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

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

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

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

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

Board Members Present:

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

Also: Mechele Ray (Las Vegas)
Executive Director

Harry B. Ward
Deputy Attorney General
Prosecutor

Sarah Bradley
Deputy Attorney General
Acting Board Counsel

Tammy Whatley
Investigator

Robert Hight
Investigator

Elyse Gresnick-Smith (Las Vegas)
Investigator

Tom Ferrara (Las Vegas)
Investigator

Brandi King
Investigative Assistant

Kimberly Christensen
Investigative Assistant

(continued...)

1 Other Participants in Carson City:

2 Walter Young
3 Donna Young
4 Jon Plamondon

5 Other Participants in Las Vegas:

6 Collett Davis
7 Eddie LaRue
8 Deshawn Henderson
9 Sharona Daniel
10 Stephen Straker
11 Lynn Berardi, Esq.
12 Rufus Hughes
13 Damien Newsome
14 Earl Evans
15 Robert Gatewood

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

2 9:05 A.M.

3 -oOo-

4 BOARD CHAIRMAN NADEAU: Let's go ahead and open
5 this at 9:05.

6 This is the time and place for the meeting of
7 the Private Investigators Licensing Board.

8

9 AGENDA ITEM 1

10 ROLL CALL

11

12 BOARD CHAIRMAN NADEAU: Let's start first with
13 roll call of Board members.

14 MS. RAY: Mr. Chairman, just for the record,
15 Board Member Spencer is absent.

16 BOARD CHAIRMAN NADEAU: Okay.

17 MS. RAY: Board Member Zane?

18 BOARD MEMBER ZANE: Here.

19 MS. RAY: Board Member Uithoven?

20 BOARD MEMBER UITHOVEN: Here.

21 MS. RAY: Board Member Putnam?

22 BOARD MEMBER PUTNAM: Here.

23 MS. RAY: And Chairman Nadeau?

24 BOARD CHAIRMAN NADEAU: Here.

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AGENDA ITEM 2

ALL APPLICANTS AND WITNESSES TO BE SWORN IN

BOARD CHAIRMAN NADEAU: All applicants, both north and south, please stand for swearing in. And witnesses.

MR. WARD: And witnesses. Ms. Ray, would you also stand up and take the oath, because I may have to call you, because I may have a -- two no-shows.

Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

(Applicants and witnesses were sworn.)

MR. WARD: Promises from everyone.

BOARD CHAIRMAN NADEAU: Thank you.

AGENDA ITEM 3

PUBLIC COMMENT

BOARD CHAIRMAN NADEAU: Public comment. Is there anyone in the public that wishes to make a comment regarding anything that they wish, whether it's on the agenda or not?

Seeing none in the south, do we have any public in the north?

BOARD MEMBER PUTNAM: None.

1 BOARD CHAIRMAN NADEAU: Thank you.

2 Okay. I would like to go ahead and read a
3 disclaimer at this particular juncture.

4 Prior to the commencement or -- and conclusion
5 of the contested case or a quasi judicial case -- no,
6 that's not it. Wait a second. Where is that?

7 Okay. At the meeting, the Board will consider
8 the above-named applicants for licensure. Under the
9 authority of NRS 241.030, the Board, upon motion, may
10 close the meeting to the public for the purpose of
11 considering an applicant's character, alleged
12 misconduct, professional competence or physical or
13 mental health.

14 Okay. So let's go forth.

15

16 AGENDA ITEM 4

17 STEPHEN GARESE

18

19 BOARD CHAIRMAN NADEAU: Let's start with item
20 number four on the agenda. That's -- I believe, it's
21 Stephen Garese.

22 MR. WARD: May it please the Board,
23 Mr. Chairman, your deputy assistant attorney general,
24 Sarah Bradley, will be here shortly. I erroneously told
25 her about 9:15. However, I anticipate agenda number

1 four and number five to be no-shows but that we will
2 still be presenting a case.

3 Does the Board feel comfortable proceeding
4 without having Board counsel while I prosecute for these
5 no-shows? But she should be here shortly should you
6 have any questions.

7 BOARD CHAIRMAN NADEAU: If we -- if we do -- so
8 that would apply to four, five, six and seven; is that
9 correct?

10 MR. WARD: I know four and five are no-shows,
11 my understanding. That's why I swore in Ms. Ray.

12 BOARD CHAIRMAN NADEAU: Okay.

13 MR. WARD: And I will be presenting a case as a
14 no-show or on a default. By then, Ms. Bradley should be
15 here. I anticipate she will be here in the next five
16 minutes.

17 BOARD CHAIRMAN NADEAU: Okay. How about if we
18 do this. How about if we go ahead and go down to item
19 number eight. Let's go ahead with item number eight
20 first. And then, that way, we're consistent and we have
21 counsel regardless of a particular case.

22 Is that okay with you, counsel?

23 MR. WARD: Yes.

24 BOARD MEMBER PUTNAM: Yes.

25 BOARD CHAIRMAN NADEAU: Okay.

1 MR. WARD: Whatever's fine with the Board.

2

3 AGENDA ITEM 8

4 COLLETTE DAVIS

5

6 BOARD CHAIRMAN NADEAU: Collette Davis.

7 Please step forward.

8 Good morning.

9 MS. DAVIS: Good morning.

10 BOARD CHAIRMAN NADEAU: Ms. Davis, go ahead and
11 have a seat.

12 MS. DAVIS: All right.

13 BOARD CHAIRMAN NADEAU: Your registration was
14 denied.

15 MS. DAVIS: Yeah.

16 BOARD CHAIRMAN NADEAU: And you're appealing
17 the decision. Are you -- are you okay with this being
18 open, or do you request it being closed?

19 MS. DAVIS: No, sir. I'm fine with it being
20 open.

21 BOARD CHAIRMAN NADEAU: Okay. Then, let's go
22 ahead. And I'll have the investigator explain why it
23 was denied. And then we'll ask for more, your evidence.
24 Is that okay, Ms. Davis?

