson.

24 MR. JOHNSON: Hello.

25 ACTING CHAIRMAN NADEAU: Good afternoon,

1 Mr. Johnson. Were you provided -- did you hear the
2 disclaimer earlier in regards to an open or closed
3 hearing?

4 MR. JOHNSON: Yes.

5 ACTING CHAIRMAN NADEAU: Do you have a
6 preference? Are you -- do you have a preference?

7 MR. JOHNSON: Everything could be open.

8 ACTING CHAIRMAN NADEAU: Okay. Thank you very
9 much.

10 Who is the investigator on this one?

11 MS. WHATLEY: I was originally; but, I believe,
12 Investigator Gresnick-Smith has his info.

13 ACTING CHAIRMAN NADEAU: Okay.

14 MS. GRESNICK-SMITH: Yeah, I sent Mr. Johnson
15 his denial letter. Actually, we sent two letters.
16 Originally, one of my investigators did, for not
17 disclosing one of his arrests. But I sent a follow-up
18 letter regarding his '91 --

19 ACTING CHAIRMAN NADEAU: Can you hold up?
20 Maybe we can move that microphone just a little bit
21 closer to you, so that we can go ahead and -- because
22 we're having a difficult -- yeah, maybe even a little
23 bit closer than that. A little bit more.

24 All right. Hopefully, that will work. All
25 right. Rewind. Let's start over.

1 MS. GRESNICK-SMITH: Okay. Mr. Johnson was
2 originally sent a letter from Investigator Smith
3 regarding an undisclosed arrest. However, I sent a
4 follow-up letter for a denial regarding his '91 arrest
5 that's a felony charge. And I do not have a
6 disposition. So I'm hoping that Mr. Johnson does have
7 court documents showing that he was not convicted of a
8 felony. That is the reason for his denial.

9 ACTING CHAIRMAN NADEAU: Thank you.

10 Mr. Johnson.

11 MR. JOHNSON: Yes.

12 ACTING CHAIRMAN NADEAU: Please, please go
13 ahead and give us your side.

14 MR. JOHNSON: I can't remember exactly; but, I
15 guess, it was 1991. I was charged with stolen,
16 possession. But they dropped the charges. And I had
17 moved to Vegas back in '95 and applied for a sheriff's
18 card, granted one, did personal bodyguard work for one
19 of the hotels, moved back to Ohio to take care of some
20 personal things, moved back here recently, over the last
21 three months. And I applied for my card and was given a
22 provisional.

23 The misdemeanor arrest took place; it was
24 trespassing. And I sent the paperwork in for that. But
25 as far as the '91 situation, they dropped the charges.

1 And I was issued a card in '95.

2 ACTING CHAIRMAN NADEAU: Okay. Any questions
3 of Mr. Johnson? Robert?

4 BOARD MEMBER UITHOVEN: No.

5 ACTING CHAIRMAN NADEAU: Member Zane?

6 No questions?

7 MS. GRESNICK-SMITH: I would actually like to
8 clarify. Mr. Johnson was not issued a work card for
9 private security.

10 ACTING CHAIRMAN NADEAU: Oh, okay. I'm sorry.

11 MS. GRESNICK-SMITH: Back in '95.

12 ACTING CHAIRMAN NADEAU: What was the card in
13 '95?

14 MS. GRESNICK-SMITH: I believe, it was a gaming
15 card.

16 MR. JOHNSON: It's here. I still have the card
17 in my wallet.

18 MS. GRESNICK-SMITH: Does it say "gaming" or
19 "nongaming" on it?

20 MR. JOHNSON: It says "security, armed
21 security."

22 MS. GRESNICK-SMITH: Okay. Because his record
23 did not show --

24 ACTING CHAIRMAN NADEAU: Could -- yeah.
25 Mr. Johnson, could you go ahead and produce the card and

1 let her take a look at it.

2 (Mr. Johnson complied with the request.)

3 MS. GRESNICK-SMITH: Okay. So they put you
4 down as "gaming" in your SCOPE.

5 So he was issued a card previously, which means
6 that somebody had to have verified that it was not a
7 conviction.

8 ACTING CHAIRMAN NADEAU: Mechele, did you want
9 to?

10 MS. RAY: It sounds like it was a card issued
11 from Metro.

12 ACTING CHAIRMAN NADEAU: But was it issued by
13 Las Vegas Metro?

14 MS. GRESNICK-SMITH: That is correct.

15 ACTING CHAIRMAN NADEAU: Any questions?

16 BOARD MEMBER PUTNAM: Mr. Chairman, I have a
17 question of Mr. Johnson.

18 Sir, on your application, the question is asked
19 "Have you at any time been arrested, indicted, received
20 a citation, or been ordered to appear in court for any
21 criminal offense?" It seems to me that's very, very
22 clear. It doesn't ask what happened to the case. It
23 just says "Have you ever been arrested, cited, indicted
24 or received a citation?"

25 MR. JOHNSON: And I --

1 BOARD MEMBER PUTNAM: You didn't put that down,
2 did you?

3 MR. JOHNSON: I didn't put it down, because on
4 that, just a criminal record, I don't have a criminal
5 record. That incident took place in '91, like I said,
6 before they dropped the charges. I haven't been
7 arrested for anything since, I guess, some incident took
8 place in 2008, a misdemeanor, a trespass, in, you know,
9 a bar. So.

10 BOARD MEMBER PUTNAM: Well, sir.

11 MR. JOHNSON: But I understand that I made the
12 error. And I apologize. And I even sent a letter to
13 Ms. -- I can't pronounce your name -- indicating the
14 situation and followed all the procedures. But as far
15 as a felony conviction, I don't have any felonies on my
16 record. And I did not put that information down,
17 because I misread it, because I'm used to only the
18 information asked for, for felonies. And that's an
19 error on my part. And I do apologize. And I did send a
20 letter apologizing and giving the correct information.

21 BOARD MEMBER PUTNAM: Well, sir, I'd suggest
22 that you -- the next time you fill out an application,
23 that you take time to thoroughly read the questions that
24 are asked, so that you don't forget anything. All
25 right, sir?

1 MR. JOHNSON: All right.

2 ACTING CHAIRMAN NADEAU: I did have a question.
3 And that is, did we make any attempt to try to get the
4 disposition on the case from the court?

5 MS. GRESNICK-SMITH: I'm sorry. I didn't hear
6 that. I'm sorry.

7 ACTING CHAIRMAN NADEAU: Did we make an attempt
8 to get a disposition from the court?

9 MS. GRESNICK-SMITH: No. Generally, we ask the
10 applicants to provide those documents. So it was
11 requested in the denial letter sent to him to provide
12 the court documents regarding disposition. But, no, I
13 have not received those.

14 ACTING CHAIRMAN NADEAU: Okay. Thank you.
15 Okay. Any additional questions? Member
16 Uithoven?

17 BOARD MEMBER UITHOVEN: No.

18 ACTING CHAIRMAN NADEAU: Member Zane?

19 BOARD MEMBER ZANE: Did you receive that
20 request to bring documentation showing the --

21 MR. JOHNSON: Actually, I was just looking at
22 my e-mail yesterday, and I seen that there was a letter
23 here from the licensing bureau. And I see that Ms. G
24 was appealing the decision to the Board. So I just
25 happened to come down. I didn't even know I was

1 supposed to come down here. I was just coming down to
2 see what exactly was going on. So.

3 As far as giving the information, like I stated
4 before, when I originally applied for my card, they did
5 a background check, and that was brought up again and
6 was not a felony or any convictions. It was dropped.
7 And that's why I was issued a card originally. So that
8 happened in upstate New York. I was in New York, I
9 believe. So I wouldn't even know how to go about
10 getting that information.

11 BOARD MEMBER ZANE: That's the only question I
12 had.

13 ACTING CHAIRMAN NADEAU: Thank you.
14 Member Putnam, any questions?

15 BOARD MEMBER PUTNAM: No, sir.

16 ACTING CHAIRMAN NADEAU: All right. No
17 additional questions. Do we have -- I'd take a motion.

18 BOARD MEMBER ZANE: Mr. Chairman, what have we
19 done previously with regard to contingencies? Have we
20 issued any -- I can't recall, as far as if I chose to
21 make a motion that said that contingent -- that the
22 matter be overturned contingent upon us receiving
23 official documentation indicating that there was no
24 felony conviction; do you recall?

25 ACTING CHAIRMAN NADEAU: We have --

1 MS. RAY: We've done it.

2 ACTING CHAIRMAN NADEAU: We have a provision
3 that we can do that. We issue based on -- and it's
4 based on the fact that --

5 MS. RAY: We receive the information. There
6 may be an issue, because this is from 1991. There may
7 be no records.

8 ACTING CHAIRMAN NADEAU: Right.

9 MS. RAY: But we have done this. In a similar
10 situation, we made a motion it was contingent upon the
11 applicant doing X, Y or Z. And then, once we received
12 what we needed, we complete the application.

13 ACTING CHAIRMAN NADEAU: And would he maintain
14 provisional status pending that decision?

15 MS. RAY: Right now, he's denied. He's never
16 been provisional.

17 ACTING CHAIRMAN NADEAU: Okay.

18 MR. JOHNSON: This was back in March and when I
19 first got here.

20 ACTING CHAIRMAN NADEAU: Did you hear that,
21 Mark?

22 BOARD MEMBER ZANE: Yes, I did. I would
23 move -- are you ready, Mr. Chairman?

24 ACTING CHAIRMAN NADEAU: Go ahead. Yeah.

25 BOARD MEMBER ZANE: I would move that the

1 denial be overturned contingent upon staff receiving
2 proper documentation from the appropriate entity and
3 indicating that this particular felony arrest did not
4 result in a felony conviction, and that the applicant be
5 responsible for making sure that that gets transmitted
6 to the Board staff.

7 ACTING CHAIRMAN NADEAU: Okay. We have a
8 motion. Do we have a second?

9 BOARD MEMBER PUTNAM: Second.

10 BOARD MEMBER UITHOVEN: Second.

11 ACTING CHAIRMAN NADEAU: Okay. I'll put Robert
12 down as the second.

13 So if I'm understanding the motion, the motion
14 is that it's continued to be denied until such time as
15 he provides court documentation showing that it was --
16 the charges were dropped. And when he provides that
17 documentation, then he can be provided his registration.
18 Correct?

19 BOARD MEMBER ZANE: Yes, sir.

20 ACTING CHAIRMAN NADEAU: And do we want to put
21 a time limit on that?

22 BOARD MEMBER ZANE: Well, the denial will be in
23 effect for the year.

24 ACTING CHAIRMAN NADEAU: Okay. Okay. All
25 right. So we all understand the motion?

1 All in -- any discussion on the motion?

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

3 (Board members said "aye.")

4 Any opposed? So.

5 BOARD MEMBER ZANE: Okay. What was the
6 question?

7 ACTING CHAIRMAN NADEAU: Mr. Johnson, do you
8 understand that, what's required of you?

9 MR. JOHNSON: That I've been denied until I can
10 verify that something didn't take place in 1991?

11 ACTING CHAIRMAN NADEAU: That's correct.

12 BOARD MEMBER ZANE: And you're denied until you
13 can provide us with the proof that you're not convicted
14 of a felony in that jurisdiction. Right now, your
15 record indicates, FBI, your fingerprints, that you're
16 convicted of a felony.

17 MR. JOHNSON: Okay. How do I go about getting
18 this, this proof?

19 BOARD MEMBER ZANE: Contact the court.

20 MR. JOHNSON: Okay.

21 BOARD MEMBER ZANE: And get a certified copy.

22 MR. JOHNSON: Once I get that information --

23 BOARD MEMBER ZANE: Send it to the staff, and
24 they'll give you a card.

25 MR. JOHNSON: Yes. Okay. And so, right now,

1 I'm still under denial?

2 MS. RAY: M-hm (affirmative).

3 BOARD MEMBER ZANE: This is a pretty rapid
4 process, though, if you get it up here.

5 MR. JOHNSON: All right. Thank you.

6 BOARD MEMBER ZANE: The official record, we
7 don't produce that record. The FBI says that you were
8 convicted of a felony.

9 MR. JOHNSON: I wasn't.

10 BOARD MEMBER ZANE: You got to --

11 MR. JOHNSON: That's why they issued the card.
12 Okay. Thank you.

13

14 AGENDA ITEM 12

15 TROY CARTER

16

17 ACTING CHAIRMAN NADEAU: Troy Carter?

18 Mr. Carter?

19 MR. CARTER: Yes.

20 ACTING CHAIRMAN NADEAU: Are you requesting
21 this -- do you have any objection to this being an open
22 hearing, or would you prefer it closed?

23 MR. CARTER: No, that's fine. Open. I can
24 have it open. That's fine.

25 ACTING CHAIRMAN NADEAU: Thank you.

1 Who handled the investigation, Investigator
2 Whatley?

3 MS. WHATLEY: Yes. Chairman Nadeau,
4 Mr. Carter's registration card was denied. He did
5 disclose two arrests. They were one week apart. And
6 one was 11-13-10, battery, domestic violence. And one
7 was 11-21-10, petty larceny. He did disclose them. But
8 the types of arrests they were, I did not know if there
9 would be enough time and distance for the Board to be
10 comfortable allowing him to have a registration card.
11 The arrests were November 2010 for domestic battery and
12 petty larceny.

13 ACTING CHAIRMAN NADEAU: Okay. Do we have a
14 disposition on the arrests?

15 MS. WHATLEY: Let me see what this states.

16 ACTING CHAIRMAN NADEAU: We can probably --
17 Mr. Carter, what was the disposition on those two
18 arrests?

19 MR. CARTER: They were both misdemeanors.

20 ACTING CHAIRMAN NADEAU: They were both
21 misdemeanors, but were you convicted of those?

22 MR. CARTER: Oh, yes. I'm sorry. But they
23 gave me like a plea, and I get an opportunity to handle
24 the situation.

25 ACTING CHAIRMAN NADEAU: Did you serve any

1 time, or were you --

2 MR. CARTER: Oh, yes, I got jail some time for
3 one of them, for one of those charges. But for the
4 petty larceny, I just got cited.

