

PRIVATE INVESTIGATORS LICENSING BOARD

MINUTES

DECEMBER 7, 2011

MEMBERS PRESENT:

JIM NADEAU: BOARD MEMBER-ACTING BOARD CHAIRMAN (LAS VEGAS)

MARK ZANE: BOARD MEMBER (LAS VEGAS)

RICHARD PUTNAM: BOARD MEMBER

ROBERT UITHOVEN: BOARD MEMBER (LAS VEGAS)

BOARD CHAIRMAN DAVID SPENCER-ABSENT

OTHERS:

MECHELE RAY: EXECUTIVE DIRECTOR (LAS VEGAS)

TAMMY WHATLEY: INVESTIGATOR

HARRY WARD: BOARD COUNSEL

BRANDI KING: INVESTIGATIVE ASSISTANT

KIMBERLY CHRISTENSEN: ADMINISTRATIVE ASSISTANT

Acting Board Chairman Nadeau opened the meeting. Executive Director Ray performed the roll call. David Spencer, Board Chairman was absent.

APPROVAL OF MINUTES:

Board member Putnam moved to approve the minutes for the September 7, 2011, and the transcript for the September 8, 2011. Board member Uithoven seconded the motion, which passed.

FINANCIAL REPORT:

Executive Director Ray provided a copy of the current financial report with the current collections and the current expenditures through November 2011. Executive Director Ray told the Board there was a current investigator vacancy.

SWEARING IN:

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

REPORT FROM STAFF:

Executive Director Ray reviewed for the board the pending complaints, completed complaints, pending backgrounds, notice of violations, cease and desist letters sent, number of complaints received on licensees, number of general complaints, number of applications received, number of background investigations completed, authority granted to work in Nevada pursuant to NAC 648.280, notice of violations, citations issued by staff and citations referred to collection. Additional information was provided to the Board on reported information to the Legislative Counsel Bureau. She also provided a copy of the biennial audit that had been completed through June 30, 2011. Executive Director Ray provided the Board a report that was provided to the Legislative Counsel Bureau as per the Assembly bill that required all Boards and Commissions to list all their fees, assets, cash available for April 1, 2011 through June 30, 2011 for the previous fiscal year and then July 1, 2011 through September 30, 2011 for the first quarter of 2012. Executive Director Ray introduced the Private Investigator's Licensing Board staff for North and South. Board member Zane asked what the process was for collections. Executive Director Ray told the board that she had been required to report the information to the State of Nevada, Controller's office and they did the collections. Any monies collected on behalf of the Private Investigator's Licensing Board goes directly to the general fund. Board member Zane questioned Board Counsel Ward on the jurisdiction of criminal violations and prosecutions versus administrative fines. Board Counsel Ward told the Board that the local District Attorney's office would have the criminal prosecution jurisdiction however the Board would have the administrative violation end. He told the board there would not be a double jeopardy since one had been criminal and one administrative.

PUBLIC COMMENT:

Acting Board Chairman Nadeau explained there would be public comment before and at the end of the meetings. There was no public comment.

Acting Board Chairman Nadeau asked if the Board wanted any of the Consent items to be pulled. Board Member Zane requested items 7 and 8 to be pulled. Acting Board Chairman requested that item number 18 and 21 be added as a consent item.

9. Pio Kasiano, License #1661 is requesting a change in licensing status. TPSS, Inc., from Seal Beach, California is applying for a corporate Private Patrolman license. Pio Kasiano is requesting that his individual Private Patrolman license be

placed into abeyance so that he may become the qualifying agent for TPSS, Inc. This is subject to all statutory and regulatory requirements.

10. Bruce Gates., dba Bruce Gates Investigations License #1113 is requesting a change in licensing status. Mr. Gates requests that his individual Private Investigator license be re-activated. This is subject to all statutory and regulatory requirements.

11. Syed Hussain., License #1655 is applying for a change in licensing status. Avalon Security, Inc. is applying for a corporate Private Patrolman license. Mr. Hussain is requesting that his individual private patrolman license be transferred to that of a qualifying agent and if approved asks that his individual Private Patrolman license be placed into abeyance. Corporate officer to be approved is Arjun Gill. This is subject to all statutory and regulatory requirements.

12. Biometrica Systems, Inc, License #1295 is requesting to change their corporate name to Biometrica Systems LLC. Lisa Povill is requesting qualifying agent status. This is subject to all statutory and regulatory requirements.

18. ** AppFolio, Inc is applying for a corporate Private Investigator license. Bruce Haskett is requesting to place his individual Private Investigator license into abeyance so that he may become the qualifying agent for AppFolio, Inc. Corporate officers to be approved are Brian Donahoo, David Lafitte and Karen Plattt. This is subject to all statutory and regulatory requirements.

21. ** Scott Bakken from Las Vegas, Nevada is applying for an individual Private Investigator License. This is subject to all statutory and regulatory requirements.

Consent items 9 through 12 and items 18 and 21 were approved by Board Member Uithoven. Board Member Putnam seconded the motion which passed.