25 MS. DAVIS: Yes.

1 BOARD CHAIRMAN NADEAU: Thank you.

2 MR. FERRARA: I need to go back for the time
3 period. I need to go back and indicate --

4 BOARD CHAIRMAN NADEAU: Oh. Hold on just a
5 second.

6 Richard, can you hear Investigator Ferrara?

7 MR. FERRARA: I'll speak up. Can you hear me
8 now?

9 BOARD MEMBER PUTNAM: I think so, yes.

10 BOARD CHAIRMAN NADEAU: Okay. Very good.

11 MR. FERRARA: Ms. Davis originally applied on
12 April 4th. And Investigator Roble was given the case.
13 He said -- or he called Ms. Davis approximately
14 April 14th about nondisclosures on her arrest history.
15 He received no reply. Ms. Davis listed two arrests on
16 her original application. And the sheet shows more than
17 12 arrests.

18 Investigator Gresnick-Smith then received her
19 file and sent her a letter on September 17th that did
20 not get a reply. I received the file about a month
21 later. And on 10-20, I sent her another letter advising
22 her that she had been denied. And on 11-17, Ms. Davis
23 came into the office and dropped off some paperwork
24 indicating that she had accomplished some diversion
25 classes for some of the arrests.

1 The arrests that were not listed were three
2 burglaries, three receiving known stolen properties, two
3 grand theft arrests and one conspiracy, among some other
4 arrests. The last burglary was adjudicated last year,
5 in 2010. That was the burglary and receipt of stolen
6 property, known stolen property.

7 I could not, in good conscience, grant the work
8 card. The -- almost every week here in the city we have
9 some type of convention that is going on. And even this
10 weekend, we will have a gun convention. And with --
11 given the propensity for the theft, the past theft
12 arrest, putting her in the -- in a show like that,
13 possibly by herself on graveyard, I was not -- I was not
14 comfortable granting the card.

15 BOARD CHAIRMAN NADEAU: Okay. And may I ask
16 it. Was the one burglary that was adjudicated last
17 year, was that a convention or --

18 MR. FERRARA: Yes. The paperwork that I
19 received for two of the -- actually, for one of the
20 burglaries, because the docket numbers are the same, one
21 in '08 and one in 2010, but the docket numbers are the
22 same. They were both diversion classes that she went to
23 after the burglaries and thefts, or receipt of stolen
24 property. She went through the diversion class. And
25 the cases were dismissed.

1 BOARD CHAIRMAN NADEAU: Okay. Very good.

2 Ms. Davis, do you have anything you would like
3 say?

4 MS. DAVIS: Yeah. I was just going to say that
5 if -- that case originally happened, I think, in '04.
6 And the reason it took me so long to finish it, and I
7 had all the arrest warrants, is because I wasn't taking
8 it so seriously to finish the classes in the diversion
9 program. And so, finally, I took it seriously, and I
10 finished everything.

11 And it originally had been '04. I never did
12 that crime over and over like that. It was just the
13 fact that I was missing court dates and everything that
14 I was getting arrested for the same thing. So because I
15 was negligent. But I never did the crime over and over.

16 BOARD CHAIRMAN NADEAU: How many arrests have
17 you had? I mean -- excuse me. Are you contending that
18 all those arrests were associated with one, one crime?

19 MS. DAVIS: Yeah. Yeah. I got arrested
20 numerous times for missing court dates and everything.
21 I was staying all over, because I was homeless at the
22 time, and I was staying like from place to place, and I
23 was missing court dates. So. And anytime I got pulled,
24 called by the police like to ask questions or anything,
25 I would get arrested for the same thing, because I was

1 missing court dates.

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

4 BOARD MEMBER PUTNAM: None here.

5 BOARD MEMBER UITHOVEN: None.

6 BOARD MEMBER ZANE: To the investigator, did
7 that explanation correlate with the records?

8 MR. FERRARA: No. I show at least two
9 different arrest numbers, arrest case numbers. It's a
10 little confusing on this. It looks like three different
11 arrest numbers, arrest case numbers, in her file. So.

12 BOARD MEMBER ZANE: Would you have any
13 explanation why there were --

14 MS. DAVIS: I have no idea. All I know is I
15 have the old court case that I was repeatedly arrested
16 for. And then I finally finished it, in '010, I think.
17 And all I know is I never did a crime before that or
18 after that. So.

19 BOARD MEMBER ZANE: What was the circumstances
20 you had the burglary?

21 MS. DAVIS: Um, just to the enter the diversion
22 program, and I had to meet -- did my community service,
23 anger management, and also paid a large fine.

24 BOARD MEMBER ZANE: What was the -- can you
25 tell me about the burglary itself, how it happened?

1 MS. DAVIS: Yeah. It was at a grocery store.
2 Me and my little sister went in, because we were
3 homeless at the time, and we stole some groceries.

4 BOARD MEMBER ZANE: And then that resulted in,
5 also, the arrest and a charge of possession of stolen
6 property?

7 MS. DAVIS: M-hm (affirmative).

8 BOARD MEMBER ZANE: The police caught you with
9 the groceries?

10 MS. DAVIS: M-hm (affirmative).

11 BOARD MEMBER UITHOVEN: Were these disclosed on
12 the application?

13 MR. FERRARA: No, they weren't. There were two
14 arrests that were listed on the application, and they
15 were out of -- I don't have the application with me.
16 One was in Pittsburg at -- I don't know what the charge
17 was. That was dismissed. And she had another one.
18 Two. There were three. And that was obstruct public
19 officer and offensive words.

20 MS. DAVIS: Yeah, that's all the same case.
21 Yes, that with the officer, what happened between me and
22 the officer is all the same case. That's why they put
23 me in anger management, and I did my 40 hours of
24 community service. That was all the same case.

25 MR. FERRARA: Okay. Those are the two that she

1 listed on her application. I have two, a minimum of two
2 separate burglary arrests from this. And the other
3 numbers seem to correlate back and forth, but there's at
4 least two burglaries.