5 MS. WHATLEY: Yes, the petty larceny was a
6 citation.

7 ACTING CHAIRMAN NADEAU: Okay. How long --
8 okay. On the domestic battery, how long did you serve?

9 MR. CARTER: I believe, it was -- it was like
10 six days. It was until the weekend, because it was
11 crowded.

12 ACTING CHAIRMAN NADEAU: Okay. Any questions
13 from the south?

14 BOARD MEMBER ZANE: Yes, Mr. Chairman.
15 What was the circumstances behind the domestic
16 battery?

17 MR. CARTER: That was -- I guess, they said
18 that I shoved somebody or --

19 BOARD MEMBER ZANE: I don't want to know what
20 they said you did. I want to know your views.

21 MR. CARTER: Oh. No, I gave -- I kind of
22 pushed somebody.

23 BOARD MEMBER ZANE: You kind of pushed
24 somebody?

25 MR. CARTER: And I pushed, I pushed somebody,

1 but I didn't swing or hit anybody.

2 BOARD MEMBER ZANE: And who was that person?

3 MR. CARTER: It was a -- a family member. I
4 got into an argument with a family member, my mother's
5 boyfriend.

6 BOARD MEMBER ZANE: How old -- your mother's
7 boyfriend. And so they live together?

8 MR. CARTER: Yeah. Well, they don't live
9 together now, but.

10 BOARD MEMBER ZANE: Then they did?

11 MR. CARTER: Yes.

12 BOARD MEMBER ZANE: Okay. And where were you
13 living?

14 MS. RAY: I was still here, in the house.

15 BOARD MEMBER ZANE: You all lived together?

16 MR. CARTER: Yes, sir.

17 BOARD MEMBER ZANE: And you -- what was the
18 punishment for that?

19 MR. CARTER: They gave me a domestic violence,
20 sir.

21 BOARD MEMBER ZANE: Okay. Who called the
22 police?

23 MR. CARTER: My mother.

24 BOARD MEMBER ZANE: Your mother called the
25 police?

1 MR. CARTER: My mother.

2 ACTING CHAIRMAN NADEAU: All right. Any other
3 questions, Mark?

4 BOARD MEMBER ZANE: No. No, sir.

5 ACTING CHAIRMAN NADEAU: Robert, any questions?

6 BOARD MEMBER UITHOVEN: No.

7 ACTING CHAIRMAN NADEAU: Member Putnam?

8 BOARD MEMBER PUTNAM: Yes, I have a comment
9 here. I don't know which case this concerns. But in
10 Las Vegas -- wait a second. Las Vegas Municipal Court
11 shows some requirements that you had to meet with regard
12 to case number C1030598A. And the date of this document
13 is the 1st of August of this year. And that document
14 indicates that you still owe \$825.

15 MR. CARTER: I have some of this information
16 showing that I did complete the course. And I also have
17 some information showing that I've taken -- I'm doing
18 community service and the work program. That's to work
19 that off.

20 BOARD MEMBER PUTNAM: Yeah, that's the
21 community. But the thing is, also, there's a money
22 requirement. And it says --

23 (The Las Vegas videoconferencing connection was
24 lost.)

25 ACTING CHAIRMAN NADEAU: Okay. We'll recess

1 until we get them back.

2 (The Las Vegas videoconferencing connection was
3 reestablished.)

4 ACTING CHAIRMAN NADEAU: We're back. Sorry.

5 I'm sorry, sir. Could you continue what you
6 were saying.

7 MR. CARTER: Yeah. I'm on the work program
8 right now to just work off the money and, also, because
9 I'm unable to pay that right now. So they gave me an
10 opportunity to work it off.

11 BOARD MEMBER PUTNAM: Yes, sir. Well, pardon
12 me. But I made an error in what I was looking at. This
13 form's a little confusing. But the amount due is zero.
14 So just forget about my question, please.

15 MR. CARTER: Okay.

16 ACTING CHAIRMAN NADEAU: All right. Any
17 additional questions?

18 Okay. I'd be -- I'd accept a motion.

19 BOARD MEMBER ZANE: Mr. Chairman, I would move
20 that the denial regarding Troy Lee Carter be overturned
21 and he be issued a card.

22 ACTING CHAIRMAN NADEAU: Okay. We have a
23 motion for overturning the denial. Do we have a second?

24 BOARD MEMBER UITHOVEN: Second.

25 BOARD MEMBER PUTNAM: Mr. Chairman, as far as

1 discussion, I feel that I really in good faith cannot
2 support reversing this denial because of the recency of
3 the last conviction.

4 ACTING CHAIRMAN NADEAU: Okay. Any discussion
5 from the south?

6 BOARD MEMBER ZANE: I made the motion based
7 upon his information about who the victim was, the fact
8 that there appears to be no history of domestic violence
9 prior to this event, possibly understanding the dynamics
10 of the living arrangement. I understand the Board's
11 critical view regarding domestic violence. And I
12 probably would have a different frame of mind, possibly,
13 if the appellant had a larger frame of stature and a
14 different type of personality. And if he picked on
15 somebody weaker, older, I would have a much different
16 outlook. But given and taking him at his word that that
17 is the nature of the situation with the boyfriend to the
18 mother, in a cohabitational situation, he did disclose
19 it. I would understand, I would assume that he's
20 learning by it.

21 And I believe he's a candidate to be employed
22 so that these type situations may not happen in the
23 future. And I don't make the motion lightly, and I hope
24 he doesn't make me look like a fool if he does it again.

25 MR. CARTER: Yes.

1 ACTING CHAIRMAN NADEAU: Okay. Any other
2 discussion?

3 BOARD MEMBER ZANE: Not from me.

4 ACTING CHAIRMAN NADEAU: Where does petty
5 larceny come in, as far as our denial and the larceny?
6 I was trying to find the statute that applies here, as
7 far as we --

8 MS. RAY: In 648, under Licensure.

9 ACTING CHAIRMAN NADEAU: Under NRS 648, under
10 Licensure. Okay. I'm struggling with trying to find
11 it.

12 MS. WHATLEY: I don't know where it is right
13 now, but it's specifically listed, right.

14 ACTING CHAIRMAN NADEAU: Petty larceny is? But
15 is theft listed, or was it --

16 MS. WHATLEY: No. It doesn't fall under the --

17 MS. RAY: Temperate habits and if you're going
18 to be employed --

19 ACTING CHAIRMAN NADEAU: Okay.

20 MS. RAY: -- in a position where you're
21 protecting property. I think, that's what comes into
22 play.

23 ACTING CHAIRMAN NADEAU: All right. Any other,
24 any other? Any other discussion, comments?

25 And we have a motion on the floor to overturn

1 the denial. All in favor of the motion, signify by
2 saying "aye."

3 (Board members said "aye.")

4 ACTING CHAIRMAN NADEAU: All opposed?

5 BOARD MEMBER PUTNAM: Nay.

6 ACTING CHAIRMAN NADEAU: And I've got to vote
7 nay on this. And I understand the discussion points.
8 We have a tie. So the denial stands.

9 Mr. Carter, the denial remains. You will not
10 get your card. You can reapply within a year. You can
11 reapply in a year. Okay?

12 MR. CARTER: Yes.

13 ACTING CHAIRMAN NADEAU: All right. Thank you.

14 MR. CARTER: Well, can I say something?

15 ACTING CHAIRMAN NADEAU: Yes, absolutely. Go
16 ahead.

17 MR. CARTER: I just want to say that I'm trying
18 to do what I have to do to take care of this situation.
19 That's why I'll make sure that it never happens again.
20 I mean I have like -- I'm trying to -- like I say, I'm
21 trying to figure it out so that I make sure this never
22 happens again. I usually, don't often get in trouble.
23 And this happened last year. And I haven't had any
24 trouble since. So.

25 ACTING CHAIRMAN NADEAU: And I understand. And

1 I commend you for trying to take steps to not let it
2 happen again.

3 MR. CARTER: Yes.

4 ACTING CHAIRMAN NADEAU: Okay. But.

5 MR. CARTER: Thank you.

6 ACTING CHAIRMAN NADEAU: So I commend you for
7 that. But at this point, the denial stands.

8 MR. CARTER: Okay.

9 ACTING CHAIRMAN NADEAU: I'm sorry.

10 MR. CARTER: All right. Thank you.

11 ACTING CHAIRMAN NADEAU: Okay. We're going to
12 take just a five-minute recess.

13 * * * * *

14 (A break was taken, 1:25 to 1:30.)

15 * * * * *

16 ACTING CHAIRMAN NADEAU: Everybody ready?

17

18 AGENDA ITEM 22

19 BILLIE LINE, JR.

20

21 ACTING CHAIRMAN NADEAU: Okay. I'm going to go
22 to item number 22 right now.

23 MS. RAY: Okay.

24 ACTING CHAIRMAN NADEAU: Mechele.

25 MS. RAY: Mr. Chairman, we just received a

1 request from Billy Line, who originally requested an
2 appeal hearing, and he's withdrawn his appeal due to the
3 fact that, by statute, there wouldn't be anything that
4 the Board would be able to do. So it's withdrawn.

5 ACTING CHAIRMAN NADEAU: Thank you.

6

7

AGENDA ITEM 13

8

JOSH SCHREIBMAN (JOSEPH SCHREIBMAN)

9

10 ACTING CHAIRMAN NADEAU: Okay. Let's go to
11 number 13, Josh -- is it "Sh-reeb-man"? Good afternoon.
12 Are you Mr. -- how do you -- can you hear us okay?

13 You could hear us fine. We just couldn't hear
14 you. Is it Mr. -- how do you say your last name,
15 "Sh-rybe-man"?

16 MR. SCHREIBMAN: "Sh-rybe-man," yes.

17 ACTING CHAIRMAN NADEAU: Okay. Thank you,
18 Mr. Schreibman.

19 MR. SCHREIBMAN: And it's Joseph, not Josh.

20 ACTING CHAIRMAN NADEAU: I'm sorry?

21 MR. SCHREIBMAN: It's Joseph.

22 BOARD MEMBER ZANE: It's Joseph.

23 MS. RAY: It's Joseph.

24 ACTING CHAIRMAN NADEAU: All right. His first
25 name is Joseph, not Josh; am I correct? Thank you.

1 All right. Who did the investigation on this?

2 MS. GRESNICK-SMITH: That was me.

3 ACTING CHAIRMAN NADEAU: Okay.

4 MS. GRESNICK-SMITH: Mr. Schreibman was
5 originally denied due to an active protection order
6 against him. I believe, this week he e-mailed me some
7 documents from the court. However, the one that I can
8 read did not match the case number.

9 So if you have the originals.

10 MR. SCHREIBMAN: I do have the originals.
11 Actually, certified.

12 MS. GRESNICK-SMITH: Okay. And so it looks
13 like the protection order has been resolved. And that
14 was the reason for his denial, along with him not
15 disclosing his arrest.

16 MS. SCHREIBER: I wasn't arrested. I was --

17 MS. GRESNICK-SMITH: You were arrested for
18 domestic violence.

19 MR. SCHREIBMAN: No, I was never arrested.

20 ACTING CHAIRMAN NADEAU: Okay. So that was the
21 only reason for the denial; is that correct?

22 MS. GRESNICK-SMITH: That and the nondisclosure
23 of his arrest.

24 MR. SCHREIBMAN: I haven't been arrested.

25 MS. GRESNICK-SMITH: I've got a fingerprint

1 results that show a 1995 arrest for domestic violence in
2 Henderson.

3 MR. SCHREIBMAN: That was dissolved,
4 discharged.

5 MS. GRESNICK-SMITH: The fingerprint results
6 didn't --

7 ACTING CHAIRMAN NADEAU: I'm sorry. Sir? Sir?

8 MR. SCHREIBMAN: Yes?

9 ACTING CHAIRMAN NADEAU: We're not in a debate
10 here.

11 MR. SCHREIBMAN: Okay.

12 ACTING CHAIRMAN NADEAU: Okay. Go ahead and
13 let her make her report. And then you'll have an
14 opportunity to go ahead and present your side of the
15 story. Thank you.

16 MS. GRESNICK-SMITH: With the protection order
17 being taken care of, the only other reason for his
18 denial was his nondisclosure of a 1995 domestic violence
19 arrest. And the disposition is shown. It was
20 dismissed. However, it was not listed on his
21 application submission.

22 ACTING CHAIRMAN NADEAU: So we don't know what
23 the disposition was on that case?

24 MS. GRESNICK-SMITH: No, I have the
25 disposition. It was dismissed. But it was not

1 disclosed.

2 ACTING CHAIRMAN NADEAU: Okay. I understand.

3 Okay. Sir --

4 BOARD MEMBER PUTNAM: Mr. Chairman, I have a
5 question.

6 ACTING CHAIRMAN NADEAU: Okay.

7 BOARD MEMBER PUTNAM: When was the original
8 protection order issued?

9 MS. GRESNICK-SMITH: It was issued January 3rd,
10 2003.

11 BOARD MEMBER PUTNAM: 2003. Okay. Thank you.

12 ACTING CHAIRMAN NADEAU: Okay. Sir, it's your
13 opportunity to go ahead and give -- this is your
14 opportunity now to give your side of the story.

15 MR. SCHREIBMAN: When she, I guess, was just
16 asked about the protection order, whatever, she said
17 2003 January. The protection order that -- the current
18 one, that's the only one that there ever was, was
19 December 1st, 2010.

20 MS. GRESNICK-SMITH: My apologies. That is
21 correct. Actually, November 8. But my mistake.

22 ACTING CHAIRMAN NADEAU: All right. Thank you.

23 MR. SCHREIBMAN: But other than that, me and my
24 wife had some marriage problems and some child-related
25 issues, you know, of custody. And we separated for a

1 short period of time. And we, like I said, had a
2 custody issue. We didn't want to share the child. So
3 my wife went to court and filed for a restraining order
4 in the hopes that she would get full custody of our
5 child.

6 And I went to court. And the judge thought it
7 was absolutely ridiculous. And, like I said, we made a
8 mistake. Told us to grow up. She issued both of us --
9 she wanted us both to have a restraining order at the
10 time, to work together for our child, and gave us shared
11 custody. And she said, "When you guys have reached that
12 goal, and you've worked together, then I will, you know,
13 dismiss the restraining orders," and to just come back
14 at that time. We did that. And we absolved them.

15 And that's why I'm here today, hoping to, you
16 know, get a second chance to get a work card. I didn't
17 know that, back in 1995, when I had that arrest, and it
18 was dismissed. I thought that it was just gone. I
19 didn't know that I didn't -- I needed to put that down.
20 Because I've never put that down before on any other job
21 that I applied for, and it's never come back, to get a
22 sheriff's card, to get any job. I've never applied for
23 a guard's card before. But all the small security
24 companies now, that's, I guess, what you need to work in
25 that field. And that's what I've done in the last 12

1 years.

2 So it was my mistake in not putting it down. I
3 apologize for that. But I didn't really realize it at
4 this time. I didn't think that I was doing anything
5 wrong. It was dismissed. So I didn't think anything of
6 it. There was no conviction. I mean there was no
7 anything. So I really didn't know anything of putting
8 that down. It was my mistake.