7. Don Burse, License #756 requested a change in licensing status. Mr. Burse requested that his individual Private Patrolman license be removed from abeyance and become active. Mr. Burse explained to the Board that he had requested his Private Patrolman license be removed from abeyance and become active so he may work for First Security. Board Member Zane asked Mr. Burse about the federal tax liens. Mr. Burse provided the Board with a copy of the release. Mr. Burse told the board they had the release due to an offer and compromise. Mr. Burse thought it would be accepted. Board member Zane questioned Mr. Burse on previously filed Employment Security Claims. Mr. Burse stated that he had not handled those employee matters however had addressed them and they are being taken care of. Board member Zane asked him about pointing a firearm issue. Mr. Burse explained to the Board that he and an ex-finance had had a disagreement and that the object in his hand had been a radio not a firearm and that charges had been dismissed and he was no longer with that person, he told the board he was married to a different woman. Board member Putnam asked Mr. Burse that while he was under oath, had he aimed a firearm at that person. Mr. Burse stated no. Board member Putnam felt

that Mr. Bruse should attend every board meeting for one year. Board member Zane moved to approve that Mr. Bruse individual Private Patrolman license be removed from abeyance with the restriction that he be held in probationary status for one year. Board member Uithoven seconded the motion which passed unanimously.

8. Lexis Nexis Risk Solutions, Inc., License #1168, Lexis Nexis Screening Solutions, Inc., #1377 and Lexis Nexis Risk Data Retrieval Services, LLC, License #1409 requested a corporate officer/member approval for Meredith Sidewater. Board member Zane said he requested this item be pulled for two reasons. He disclosed that his company does use Lexis Nexis services. Board member Zane stated that when companies requested an officer change the companies should provide the Board a statement on the history of litigation and how they operate. Board member Zane moved for Lexis Nexis Risk Solutions Inc., and Lexis Nexis Risk Data Retrieval Services, LLC., corporate officer/member approval for Meredith Sidewater be continued for further investigation and for them to provide information on their history, litigation history, and how they operate. Board member Putnam seconded the motion which passed unanimously.

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

Covenant Security Services, Ltd., dba CSS Security Services, Ltd, requested approval for Dominic Ferrara to become the qualifying agent and if approved Mr. Ferrara requested that his individual Private Patrolman license be placed into abeyance. Corporate officers to be approved are Melinda Jacobson and Louis Rascia. Executive Director Ray told the Board that Mr. Ferrara would not be able to attend. Mr. Ferrara had requested this be continued until the next Board meeting. Acting Chairman Nadeau made the motion to continue this item to the March meeting. Board member Uithoven seconded the motion which passed unanimously.

PRA Location Services LLC, dba IGS Nevada, License #1444, requested an extension by the Board to continue to operate until the next regularly scheduled meeting in order for a qualifying agent to be approved by the Board. Mr. Joe Hardy introduced himself and Mr. Mark Cameron to the Board. Mr. Hardy told the Board that PRA Location Services LLC for several years, was a wholly owned company and the prior qualifying agent, Jim Sneed was no longer with the company, there had been issues with Ms. Natasha Lovelace application at the last Board meeting and the application had since been withdrawn. Mr. Hardy told the Board that a new application had been submitted for Mr. Chris Uhles and that was the reason for the requested extension. Board member Putnam requested that this would be PRA's last extension. Board member Zane made the motion that PRA Location Services LLC be granted the extension so long as they continued to stay in contact with Executive Director Ray. Board member Uithoven seconded the motion which passed unanimously.

PRA Location Services LLC, dba IGS Nevada, License #1444, applied for a corporate Private Investigator license. Mark Cameron requested to be granted qualifying agent status. Mr. Cameron also asked for an individual Private Investigator license to be granted and placed into abeyance. Mr. Joe Hardy told the Board that this had been continued from the last meeting and there had not been any issues with Mr. Cameron's application. Board member Zane asked Mr. Cameron about the Chapter 7 bankruptcy filing. Mr. Cameron told the Board that had been resolved in December 2010. Board member Zane asked Mr. Cameron about his affiliation with the company ACI Security and Investment Company. Mr. Cameron told the Board it was a consulting company that had been established in 2007 in California. He said the license was expired. Board member Zane asked if ACI Security and Investment Company was a Nevada company. Mr. Cameron said yes. Board member Zane asked if the business had been issued a license by the Private Investigator's Licensee Board. Mr. Cameron stated no it had licenses through the State and City of Henderson, and the company never operated as a Private Investigations company. It had been consulting and loss prevention type work. Board member Zane asked about the Federal Tax ID number and tax returns fro ACI. Mr. Cameron told the Board that he filed the taxes under personal taxes. He said the company would investigate employee theft, review procedures, operational type work. Mr. Cameron told the Board that he had made less than a few thousand dollars from the company, and that the 401K had been liquidated and reported. Board member Zane asked if Mr. Cameron had considered the activities unlicensed activity when he had filled out the application. Mr. Cameron stated he had not performed any unlicensed activity and had always been licensed with the State. Mr. Cameron told the Board that ACI Security is just a name, not a private patrolman security or private investigator company. Board member Zane asked about the sixty thousand dollars in the bank but Mr. Cameron had filed bankruptcy. Mr. Cameron told the Board that had been from a 401K and a bonus he had received. Board member Zane questioned him whether the supervisor listed was a registered employee. Mr. Cameron said he did not know. Board member Zane questioned what had changed with the company that Mr. Cameron had applied for the Private Investigator's license. Mr. Cameron told the Board that he understood that Mr. Sneed had had one and the company wanted to make sure they were in compliance. Board member Zane stated he had a common concern with PRA as it appeared to have reasonably heavy litigation; a lot of investigations would be in collections, the size and scope of the company, the flow of how the company operates. He felt they were similar to with the same issue as Lexis Nexis. Mr. Hardy told the Board he was not familiar with the litigation however; PRA Location Services LLC was wholly owned subsidiary of Portfolio Recovery Association who was the publicly traded company. Acting Chairman Nadeau questioned Mr. Hardy on the structure of the company. Mr. Hardy told the Board he did not know but he could check and provide the information. Mike Kirkland had a comment from the public. Mr. Kirkland told the Board it appeared they been performing security consulting without a license and that had been unlicensed activity. He said the Board needed to investigate and probably cite them and deny the application for licensure. Board member Zane moved that license application for PRA Location