5 MS. DAVIS: That's correct. That is the case.

6 BOARD MEMBER UITHOVEN: 2002 or 2004?

7 MR. FERRARA: She has --

8 MS. DAVIS: I thought it was '04. I'm sorry.

9 MR. FERRARA: The burglary is -- starts at
10 2005. She has one in 2005. She went back and forth to
11 court on that.

12 BOARD MEMBER UITHOVEN: And this was the
13 groceries?

14 MS. DAVIS: M-hm (affirmative).

15 MR. WARD: Ma'am, would you please say yes.

16 Excuse me. May it please the Board,
17 Mr. Chairman.

18 When you respond, please say yes and no,
19 because we have a court reporter up here, and she's
20 writing down everything you say. So when you say
21 "M-hm," she does not know if you're saying yes or no.

22 MS. DAVIS: Oh, sorry.

23 MR. WARD: Okay. Thank you.

24 MS. DAVIS: Yes, sir.

25 MR. FERRARA: All right. I show another one in

1 2008.

2 BOARD MEMBER UITHOVEN: That you discovered, or
3 it was on the application?

4 MR. FERRARA: That was discovered.

5 BOARD MEMBER UITHOVEN: That background was on
6 this. Okay. Can you tell us about 2008?

7 MS. DAVIS: 2008 is that same case. They -- I
8 was missing court dates. And for me missing court
9 dates, the judge in Pittsburg was reissuing warrants for
10 me to come finish the program. So it's all the same
11 thing. I never did that crime over and over like that.

12 BOARD CHAIRMAN NADEAU: All of this happened in
13 Pennsylvania; is that correct?

14 MS. DAVIS: No. Pittsburg, California, sir.

15 BOARD CHAIRMAN NADEAU: Pittsburg, California?

16 MS. DAVIS: Yes. It's a small town.

17 BOARD CHAIRMAN NADEAU: And how long has that
18 been?

19 MS. DAVIS: Since October of last year. No,
20 September of last year. I'm sorry.

21 BOARD CHAIRMAN NADEAU: Okay. Any other
22 questions?

23 BOARD MEMBER ZANE: What is your work history?

24 MS. DAVIS: Right now, I'm working at
25 Margaritaville, Jimmy Buffett's Margaritaville. And I'm

1 also going to school to finish my GED.

2 BOARD MEMBER ZANE: And why did you apply to
3 get this card?

4 MS. DAVIS: Because of this gentleman seen me,
5 that worked at Jimmy Buffett's Margaritaville, and he
6 seen how large I was, and he said that I should come and
7 apply for a job at Jimmy Buffett for a GS officer, a
8 guest service officer. And he was like, "Well, if you
9 could get your sheriff's card and everything, I could
10 get you in. Because we need you. We need a woman on
11 the team that's got a lot of size to her." And so.

12 BOARD MEMBER ZANE: Is Jimmy Buffett a
13 proprietary?

14 (The Reporter requested that the microphone be
15 moved to be able to hear people in Las Vegas better.)

16 MS. RAY: I apologize, Shannon. I'll identify
17 myself when I respond.

18 I was responding to Board Member Zane's
19 question asking if Jimmy Buffett was a proprietary
20 security company. And I explained, yes, it was. It's
21 not a contract security company licensed with us.

22 THE REPORTER: Thank you. That's better.

23 MS. WHATLEY: And, Mechele, if I may say --
24 Board Chairman, may I speak?

25 I do believe we have contract security at that

1 location as well.

2 BOARD MEMBER ZANE: So the person that you
3 spoke to said you needed to get a sheriff's card or
4 guard card?

5 MS. DAVIS: A sheriff's card. And then I went
6 and I applied for the guard card, because I wanted to
7 be, you know, more legit in the work. So I applied for
8 it on my own, the guard card. He just told me to get
9 the sheriff's card. Which I did.

10 BOARD MEMBER ZANE: You did that?

11 MS. DAVIS: Yes.

12 BOARD MEMBER ZANE: Do you understand the
13 difference between a proprietary employer and a
14 licensee?

15 MS. DAVIS: M-hm (affirmative).

16 BOARD MEMBER ZANE: A proprietary employer is
17 like the owner of the establishment?

18 MS. DAVIS: M-hm (affirmative).

19 BOARD MEMBER ZANE: They have their own
20 security. They don't come through us.

21 MS. DAVIS: Oh, okay.

22 BOARD MEMBER ZANE: If it's a contract security
23 company that provides security services for the
24 property, they are licensed by us, and you can come here
25 and get a card.

1 MS. DAVIS: Oh, okay.

2 BOARD MEMBER ZANE: Okay. That's all,
3 Mr. Chairman.

4 BOARD CHAIRMAN NADEAU: Okay. Thank you.
5 Any other questions from any of the Board
6 members?

7 Seeing none, I'd entertain a motion.

8 BOARD MEMBER ZANE: Mr. Chairman, I'd move that
9 we uphold the denial, the work card regarding Collette
10 Davis.

11 BOARD MEMBER PUTNAM: Mr. Chairman, I second.

12 BOARD CHAIRMAN NADEAU: We have a motion and a
13 second to uphold the denial. Discussion on the motion?

14 Seeing none, all in favor of the motion,
15 signify by saying "aye."

16 (Board members said "aye.")

17 BOARD CHAIRMAN NADEAU: Opposed?

18 Ms. Adams, I'm sorry. Or, Ms. Davis, I'm
19 sorry.

20 MS. DAVIS: Thank you.

21 (Sarah Bradley is now present at the meeting.)

22 BOARD CHAIRMAN NADEAU: All right. Yeah, it
23 looks like we have all the parties there. Let's go
24 ahead and proceed with number five.

25 MR. WARD: Number four?

1 BOARD CHAIRMAN NADEAU: Okay. Number four, if
2 you're going to be that way about it.

3

4

AGENDA ITEM 4

5

STEPHEN GARESE

6

7

8

9

MR. WARD: May it please the Board,
Mr. Chairman, Harry Ward on behalf of the Board, Deputy
Attorney General.