9 ACTING CHAIRMAN NADEAU: Have you had -- do you
10 currently have a sheriff's card?

11 MR. SCHREIBMAN: Yes, I do.

12 ACTING CHAIRMAN NADEAU: Issued by whom?

13 MR. SCHREIBMAN: It's gaming. I work for a
14 hotel-casino here. I got it through them.

15 ACTING CHAIRMAN NADEAU: Okay. Would you -- if
16 you have it with you, could you --

17 MR. SCHREIBMAN: I don't have it with me. I
18 do. I didn't bring it with me. But I do have an active
19 sheriff's card.

20 ACTING CHAIRMAN NADEAU: Board Member Putnam?

21 BOARD MEMBER PUTNAM: Sir, did I understand you
22 correctly that you said that the order -- that the
23 hearing was on the 20th of June, that that order was
24 issued on December of 2010?

25 MR. SCHREIBMAN: The restraining order, when I

1 went to court, to begin with, the judge had issued
2 restraining orders for both of us. She says once we
3 work through our problems or whatever, to come back, and
4 that she would dissolve. Well, we came back June 20th.
5 Well, actually, May 27th we filed. On June 20th, she
6 dissolved them and dropped them. So they are no longer
7 active.

8 BOARD MEMBER PUTNAM: Okay. But when was that
9 initially issued? Was that in December of 2010, or was
10 it earlier?

11 MR. SCHREIBMAN: The original, original was
12 filed November 8th. But when I went to court for it to
13 be extended and active was December 1st, 2010.

14 BOARD MEMBER PUTNAM: So it was extended. When
15 was it first issued again?

16 MR. SCHREIBMAN: November 8th, 2010.

17 BOARD MEMBER PUTNAM: Okay. And then it was
18 extended again on 20 December, 2010?

19 MR. SCHREIBMAN: Yeah. It was originally for
20 30 days, you know, for us to not see each other.

21 BOARD MEMBER PUTNAM: Okay.

22 MR. SCHREIBMAN: And then they extended it, as
23 well as giving me one to -- for a year. But we
24 dissolved it, because we worked through our things and
25 worked through our problems.

1 ACTING CHAIRMAN NADEAU: Any additional
2 questions?

3 BOARD MEMBER PUTNAM: No. But it was, in fact,
4 in the hearing on 20 June of this year, it was
5 dissolved?

6 MR. SCHREIBMAN: Yes, sir.

7 BOARD MEMBER PUTNAM: Okay. Thank you.

8 ACTING CHAIRMAN NADEAU: Member Uithoven, any
9 questions?

10 BOARD MEMBER UITHOVEN: No.

11 ACTING CHAIRMAN NADEAU: Member Zane?

12 BOARD MEMBER ZANE: Where does -- it was your
13 wife, you said?

14 MR. SCHREIBMAN: Yes, yes. We're still
15 together now, and we're actually having a second child.
16 Yes.

17 BOARD MEMBER ZANE: All right.

18 ACTING CHAIRMAN NADEAU: Okay. No additional
19 questions. I'd accept a motion.

20 BOARD MEMBER ZANE: I'd move that we overturn
21 the denial and issue the card.

22 BOARD MEMBER UITHOVEN: Second.

23 ACTING CHAIRMAN NADEAU: We have a motion and a
24 second. Any discussion?

25 Seeing none, all in favor, signify by saying

1 "aye."

2 (Board members said "aye.")

3 Opposed?

4 All right. Sir, your card will be issued, and
5 you're free to go to work.

6 MR. SCHREIBMAN: Thank you.

7 ACTING CHAIRMAN NADEAU: You're welcome.

8 Thanks for bringing the paperwork today.

9

10 AGENDA ITEM 14

11 DESHAWN HENDERSON

12

13 ACTING CHAIRMAN NADEAU: Deshawn Henderson,
14 please.

15 BOARD MEMBER ZANE: Deshawn Henderson?

16 ACTING CHAIRMAN NADEAU: Deshawn Henderson.

17 BOARD MEMBER ZANE: Nobody's approaching.

18

19 AGENDA ITEM 15

20 JOHNATHAN MARQUES

21

22 ACTING CHAIRMAN NADEAU: Okay. Let's move on
23 to Johnathan "Marks". Or is that "Mar-kess"?

24 MR. MARQUES: It's "Mar-kess."

25 BOARD MEMBER UITHOVEN: "Mar-kess." He's here.

1 ACTING CHAIRMAN NADEAU: Thank you.

2 MR. MARQUES: Good afternoon.

3 ACTING CHAIRMAN NADEAU: Good afternoon,
4 Mr. Marques.

5 The investigator that handled this one?

6 MS. GRESNICK-SMITH: That would be me again.

7 ACTING CHAIRMAN NADEAU: You did. Okay.

8 MS. GRESNICK-SMITH: At the time that
9 Mr. Marques submitted an application, he also had an
10 active protection order. And it states that it expires
11 in March of this year. However, after the denial letter
12 was sent, I haven't received any correspondence from
13 this applicant. He also failed to disclose his arrests.

14 ACTING CHAIRMAN NADEAU: So the protection
15 ordered ended in March of this year?

16 MS. GRESNICK-SMITH: That's correct.

17 ACTING CHAIRMAN NADEAU: Okay. Mr. Marques?

18 MR. MARQUES: Yes.

19 ACTING CHAIRMAN NADEAU: Would you like to --
20 this is your opportunity to say something, if you'd
21 like.

22 MR. MARQUES: Okay. I do have documentation
23 that that temporary protective order was dissolved. I
24 have that with me.

25 If you'd like to take that. Let's see if it's

1 this one or -- oh, you can take that, the original. And
2 then this is the dissolved.

3 The temporary protective order was dissolved.
4 And about the arrests, I -- a lot of them were in my
5 juvenile record, and they were supposed to be completely
6 gone when I turned 18. And then other ones were just
7 stuff that was dropped. And to my knowledge, I wasn't
8 even needing to put it down on any applications. And I
9 hadn't before. And I think I'm confused with -- just
10 like other people that assume they didn't have to
11 actually put that on their applications.

12 ACTING CHAIRMAN NADEAU: Okay. Questions.
13 Member Uithoven?

14 BOARD MEMBER UITHOVEN: Just a moment.

15 BOARD MEMBER ZANE: If I might?

16 ACTING CHAIRMAN NADEAU: Go ahead.

17 BOARD MEMBER ZANE: What were the arrests?
18 We're talking plural?

19 MS. GRESNICK-SMITH: Yes, there's a few. But
20 I'm taking a second look at it. They were juvenile.
21 16.

22 BOARD MEMBER ZANE: 16? Okay.

23 MS. GRESNICK-SMITH: Yeah. But the protection
24 order was the main issue.

25 ACTING CHAIRMAN NADEAU: I'm sorry. We

1 couldn't hear you completely. When you said -- what was
2 the --

3 BOARD MEMBER ZANE: She said the prior arrests
4 were juvenile.

5 MS. GRESNICK-SMITH: They were juvenile
6 arrests. So the active protective order was the main
7 concern for his denial.

8 ACTING CHAIRMAN NADEAU: Okay. Good.

9 Robert, after review, do you have any
10 questions?

11 BOARD MEMBER UITHOVEN: No, it says
12 "dissolved," and I think that's February 15 this year.

13 MS. GRESNICK-SMITH: Yes.

14 ACTING CHAIRMAN NADEAU: Okay.

15 MS. GRESNICK-SMITH: That was dissolved the
16 17th of March.

17 BOARD MEMBER ZANE: Oh, I didn't see that.

18 ACTING CHAIRMAN NADEAU: Okay. Member Putnam,
19 any questions?

20 BOARD MEMBER PUTNAM: When was the protection
21 order dissolved?

22 MS. GRESNICK-SMITH: The 17th of March.

23 ACTING CHAIRMAN NADEAU: March 17th.

24 BOARD MEMBER ZANE: March 17th this year.

25 BOARD MEMBER PUTNAM: And when did it go into

1 effect?

2 MS. GRESNICK-SMITH: February 15th.

3 BOARD MEMBER PUTNAM: Oh, so --

4 -- ACTING CHAIRMAN NADEAU: 30-day protection.

5 BOARD MEMBER PUTNAM: Thank you.

6 ACTING CHAIRMAN NADEAU: Any other questions?

7 BOARD MEMBER ZANE: No, sir.

8 ACTING CHAIRMAN NADEAU: Seeing none, I'd

9 accept a motion.

10 BOARD MEMBER ZANE: Mr. Chairman, I'd move that
11 we overturn the denial and issue a card.

12 ACTING CHAIRMAN NADEAU: We have a motion to
13 overturn the denial. Do I have a second?

14 BOARD MEMBER UITHOVEN: Second.

15 ACTING CHAIRMAN NADEAU: Discussion on the
16 motion?

17 Seeing none, all in favor, signify by saying
18 "aye."

19 (Board members said "aye.")

20 Opposed?

21 All right. Mr. Marques, your registration has
22 been -- the denial has been overturned, and your
23 registration will be issued.

24 MR. MARQUES: Okay. Thank you very much.

25 ACTING CHAIRMAN NADEAU: Yes, sir.

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AGENDA ITEM 16

GUADALUPE YBARRA

ACTING CHAIRMAN NADEAU: Guadalupe Ybarra?

BOARD MEMBER ZANE: Guadalupe Ybarra?

Nobody here.

AGENDA ITEM 17

LUIS VALDEZ

ACTING CHAIRMAN NADEAU: Okay. Luis Valdez?

BOARD MEMBER ZANE: Here.

MR. VALDEZ: Hello. Hi.

ACTING CHAIRMAN NADEAU: Good afternoon.

MR. VALDEZ: Good afternoon.

ACTING CHAIRMAN NADEAU: Mr. Valdez, did you
hear about the disclosure?

MR. VALDEZ: Yes.

ACTING CHAIRMAN NADEAU: I guess, I missed
whether --

MR. VALDEZ: Open.

ACTING CHAIRMAN NADEAU: Open is okay. All
right.

MR. VALDEZ: All right.

ACTING CHAIRMAN NADEAU: Who did the

1 investigation on this?

2 MS. GRESNICK-SMITH: This actually was
3 Investigator Jupp.

4 MR. VALDEZ: Yeah.

5 MS. GRESNICK-SMITH: And so I've got his notes.
6 I was not part of the investigation, so I'm just going
7 to read what I've got here.

8 ACTING CHAIRMAN NADEAU: Okay.

9 MS. GRESNICK-SMITH: He was originally denied
10 in May of 2010 for a CCW conviction for brass knuckles.

11 ACTING CHAIRMAN NADEAU: Okay. That's it?

12 MS. GRESNICK-SMITH: Yes, that's what I have
13 here. So.

14 ACTING CHAIRMAN NADEAU: Okay. Mr. Ybarra,
15 would you like to provide some comments?

16 BOARD MEMBER ZANE: No, this is --

17 ACTING CHAIRMAN NADEAU: I'm sorry. Excuse me.
18 Mr. Valdez. Excuse me. I -- anyway, would you like to
19 provide some comments?

20 MR. VALDEZ: Yes, sir. I did make a mistake --
21 I believe, it was back in 2007, of carrying two
22 concealed brass knuckles. I would like to say that
23 since then, I haven't been engaged in any kind of goofy
24 activity. And I've become a family man.

25 And I would really, really, appreciate if the

1 Board would give me an opportunity to continue my line
2 of work in security. And it's not only just a job for
3 me, I find it as a lifestyle. I enjoy it very much. I
4 credit it with maturing me. And I look forward to,
5 hopefully, doing it again. I was never the type to sit
6 on my butt. I didn't read newspapers. I did my
7 patrols. I did prevent crime. And I enjoy my line of
8 work. And I would appreciate an opportunity to continue
9 to do so.

10 ACTING CHAIRMAN NADEAU: Okay. Thank you. Any
11 questions from the south? Robert?

12 BOARD MEMBER UITHOVEN: No.

13 ACTING CHAIRMAN NADEAU: No. Mark?

14 BOARD MEMBER ZANE: The conviction --

15 ACTING CHAIRMAN NADEAU: Mark, you've got to
16 speak up again, please.

17 BOARD MEMBER ZANE: I asked what the conviction
18 level was, and he indicated that it was a misdemeanor.
19 So.

20 Did you work in security prior to being denied
21 here?

22 MR. VALDEZ: I was in security up until May of
23 '09. And my last assignment was at a rent-a-car center
24 for Brownstone Security at the airport.

25 BOARD MEMBER ZANE: Did you have a work card

1 prior to that?

2 MR. VALDEZ: As an unarmed security. And
3 that's all I would like to be, is unarmed. I know that
4 I probably could qualify for weapon. And I don't need
5 one.

6 ACTING CHAIRMAN NADEAU: Okay. Anything else,
7 Mark?

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

9 ACTING CHAIRMAN NADEAU: I'd like to ask legal
10 counsel. The way I read the statute, under
11 648.110(1)(d)(2) --

12 MR. WARD: Let me get there, sir.

13 ACTING CHAIRMAN NADEAU: I don't know that we
14 have any latitude in this. 645.110(1)(d), as in David,
15 (2).

16 MR. WARD: I agree with the wording where it
17 says "Any crime involving moral turpitude or the illegal
18 use or possession of a dangerous weapon." It is a
19 misdemeanor, of a dangerous weapon. Then it would still
20 be statutorily prohibited from issuing the card.
21 Likewise, I think, under 648.060, it says the same
22 thing, "has not been convicted of a felony or a crime
23 involving moral turpitude or the illegal use or
24 possession of a dangerous weapon." So, once again, that
25 is consistent. So I don't know if the Board would have

1 the latitude.

2 ACTING CHAIRMAN NADEAU: Mr. Valdez?

3 MR. VALDEZ: May I please say something?

4 ACTING CHAIRMAN NADEAU: Yes. Go ahead.

5 MR. VALDEZ: I appreciate it. Those weapons, I
6 did carry them. I am guilty of that. But I never used
7 them for offensive purposes. They were strictly
8 defensive. And during that arrest, the officers, of
9 course, found them in my pocket. And, no, I'm not
10 trying to justify it; but these streets are rough, and I
11 did carry them for my protection.

12 I would appreciate it if I could, please, just
13 be given a second chance. I was really good at my work.
14 And, you know, I just -- I really enjoy the feel of the
15 uniform, and I enjoy my work very much. And, you know,
16 when I was initially denied, I wanted to try to move on
17 and do customer service or whatnot, but it just doesn't
18 feel the same. I really love doing this work. It keeps
19 me physically in shape, and I get to help people, and
20 it's great. I love it.