Services LLC and Mr. Mark Cameron's application for Mark Cameron, qualifying agent be postponed pending further investigation of the corporate application and unlicensed activity of the qualifying agent applicant. Board member Putnam seconded the motion which passed unanimously.

PRIVATE INVESTIGATOR

Las Vegas Investigations Inc., applied for a corporate Private Investigator license. Phillip Roszelle was requesting to place his individual Private Investigator license into abeyance so that he may become the qualifying agent for Las Vegas Investigations, Inc. Corporate officer to be approved was Phillip Roszelle. Mr. Roszelle told the Board he had been in Las Vegas for 18 years and was requesting a Private Investigator's License. Board member Putnam said the investigation had only been able to certify 6,033 hours and the requirement was five years and 10,000 hours. Mr. Roszelle explained that Investigator Ferrara tried to establish the employment history with Allstate and had been unable to do so. Mr. Roszelle provided the Board with a letter he had since obtained that stated seven years of experience. Acting Chairman Nadeau asked Investigator Ferrara if he had been able to verify the experience. Investigator Ferrara said the dates coincided however the person who signed the letter had not able to verify over the phone. He needed to verify with his secretary. Mr. Roszelle told the Board he also had a Process Server license and those hours had been verified in 2008. Acting Chairman Nadeau asked Mr. Roszelle how he had received the letter. He said by fax. Board member Zane motioned that Las Vegas Investigations Inc. corporate Private Investigator license and Phillip Roszelle's request for corporate officer be postponed until confirmation of investigative hours. Board member Putnam seconded the motion which passed unanimously.

Integrity Support Services, Inc., dba Employment Screening Resources, applied for a corporate Private Investigator license. James Crockett requested an individual Private Investigator license to be placed into abeyance so that he may become the qualifying agent for Integrity Support Services, Inc., dba Employment Screening Resources. Corporate officer to be approved was Lester Rosen. Mr. Crockett told the Board that he had eleven years with the company. He started as a Marketing person, had been promoted to operations and screening where he had done criminal record checks, address verifications then moved into management where he trained all new employees on investigations. His current job was Director of Operations and recently Vice President of Operations. Board member Putnam asked Mr. Crockett if he had performed unlicensed activity. Mr. Crockett stated yes. Board member Putnam questioned Mr. Crockett on what he had done with his old clients since he had not taken on new clients without the proper licensee. Mr. Crockett told the Board he had referred the clients to a different company and posted on their website that they could not service their business. Board member Putnam asked Mr. Crockett if they had ever been cited for unlicensed activity. Mr. Crockett stated no. Board member Putnam suggested the applicant should be cited for the unlicensed activity and all fines satisfied before approved. Acting Chairman Nadeau asked

Mr. Crockett about the comment from Mr. Rosen with regard to being allowed to continue doing business as long as the application had been submitted. Mr. Crockett told the Board the new President that had been hired thought they could operate as long as the application had been submitted and that Mr. Crockett had not verified that.

Peter Maheu commented that at face value the applicant should find out what the licensing requirements are and they should be cited and fines paid. Board member Putnam moved to approve a corporate Private Investigators license for Integrity Support Services, Inc dba Employment Screening Resources and that James Crockett be granted an individual Private Investigator's license to be placed into abeyance so that he may become the qualifying agent for Integrity Support Services Inc., that Lester Rosen be approved as the corporate officer and that they be cited for unlicensed activity and all fines paid before a license is granted. Board member Uithoven seconded the motion. Board member Zane said he could not support the motion. He thought a determination should be made into whether it should be a violation or purposeful deceit. He commented that even if it had been a mistake it was still a violation. Board member Uithoven and Board member Putnam withdrew their motions. Board member Zane motioned for a postponement and requested staff to do a further investigation and determination of unlicensed activity. Board member Putnam seconded the motion which passed unanimously.