10

May I proceed?

11

BOARD CHAIRMAN NADEAU: Please do.

12

13

14

15

MR. WARD: May it please the Board,
Mr. Chairman, we are here on old business, and this is
agenda number four, Stephen -- is it Garese ("Ga-REES")?
I think, that's how he pronounces his name.

16

17

At this time, I'd like to call Ms. Mechele Ray
as a witness in this matter very briefly.

18

19

BOARD CHAIRMAN NADEAU: Okay. Does she need to
go up to the -- up to the table? Is this okay?

20

MR. WARD: No, she can stay where she is.

21

BOARD CHAIRMAN NADEAU: Thank you.

22

MR. WARD: May I proceed?

23

BOARD CHAIRMAN NADEAU: Please.

24

25

MR. WARD: Please state your -- please state
your name for the record.

1 MS. RAY: Mechele Ray.

2 MR. WARD: And would you go ahead and spell
3 your name for the record one time.

4 MS. RAY: M-E-C-H-E-L-E, R-A-Y.

5 MR. WARD: And what is your position?

6 MS. RAY: I'm the Executive Director for the
7 Private Investigators Licensing Board.

8 MR. WARD: In reference to agenda number four,
9 Stephen Garese, it says "Old Business." Was he on the
10 agenda last meeting?

11 MS. RAY: Yes, he was.

12 MR. WARD: And was this matter continued until
13 this meeting?

14 MS. RAY: Yes, it was.

15 MR. WARD: And did you have any correspondence
16 with him in regards to this matter being set on the
17 agenda for today?

18 MS. RAY: Yes, I did.

19 MR. WARD: And what type of correspondence did
20 you get from him?

21 MS. RAY: Shortly after the last meeting, I
22 sent him the notice that he would be on the December
23 8th, 2011, agenda, because his item had been continued
24 from the September meeting. It was mailed from the
25 state mail room on September 28th, 2011, and received by

1 S. Garese on October 4th, 2011. I then received an
2 e-mail a couple of days ago from Mr. Garese saying that
3 he would not be able to attend this meeting.

4 MR. WARD: Thank you. That's all I have.

5 BOARD CHAIRMAN NADEAU: Okay. Any questions
6 from the Board?

7 Richard?

8 BOARD MEMBER PUTNAM: Mr. Chairman, I have a
9 question.

10 BOARD CHAIRMAN NADEAU: Go forth.

11 BOARD MEMBER PUTNAM: Did he give a reason as
12 to why he would not be able to attend?

13 MS. RAY: Oh, let me check my e-mail.

14 BOARD CHAIRMAN NADEAU: While you're checking
15 that, if I remember correctly, he said he couldn't
16 attend the last meeting, and that's why we continued it
17 then, also. Correct?

18 MS. RAY: That is correct. He indicated in his
19 last correspondence for the September meeting that it
20 was financial related, that he simply couldn't afford to
21 come here from Oregon to attend the last meeting. And,
22 I believe, the e-mail that he sent me is very similar in
23 nature.

24 MR. WARD: If -- may it please, could you read
25 it if you have it available. And if not --

1 MS. RAY: I'm trying.

2 MR. WARD: Would this be accurate: PILB,
3 comma, I am not going to be able to be -- to make the
4 hearing on 12-8-2011. Period. I have not been working
5 and don't have the resources to make a trip to Nevada?

6 Does what sound accurate?

7 MS. RAY: That is the e-mail, yes.

8 MR. WARD: Take care, be safe, and thank you,
9 and signed off Stephen Garese, Alpha Investigations?

10 MS. RAY: Yes, that is it.

11 MR. WARD: Thank you.

12 May it please the Board --

13 BOARD CHAIRMAN NADEAU: Any other questions?
14 Richard, any other questions?

15 BOARD MEMBER PUTNAM: No other questions,
16 Mr. Chairman.

17 BOARD CHAIRMAN NADEAU: All right.

18 MR. WARD: May it please the Board,
19 Mr. Chairman, I'd like to proceed and call Ms. Tammy
20 Whatley as a witness briefly.

21 BOARD CHAIRMAN NADEAU: Okay.

22 MR. WARD: And, Board members and Ms. Ray, I
23 don't know if you have the exhibits, but at this time, I
24 would like to introduce Exhibit 1, which is
25 Bates-stamped, I think, 1 through 65. Is that available

1 down south?

2 MS. RAY: Yes, it is.

3 MR. WARD: And just procedurally, I'm going to
4 introduce it, but I'm not going to go into every one of
5 the exhibits at this time, since we have a no-show. But
6 I will get my witness to, basically, give us an overall
7 view of the case, if that is fine with the Board.

8 BOARD CHAIRMAN NADEAU: Yes.

9 MR. WARD: But at this time, I would like the
10 Board, I guess, for a ruling to accept these exhibits, 1
11 through -- I think, it's 65, to be admitted in this case
12 so I could proceed.

13 BOARD MEMBER PUTNAM: Mr. Chairman, I so move.

14 BOARD CHAIRMAN NADEAU: Do we need a motion for
15 that, or can the Board just accept that?

16 MR. WARD: I think --

17 MS. BRADLEY: The Board can just accept that.
18 I mean it's your call as the chair.

19 BOARD CHAIRMAN NADEAU: Okay. Then, the Board
20 will accept the -- we'll accept those exhibits marked 1
21 through 65.

22 MR. WARD: Ms. Whatley, please state your name
23 for the record.

24 MS. WHATLEY: Tammy Whatley.

25 MR. WARD: And why don't you go ahead and look

1 to the camera.

2 And what is your position, ma'am?

3 MS. WHATLEY: Investigator for the Private
4 Investigators Licensing Board.

5 MR. WARD: And how long have you held this
6 position?

7 MS. WHATLEY: Just over three years.

8 MR. WARD: And are you familiar with agenda
9 number four, Mr. Stephen Garese?

10 MS. WHATLEY: I am.

11 MR. WARD: And can you briefly explain to the
12 Board this case? And you can reference your notes; and
13 if you are referencing them, would you please make a
14 note to what page you are referencing.