21 BOARD MEMBER PUTNAM: Mr. Valdez, though, one
22 of the things that needs to be made, I'm sure, very
23 clear to you is that there is black letter law that
24 forbids us from granting you this work card. Because
25 those were dangerous weapons. I'm sorry, sir.

1 MR. VALDEZ: Yes, sir.

2 ACTING CHAIRMAN NADEAU: If your record was
3 expunged, or the conviction was for something besides a
4 dangerous weapon, then it would provide this Board with
5 latitude, you know, with the ability to deal with it
6 differently.

7 MR. VALDEZ: I understand.

8 ACTING CHAIRMAN NADEAU: I mean we -- you know,
9 we could, I guess, we could consider --

10 MR. WARD: M-hm (affirmative).

11 ACTING CHAIRMAN NADEAU: -- upholding the
12 denial pending any change in status of that, of that
13 conviction, which might give you some opportunity to go
14 ahead and do something with the court or, you know,
15 appeal to the court or something like that. But I don't
16 know if that's the temperament of the Board or not.
17 That would -- but that might be some latitude that we
18 might be able to have.

19 MR. VALDEZ: Understood.

20 BOARD MEMBER PUTNAM: Well, Mr. Chairman, the
21 way it stands right now, I don't think we have any
22 latitude at all. So I'm afraid that I'll have to move
23 that the denial of registration for Mr. Valdez be
24 upheld.

25 ACTING CHAIRMAN NADEAU: Okay. We have a

1 motion for upholding the denial. Do we have a second?

2 Hearing no second, do we have a different
3 motion?

4 BOARD MEMBER PUTNAM: They're not hearing us.

5 ACTING CHAIRMAN NADEAU: Can you hear us?

6 BOARD MEMBER ZANE: Yes.

7 BOARD MEMBER UITHOVEN: Yes.

8 ACTING CHAIRMAN NADEAU: You're just not
9 responding. Okay.

10 BOARD MEMBER UITHOVEN: Mr. Chairman, could we
11 reread the motion, please.

12 ACTING CHAIRMAN NADEAU: Could I -- I'm sorry?

13 BOARD MEMBER UITHOVEN: Could you reread or
14 restate the motion?

15 ACTING CHAIRMAN NADEAU: The motion was for
16 denial of -- or upholding the denial of the -- upholding
17 of the denial, yeah.

18 BOARD MEMBER UITHOVEN: Second. And for
19 discussion purposes, I don't think we have an option
20 here.

21 ACTING CHAIRMAN NADEAU: Okay. So we have a
22 motion and a second. Discussion. Robert?

23 BOARD MEMBER UITHOVEN: And I would just say, I
24 don't think we have an option here. And I would just
25 recommend you do what you can to try to, you know,

1 approach the court and see if you can get that taken
2 care of.

3 MR. VALDEZ: Yes.

4 BOARD MEMBER UITHOVEN: To give us something.

5 MR. VALDEZ: Okay.

6 BOARD MEMBER ZANE: Now, the conviction was for
7 the possession of a dangerous weapon?

8 MS. GRESNICK-SMITH: It's CCW, the weapon.

9 MR. VALDEZ: I had them in my pocket. That was
10 so foolish. But I didn't even think. It was dumb.

11 MS. GRESNICK-SMITH: The charge is listed as
12 CCW.

13 BOARD MEMBER ZANE: Okay. Can we have --

14 MS. GRESNICK-SMITH: Do you want to look it up?

15 BOARD MEMBER ZANE: Yeah. Could I have a
16 moment?

17 ACTING CHAIRMAN NADEAU: Sure. I think, it's
18 Chapter 207, is probably what you want to go to, NRS.
19 Is it 207?

20 MS. WHATLEY: 202.

21 ACTING CHAIRMAN NADEAU: Is it 202? Okay.

22 MS. WHATLEY: For the dangerous weapon?

23 ACTING CHAIRMAN NADEAU: Yes.

24 MS. WHATLEY: I think, it's 202.265, which is
25 dangerous weapon on school property. And it might be in

1 202.350. Or is it 200?

2 ACTING CHAIRMAN NADEAU: Yes, you're right,
3 it's 202.

4 ACTING CHAIRMAN NADEAU: Mark, it's 202.265.

5 BOARD MEMBER ZANE: Thank you.

6 ACTING CHAIRMAN NADEAU: 1(d).

7 BOARD MEMBER ZANE: That's possession of a
8 dangerous weapon. The convictions were carrying a
9 concealed weapon.

10 MS. WHATLEY: That's 202.350.

11 BOARD MEMBER ZANE: 350. Thank you.

12 MS. WHATLEY: The 202.265 is a description of
13 what a dangerous weapon is, if I'm not mistaken.

14 BOARD MEMBER ZANE: Correct.

15 ACTING CHAIRMAN NADEAU: Well, and 350 also
16 defines.

17 MS. WHATLEY: Okay.

18 ACTING CHAIRMAN NADEAU: Yeah, under 1(d), it
19 also defines.

20 Any question, Mark?

21 BOARD MEMBER ZANE: No. I'm clear on that.

22 ACTING CHAIRMAN NADEAU: Okay. Any additional
23 questions? We have a motion on the floor for denial,
24 motion and a second. Hearing no further discussions,
25 all in favor, signify by saying "aye."

1 (Board members said "aye.")

2 Opposed?

3 Hearing nothing, no opposition.

4 Mr. Valdez, again, there's not a lot of --
5 we're bound by the statutes.

6 MR. VALDEZ: Understand.

7 ACTING CHAIRMAN NADEAU: It doesn't give us
8 latitude in this case. Given a change from the court
9 disposition, then we may be able to look at things
10 differently. But at this point, you are denied.

11 MR. VALDEZ: Understood. I appreciate the
12 Board in at least meeting with me, giving me clarity
13 with my future in this, you know, industry.

14 ACTING CHAIRMAN NADEAU: All right. And thank
15 you.

16 MR. VALDEZ: Thank you.

17 ACTING CHAIRMAN NADEAU: Thank you for your
18 candidness.

19 MR. VALDEZ: Thank you. I really like this
20 work.

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AGENDA ITEM 18

SEAN KISSEL

ACTING CHAIRMAN NADEAU: Sean Kissel? Sean Kissel?

MR. KISSEL: Yes.

BOARD MEMBER ZANE: Here.

MR. KISSEL: Good afternoon.

BOARD MEMBER ZANE: How are you?

MR. KISSEL: I'm good. How are you?

ACTING CHAIRMAN NADEAU: Good afternoon, Mr. Kissel.

Who handled this investigation?

MR. KISSEL: I'd like a closed hearing.

ACTING CHAIRMAN NADEAU: You would? Okay. Thank you very much. I appreciate that, you giving us that comment.

Okay. Would we --

BOARD MEMBER ZANE: Could the others go outside. We'll open the door when you're able to come back in. We'll receive testimony in here, but we won't take a vote until we open the door and allow you back in. Thank you.

MR. KISSEL: Thank you.

MR. YARBOROUGH: And, for the record, we are

1 closed down here. There's no one else in the audience.

2 BOARD MEMBER ZANE: We've only got one more
3 person to leave, and then we'll be alone.

4 Okay. We're all clear.

5 * * * * *

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

9 * * * * *

10 ACTING CHAIRMAN NADEAU: The doors are open?

11 BOARD MEMBER ZANE: Yes.

12 ACTING CHAIRMAN NADEAU: Okay. Then, let's go
13 ahead and have -- any additional questions that would
14 like to be asked of this individual or our investigator
15 in public, aside from the issues that we've already
16 discussed?

17 Seeing none, I would entertain a motion.

18 BOARD MEMBER PUTNAM: Mr. Chairman, I have a
19 motion. I move that the denial of registration applied
20 for by Sean Kissel be upheld.

21 ACTING CHAIRMAN NADEAU: We have a motion to
22 uphold the denial. Do we have a second?

23 BOARD MEMBER ZANE: Second.

24 ACTING CHAIRMAN NADEAU: And that was -- was
25 that Mark that made the second?

1 BOARD MEMBER ZANE: Yes.

2 ACTING CHAIRMAN NADEAU: Okay. We have a
3 motion and a second. Discussion on the motion?

4 No comments or discussion from the south.

5 BOARD MEMBER PUTNAM: None here.

6 ACTING CHAIRMAN NADEAU: And none from --

7 BOARD MEMBER ZANE: Would you -- let me see how
8 to put this. I'm sorry. None.

9 ACTING CHAIRMAN NADEAU: Okay. And, I guess,
10 Richard, I'd ask you. Would the denial be based on NRS
11 648.110, licensing, required to be -- 1(c), be of good
12 moral character and temperate habits?

13 BOARD MEMBER PUTNAM: Yes.

14 ACTING CHAIRMAN NADEAU: Okay. So. All right.
15 With that said, no further discussion? Richard, no
16 further discussion?

17 BOARD MEMBER PUTNAM: No.

18 BOARD MEMBER UITHOVEN: No.

19 ACTING CHAIRMAN NADEAU: We'll vote on the
20 motion. All in favor, signify by saying "aye."

21 (Board members said "aye.")

22 Opposed?

23 All right. Mr. Kissel, you've been denied.
24 The denial's been upheld. You're welcome to reapply in
25 a year.

1 MS. RAY: Five years.
2 ACTING CHAIRMAN NADEAU: I'm sorry?
3 MS. RAY: Is this the first or second?
4 MS. GRESNICK-SMITH: Second.
5 ACTING CHAIRMAN NADEAU: I'm sorry.
6 MS. RAY: Second denial?
7 MS. GRESNICK-SMITH: yes.
8 MS. RAY: Five years.
9 MR. KISSEL: Oh, so it's five years?
10 MS. RAY: M-hm (affirmative).
11 ACTING CHAIRMAN NADEAU: All right.
12 MR. KISSEL: I never came here for the first.
13 So does that count? I came and then ended up not -- not
14 speaking to the Board.
15 MS. RAY: It's not appealed.
16 ACTING CHAIRMAN NADEAU: Mr. Kissel, I believe
17 that -- a denial is a denial whether it's appealed or
18 not. So if you were denied once, and this is your
19 second denial, then it would qualify for the five-year.
20 MR. KISSEL: Okay.
21 ACTING CHAIRMAN NADEAU: All right. Thank you,
22 sir.
23 MR. KISSEL: All right.
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AGENDA ITEM 19

PETER RICHARD ALOJIPAN

ACTING CHAIRMAN NADEAU: All right. Mr. Peter Richard -- and I'll have -- somebody's going to have to help me with the name. It looks like "Hokipan."

MR. ALOJIPAN: Alojipan.

ACTING CHAIRMAN NADEAU: Alojipan. Okay.

MR. ALOJIPAN: Yes, sir.

ACTING CHAIRMAN NADEAU: Mr. Alojipan?

MR. ALOJIPAN: Yes, sir?

ACTING CHAIRMAN NADEAU: Would you like -- are you okay with this being open, or would you like it closed?

MR. ALOJIPAN: Open.

ACTING CHAIRMAN NADEAU: All right. Thank you. Who investigated this?

MS. GRESNICK-SMITH: That would be me again.

ACTING CHAIRMAN NADEAU: All right.

MS. GRESNICK-SMITH: We received in June a verification of employment form for Mr. Alojipan to change his status from unarmed to armed. This is a revocation of his actual registration card.

While going through to actually update Mr. Alojipan's information, it came to light that he had

1 signed as the licensee on the verification of employment
2 form. His employer was contacted and, through various
3 conversations at Guardsmark, had stated that they do not
4 have armed contracts. And Ms. Fink did verify that she
5 had never signed on behalf of any of her employees to go
6 through the armed course.

7 The individual that signed as the qualifying
8 agent, Mr. Navarro, was involved in this, also. And
9 Guardsmark has provided -- responded. However, we felt
10 that Mr. Alojipan had tried to circumvent the procedures
11 to become armed, so that he would find employment with
12 an armed company.

13 There's a statement from Mr. Navarro, the
14 individual who signed as the qualifying agent, that he
15 had reminded Mr. Alojipan that Guardsmark's Las Vegas
16 office did not have armed accounts. And Mr. Alojipan
17 had stated that it didn't matter, he just needed to get
18 it so that he could work for a security company.

19 ACTING CHAIRMAN NADEAU: Okay. So what we're
20 dealing with here is revocation based on false
21 application, correct?

22 MS. GRESNICK-SMITH: A fraudulently filled out
23 verification of employment form.

24 ACTING CHAIRMAN NADEAU: Okay.

25 MS. GRESNICK-SMITH: Because he represented

1 himself to the CFI as the licensee.

2 ACTING CHAIRMAN NADEAU: Okay. Mr. Alojipan,
3 you can --

4 MR. ALOJIPAN: Yes.

5 ACTING CHAIRMAN NADEAU: It's your opportunity
6 to state your side of the issue and present whatever
7 evidence you wish.

8 MR. ALOJIPAN: Yes. Mr. Elias, I asked
9 Mr. Elias if he could sign the paper that I printed out
10 from the computer. And he said he'll fill it out. And
11 I specified to him that it's for my armed guard card.
12 So he filled out the paperwork and signed it. And, I
13 guess, I signed on the wrong box, that wasn't supposed
14 to be for me. And I didn't know it was supposed to be
15 Ms. Nixon that's going to be signing it.

16 ACTING CHAIRMAN NADEAU: So I don't want to put
17 words in your mouth, but were you saying that you just
18 signed the wrong -- wrong area?

19 MR. ALOJIPAN: Wrong spot, sir.

20 ACTING CHAIRMAN NADEAU: Do we have any
21 questions from Board members?

22 BOARD MEMBER ZANE: I was asking if we have the
23 form.

24 ACTING CHAIRMAN NADEAU: Okay. Thank you.

25 Do we have a copy of the form here?

1 (There was a period off the record to search
2 for the form.)

3 BOARD MEMBER ZANE: Mr. Chairman, I just wanted
4 to ask a question about the forms.

5 ACTING CHAIRMAN NADEAU: Okay. Go ahead.
6 You're welcome to.

7 BOARD MEMBER ZANE: The qualifying agent, is
8 there any indication that someone other than that person
9 signed?

10 MS. GRESNICK-SMITH: No, Mr. Navarro did verify
11 that he signed that. That was the branch manager for
12 their Las Vegas office. That's not the actual
13 qualifying agent signature, and she did not authorize
14 that signature.