The Screening Pros LLC., applied for a corporate Private Investigator license. Gary Glucroft requested that his individual Private Investigator license be placed into abeyance so that he may become the qualifying agent for the Screening Pros LLC. Member to be approved was Gary Glucroft. Mr. Glucroft told the Board he had been in the applicant screening business since 1996. He started working for UD Registry from 1996 until 2002. He stated that he started Screening Pros in 2005 but had not marketed services in Nevada. Mr. Glucroft told the board that a property management company from Orange County CA had started using them in Nevada and that had been when the issues had come up. He said they had been fined and subsequently all fines had been paid. Mr. Glucroft told the Board that at the September meeting, the Board had concerns with his experience and hours. Mr. Glucroft felt confident those issues had been resolved. Board member Putnam commented that the issues had been resolved and Acting Chairman Nadeau verified that with Investigator Ferraro and Executive Director Ray. Board member Zane moved to approve a corporate Private Investigator license for The Screening Pros LLC, qualifying agent status for Gary Glucroft and an individual Private Investigator license for Mr. Glucroft to be placed into abeyance. Member approved was Gary Glucroft. Board member Uithoven seconded the motion which passed unanimously.

Linda Mohen applied for an individual Private Investigator License. Ms. Mohen told the Board she would put her individual Private Investigator license into abeyance so that she could continue to work for Numark. She introduced Scott McLead-Qualifying Agent and Mr. Macklin. She told the Board she started work in 2005 for Mr. Frank Richardson doing record retrieval. She had worked for Charak Investigations. Mr. Charak had taught her surveillance, photography

and observation. Mr. Charak had become ill and referred Ms. Mohen to Numark where she had been for the last year and a half. She also had done skip tracing. Mr. Fava had taught her his way of surveillance. Mr. McLead spoke highly of Ms. Mohen. He told the Board she was a great person and investigator. They were very pleased she was with the company. Board member Zane disclosed he had done work for and with Numark but there was not a conflict. Acting Chairman Nadeau asked Investigator Ferrara if there had been any issues. Investigator Ferrara told the Board there had not been. Board member Putnam moved to approve Linda Mohen an individual Private Investigator License to be placed into abeyance. Board member Uithoven seconded the motion which passed unanimously.

PRIVATE INVESTIGATOR AND PRIVATE PATROLMAN

Richard Klein applied for an individual Private Investigator and Private Patrolman license. Mr. Klein had been with Las Vegas Metropolitan Police Department and a resident of Las Vegas for forty years. He told the Board he had six years with SWAT, Secret Service experience and had done protection duty for many dignitaries in the State. Acting Chairman Nadeau asked Mr. Klein about his employment with the police department. Mr. Klein stated that if he was approved for the licenses he would resign from the police department effective January 3, 2012 due to prior commitments for New Years Eve duty. Executive Director Ray said there would not be any issues if he were approved. Board member Zane moved to approve Richard Klein for an individual Private Investigator and a Private Patrolman license. Board member Uithoven seconded the motion which passed unanimously.

PRIVATE PATROLMAN

Whelan Security of California, Inc., applied for a corporate Private Patrolman license. Christopher Lether requested that his qualifying agent status be transferred from Pinkerton Government Services, Inc., License #1297 to Whelan Security of California, Inc. Corporate officers to be approved are Daniel Twardowski, Gregory Twardowski and Patrick Twardowski. Mr. Lether told the board he had been in the private security business for twenty years. He worked for several different national companies. He had done management and regional management work. Board member Zane moved to approve a corporate Private Patrolman license for Whelan Security of California Inc, qualifying agent status for Christopher Lether to be transferred from Pinkerton Government Services Inc to Whelan Security of California, Inc. Corporate officers approved were Daniel Twardowski, Gregory Twardowski and Patrick Twardowski. Board member Uithoven seconded the motion which passed unanimously.

Unified Protective Services, Inc., applied for a corporate Private Patrolman license. Sheriff Antoon requested that his individual Private Patrolman license be placed into abeyance so that he may become the qualifying agent for Unified Protective Services, Inc. Corporate officer to be approved is Sheriff Antoon. Mr.

Antoon told the Board that he had been a graduate of Northridge College; he had worked as a physical education teacher, had been in Nevada since 1995, had worked as a guard since 2000 and been in security ever since. Board member Zane moved to approve a corporate Private Patrolman license for Unified Protective Services Inc., qualifying agent for Sheriff Antoon and an individual Private Patrolman license to be placed into abeyance. Corporate officer approved was Sheriff Antoon. Board member Uithoven seconded the motion which passed unanimously.