15 MS. WHATLEY: Okay. On page five is the
16 citations, the unlicensed business activity citations.
17 The Private Investigators Licensing Board received many
18 complaints regarding this company and a related company
19 that's already been heard, that were intertwined to some
20 degree.

21 MR. WARD: And I hate to interrupt. And
22 attorneys always interrupt. And some of those we heard
23 last meeting; is that correct?

24 MS. WHATLEY: That is correct.

25 MR. WARD: Please continue.

1 MS. WHATLEY: And in one of the complaints
2 there was a business card, Alpha Protection, Alpha
3 Personal Protection, with Stephen Garese and a 702 phone
4 number. There was a string of e-mails between Stephen
5 Garese and a potential employee that he was trying to
6 hire for an event in the Las Vegas area. And then there
7 were also links to some advertising on the Worldwide
8 Web.

9 MR. WARD: Please continue, just briefly, in
10 regards to, I guess, the -- our allegations concerning a
11 violation of law.

12 MS. WHATLEY: Because of the evidence found in
13 the investigation, an unlicensed business activity
14 citation was issued for advertising to engage in the
15 business of employing and providing for other persons,
16 watchmen, guards, patrol officers, bodyguards, or other
17 persons, for the person -- for the purpose of protecting
18 persons or property, without a license from the Private
19 Investigators Licensing Board.

20 MR. WARD: Thank you. And, just briefly, would
21 you be able to point out which exhibits would be your --
22 in regards to which would support the allegations, and
23 cite the page number.

24 INVESTIGATOR WHATLEY: Okay. Page eight is the
25 e-mail between Stephen Garese and another person that he

1 was trying to employ for an event. On page nine is the
2 LinkedIn advertisement where they -- I believe, this is
3 how they initially came in contact with one another for
4 this job. And that goes through page 11.

5 There are, there are other things in here. The
6 business card is page 16.

7 And those are the two primary pieces of
8 evidence that is listed in the citation, although there
9 are other. There's other evidence in here.

10 MR. WARD: May it please the Board,
11 Mr. Chairman, I now tender the witness to the Board for
12 questions.

13 BOARD CHAIRMAN NADEAU: Do we have any
14 questions of Investigator Whatley?

15 BOARD MEMBER UITHOVEN: I have none.

16 BOARD MEMBER PUTNAM: None here, Mr. Chairman.

17 BOARD CHAIRMAN NADEAU: Mark?

18 BOARD MEMBER ZANE: No.

19 BOARD CHAIRMAN NADEAU: No questions. Thank
20 you. Counsel, proceed.

21 MR. WARD: If it may please the Board,
22 Mr. Chairman, I have no more witnesses, nor no more
23 evidence in this matter. I would ask the Board for a
24 motion, for a finding of facts, one, that the respondent
25 has been properly served and had proper notice of this

1 hearing, that he was a no-show, and that we have
2 presented evidence to support our case.

3 Thank you, sir.

4 BOARD CHAIRMAN NADEAU: Counsel, would it be
5 inappropriate to see if there's anyone within the public
6 that's here on behalf of the appellant?

7 MS. BRADLEY: You could. I mean if there's
8 someone here, that would be fine to check.

9 BOARD CHAIRMAN NADEAU: Is there anyone here on
10 behalf of Stephen Garese?

11 We have no one down -- no one south. Anyone
12 north?

13 BOARD MEMBER PUTNAM: No, Mr. Chairman.

14 BOARD CHAIRMAN NADEAU: All right. Then,
15 Board, any additional questions or comments?

16 If not, then I'd entertain a motion.

17 BOARD MEMBER PUTNAM: Mr. Chairman, I move that
18 the response -- that evidence has been presented
19 supporting the allegations against Mr. Garese and that
20 they've been heard by the Board.

21 MR. WARD: As well as we've had proper service,
22 and he had proper notice for this hearing, and you made
23 a decision that he has had proper notice of this
24 hearing.

25 BOARD MEMBER PUTNAM: So moved.

1 BOARD CHAIRMAN NADEAU: Do we also have to deny
2 the appeal?

3 MS. BRADLEY: Yeah.

4 BOARD CHAIRMAN NADEAU: Or just a -- I guess,
5 we just uphold the citation?

6 MS. BRADLEY: Yeah. Yeah. It's a citation
7 hearing. So you want to have a vote on whether or not
8 he was given proper legal notice. I would do them
9 separately, I think, just so that it's clearer. So you
10 want a motion saying that he was given proper legal
11 notice and that he has failed to appear, and you're
12 going to continue with the case in his absence.

13 And then the second motion would be to uphold
14 the citation or not. And, I think, the third motion
15 would be whether or not to assess a penalty if you do
16 uphold the citation.

17 BOARD CHAIRMAN NADEAU: Okay. Thank you. I
18 appreciate the direction.

19 So we have a motion to -- that there was proper
20 notice and such. Do we have a second to that?

21 BOARD MEMBER UITHOVEN: Second.

22 BOARD CHAIRMAN NADEAU: We have a second. All
23 right. Discussion on the motion?

24 All in favor of the motion, signify by saying
25 "aye."

1 (Board members said "aye.")

2 BOARD CHAIRMAN NADEAU: Opposed?

3 It passes unanimously. I will accept a motion
4 to uphold the citation.

5 BOARD MEMBER PUTNAM: So moved, Mr. Chairman.

6 BOARD CHAIRMAN NADEAU: Moved and -- moved.

7 And do we have a second?

8 BOARD MEMBER UITHOVEN: Second.

9 BOARD CHAIRMAN NADEAU: Moved by Member Putnam,
10 seconded by Member Uithoven. Discussion on the motion?

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

12 (Board members said "aye.")