15 Does that answer your question?

16 BOARD MEMBER ZANE: The first person whose
17 signature is the qualifying agent --

18 ACTING CHAIRMAN NADEAU: Mark? Mark, could
19 you -- I'm sorry. Could you guys speak up again. We're
20 having difficulty hearing you.

21 BOARD MEMBER ZANE: Oh, okay. So the person
22 who signed as the qualifying agent isn't the qualifying
23 agent?

24 MS. GRESNICK-SMITH: Correct, they are not the
25 qualifying agent.

1 BOARD MEMBER ZANE: Okay. But it isn't him?

2 MS. GRESNICK-SMITH: No. He signed as the
3 licensee.

4 BOARD MEMBER ZANE: The verification of
5 employment for armed security, does the person who
6 signed as the qualifying agent, in fact, work for the
7 agency, work for this company?

8 MS. GRESNICK-SMITH: No, he's the branch
9 manager.

10 BOARD MEMBER ZANE: So the branch manager of
11 the company signed for verification of employment for
12 armed security when, in fact, they don't have that
13 position?

14 MS. GRESNICK-SMITH: That is correct.

15 BOARD MEMBER ZANE: Okay.

16 MS. GRESNICK-SMITH: Mechele, do you want me to
17 fax that up to you guys?

18 ACTING CHAIRMAN NADEAU: I don't know. I was
19 just trying to look at the form.

20 MS. RAY: No.

21 ACTING CHAIRMAN NADEAU: I can pull the form
22 up.

23 MS. RAY: Thank you, though.

24 MS. GRESNICK-SMITH: No problem.

25 ACTING CHAIRMAN NADEAU: Okay. Any other

1 questions? No?

2 Richard, do you have any questions?

3 BOARD MEMBER PUTNAM: So that I understand
4 what's going on here, I need a little clarification,
5 because it's been kind of confusing for me. But the
6 form that he submitted to get the cards was not signed
7 by the qualifying -- by the qualify agent or the one
8 with the company?

9 MS. GRESNICK-SMITH: That's correct. The form
10 was signed by another individual.

11 BOARD MEMBER PUTNAM: So there's no valid
12 signature for the qualifying agent on the form?

13 MS. GRESNICK-SMITH: Correct. Correct.

14 BOARD MEMBER PUTNAM: I'm sorry. But.

15 MS. RAY: Elyse, is it under Correspondence?

16 MS. GRESNICK-SMITH: Is there a Firearm?

17 MS. RAY: Firearm?

18 MS. GRESNICK-SMITH: Yes. I believe, it's
19 under that.

20 MS. RAY: It's not uploaded.

21 ACTING CHAIRMAN NADEAU: Okay.

22 BOARD MEMBER PUTNAM: Oh. I have a question
23 for counsel.

24 MR. WARD: Yes?

25 BOARD MEMBER PUTNAM: Since the form was not

1 properly prepared and did not have the proper signatures
2 on it, do we have any choice about what we can do on
3 this?

4 MR. WARD: I think, your hands are tied,
5 basically, on that, from the facts. What you're asking
6 is if it was not properly done?

7 BOARD MEMBER PUTNAM: Yes.

8 MR. WARD: Then, you have the discretion to
9 make a decision on the facts before the Board.

10 ACTING CHAIRMAN NADEAU: But we're acting on a
11 revocation, not just a denial.

12 MR. WARD: Oh, okay.

13 ACTING CHAIRMAN NADEAU: Because this is
14 revoking the card because of the false information. And
15 so this is revocation, not a denial. I mean it's not a
16 denial of the armed guard. It's a revocation of the
17 license based upon the totality.

18 MS. RAY: The registration.

19 ACTING CHAIRMAN NADEAU: I'm sorry. Revocation
20 of the registration based on the totality of all of
21 this. Am I understanding that correctly?

22 MS. RAY: Yes.

23 MS. GRESNICK-SMITH: Yes.

24 BOARD MEMBER PUTNAM: And it was not signed by
25 the new company; is that correct?

1 MS. GRESNICK-SMITH: To my understanding, there
2 is no new company. He hasn't -- well, previous at this
3 point. But his prior employer is signing for it,
4 although they're not an armed security company. But the
5 qualifying agent did not sign the form.

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

7 ACTING CHAIRMAN NADEAU: For the investigator,
8 so what we have is we have not only his signing the
9 wrong area, but we also have the signature of someone
10 who is not authorized to --

11 MS. GRESNICK-SMITH: That's correct.

12 ACTING CHAIRMAN NADEAU: -- to do what should
13 have been done? Okay.

14 MS. GRESNICK-SMITH: Correct.

15 ACTING CHAIRMAN NADEAU: Okay. Any additional
16 questions, south?

17 BOARD MEMBER UITHOVEN: No.

18 BOARD MEMBER ZANE: No.

19 BOARD MEMBER PUTNAM: And, I take it, the new
20 employer is not an armed guard company. Is that
21 correct?

22 MS. RAY: There is none. It was the employer
23 he worked for.

24 ACTING CHAIRMAN NADEAU: It's not a new
25 employer. It's an existing employer.

1 BOARD MEMBER PUTNAM: Oh, it's an existing
2 employer. It's not an armed guard.

3 ACTING CHAIRMAN NADEAU: That's correct.

4 MR. WARD: No, I don't see any problem with
5 that.

6 ACTING CHAIRMAN NADEAU: Okay. Any additional
7 discussion?

8 Seeing none, I'd entertain a motion.

9 BOARD MEMBER PUTNAM: Mr. Chairman, I move that
10 the revocation of the registration of Peter Richard
11 Alojipan be upheld.

12 ACTING CHAIRMAN NADEAU: We have a motion to
13 uphold the revocation. Is there a second?

14 BOARD MEMBER ZANE: Second for discussion.

15 ACTING CHAIRMAN NADEAU: Okay. We have a
16 second.

17 Discussion, Mark?

18 BOARD MEMBER ZANE: On the -- the applicant or
19 the -- I'm sorry. How do you pronounce your name,
20 again?

21 MR. ALOJIPAN: "A-low-jeh-pan," sir.

22 BOARD MEMBER ZANE: "A-low-jeh-pan." In
23 looking at the document, and playing devil's advocate in
24 the situation, Mr. Alojipan has indicated that he signed
25 the document in the wrong place. That's a fairly

1 simplistic defense. And I don't think you guys have had
2 the opportunity to see the document, have you?

3 ACTING CHAIRMAN NADEAU: No.

4 BOARD MEMBER ZANE: The thing that causes me
5 just a little bit of concern is the branch manager
6 signed it. How would it be that the applicant would
7 know who the rightful party was? If the branch manager
8 was willing to sign it, how would the person that's
9 requesting the signature know that the branch manager
10 wasn't qualified to sign the document?

11 That's one of the concerns. And then the other
12 concern is Mr. Alojipan's signature on the document
13 appears three more times and appears to be not -- not to
14 be disguised in any way.

15 It's just that do -- we can't ask him a
16 question.

17 ACTING CHAIRMAN NADEAU: You can ask a
18 question.

19 BOARD MEMBER ZANE: In order to feel that I'm
20 rightly making the determination that I should vote for
21 revocation of his livelihood, I'm trying to reconcile of
22 maybe one more step of proof that there was something
23 untoward going on. If the signature of the branch
24 manager of this company had -- didn't appear, I would
25 have no problem whatsoever.

1 ACTING CHAIRMAN NADEAU: So are you asking if
2 there's been anything, any discussion with the branch
3 manager for --

4 BOARD MEMBER ZANE: No, I understand the
5 investigator, that the -- both -- that the qualifying
6 agent has said that they didn't sign, because they don't
7 have armed guard status.

8 ACTING CHAIRMAN NADEAU: Right.

9 BOARD MEMBER ZANE: And so I anticipate that
10 there wasn't any conversation with the branch manager.

11 MS. GRESNICK-SMITH: There has been.

12 BOARD MEMBER ZANE: There has been?

13 MS. GRESNICK-SMITH: The qualifying agent
14 addressed the branch manager, and the branch manager
15 also provided a statement.

16 BOARD MEMBER ZANE: Oh.

17 MS. GRESNICK-SMITH: If you'd like me to read
18 that as well.

19 BOARD MEMBER ZANE: Please.

20 MS. GRESNICK-SMITH: Okay. On June 7th --

21 ACTING CHAIRMAN NADEAU: Can we go ahead and --

22 MR. WARD: I would say go back in, and make a
23 motion to go back in to review evidence, and then come
24 back to the motion.

25 ACTING CHAIRMAN NADEAU: Okay.

1 MR. WARD: I don't think that would be a
2 problem as far as Robert's Rules of Law.

3 ACTING CHAIRMAN NADEAU: So, Richard, can you
4 withdraw your motion?

5 BOARD MEMBER PUTNAM: Yeah, I'll withdraw the
6 motion if you'll withdraw your second first.

7 BOARD MEMBER ZANE: Yes.

8 ACTING CHAIRMAN NADEAU: Okay. All right.

9 MR. WARD: That's the proper way to do it.

10 ACTING CHAIRMAN NADEAU: Thank you.

11 Okay. We can go ahead and get additional
12 testimony, then, from the investigator.

13 MS. GRESNICK-SMITH: Okay. (Reading) On
14 June 7th, Peter Alojipan presented me with an
15 application for an armed guard card. He asked me if I
16 would sign it as verification of his employment with
17 Guardsmark. I reminded him again that the Las Vegas
18 branch office does not have any armed accounts. He said
19 it didn't matter, that he just needed it to work for a
20 security company. I did sign the application as the
21 licensee. At the time of me signing the application, I
22 was unaware that the licensee was Tammy Nixon and not
23 assigned to the branch office as a whole. If I had
24 known this, I would not have signed this or any other
25 paperwork concerning PILB. This is the first and only

1 PILB paperwork I have ever signed for anyone in the
2 state of Nevada. MIT, Tammy Nixon, and Guardsmark LLC
3 had no knowledge of this, nor was I directed by her or
4 Guardsmark LLC to sign anything concerning PILB (done
5 reading).

6 And just to clarify, he signed as the
7 qualifying agent.

8 BOARD MEMBER PUTNAM: Mr. Chairman, I have a
9 question for Mr. Kissel. Or not Kissel.

10 ACTING CHAIRMAN NADEAU: Alojipan.

11 BOARD MEMBER PUTNAM: Alojipan.

12 MR. ALOJIPAN: Yes, sir.

13 BOARD MEMBER PUTNAM: Did you print this form
14 off yourself?

15 MR. ALOJIPAN: Yes, sir. They told me to print
16 the form from the computer, sir.

17 BOARD MEMBER PUTNAM: Who told you?

18 MR. ALOJIPAN: Uh, what they call it? PILB.

19 BOARD MEMBER PUTNAM: Okay.

20 MR. ALOJIPAN: I tried to get a form from them,
21 and they told me to print it out on the computer.

22 BOARD MEMBER PUTNAM: Because it's my
23 understanding that this form is generally provided to
24 the employee by the employer.

25 MR. ALOJIPAN: No, sir. What they called it --

1 because I told my CCW, and they told me I can take the
2 class for armed guard card, but I have to get a form
3 through the computer and present it to my employer.

4 ACTING CHAIRMAN NADEAU: Okay.

5 BOARD MEMBER PUTNAM: But your employer is not
6 an armed guard company, right?

7 MR. ALOJIPAN: Yes, sir.

8 BOARD MEMBER PUTNAM: That is --

9 MS. GRESNICK-SMITH: I'd like to make the
10 statement that Mr. Alojipan did attend the Lotus
11 Consulting firearms course.

12 BOARD MEMBER PUTNAM: Mr. Chairman, should I --

13 ACTING CHAIRMAN NADEAU: Well, let's see if
14 Mark has any, if they have any more questions from the
15 south.

16 Any additional questions from the south?

17 BOARD MEMBER ZANE: No. Thank you. That
18 provided verification for me.

19 ACTING CHAIRMAN NADEAU: Okay. Robert?

20 BOARD MEMBER UITHOVEN: No.

21 ACTING CHAIRMAN NADEAU: Okay. Go ahead.

22 BOARD MEMBER PUTNAM: Again, I would like to
23 restate my motion. I move that Peter Richard --

24 ACTING CHAIRMAN NADEAU: Alojipan.

25 BOARD MEMBER PUTNAM: -- the revocation of the

1 registration of Peter Richard Alojipan be upheld.

2 ACTING CHAIRMAN NADEAU: Okay. So we have a
3 motion --

4 BOARD MEMBER UITHOVEN: Second.

5 ACTING CHAIRMAN NADEAU: -- for upholding the
6 denial. And we have a second. Any discussion on the
7 motion?

8 Seeing none, all in favor, signify by saying
9 "aye."

10 (Board members said "aye.")

11 Opposed?

12 All right. Mr. Alojipan, your license is
13 revoked.

14 MR. ALOJIPAN: Thank you.

15 ACTING CHAIRMAN NADEAU: Or your registration.
16 Excuse me. Your registration.

17 MS. RAY: And may we ask a question? Because
18 this is a revocation and not a denial, is there a period
19 of time that Mr. Alojipan might be able to reapply? Do
20 you have any thoughts on that?

21 ACTING CHAIRMAN NADEAU: Is there anything in
22 the statute that says?

23 MS. RAY: His card was actually originally
24 issued by Metro, and it expires January of 2012.

25 ACTING CHAIRMAN NADEAU: Is there any flavor of

1 the Board to set a period of time for revocation?

2 Richard, you made the original motion. Do you
3 have anything that you --

4 BOARD MEMBER PUTNAM: Well, is it more
5 appropriate to let the license stay in place the way it
6 is, or pardon me, the card, the registration, until it
7 normally expires, or what's the --

8 ACTING CHAIRMAN NADEAU: I'm sorry. It expires
9 when?

10 MS. RAY: January 2012.

11 ACTING CHAIRMAN NADEAU: All right.

12 BOARD MEMBER PUTNAM: It's got another three or
13 four months on the card.

14 ACTING CHAIRMAN NADEAU: I guess, I'd entertain
15 a motion to set the period of time for revocation.

16 BOARD MEMBER PUTNAM: I think, we need to,
17 first of all, reconsider our last, last motion and vote,
18 and then get a new motion which says that it's, you
19 know -- it's not revoked. It's still in place until its
20 expiration date.

21 ACTING CHAIRMAN NADEAU: And why are you
22 wanting to keep it in place?

23 BOARD MEMBER PUTNAM: Well, no, I thought
24 that's what you wanted to do.

25 ACTING CHAIRMAN NADEAU: No, I'm asking if

1 there's a period of time that you want it revoked. In
2 other words, for how long do you want to? If we revoked
3 it for X amount of time, then he cannot come back and
4 reapply.