Phoenix Security LLC., applied for a corporate Private Patrolman license. Michael Durham requested an individual Private Patrolman license be granted and placed into abeyance so that he may become the qualifying agent for Phoenix Security LLC. Member to be approved was Michael Durham. Mr. Durham told the Board that he wanted to discuss the citations. Board member Zane asked Mr. Durham if that had been his third time before the Board regarding the citations. Mr. Durham told the Board it was and that another citation had been issued November 5, 2011 for an event that took place on 6th Street in Las Vegas. He had been shocked and surprised by the citation. Mr. Durham stated that the first citation had been for advertising and the second citation had been paid after the last board meeting; however he never had an explanation from the Board. Acting Chairman Nadeau explained that it would be inappropriate for the Board to have a discussion on the third citation and the only issue that was before them would be the two previous citations and the license. Board Counsel Ward agreed with Acting Chairman Nadeau. Executive Director Ray explained there had not been time to put Mr. Durham's appeal on the agenda. Mr. Durham felt the decision was bias and unfair to keep postponing. Board member Zane asked if Mr. Durham's defense would be the same as the first citation. Mr. Durham told the board that it would be. They had not performed any work, only advertising. Board member Zane stated that a full examination and determination needed to be provided. Mr. Durham told the Board that he had received a phone call from others and that Investigator Whatley had told him a third citation would be possible. Mr. Durham felt he had continually been investigated and this had drained his finances and family. He felt the evidence he had would settle the matter. Acting Chairman Nadeau told Mr. Durham that he could not lose money he did not have due to the fact that he had not been licensed and had not been conducting business it would be unlicensed activity. Mr. Durham told the Board that it had been offensive to him, that he had always been law enforcement dedicated, worked overseas. He told the Board he had information that it was another company not his and he wanted to move forward with the license. Board member Putnam asked for clarification that there had been three unlicensed activity citations issued and he had appealed the first citation. Acting Chairman Nadeau stated that had been the case. Board member Zane said a possible postponement so that he may work with Investigator Whatley may be possible. Investigator Whatley told the Board that she would be fully prepared for discussion at the March 2012 board meeting provided that Mr. Durham put the appeal in writing. Board member Putnam motioned for postponement until the pending citation is adjudicated by the Board. Board member Uithoven seconded the motion.

Acting Chairman Nadeau opened for discussion that the Board could either postpone or deny based on the two citations. He understood the applicant's frustration. Board member Putnam told the Board he would withdraw his motion if Board member Uithoven would withdraw his second. Board member Uithoven would not withdraw the second. The motion was to postpone pending adjudication of the pending citation by the Board. Vote was 3 to 1 with Board member Putnam opposed. Mr. Durham told the Board the decision would place a financial issue on him due to the fact that he lived in Texas and would need to travel. Acting Chairman Nadeau explained that the board was bound by the law and appropriate notice must be made and time for witnesses to be presented in the case.

Dario Rivas dba One Stop Security applied for an individual Private Patrolman license. Mr. Rivas told the Board he had been in security for quite sometime. He had many years in the security field. Mr. Rivas said he had been a field security supervisor, special events, operations management. He had handled special events for companies and he was seeking a Private Patrolman license. Board member Zane asked Mr. Rivas about the bankruptcy that had been filed in 2004. Mr. Rivas told the Board he had made some mistakes and co signed on auto loans for family members who had stopped paying and he had to file for bankruptcy. Mr. Rivas provided the Board with documents that proved the bankruptcy had been discharged. Board member Zane moved to approve Dario Rivas dba One Stop Security an individual Private Patrolman license. Board member Uithoven seconded the motion which passed unanimously.

Face To Face Legal L.L.C. applied for corporate Process Server license. Alyssa Rakowsky requested an individual Process Server license to be granted and placed into abeyance so that she may become the qualifying agent for Face to Face Legal L.L.C. Member to be approved is Alyssa Rakowsky. Ms. Rakowsky had requested a closed door session. Acting Chairman Nadeau read the pertinent section of NRS 241.033 for the record. Board member Putnam motioned to go into a closed session. Board member Uithoven seconded the motion and it passed unanimously. Session opened for discussion and motion. Board member Zane made the motion that Face to Face Legal L.L.C, corporate Process Server license and Alyssa Rakowsky's individual Process Server license, with Alyssa Rakowsky as qualifying agent for Face to Face Legal L.L.C and member Alyssa Rakowsky be denied. Board member Putnam seconded the motion which passed unanimously.

ADMINISTRATIVE BUSINESS

Drew Corry with All American Security Corporation requested an extension to continue to operate their Private Patrolman license until the next regularly scheduled meeting in order for a qualifying agent to be approved by the Board.

Mr. Corry told the Board that All American Security Corporation had been in business since 2005 and the previous qualifying agent had passed away in 2010. Mr. Corry asked for an extension so that they could get a new qualifying agent approved. Mr. Corry told the Board that he would also apply and put the license in abeyance. Acting Chairman Nadeau asked Mr. Corry about the delay in the notification to the board. Mr. Corry told the Board that they were a corporation in Utah and the process in Utah is different. They took one step at a time. Executive Director Ray told the Board that Mr. Kelly should have been there for the issue however he was to take the test in January and appear before the board in March. Board member Zane questioned if there had been any audit issues. Executive Director Ray stated that everything had been worked out. Board member Zane motioned to grant All American Security Corporation an extension until the next meeting as long as they remained in communication with Executive Director Ray. Board member Uithoven seconded the motion which passed unanimously.