13 BOARD CHAIRMAN NADEAU: Opposed? No.

14 And then, counsel, what was the third motion
15 you needed? Oh, assess the penalty.

16 MS. BRADLEY: Yes, whatever penalty you feel is
17 appropriate.

18 BOARD CHAIRMAN NADEAU: The penalty is
19 statutory. I don't think we have any discretion on
20 that.

21 MS. BRADLEY: Okay.

22 MS. RAY: It's in the citation.

23 MS. BRADLEY: I think, you still have --

24 BOARD CHAIRMAN NADEAU: Isn't that \$2,500 for
25 the first offense? And, I think, that's -- it's, number

1 one, statutory, but it's also listed in the citation.

2 BOARD MEMBER PUTNAM: Yeah.

3 MS. BRADLEY: Okay. Yeah.

4 BOARD CHAIRMAN NADEAU: Okay. So we do need to
5 just confirm the penalty. Okay. So I'll accept a
6 motion to confirm or to, I guess --

7 Counsel, you -- if I'm doing it incorrectly,
8 you just help me out here.

9 MS. BRADLEY: Yeah. It's fine. I apologize.
10 Most boards I work with have some leeway. So there's a
11 maximum amount, and they can assess it. They can pick
12 an amount. It sounds like you don't get to pick an
13 amount. It's statutory. I think, it's probably clearer
14 for the record, though, if you go ahead and just say,
15 you know, "Because we upheld the citation, we also vote
16 to assess the fine." I mean, I think, you could do
17 that.

18 BOARD CHAIRMAN NADEAU: Okay. Okay.

19 MS. BRADLEY: And the order's going to say that
20 to him anyway.

21 BOARD CHAIRMAN NADEAU: Okay. Then, motion by
22 Member Uithoven to assess the penalty per statute. Is
23 there a second?

24 BOARD MEMBER PUTNAM: Second.

25 BOARD MEMBER ZANE: Okay. We have a second by

1 Member Zane. Discussion on the motion?

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

3 (Board members said "aye.")

4 BOARD CHAIRMAN NADEAU: Opposed? All right.

5 Thank you.

6

7

AGENDA ITEM 5

8

FRANK CRESCENTINI DBA F.C. INVESTIGATIONS

9

10 BOARD CHAIRMAN NADEAU: So now do we proceed
11 with Mr. Crescentini?

12 MR. WARD: May it please the Board --

13 BOARD CHAIRMAN NADEAU: Item number five.

14

15 MR. WARD: May it please the Board,
16 Mr. Chairman, Harry Ward on behalf of the Board, Deputy
17 Attorney General. At this time, I would like to make
18 a -- I guess, an announcement to the audience to see if
19 he is present or if anyone on his behalf is present down
20 south.

20

21 BOARD CHAIRMAN NADEAU: Okay. Is there a
22 Mr. Crescentini present or anyone that represents or
23 wishes to speak on behalf of Mr. Crescentini?

23

We have no one here.

24

MR. WARD: Thank you.

25

May it please the Board, Mr. Chairman, at this

1 time, I would call my first witness, Ms. Mechele Ray.

2 BOARD CHAIRMAN NADEAU: Okay.

3 MR. WARD: Ms. Ray, once again, please state
4 your name for the record.

5 MS. RAY: Mechele Ray, M-E-C-H-E-L-E, R-A-Y.

6 MR. WARD: And are you familiar with agenda
7 number six, I'm sorry, agenda number five, Mr. Frank
8 Crescentini?

9 MS. RAY: Yes, I am.

10 MR. WARD: And how are you familiar with that
11 agenda item?

12 MS. RAY: I sent Mr. Crescentini a notice of
13 the hearing for December 8, 2011. He responded, saying
14 that he would be unable to attend because he thought
15 that the meeting would be in Carson City, and that was a
16 hardship for him given his circumstances.

17 I then called Mr. Crescentini and explained to
18 him that the meeting would be videoconferenced, and he
19 could appear in Las Vegas. He then sent me a fax saying
20 that he still would not be able to attend because he had
21 a conflict in his schedule.

22 MR. WARD: And without getting into the
23 exhibits, did you also provide that to me?

24 MS. RAY: I believe, I did.

25 MR. WARD: Okay. Is it your testimony that he

1 had notice of the hearing today?

2 MS. RAY: Yes, he did.

3 MR. WARD: Is it your testimony that he said he
4 would not make an appearance at this hearing?

5 MS. RAY: Yes, he did.

6 MR. WARD: At this time, I would ask the
7 Board --

8 MS. RAY: I can --

9 MR. WARD: Please, please continue.

10 MS. RAY: I -- if you would like, I can read
11 the fax into the record.

12 MR. WARD: Please do.

13 MS. RAY: The fax is dated November 19th, 2011:
14 Director, thank you for your call. I

15 immediately looked into my work calendar, and on
16 December the 8th, 2011, I am pulling a 16-hour shift
17 from 7:00 a.m. to 23:00 p.m. I explained to you that my
18 financial and my family situation, I must provide more
19 revenue possible. However, Director, like I explained
20 on my reply on 9-6-11 and on my 11-6-11, I am an honest
21 man, and I did make the wrong judgment call. And I
22 present to the entire honorable board members my
23 apology. Director, if I can answer any questions,
24 please do not hesitate to call me, 702-308-5965. And if
25 I had different circumstance surrounding my life at this

1 moment, yes, I would be there facing your decision.
2 Director and all board members, hope all is well with
3 you and families. Thanks, and God bless you. Wishing
4 you the best of holidays. With undying gratitude, Frank
5 Crescentini.

6 MR. WARD: And, Ms. Ray, did -- at any time,
7 did he did ask for a continuance of this hearing?

8 MS. RAY: He did not.

9 MR. WARD: So it's your understanding that he
10 was not going to be present and that he wanted the Board
11 to go ahead with this, with the adjudication in this
12 matter?

13 MS. RAY: Yes, he did.

14 MR. WARD: May it please the Board,
15 Mr. Chairman, at this time, I would like the Board to
16 make a finding that proper notice was given in this
17 matter, so that I can proceed.