5 BOARD MEMBER PUTNAM: Well, isn't the standard
6 a year?

7 ACTING CHAIRMAN NADEAU: There's no statutory
8 standard.

9 MS. WHATLEY: For revocation.

10 ACTING CHAIRMAN NADEAU: For revocation.
11 Any flavor of it down south?

12 BOARD MEMBER ZANE: Mr. Chairman, I'd make a
13 motion that he be eligible to reapply at the expiration
14 of his current card.

15 ACTING CHAIRMAN NADEAU: Okay.

16 MS. RAY: That makes sense.

17 ACTING CHAIRMAN NADEAU: So that would be
18 January of 2012.

19 BOARD MEMBER UITHOVEN: Second.

20 ACTING CHAIRMAN NADEAU: Okay. We have a
21 motion. Any discussion on the motion?

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

23 (Board members said "aye.")

24 BOARD MEMBER PUTNAM: Nay.

25 ACTING CHAIRMAN NADEAU: And we have one

1 opposed. Okay.

2 Okay. Do you understand that, Mr. Alojipan?

3 MS. WHATLEY: Mr. Chairman, may I ask him a
4 question?

5 ACTING CHAIRMAN NADEAU: Mr. Alojipan?

6 MR. ALOJIPAN: Yes? Yes, ma'am?

7 ACTING CHAIRMAN NADEAU: We have a question for
8 you.

9 MS. WHATLEY: When -- I would like
10 clarification, because, I think, you -- when you said
11 that you called PILB and asked about the form, you also
12 were talking about a CCW. Did you mean to say that you
13 called the certified firearms instructor, which was
14 Lotus Consulting, and they told you to print the form
15 off?

16 MR. ALOJIPAN: They gave me what they called an
17 access number for PILB. And I had to contact PILB and
18 get the www.PILB dot something, I guess.

19 MS. WHATLEY: But who, who said?

20 ACTING CHAIRMAN NADEAU: Okay. And who told
21 you that?

22 MR. ALOJIPAN: Basically, when I called -- what
23 they call this? PILB, they told me to get that www,
24 that PILB.com. That's where the form was.

25 MS. WHATLEY: Do you know what number you

1 called? I still am a little confused as to what the
2 certified firearms instructor told you versus what the
3 Private Investigators Licensing Board told you.

4 MR. ALOJIPAN: Lotus Consulting, I wasn't
5 applying for a CCW.

6 MS. WHATLEY: Yes.

7 MR. ALOJIPAN: And they told me, if I had to
8 get my armed guard card, I had to apply as security
9 company for armed guard card.

10 MS. WHATLEY: Yes.

11 MR. ALOJIPAN: Since I was working for a
12 security that's unarmed already, and I've been there for
13 five years, through Guardsmark, they told me I was
14 like -- they said it might work, because I've been with
15 them for a while. And I could just try to talk to a
16 supervisor, and they could sign off the paperwork.

17 MS. WHATLEY: And you were told that by Lotus?

18 MR. ALOJIPAN: Yes, ma'am.

19 MS. WHATLEY: Okay.

20 ACTING CHAIRMAN NADEAU: Thank you.

21 MS. WHATLEY: Thank you.

22 MR. ALOJIPAN: Thank you. I appreciate it,
23 sir, ma'am.

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AGENDA ITEM 20

CARLTON REDDEN

ACTING CHAIRMAN NADEAU: Okay. Carlton Redden.

He's not there?

MS. GRESNICK-SMITH: He's there.

ACTING CHAIRMAN NADEAU: Oh, he is. Okay.

Very good.

Good afternoon, Mr. Redden. You were sworn in at the beginning?

MR. REDDEN: Yes, sir.

ACTING CHAIRMAN NADEAU: Okay. And do you understand that you can request that this be a closed hearing, if you so desire?

MR. REDDEN: Yes. It can be open.

ACTING CHAIRMAN NADEAU: It's okay to be open?

MR. REDDEN: Yes, sir.

ACTING CHAIRMAN NADEAU: All right. Then, again --

MS. RAY: She needs to be sworn in.

ACTING CHAIRMAN NADEAU: Are you on again? No. Whose turn is this?

MS. CHRISTENSEN: Mine.

ACTING CHAIRMAN NADEAU: Okay. Kimberly.

MS. CHRISTENSEN: I need to be sworn in,

1 please.

2 ACTING CHAIRMAN NADEAU: Okay.

3 MR. WARD: Please stand, raise your right hand.

4 Do you solemnly swear to tell the whole truth
5 and nothing but the truth, so help you God?

6 MS. CHRISTENSEN: Yes.

7 Okay. He was originally denied for undisclosed
8 arrest history. And on some of the arrests that ended
9 up showing on his fingerprints, my concern was I wasn't
10 sure if there were any felonies, because I do not have
11 the dispositions.

12 ACTING CHAIRMAN NADEAU: Okay.

13 MS. CHRISTENSEN: So that was the reason why he
14 was denied. And, I think, he did disclose one arrest in
15 2007; but he did not give me the charge, just the
16 arrest. And then he had three other arrests that were
17 not disclosed, one being a grand theft charge. And
18 that's where I was not sure if those were felonies or
19 not, because it's not indicated on his fingerprint
20 return if they're felonies.

21 ACTING CHAIRMAN NADEAU: Okay. And what were
22 the other two?

23 MS. CHRISTENSEN: The '07 one was burglary.
24 The 1999 was a spousal domestic violence. And then, I
25 believe, there was two grand theft charges.

1 BOARD MEMBER PUTNAM: And when were those?

2 MS. CHRISTENSEN: That's what I'm getting right
3 here.

4 Looks like 2007. See, it's showing a burglary
5 and then driving under the license suspended.

6 MS. WHATLEY: This is the one.

7 MS. CHRISTENSEN: Then burglary. And the
8 burglary was dismissed. Second charge, grand theft, was
9 convicted in 2007.

10 BOARD MEMBER PUTNAM: Convicted of both
11 burglary and grand theft?

12 MS. CHRISTENSEN: The burglary was dismissed,
13 convicted of --

14 BOARD MEMBER PUTNAM: Grand theft.

15 MS. CHRISTENSEN: Grand.

16 MS. WHATLEY: So it was reduced to a different
17 charge or -- or changed to a different charge.

18 BOARD MEMBER PUTNAM: Okay. And what was the
19 indication of disposition as far as sentence or anything
20 on the '07 grand theft?

21 MS. CHRISTENSEN: It says 24 months probation,
22 work program, looks like three days jail with a
23 suspended sentence. And then, in October 2008, there
24 again, it shows grand theft, no disposition.

25 ACTING CHAIRMAN NADEAU: Mr. Redden, do you

1 have some comments you'd like to make?

2 MR. REDDEN: Yes. The 2007 grand theft is a
3 misdemeanor. As she said, I served three days in jail,
4 two years probation, 24 hours community service and a
5 \$100 fine. And '08, I wasn't arrested at all. I don't
6 know where that's from. But. I don't know what
7 happened '08. That's -- I don't have no excuse for
8 that. I mean, you know, I don't know where that came
9 from, but.

10 BOARD MEMBER ZANE: Try to speak up a little
11 bit.

12 MR. REDDEN: In '08, I don't know. I wasn't
13 arrested or anything in '08, and I don't know where
14 that's coming from.

15 ACTING CHAIRMAN NADEAU: Okay.

16 MR. REDDEN: But as far as '07, I have my
17 misdemeanor granted to me, showing I served time in the
18 institution for it.

19 ACTING CHAIRMAN NADEAU: Any, any questions of
20 the appellant?

21 BOARD MEMBER ZANE: Why did you choose just not
22 to disclose that as part of your arrest history when you
23 did the registration application?

24 MR. REDDEN: When I did the registration, I
25 didn't know. She said it was a grand larceny, burglary.

1 I didn't know it was a burglary. I thought it was
2 possession of stolen property. And I have the
3 memorandum right here. It doesn't say "burglary" on it.
4 It just has the penal code.

5 At the time, I just moved from Los Angeles. I
6 just brought this back from L.A. yesterday. I had no
7 burglary, you know. The paperwork doesn't say
8 "burglary" or anything. It just has the penal code
9 number. I wasn't trying to be evasive right then,
10 because it was an honest mistake. This -- I believe,
11 this lady, she called me. I told her about it. I told
12 her exactly what it was. I told her I was arrested. I
13 told her that. I told her the institution, the time I
14 served.

15 BOARD MEMBER ZANE: But you didn't disclose
16 that originally?

17 MR. REDDEN: Originally, I did.

18 BOARD MEMBER ZANE: You did?

19 MR. REDDEN: Yes, I did. But I didn't know it
20 was burglary. I thought it was possession of stolen
21 property. I thought it was possession of stolen
22 property. But I told her, when she called me, I don't
23 know nothing what it was. But I told her it was a
24 misdemeanor, and I told her I had served three days, and
25 I told her I had paid a restitution fine for it, and I

1 was put on probation. I did let her know.

2 BOARD MEMBER ZANE: So that I understand the
3 date on that, the date that --

4 MR. REDDEN: 8-23-07.

5 BOARD MEMBER ZANE: 8-23-07. So is that the
6 only thing that you didn't disclose, or did you disclose
7 them?

8 MS. CHRISTENSEN: That is the only one he did
9 disclose. He just did not give me an offense on the
10 original application.

11 BOARD MEMBER ZANE: Okay.

12 MS. CHRISTENSEN: But he did say he was
13 arrested in 2007 as a misdemeanor, paid the fine,
14 community service. That's all that was listed.

15 BOARD MEMBER ZANE: Okay. So we have other,
16 other cases that were not disclosed?

17 MS. CHRISTENSEN: Correct.

18 BOARD MEMBER PUTNAM: Domestic violence in '99
19 and grand theft in '08.

20 Sir, I have a question for you.

21 MR. REDDEN: Yes.

22 BOARD MEMBER PUTNAM: With regard to that
23 sentencing in '07, was that a -- were you convicted of a
24 felony?

25 MR. REDDEN: No, sir. It was a misdemeanor.

1 BOARD MEMBER PUTNAM: You got 24 months
2 probation for a misdemeanor?

3 MR. REDDEN: Yes, sir.

4 MS. CHRISTENSEN: That is why I was
5 questioning.

6 BOARD MEMBER PUTNAM: Sir, with regard to the
7 domestic violence thing in '99 --

8 ACTING CHAIRMAN NADEAU: Yeah, we got the
9 paperwork there, too.

10 MS. CHRISTENSEN: I did not get the paperwork.

11 ACTING CHAIRMAN NADEAU: Mark, you're looking
12 at the paperwork on that, the fact that it's been
13 reduced to a misdemeanor?

14 BOARD MEMBER ZANE: Yes, sir.

15 MS. CHRISTENSEN: Okay.

16 ACTING CHAIRMAN NADEAU: And could we get a
17 copy of that, also?

18 MS. GRESNICK-SMITH: I will try. It's going to
19 be the --

20 ACTING CHAIRMAN NADEAU: And, Mark, it did say
21 it was a misdemeanor?

22 BOARD MEMBER ZANE: Yes.

23 ACTING CHAIRMAN NADEAU: Thank you.

24 BOARD MEMBER PUTNAM: Okay.

25 ACTING CHAIRMAN NADEAU: Okay.

1 BOARD MEMBER PUTNAM: Well, sir, with regard to
2 the domestic violence charge in '99, what was that
3 about?

4 MR. REDDEN: The woman I was with, her son was
5 a -- very abusive towards her and towards me, also. And
6 we got into an altercation, and the neighbors called the
7 police. And the police came. And told them what was
8 going on. And they arrested me and her son. They
9 charged me with domestic violence. This was in
10 Los Angeles.

11 BOARD MEMBER PUTNAM: What was the outcome with
12 regard to those charges?

13 MR. REDDEN: They let me out two hours later.
14 Detention, they call it. They called it detention.

15 BOARD MEMBER PUTNAM: All right. But I mean
16 did you go to trial on it; and what was the decision of
17 the court, if you did?

18 MR. REDDEN: No, sir, I didn't go to trial.

19 BOARD MEMBER PUTNAM: You didn't go to trial?

20 MR. REDDEN: No, sir. They detained me for
21 three hours and let me go.

22 BOARD MEMBER PUTNAM: Okay. Thank you.

23 MS. CHRISTENSEN: I think, that goes hand in
24 hand with the disposition on here. It says "Released to
25 hearing officer."

1 ACTING CHAIRMAN NADEAU: Okay. Any other
2 questions, Richard?

3 BOARD MEMBER PUTNAM: No other questions.
4 Thank you.

5 ACTING CHAIRMAN NADEAU: Mark?

6 BOARD MEMBER ZANE: No, sir.

7 ACTING CHAIRMAN NADEAU: Robert?

8 BOARD MEMBER UITHOVEN: No.

9 ACTING CHAIRMAN NADEAU: All right.
10 Mr. Redden, any other comments you'd like to make?

11 MR. REDDEN: Excuse me?

12 ACTING CHAIRMAN NADEAU: I'm sorry?

13 MR. REDDEN: I can't hear you. I'm sorry.

14 ACTING CHAIRMAN NADEAU: Any other comments?

15 Would you like to make any other comments before we --

16 MR. REDDEN: Yes. I've been working security
17 for 11 years now. I made some mistakes, but I'm in good
18 standing in California, and I'm in good standing here in
19 Nevada. And I've just put the past behind me.

20 ACTING CHAIRMAN NADEAU: Okay. Thank you.

21 MR. REDDEN: I regret some things, and one of
22 the things I regret in my life is this.

23 ACTING CHAIRMAN NADEAU: All right. Thank you,
24 sir.

25 All right. I'll entertain a motion.

1 BOARD MEMBER PUTNAM: Mr. Chairman, one thing
2 before a motion.

3 ACTING CHAIRMAN NADEAU: Okay.

4 BOARD MEMBER PUTNAM: I'd like to make it clear
5 that Mr. Redden was scheduled to present his appeal
6 on -- pardon me -- in June. He did not appear. And
7 that at that point, because he hadn't appeared, his
8 application, the denial of the registration was upheld.

9 That's all.

10 ACTING CHAIRMAN NADEAU: Was there a reason why
11 you did not appear in June when you were originally
12 scheduled, Mr. Redden?

13 MR. REDDEN: Yes. In June, I was supposed to
14 be here, I know. I worked a double-shift the night
15 before, and I had -- I forgot. By the time I was
16 reminded of it, it was too late.