NSPI requested that they receive a summary report of all complaints received in PILB office. Mr. Peter Maheu addressed the Board. He told the Board they would like to be able to look at complaints that are adjudicated by the board. They felt as an association it should be easy access for the public and the way that the website was, it was very difficult to find out information and to protect the citizens. Mr. Maheu told the board the website should be more like the real estate division, bar association and the courts. His priority would be discipline actions on Private Investigators. Board member Uithoven' agreed with Mr. Maheu. Executive Director Ray stated that the Board had been advised that the complaints are confidential unless they came before the Board. Mr. Maheu disagreed. He said that as soon as a complaint was adjudicated it should be accessible on the website. Executive Director Ray said that her and legal counsel had not discussed the issue. Board Counsel Ward told Mr. Maheu that there are minutes and agendas on the website the public could access to find information on a complaint and adjudications. Board Counsel Ward told members he would review with Executive Director Ray what would be public record. Board Counsel Ward reiterated what Mr. Maheu wanted was what would be deemed public record. Mr. Maheu said that was part of what they were requesting, but the adjudicated complaints were not available and that is what they requested. Board Counsel Ward told Mr. Maheu that was a gray area and they would need to verify if that could be divulged. Acting Chairman Nadeau asked Mr. Maheu if he was looking for a central repository for information. Mr. Maheu told the Board that if someone was coming from out of state and wanted to check on a license, they should be able to see if there had been any disciplinary action. Executive Director Ray told the members there should be a link to the final order. Acting Chairman Nadeau agreed and said that they should see what can be done. Board member Zane motioned for Executive Director Ray and Board Counsel to discuss and provide as much information on the website that could be legally released and for staff to facilitate through the website. Board member Uithoven seconded which passed unanimously.

Mr. Richard Schneider's proposed Canine handler certification program for Canine Licensing Applicants. Approve Richard Schneider as a representative of the Board for testing and certification for Canine Handler applicants. Discussion and possible action for requirements for a possible written agreement. Acting Chairman Nadeau asked Mr. Schneider to explain what he was proposing. Mr. Schneider told the Board that Martin and Ross had approached him to develop a K9 program after researching and discussion with the staff, he found out that Nevada did not have a set of standards for the K9 Unit. He asked the Board to allow him to develop the standards for K9 training and handling to have included the testing and certification within the State. Board member Zane asked if law enforcement would be exempt. Executive Director Ray told the Board that law enforcement would be exempt; it would be for contracted K9 license applicants. She explained to the Board that there are very few applicants. Acting Chairman Nadeau asked legal counsel if the board adopted the curriculum would they be required to hold workshops. Board Counsel Ward told the Board that if they are making changes to the NAC then yes if they were going to adopt the proposal then he did not believe so. Executive Director Ray told the Board that Mr. Schneider's proposal would reflect changes in the NAC specific to the testing criteria so if the Board did decide to consider the regulatory and statute changes, they would need to go through the normal process. Acting Chairman Nadeau asked if a RFP would be needed. Executive Director Ray did not believe so because Mr. Schneider had not requested monetary benefit. Mr. Schneider told the board that it did not matter if it was him doing the testing or someone else, he had looked at it from a liability aspect and the standard would be set for the entire state. He told the Board this was only a draft and they would like a standard to protect the companies. He told the board that Nevada would be one of the few states that would have the standards. Mike Kirkman told the Board that to create a standard they needed to consider going through the process and hold meetings for the public to participate and make the changes to the NAC the correct way. Acting Chairman Nadeau questioned if the handler was certified would that satisfy our statute. Mr. Schneider told the Board he disagreed. The certification would be done as a team if a new dog were to be placed with a handler, then they would need to be recertified or it could become a liability. Board Counsel Ward agreed that would be a NAC and statute change. Discussion continued on the certification of the handler and the dog and who would have the liability. Mr. Schneider told the Board he felt there would be a liability if they only certified the handler and not the dog and handler as a team. Board member Zane asked if it would be a statute change. Board Counsel Ward said yes however there was the freeze on statutory changes. Board member Zane asked about the private patrolman testing and the protection of the state. Executive Director Ray said there had been minimal training in the past and as a result there now was the 22 question test. Comments from the public said that the Board had already set a precedent with the Certified Firearms Instructor Certification and workshops needed to be held. Discussion among the Board members with regard to the changing of the statute, then the regulation then set the standard. It would be two and half years before it could be changed. Executive Director Ray told the

Board that there currently was someone who applied for a K9 license. She told the Board that Metro had previously done the training but she was not sure if there was a MOU with Metro and that the board had a duty to do this. Terrell Farranto with Martin and Ross told the Board that they were looking at the performance of the team to minimize the liability for the State. Board member Zane said that the first thing needed would for legal counsel to determine if we have some liability on the current process; if we had legal authority to move forward with the testing criteria; that we do not get involved in the certification, then let the staff proceed. Staff will work with legal counsel. No action taken.