18 BOARD CHAIRMAN NADEAU: Okay. Again, pleasure
19 of the Board?

20 BOARD MEMBER ZANE: I'd move that we make a
21 finding that proper notice was received by Frank
22 Crescentini.

23 BOARD CHAIRMAN NADEAU: Okay. We have a motion
24 by Member Zane. Do we have a second?

25 BOARD MEMBER PUTNAM: Second.

1 BOARD MEMBER UITHOVEN: Second.

2 BOARD CHAIRMAN NADEAU: Second by Member
3 Uithoven. Discussion on the motion?

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

5 (Board members said "aye.")

6 BOARD CHAIRMAN NADEAU: Opposed?

7 It passes unanimously.

8 Let's proceed, counselor.

9 MR. WARD: Thank you. May it please the Board,
10 Mr. Chairman, at this point, I would like to call the
11 witness, Ms. Tammy Whatley.

12 BOARD CHAIRMAN NADEAU: Okay.

13 MR. WARD: Additionally, I have exhibits 1, it
14 looks like pages one through 21. May I have that passed
15 out. And I would like to introduce that as an exhibit
16 in this matter.

17 BOARD CHAIRMAN NADEAU: That's being passed out
18 at this point.

19 MR. WARD: Thank you.

20 BOARD CHAIRMAN NADEAU: Please proceed.

21 MR. WARD: Please state your name for the
22 record.

23 MS. WHATLEY: Tammy Whatley.

24 MR. WARD: And what is your position, ma'am?

25 MS. WHATLEY: Investigator with the Private

1 Investigators Licensing Board.

2 MR. WARD: And how long have you held that
3 position?

4 MS. WHATLEY: Just over three years.

5 MR. WARD: And are you familiar with the agenda
6 number five, Frank Crescentini?

7 MS. WHATLEY: Yes, I am.

8 MR. WARD: And now are you familiar with that
9 case?

10 MS. WHATLEY: The Private Investigators
11 Licensing Board has received several complaints over the
12 last couple of years. However, most of those complaints
13 seem to deal with his employment as a security director
14 of a homeowners association.

15 However, in a background investigation for
16 another applicant that came before the Board last
17 meeting, there was a notarized statement from Frank
18 Crescentini stating that he had employed the applicant
19 for 10,000 plus hours as an investigator.

20 MR. WARD: And based on that, what did you do?

21 MS. WHATLEY: I issued an unlicensed activity
22 citation to Frank Crescentini.

23 MR. WARD: But based on what you just
24 testified, was there an exhibit that supported what you
25 just testified to, about?

1 MS. WHATLEY: Yes. I believe, that is page --
2 is that seven? Page seven.

3 MR. WARD: Page seven of the exhibit?

4 MS. WHATLEY: That is correct.

5 MR. WARD: And in regards to your
6 investigation, what did you do; did you issue a
7 citation?

8 MS. WHATLEY: Yes, I did.

9 MR. WARD: And would you please briefly go to
10 the citation. I believe, that's page four and five, for
11 the record.

12 MS. WHATLEY: Yes. As previously stated --
13 well, on August 1st, 2011, Frank Crescentini signed a
14 notarized certificate in support of experience and
15 qualifications for Richard Dimicus, stating that
16 Mr. Dimicus worked for F.C. Investigations, with a work
17 phone number of 702-208-5965 and an address of 7345
18 South Durango Drive, B-1073229, from April 25th, 2005 to
19 present, with a total number of hours worked being
20 10,000 plus.

21 MR. WARD: And that would be page seven of this
22 exhibit; is that what you were referring to?

23 MS. WHATLEY: Yes.

24 MR. WARD: The affidavit that you just
25 testified to?

1 MS. WHATLEY: Yes.

2 MR. WARD: Okay. Please continue.

3 MS. WHATLEY: And then, also, Investigator
4 Dupuis, who conducted the background report, revealed
5 that Mr. Dimicus reported being employed by F.C.
6 Investigations in Las Vegas, Nevada, since April 2005,
7 and his duties included those of an investigator
8 conducting background checks, record checks and
9 retrieval, data base searches, and taking statements and
10 conducting court record searches.

11 MR. WARD: Okay. Now, in regards to the
12 citation on page five, I see one, two and three, \$2,500
13 for the first violation. Is it your understanding this
14 is a first violation?

15 MS. WHATLEY: Yes.

16 MR. WARD: May it please the Board,
17 Mr. Chairman, I have no further questions. And I tender
18 the witness to the Board.

19 BOARD CHAIRMAN NADEAU: Does the Board have any
20 questions of Investigator Whatley?

21 BOARD MEMBER ZANE: Yes. And on page two of
22 the document, there's some correspondence with the Board
23 from Mr. Crescentini. Do you see that?

24 MS. WHATLEY: I do.

25 BOARD MEMBER ZANE: And he indicates that he's

1 a -- has been a California licensee for over 14 years?

2 MS. WHATLEY: I do know that he states -- yes.

3 BOARD MEMBER ZANE: Okay. So Mr. Crescentini
4 doesn't appear to be an imbecile or stupid, correct?

5 MS. WHATLEY: I'm sorry. I could not hear you.

6 BOARD MEMBER ZANE: He doesn't appear to you to
7 be an imbecile or stupid, correct?

8 MS. WHATLEY: No.

9 BOARD MEMBER ZANE: All right. Thank you.

10 BOARD CHAIRMAN NADEAU: Any other questions
11 from the Board?

12 All right. Seeing none, counselor, proceed.

13 MR. WARD: May it please the Board,
14 Mr. Chairman, I have no further questions, nor no
15 further evidence to introduce. And I would ask this
16 Board for a motion for a finding that the citation
17 issued will be the finding of facts, and regards to
18 exhibits 1 through 21 will likewise be accepted, and the
19 Board will accordingly find a violation.