17 ACTING CHAIRMAN NADEAU: Okay. Thank you.

18 All right. I'll entertain a motion.

19 BOARD MEMBER ZANE: If this ends up a denial,
20 that would mean it's five years now?

21 ACTING CHAIRMAN NADEAU: No. I think, this
22 would be classified as his first. So it would be a
23 one-year denial. He's just appealing his first denial,
24 which --

25 MS. RAY: Mr. Chairman, I didn't realize it, on

1 the last one; and had I, I might have done the agenda a
2 little differently.

3 ACTING CHAIRMAN NADEAU: If I remember
4 correctly, our counsel's advise at the last one was that
5 if there's some extenuating circumstance, we could
6 reconsider our last action and take -- and resolve that
7 last action and then have a reconsideration.

8 Could we -- and I'll ask legal. Can we
9 reconsider our upholding of the denial from the last
10 meeting? Because, yeah, if this is a double-denial,
11 then it's basically a two-shot for a one-time denial.

12 BOARD MEMBER PUTNAM: Yeah, but it's only one
13 application we're talking about.

14 MR. WARD: And I think you can. I think you
15 can go in as long as you justify your decision and also
16 document what you are doing. In other words, if you
17 denied it last time, you can't then just come back and
18 deny it again right now.

19 ACTING CHAIRMAN NADEAU: Right. It's already
20 been denied. So we have to reconsider our previous --

21 MR. WARD: Correct.

22 ACTING CHAIRMAN NADEAU: -- previous action,
23 then open it up. But. So. So if I'm understanding,
24 then, we can do one of two things. We can either
25 reconsider our last denial, or we can just sustain our

1 last denial and move forward.

2 MR. WARD: Correct, and that would be the
3 proper way to go with it. But if you're going to make a
4 decision on the last denial -- strike that. You made a
5 decision last time to deny it. You cannot deny the same
6 application twice, for a double-denial.

7 ACTING CHAIRMAN NADEAU: Okay.

8 MR. WARD: So, basically, you're saying, "Are
9 we now going to reconsider the evidence before the Board
10 now, now that he has shown up?" And then you could go
11 back and say, "All right. Based on this decision, we
12 are going to review our decision from last time and
13 either deny or overturn it." That's the way it should
14 be approached.

15 ACTING CHAIRMAN NADEAU: But. Okay. But does
16 the -- if the motion's going to be to deny, it doesn't
17 make a whole lot of sense to reconsider our last action.
18 It only makes sense to then -- to affirm our last
19 decision.

20 MR. WARD: Correct, you could do it two ways.

21 ACTING CHAIRMAN NADEAU: Okay. Mark, did you
22 understand that? Robert?

23 BOARD MEMBER UITHOVEN: It sounds like it's an
24 attempt to make sure there's not a double-denial.

25 ACTING CHAIRMAN NADEAU: Correct.

1 MR. WARD: Correct.

2 ACTING CHAIRMAN NADEAU: So the proper -- all
3 right. If we're going to stand by our previous
4 decision, then we just affirm that decision.

5 BOARD MEMBER UITHOVEN: Yes.

6 ACTING CHAIRMAN NADEAU: If there's a
7 possibility that we're going to change that decision,
8 then we have to reconsider our last -- our actions from
9 the last meeting. Right?

10 MR. WARD: Right. That would be the motion.

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

13 ACTING CHAIRMAN NADEAU: Okay.

14 BOARD MEMBER PUTNAM: I move that this Board
15 not consider, not reconsider the action concerning a
16 denial of registration to Carl Redden in June of 2011.

17 ACTING CHAIRMAN NADEAU: Okay. We have a
18 motion not to reconsider the previous denial.

19 MR. WARD: And, Mr. Chairman, that might be
20 beneficial to the applicant. Because now the denial was
21 June, not September. So if he's going to reapply, it
22 looks like it might be from June instead of September.

23 ACTING CHAIRMAN NADEAU: Okay. So, in other
24 words, the totaling on the other one started in June.
25 Where if we did, took the same this time, it would be

1 three months longer?

2 MR. WARD: Correct, if you reconsidered it and
3 then denied it today, it would be a year from today.

4 ACTING CHAIRMAN NADEAU: Okay. So we have a
5 motion. Is there a second to the motion?

6 BOARD MEMBER UITHOVEN: Second.

7 ACTING CHAIRMAN NADEAU: Who made the second?

8 BOARD MEMBER UITHOVEN: Robert.

9 ACTING CHAIRMAN NADEAU: Okay. I couldn't see
10 your lips were moving, Robert. Thank you.

11 All right. So we have a motion not to
12 reconsider our action from the previous meeting. Any
13 discussion on the motion?

14 Hearing none, all in favor, signify by saying
15 "aye."

16 (Board members said "aye.")

17 Opposed?

18 (The Las Vegas teleconferencing connection was
19 lost and then reestablished.)

20 ACTING CHAIRMAN NADEAU: Okay. We had a
21 motion, and we were in the middle of the voting. And so
22 let me just restate the motion, not to reconsider the
23 previous denial. All in favor, signify by saying "aye."

24 (Board members said "aye.")

25 Opposed?

1 All right. Mr. Redden, your denial is still in
2 place. You can reapply a year from this past June.
3 Okay?

4 MR. REDDEN: Okay.

5 ACTING CHAIRMAN NADEAU: You understand?

6 MR. REDDEN: Thank you.

7 ACTING CHAIRMAN NADEAU: All right, sir.

8

9 AGENDA ITEM 21

10 STEVEN BOLICK

11

12 ACTING CHAIRMAN NADEAU: Steven Bolick?

13 BOARD MEMBER ZANE: Steven Bolick?

14 Nobody's responding.

15

16 AGENDA ITEM 23

17 SEDGIE LEE CONERLY

18

19 ACTING CHAIRMAN NADEAU: All right. Sedgie Lee
20 Connery? Conley? Conerly? Conerly?

21 MR. CONERLY: Here.

22 ACTING CHAIRMAN NADEAU: Sedgie Lee Conerly, is
23 it? Yes. Very good. Is that correct, Conerly?

24 MR. CONERLY: Yes, sir.

25 ACTING CHAIRMAN NADEAU: All right. Thank you.

1 Good afternoon Mr. Conerly.

2 MR. CONERLY: Good afternoon.

3 ACTING CHAIRMAN NADEAU: You're aware that you
4 have the ability to either have this as an open hearing
5 or a closed hearing; the choice is yours?

6 MR. CONERLY: Open.

7 ACTING CHAIRMAN NADEAU: Okay. Thank you.

8 BOARD MEMBER ZANE: Mr. Chairman, this is a
9 card issue.

10 ACTING CHAIRMAN NADEAU: I thought it was
11 registration was denied.

12 MS. CHRISTENSEN: No. He's an exemption.

13 ACTING CHAIRMAN NADEAU: Oh.

14 MS. RAY: He was denied based on that, and he's
15 here to apply for an exemption.

16 ACTING CHAIRMAN NADEAU: All right. Sorry,
17 Mr. Conerly. I didn't read my agenda very well.

18 Okay. Then, go ahead and state your case,
19 Mr. Conerly.

20 MR. CONERLY: I currently work for the Nevada
21 Department of Corrections. And due to all the furloughs
22 and the budget cuts, I applied for security, also
23 called chief for our security for just a part-time job
24 to help ends meet. And I was told I have to get a
25 license from the PILB. And I've been waiting a couple

1 months now, and I just got paper -- or I got a paper in
2 the mail stating that I need an exemption letter from my
3 employer. And I have one. I mailed it in. And I've
4 kind of just been waiting.

5 ACTING CHAIRMAN NADEAU: Okay.

6 MS. RAY: You should have that.

7 ACTING CHAIRMAN NADEAU: I'm there.

8 MS. RAY: Okay.

9 ACTING CHAIRMAN NADEAU: Okay. Any questions
10 from the Board, from the south?

11 BOARD MEMBER ZANE: What are your duties as a
12 corrections officer with the Department of Corrections?

13 MR. CONERLY: I monitor inmate movement. I --
14 we use radios. We log in on the computer account. We
15 count inmates. Sometimes we can be put on a
16 transportation run to where you'll take inmates to the
17 hospital. I work out at Indian Springs. And it's
18 basically like security, but inside the prison.

19 BOARD MEMBER ZANE: Do you know your status as
20 a peace officer?

21 MR. CONERLY: Yes, sir.

22 BOARD MEMBER ZANE: What are you?

23 MR. CONERLY: I am a peace officer.

24 BOARD MEMBER ZANE: Do you know what category?

25 MR. CONERLY: Category three.

1 BOARD MEMBER ZANE: Three?

2 MR. CONERLY: Yes, sir.

3 ACTING CHAIRMAN NADEAU: Any other questions?

4 Board Member Putnam?

5 BOARD MEMBER PUTNAM: No, sir.

6 ACTING CHAIRMAN NADEAU: Okay.

7 BOARD MEMBER ZANE: Have you received anything
8 from Wackenhut regarding their awareness of your
9 employment and their agreement that there would be no
10 conflicts or anything of that nature?

11 MR. CONERLY: Nothing in writing. But at the
12 interview, I told them. And he told me that there is a
13 couple of officers that are employed with him as well.
14 So, basically, the only thing that will conflict is if
15 we carry arms. And I told him that my employer said I
16 can't carry arms. So he said that's fine, we'll give
17 you a post to where I don't carry arms. And that was in
18 agreeance with both employers, for Department of
19 Corrections and Wackenhut.

20 BOARD MEMBER PUTNAM: Mr. Chairman, I have a
21 question.

22 ACTING CHAIRMAN NADEAU: Okay.

23 BOARD MEMBER PUTNAM: Working for the
24 Department of Corrections, are you only sworn when
25 you're on the job?

1 MR. CONERLY: Yes, sir. Outside of the prison,
2 I don't have any powers as a peace officer.

3 BOARD MEMBER PUTNAM: All right. Thank you.

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

5 ACTING CHAIRMAN NADEAU: Yes, of course.

6 MS. RAY: I think that we explained at the June
7 Board meeting that as renewals start coming up from the
8 previously issued work cards, we may encounter more and
9 more of these individuals who have second employment,
10 and we might be seeing more of these. So it's
11 consistent with what Mr. Conerly is saying about there
12 might already be a couple of individuals who are already
13 employed by them. And as we encounter them, that you
14 will be seeing them.

15 ACTING CHAIRMAN NADEAU: Okay.

16 BOARD MEMBER PUTNAM: If I may make a general
17 comment, Mr. Chairman.

18 ACTING CHAIRMAN NADEAU: Okay.

19 BOARD MEMBER PUTNAM: I would be much more
20 comfortable if we had some kind of written documentation
21 from Nevada Department of Corrections that they see no
22 conflict of interest or potential for a conflict of
23 interest.

24 MS. RAY: We do.

25 MS. CHRISTENSEN: We do.

1 ACTING CHAIRMAN NADEAU: Well, we have the
2 request for -- you know, we have the request for
3 secondary employment.

4 MS. RAY: Which is signed by the warden.

5 ACTING CHAIRMAN NADEAU: I can't tell who it's
6 signed by.

7 MS. RAY: The warden.

8 ACTING CHAIRMAN NADEAU: Oh, the warden did
9 sign, yeah.

10 BOARD MEMBER PUTNAM: Approval.

11 ACTING CHAIRMAN NADEAU: Robert and Mark, you
12 have it on your computer, correct, a copy of the --

13 BOARD MEMBER UITHOVEN: Yes.

14 MS. WHATLEY: -- approval form?

15 Okay. Any other questions? Richard?

16 BOARD MEMBER PUTNAM: Not from me, sir.

17 ACTING CHAIRMAN NADEAU: Mark?

18 BOARD MEMBER ZANE: No, sir.

19 ACTING CHAIRMAN NADEAU: Robert?

20 BOARD MEMBER UITHOVEN: No.

21 ACTING CHAIRMAN NADEAU: Okay. I'd entertain a
22 motion.

23 BOARD MEMBER PUTNAM: Mr. Chairman, I move that
24 Sedgie Lee Conerly be exempt from denial of registration
25 as outlined in Nevada Administrative Code 648.338.

1 ACTING CHAIRMAN NADEAU: We have a motion for
2 approval of the exemption. Do I have a second?

3 BOARD MEMBER UITHOVEN: Second.

4 BOARD MEMBER ZANE: Second.

5 MS. RAY: Mr. Chairman?

6 ACTING CHAIRMAN NADEAU: Discussion on the
7 motion?

8 MS. RAY: Mr. Chairman, I apologize.

9 ACTING CHAIRMAN NADEAU: Go ahead.

10 MS. RAY: I would just like to -- if we could
11 include in the motion that should any of the particulars
12 change with regard to his current employment or job
13 duties, or anything of that nature change, he may need
14 to come back.

15 ACTING CHAIRMAN NADEAU: Okay. Richard, are
16 you okay with maybe amending your motion to include
17 that?

18 BOARD MEMBER PUTNAM: I'm sorry. I was busy
19 reading something.

20 ACTING CHAIRMAN NADEAU: Okay. Go ahead,
21 repeat it, Mechele.

22 MS. RAY: If we could include in the motion
23 that should any of the specifics with regard to his
24 current position or job duties or changing of employment
25 from one security company to another, any changes, you

1 know, different than what he's requesting here today, he
2 may need to come back and seek an additional exemption.

3 BOARD MEMBER PUTNAM: All right. That's so
4 moved.

5 ACTING CHAIRMAN NADEAU: Okay. Robert, are you
6 okay with that amendment?

7 BOARD MEMBER UITHOVEN: Yes.

8 ACTING CHAIRMAN NADEAU: Okay. So we have a
9 motion to approve the exemption, subject to any changes
10 or in job duties, assignment or anything of that nature,
11 as outlined in the motion. Discussion on the motion?

12 BOARD MEMBER ZANE: Mr. Chairman, may I just
13 have a couple of moments? I got to check, to make sure
14 my mind's clear.

15 ACTING CHAIRMAN NADEAU: Okay. Absolutely.
16 Would you like to -- do you want to take just a brief
17 recess, or are you okay?

18 BOARD MEMBER ZANE: I'm okay.

19 ACTING CHAIRMAN NADEAU: All right.

20 (There was a pause.)

21 BOARD MEMBER ZANE: I'm still of the opinion
22 that we may have a prohibition in the regulation through
23 the definitions of -- established in 289. That is my
24 concern. It's not with the applicant. It's not with
25 the -- what he's requesting. It's just -- and I agree

1 that we're going to probably have some of these things
2 coming in the door.