Discussion and approval of a criteria for denial of registration made available on website and to applicants and licensees. Executive Director Ray handed out a draft and told the Board that this was twofold and she had been trying to get something concrete for the registration and the licensees as far as the criteria on the website for denials. She was not sure if that type of document would alleviate the concerns, but Mr. Rickie Nicholas, license number 875 was there to address the Board. Mr. Nicholas told the Board that if a licensee knew the reason for the denials, it would help with the unemployment benefits. The way the system is now, if the Board denied, revoked or suspended the work card, the licensee had to terminate them and they could obtain unemployment benefits. Mr. Nicholas would not know why the board denied, revoked or suspended the work card, only that the employee had done nothing wrong on the job. He felt that if he knew why the work card had been denied he could then go to the Employment Security Division hearing; tell them the applicant had falsified his application. He told the Board that the old system with Metro required the applicant to go back to the licensee and reassign the work card application so the licensee knew the applicant had something in their background they had not disclosed. He said that as an employer or licensee, he would only want the convictions not necessarily the arrests. He told the Board that Executive Director Ray had explained why the information could not be released however he felt something like a signed release from the applicant would help. Board member Zane asked if Mr. Nicholas had ever been through the employment security hearing process. Mr. Nicholas stated he had been and had lost one appeal. Board Counsel Ward told the members that they would have to consider what would be public record. Board member Zane was concerned with some of the wording of ever been convicted and have you ever had a record sealed. Discussion turned to different ways to ask certain questions of the applicant that pertained to sealed, expunged, pardon records. Executive Director Ray told the Board that staff asked for court documentation. It was suggested to check with the Gaming Control Board on there procedures. Mr. Nicholas told the Board that the NRS is straight forward regarding no felony convictions. Board Counsel Ward told the Board even if the records are sealed or the applicant is pardoned, a felony conviction is a felony conviction. Board members reviewed the draft that was provided to them. The Board discussed moral turpitude, military disqualifiers, and examples of misdemeanors as related to the draft that had been provided.

Review of proposed "Rules of Practice". Discussion, suggestion and possible action to approve rules of practice. Executive Director Ray told the Board that

at a previous board meeting, Board member Zane had made a suggestion for a document of Rules of Practice. She gave the Board a draft. Acting Chairman Nadeau stated he had some concerns on the comments before and after also on the specific time to convene on the draft. This was moved to the March agenda.

Discussion and review of draft report to be submitted to Governor's office December 31, 2011. Executive Director Ray provided the draft to the Board. At the last board meeting, Board member Putnam had told the Board he would review the Polygraph Examiners and Examinations part. After some discussion, Board member Zane motioned to move the agenda item to Thursday's board meeting. Board member Uithoven seconded which passed unanimously.

Discussion and direction to staff with regard to Forensic Investigations, Computer Forensic Investigations, Financial Forensic Investigations, Accounting Investigations and other similarly situated businesses and the requirement for licensing. Executive Director Ray told the Board that staff needed direction for the different types of investigations. Historically data recovery was not required to be licensed as a Private Investigator; however what they did with the information after that is a struggle for staff. There are different things involved. She told the Board that a licensee had gone before the legislature and had a lot of opposition from these types of business. Do we have jurisdiction on complaints? Would it be a case by case issue. The companies that did accounting investigations had an applicability if they held a Nevada certificate from the Board of Accountancy then they had an exemption. If they are from out of state then she sends a letter that they are required to obtain a license. Acting Chairman Nadeau told the Board that he felt a case by case action would be the right direction.

Discussion and approval to conduct workshop (s) to amend NRS 648. Executive Director Ray told the Board that Board member Zane had requested this item. Board member Zane told the Board that things needed to get started with workshops so that we could have public input of what needed to be changed. He would like the ability to have workshops for all categories of licenses. Board member Zane told the Board they did not have the time to support or oppose a particular bill. Mr. Maheu told the Board that five years ago they proposed an amendment to 648. There had been a committee of seven or eight people who reviewed 648. The Board took a neutral stance and when the bill sponsor took it to the legislature; they were asked what the Board's position was. The legislature was told that the Board was neither for nor against. Mr. Maheu told the Board they would again be happy to serve on a workshop or re-preparations of a bill draft. They already had a working start. A representative from each industry was present to participate in the working of the document. Acting Chairman Nadeau suggested that staff designate a time with the next board meeting for all interested in amending 648 to attend a workshop. Executive Director Ray agreed and thought it would be a good idea to have board members present. Acting Chairman Nadeau questioned if September 2012 was the

deadline for submitting bills. Board Counsel Ward stated he thought September 2012 was the deadline. Executive Director Ray told the Board that she had individuals who had been giving her suggestions and asked if the Board would support the bills. Mr. Maheu asked the Board if they could submit suggestions on the changes to NRS 648 prior to the board meeting. Acting Chairman Nadeau thought that would be appropriate. Mr. Maheu told the Board that they would request most of the same changes from the previous draft.