3 But it seems to me that the intent of the
4 regulation was to put up that wall, and especially as it
5 applies to peace officers, because the regulation in the
6 statute doesn't -- it provides for a particular type of
7 exemption. And, I think, in that exemption, that gives
8 us the latitude to pretty much make our own judgment.
9 But I don't believe that we have the latitude when it
10 comes to somebody that's classified as a peace officer.

11 I'm looking at 289.220. It says "List the
12 director and officers that are designated employees of
13 the Department of Corrections," which specifies their
14 job duties and then indicates that they have peace
15 officer powers.

16 ACTING CHAIRMAN NADEAU: Counsel, do you have
17 any --

18 MR. WARD: We're working on it.

19 ACTING CHAIRMAN NADEAU: Okay. Let's take a
20 five-minute recess.

21 BOARD MEMBER ZANE: Thank you.

22 * * * * *

23 (A break was taken, 3:32 to 3:35 p.m.)

24 * * * * *

25 ACTING CHAIRMAN NADEAU: Mark, I think we have

1 a determination or at least some information from our
2 counsel that I'll go ahead and allow him to present.

3 MR. WARD: Okay. For the record, Harry Ward.
4 I'm Deputy Attorney General.

5 After reviewing NRS 289.220, as well as NAC
6 648.338, I think it is my opinion that the Board has the
7 authority to make a decision based on 648.338 in regards
8 to an exemption under that Nevada Administrative Code.

9 ACTING CHAIRMAN NADEAU: In other words, we can
10 provide the exemption if we show -- if we can make
11 appropriate determination?

12 MR. WARD: Correct, under the code.

13 ACTING CHAIRMAN NADEAU: Okay.

14 MR. WARD: Specifically, probably Section 2.

15 ACTING CHAIRMAN NADEAU: Okay. Does that
16 answer your question, Mark?

17 BOARD MEMBER ZANE: You're saying specifically
18 under Section 2?

19 MR. WARD: Well, under -- no. The whole
20 section. Because it says it with the exception.

21 BOARD MEMBER ZANE: So that I'm clear, there is
22 no restriction as long as the warden finds it
23 appropriate to give a waiver to a peace officer?

24 MR. WARD: Correct.

25 BOARD MEMBER ZANE: Okay. Thank you.

1 ACTING CHAIRMAN NADEAU: Okay. So we have a
2 motion on the floor.

3 MR. WARD: And just to clarify this, as you
4 well know, the position of this Board is to protect the
5 public. And in that consideration, that's what
6 determines and guides you, as well as the Revised
7 Statutes and Administrative Code. Based on your
8 findings, you can do what you can do under that statute.

9 ACTING CHAIRMAN NADEAU: Okay. So we have a
10 motion on the floor. Any additional discussion on the
11 motion?

12 Seeing none, we'll vote on the motion. All in
13 favor, signify by saying "aye."

14 (Board members said "aye.")

15 Opposed?

16 BOARD MEMBER ZANE: No.

17 ACTING CHAIRMAN NADEAU: Robert, I didn't hear
18 your vote.

19 BOARD MEMBER UITHOVEN: Aye.

20 ACTING CHAIRMAN NADEAU: Okay. All right. So
21 it's three to one.

22 All right. Mr. Conerly, you have your
23 exemption. But if you -- if it changes in any fashion,
24 your job changes or anything of that nature, your
25 employer, anything like that, then you need to notify

1 the Board.

2 MR. CONERLY: Yes, sir.

3 ACTING CHAIRMAN NADEAU: All right. Because
4 the exemption only applies to what's going on today.

5 MR. CONERLY: Yes, sir.

6 ACTING CHAIRMAN NADEAU: All right. Thank you,
7 sir.

8 MR. CONERLY: Thank you.

9 ACTING CHAIRMAN NADEAU: All right. Let's move
10 on.

11 MR. CONERLY: Thank you.

12

13 AGENDA ITEM 25

14 SHARRONA DANIEL

15

16 ACTING CHAIRMAN NADEAU: All right. Let's move
17 on to number 25, Sharrona Daniel. Is Sharrona Daniel
18 there?

19 BOARD MEMBER ZANE: Nobody's coming.

20

21 AGENDA ITEM 26

22 TIMOTHY HARVEY

23

24 ACTING CHAIRMAN NADEAU: Okay. How about
25 Timothy Harvey?

1 BOARD MEMBER ZANE: Nobody's here.

2

3 AGENDA ITEM 14

4 DESHAWN HENDERSON

5

6 ACTING CHAIRMAN NADEAU: All right. Has

7 Deshawn Henderson shown up?

8 BOARD MEMBER ZANE: No, sir.

9

10 AGENDA ITEM 16

11 GUADALUPE YBARRA

12

13 ACTING CHAIRMAN NADEAU: How about Guadalupe

14 Ybarra?

15 BOARD MEMBER ZANE: No, sir.

16

17 AGENDA ITEM 21

18 STEVEN BOLICK

19

20 ACTING CHAIRMAN NADEAU: Steven Bolick?

21 BOARD MEMBER ZANE: No, sir.

22 ACTING CHAIRMAN NADEAU: We know Sharrona

23 Daniel is not there and Timothy Harvey is not there. I

24 would expect a --

25 MS. RAY: Mr. Chairman, I have a comment.

1 ACTING CHAIRMAN NADEAU: Yes? See, that's why
2 you're supposed to say it then.

3

4 AGENDA ITEMS 14, 16, 21, 25 AND 26

5 DESHAWN HENDERSON, GUADALUPE YBARRA,

6 STEVEN BOLICK, SHARRONA DANIEL, TIMOTHY HARVEY

7

8 MS. RAY: Deshawn Henderson and Guadalupe
9 Ybarra, we do have proper notification that they were
10 given appropriate notice. However, Steven Bolick,
11 Sharrona Daniel -- and I had a conversation with Timothy
12 Harvey. They -- we did send them a copy of the agenda,
13 but they did not receive an actual certified letter, nor
14 did we have any correspondence that they did receive the
15 agenda. They were put on the agenda at the last minute.
16 So we may want to continue those three. But the other
17 two, that would be up to you, if you wanted to take
18 action.

19 ACTING CHAIRMAN NADEAU: Then, I would accept a
20 motion to continue Steven Bolick, Sharrona Daniel and
21 Timothy Harvey to our next regularly scheduled meeting.

22 BOARD MEMBER PUTNAM: Second.

23 ACTING CHAIRMAN NADEAU: Do we have a motion?

24 BOARD MEMBER PUTNAM: So moved.

25 ACTING CHAIRMAN NADEAU: All right. Do we have

1 a second?

2 BOARD MEMBER UITHOVEN: Second.

3 ACTING CHAIRMAN NADEAU: Okay. So we have a
4 motion and a second to continue number 21, 25, 26 to our
5 next scheduled meeting, based on the continued request
6 for appeal. Discussion on the motion?

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

8 (Board members said "aye.")

9 Opposed?

10 Okay. Then, the pleasure of the Board
11 regarding item number 14, Deshawn Henderson, and item
12 number 16, Guadalupe Ybarra.

13 BOARD MEMBER PUTNAM: Mr. Chairman, I have a
14 motion. I move that the appeal of denial of
15 registration filed by Guadalupe Ybarra and that of
16 Deshawn Henderson, that their denial of registration be
17 upheld based upon their failure to appear.

18 BOARD MEMBER UITHOVEN: Second.

19 ACTING CHAIRMAN NADEAU: I have a motion and a
20 second. The second was Robert?

21 MS. RAY: Yes.

22 BOARD MEMBER UITHOVEN: Yes.

23 ACTING CHAIRMAN NADEAU: Okay. Discussion on
24 the motion?

25 All in favor of the motion, signify by saying

1 "aye."

2 (Board members said "aye.")

3 Opposed?

4

5 AGENDA ITEM 27

6 BOARD COMMENT AND DISCUSSION ONLY

7

8 ACTING CHAIRMAN NADEAU: All right. Madam

9 Executive Director, do you have any additional
10 information that would need to be brought forth at this
11 time?

12 MS. RAY: No, I do not.

13

14 AGENDA ITEM 28

15 FUTURE AGENDA ITEMS

16

17 ACTING CHAIRMAN NADEAU: Item number 28, future
18 agenda items. The pleasure of the Board?

19 Any, Robert?

20 BOARD MEMBER UITHOVEN: I have no future agenda
21 item.

22 ACTING CHAIRMAN NADEAU: Okay. Mark?

23 BOARD MEMBER ZANE: It might fall in line with
24 that. I've got a couple of issues that either could be
25 a future agenda item or just a matter for consideration

1 and discussion at a later meeting. And that would be
2 with regard to our license application process and since
3 we're going to get rounded up with maybe some new
4 regulation and whatnot. I think, we need to expand the
5 background information regarding applicant's spouse and
6 require as much as we can. I understand that the spouse
7 is not the applicant, and we can't require certain
8 things. But if an applicant's spouse would want to,
9 say, sign a release and waiver of information, that we
10 couldn't go into their background, to the extent that
11 the stuff's not available, the public record, but that
12 we could consider the fact that part of our
13 investigation might have been handled by the fact that
14 no paper was received.

15 The other thing was, is if we could formulate
16 the application so that there's more specified
17 information, so that our investigators are spending
18 less time tracking and tracing, rather than just hear
19 about it. So that the amount of information is so
20 specific, the investigation for obtaining verification
21 process instead, and we're not having to spend as much
22 time. It's clearly the responsibility of the applicant
23 to give us as much information as is necessary so that
24 we can adequately make a decision. And the application
25 process, or not the process, but the packet, so that

1 more information is contained, so that we more easily
2 can either verify, or we don't have to spend a lot of
3 time chasing information as we have in the past.

4 Some of these applications have been held over
5 for multiple meetings at a time, based upon our attempt
6 to find information that the applicant should have
7 either given us originally or should have been given to
8 us in a more timely fashion.

9 So I'd like to get that process so that we have
10 that information and, also, give staff the ability to
11 simply reject the application before it ever comes to
12 the Board when there are certain questions that just
13 aren't being answered to the staff.

14 And the other thing, I think, that we need to
15 consider is, and not to go overboard, because some state
16 agencies do go overboard, and that would be to establish
17 some -- some type of rules of practice for these held
18 issues, so that we have information prior to the meeting
19 date that's properly copied and distributed or at least
20 available, so that they can be given out as exhibits on
21 both ends of the state.

22 Since we're in this budgetary crunch, I don't
23 believe that the state is going to cut loose as much
24 travel at any time in the near future. So if we have
25 deadlines and criteria where people have supplied

1 information that they intended to have presented as part
2 of their appellate process, and not necessarily to make
3 them jump through a hoop like they do at the Nevada
4 Transportation Authority or anything like that, where
5 you actually have to petition to practice before the
6 board or things of that nature, but to have some sort of
7 deadlines and information that's available to some
8 applicants, so that we're not having to wait and fax and
9 hold up these meetings, and so that we can have all
10 credible information.

11 Of course, there's going to be those situations
12 where something just has to come in, but if we could
13 make that the exception rather than the rule. And I
14 believe that it would make these run a little bit
15 smoother.

16 ACTING CHAIRMAN NADEAU: Okay. I guess, we can
17 discuss this as an agenda item, as to whether or not
18 through procedures we can, or through our regulations
19 develop procedures for appeal procedures or something of
20 that nature.

21 Is that what you're talking about, Mark?

22 BOARD MEMBER ZANE: Yes.

23 ACTING CHAIRMAN NADEAU: Through regulation, to
24 be able to really identify the steps and process?

25 BOARD MEMBER ZANE: Yeah. And we're going to

1 have this process where we're going to have to, you
2 know, we're going to have tell the Governor what we
3 intend to do and all that kind of stuff. I just bring
4 it up now so it's in the line.

5 ACTING CHAIRMAN NADEAU: Right. Perfect.

6 MS. RAY: And, Mr. Chairman, to comment on
7 Board Member Zane's comment about the application, if I
8 send you a test link -- we just recently revamped our
9 whole application. And it should be live on our website
10 in the very near future. So if I send you a test link,
11 maybe if you had the time to complete it, and then you
12 could provide some feedback on what additional
13 information you'd like to see.

14 BOARD MEMBER ZANE: Thank you.

15 ACTING CHAIRMAN NADEAU: Okay. Anything else,
16 Mark?

17 BOARD MEMBER ZANE: That's enough.

18 ACTING CHAIRMAN NADEAU: Richard?

19 BOARD MEMBER PUTNAM: May I make a motion?

20 ACTING CHAIRMAN NADEAU: Anything to -- no, you
21 can't, not yet. We have to hit item number 29.

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AGENDA ITEM 29

PUBLIC COMMENT AND DISCUSSION ONLY

BOARD MEMBER PUTNAM: All right. Is there any public?

ACTING CHAIRMAN NADEAU: Is there anyone down there for the public to comment?

BOARD MEMBER UITHOVEN: Nobody's here.

BOARD MEMBER ZANE: Whoa, whoa, whoa, whoa, whoa, one last thing.

ACTING CHAIRMAN NADEAU: Well, I want to, I want to make public comment. I am a public. I can speak from the public's perspective.

Okay. Go ahead, Mark.

BOARD MEMBER ZANE: One other thing I forgot to mention. When we were doing minutes, I noticed in the minutes that, of course, if a vote is unanimous, it's pretty much self-explanatory. But I noticed, in going through that, that on occasion we'll have a split vote and it doesn't identify by name who voted opposite the majority.

ACTING CHAIRMAN NADEAU: Okay.

BOARD MEMBER ZANE: So if we could maybe pay particular attention, so that if somebody's reading the minutes, they know what member was the --

1 ACTING CHAIRMAN NADEAU: Okay. I think, we do
2 identify that. I think, they identify it through their
3 minutes. But that's a good point. As far as procedure,
4 that's a good point.

5 BOARD MEMBER ZANE: That's all. Thank you.

6 ACTING CHAIRMAN NADEAU: Okay. And speaking
7 from the public, because it's not an agenda item, so
8 public comment, he left before I could make a comment.
9 But Dave left a little earlier. It's my understanding
10 that he has reapplied.

11 Why don't we do this. Go ahead and make your
12 motion.

13 BOARD MEMBER PUTNAM: Move the meeting be
14 adjourned.

15 ACTING CHAIRMAN NADEAU: Okay. The meeting's
16 adjourned.

17 * * * * *

18 (The meeting adjourned at 3:50 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, September 8, 2011, at 9:00 am., and commencing at 9:00 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 265, 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 13th day of October, 2011.

SHANNON L. TAYLOR
Nevada CCR #322, RMR