Dr. William Pappas and Kathleen Kelly from the Nevada State Dental Board would like to address the Board to discuss the credentialing services utilized by their agency to license their applicants. The Board may need to affirm or rescind staffs determination of the need for licensing of such companies providing services in Nevada. Ms. Kathleen Kelly, Director of the Nevada State Dental Board. Dr. William Pappas was unable to attend. Ms. Kelly told the Board they asking for clarification to NRS 648. They had two entities in Arizona that would gather information for the Dental Board. She told the Board there was a memorandum of understanding to gather primary source documentation and other documentation for applicants for licensure. She told the Board the Dental Board had been working with one of the companies since 2001. Ms. Kelly explained for the Board's benefit on how the licensure for the Dental Board worked. Up until 2001 the individual would complete a clinical examination for the Board members and that was how they obtained licensure. After 2001 they would be licensed on credential. That would include the gather of primary data records such as graduate degree, education, license information, malpractice judgment, citizenship. She stated that the Dental Board would only accept the information from these two entities, not from the applicant. The information is obtained on behalf of the applicant. The Dental Board handled the fingerprinting and the review of the criminal history from the fingerprints. She told the Board that the two entities had received notification from the Private Investigator's Licensing Board about their work. She told the Board they wanted assistance and consideration from the Board for these two entities and that they do not conduct investigations it is information that is obtained from the applicant. Board member Zane asked Executive Director Ray that when the ceased and desist order had been sent, did we have information they were conducting investigations. Acting Chairman Nadeau questioned if contracting with a state entity are they performing transactions for that company. Board Counsel Ward told the Board that unless there was an exemption, then they are doing activity for the State of Nevada and would be unlicensed activity. Mr. Maheu told the Board that the State had approved three companies to conduct backgrounds and they should be used in the State of Nevada. Ms. Kelly replied that there had not been a contract. The companies obtained the information on behave of the applicant and the applicant paid the companies. The applicant supplied all the information to these companies. She also said that the company is getting school transcripts, national board exams. The Dental Board accepts the documents from the two entities, not from the applicant. They are not asked to do an investigation. Executive Director Ray told the Board that the ceased and desist letter had been sent due to a complaint that had been received and a review of the Dental board website that spoke of the two

entities. Acting Chairman Nadeau read the Private Investigator definition into the record and explained that if they are doing business and meet the definition, they would need to be licensed. Board member Zane stated that the applicant paid and supplied the documents to a third party. Board Counsel Ward explained that it would be better if the Dental Board received a true exemption and requested that this be placed on the next agenda so that he could meet with the counsel of the Dental Board and with the investigators. This will be placed on the next meeting.

Wil Jarred, License #1211 would like to address the Board to discuss the possible licensing of companies who retrieve stolen shopping carts on behalf of grocery or retail stores. Mr. Jarred introduced himself and told the Board that he wanted to discuss retrieved stolen shopping carts. He told the Board about a situation he had encountered with shopping cart retrieval for the last six to eight months. He told the Board that a retail or grocery store would hire a company to retrieve the shopping carts that are off premises. He said that there are ordinances within the City and the County that the carts are abandoned property. He quoted the definition of abandoned property. Mr. Jarred said that the shopping carts are not abandoned, but stolen property. The retailer wanted the property back. Mr. Jarred said the city and county would set up holding areas and the city or county notified retail owners telling them that they are being fined and to come get the carts. Mr. Jarred told the Board that if the carts are stolen then per NRS 648.012 Private Investigator would apply or NRS 648.013 Private Patrolman would apply. He requested that the Board require the companies who retrieve the carts be licensed. He said currently there are five companies operating in Nevada. Mr. Jarred told the Board there was a public safety issue and the companies needed to be regulated. Board member Zane questioned that the owners are hiring the individuals. Mr. Jarred said that the retailer could not retrieve the carts due to insurance liability therefore they hired companies to retrieve them. He said it would be a sub contractor type relationship. Board member Zane asked how the shopping cart retrieval would apply towards 10,000 hours for the Private Investigator license. Mr. Jarred told the Board there could be a special addendum to NRS. Board member Zane asked if there were an appetite for this because of the fees, licenses, expense for this. Mr. Jarred said he could not speak for the companies with regard to the financial aspect. Board member Zane asked about the public safety issue other than the erratic driving of the individuals. Mr. Jarred said one issue would be undocumented citizens. Acting Chairman Nadeau stated it would not be the Board's jurisdiction and it would be hard to stretch into the Private Investigator license. He asked Mr. Jarred if other states had a license regulation. Mr. Jarred said California did. Acting Chairman Nadeau said to add this item to the legislative workshop and put on the March agenda.

Board comment and future agenda items. No Comment

There was no public comment.

Meeting adjourned.