20 BOARD CHAIRMAN NADEAU: Okay. Any discussion
21 regarding this case prior to a motion?

22 Then, I'd accept a motion.

23 BOARD MEMBER PUTNAM: Mr. Chairman, I move --

24 BOARD CHAIRMAN NADEAU: Richard.

25 BOARD MEMBER PUTNAM: -- that citation number

1 C-101-11, issued to Frank Crescentini dba F.C.
2 Investigations, be upheld and that the -- that the
3 adjudication -- or the statutory fines be imposed.

4 BOARD CHAIRMAN NADEAU: Okay. We have a motion
5 for upholding the citation and assessment of the
6 statutory fine. Do I have a second?

7 BOARD MEMBER ZANE: Second.

8 BOARD CHAIRMAN NADEAU: Second by Board Member
9 Zane. Discussion on the motion?

10 Seeing none, all in favor of the motion,
11 signify by saying "aye."

12 (Board members said "aye.")

13 BOARD CHAIRMAN NADEAU: Opposed? Opposed.
14 Nay.

15 Thank you.

16

17 AGENDA ITEM 6

18 AARON SORENSON

19

20 BOARD CHAIRMAN NADEAU: Let's move to item
21 number six, Aaron Sorenson.

22 Is there a Mr. Sorenson here or a
23 representative of Mr. Sorenson?

24 Mr. Sorenson up north?

25 MR. WARD: No-show.

1 MS. RAY: Mr. Chairman, Mr. Sorenson did reach
2 out to me, I believe, on -- I think, I was here in
3 Las Vegas, so Monday, and said that he didn't think he
4 could attend the meeting in Reno. I explained to him
5 that the Board would probably proceed, and I would let
6 him know what the determination was.

7 In this particular case, this is a notice of
8 violation that was issued to him for not having his
9 license number on an advertisement for employees.

10 BOARD CHAIRMAN NADEAU: If I may, did he ask
11 for any continuance?

12 MS. RAY: He did not.

13 BOARD CHAIRMAN NADEAU: He did not ask for a
14 continuance?

15 MS. RAY: No.

16 BOARD CHAIRMAN NADEAU: Okay. Pleasure of the
17 Board. Should we --

18 Counsel, let's go ahead and proceed, then.

19 MR. WARD: Okay. May it please the Board,
20 Mr. Chairman, at this time, I'd like to call Ms. Elyse
21 Gresnick-Smith.

22 MS. BRADLEY: Well, I think, it's better if you
23 vote. There's a motion and there's a vote as to whether
24 or not he was given proper legal notice to proceed.

25 MR. WARD: I'll ask the Board.

1 MS. BRADLEY: I didn't hear that, if I --

2 BOARD CHAIRMAN NADEAU: Okay. All right.

3 Thank you.

4 MR. WARD: And just, may it please the Board,
5 Mr. President, I guess, Ms. Mechele Ray has testified in
6 regards to the notice. And I'll just briefly ask her a
7 question.

8 Has he been given notice of this hearing?

9 MS. RAY: Yes, he was.

10 MR. WARD: And what type of notice was he
11 given?

12 MS. RAY: He was sent a letter. I don't have a
13 copy of that with me, but it was a letter informing him
14 of the date of this hearing, because he requested an
15 appeal on the issuance of the violation that was issued
16 to him. As I stated previously, he did call on Monday
17 and said he would be unable to attend. So he was aware
18 of the meeting and just couldn't be here today.

19 MR. WARD: Okay. May it please the Board,
20 Ms. Ray, I have a -- in my possession a letter,
21 November 2nd, 2011, addressed to the Board. And it says
22 "To whom it may concern." And I want to ask you if this
23 sounds accurate:

24 "I would like to formally request an appeal of
25 the issuance of the notice of violation issued to

1 Blackstone USA for use of license number in
2 advertisements and written communication regarding
3 business. Blackstone USA was not advertising a security
4 company. The supposed violation was a help wanted
5 posting for employees. I hope our request is approved.
6 Thank you for your consideration." And it's signed by
7 him.

8 Does that sound accurate?

9 MS. RAY: Yes, I do have that letter in my
10 file.

11 MR. WARD: But at no time did he ask for a
12 continuance of this matter; is that correct?

13 MS. RAY: That's correct.

14 MR. WARD: At this time, I would ask the Board
15 to make a finding that he was given proper notice, and
16 he has not shown, so I can proceed.

17 BOARD MEMBER PUTNAM: Mr. Chairman.

18 BOARD CHAIRMAN NADEAU: Pleasure of the Board.
19 Go ahead, Richard.

20 BOARD MEMBER PUTNAM: So moved.

21 BOARD CHAIRMAN NADEAU: We have a motion by
22 Member Putnam. Do I have a second?

23 BOARD MEMBER ZANE: Second.

24 BOARD CHAIRMAN NADEAU: Second by Member Zane.
25 Discussion on the motion?

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

2 (Board members said "aye.")

3 BOARD CHAIRMAN NADEAU: Opposed?

4 All right. It passes unanimously.

5 MR. WARD: May it please the Board,

6 Mr. Chairman, I call as a witness Ms. Elyse

7 Gresnick-Smith.

8 BOARD CHAIRMAN NADEAU: She's present up here.

9 MR. WARD: All right.

10 Please state just name for the record.

11 MS. GRESNICK-SMITH: Elyse Gresnick-Smith,

12 E-L-Y-S-E, G-R-E-S-N-I-C-K, hyphen, S-M-I-T-H.

13 MR. WARD: And are you familiar with agenda
14 number six, of this matter; it looks like Aaron Sorenson
15 of Blackstone USA?

16 MS. GRESNICK-SMITH: Yes, I am.

17 MR. WARD: And how are you familiar with that?

18 MS. GRESNICK-SMITH: The Board received a
19 complaint regarding two Craigslist postings not
20 including a license number. On November 28th -- I'm
21 sorry. September 28th, I verified both the postings.
22 They were both for Blackstone USA, and neither of them
23 have the license number present.

24 MR. WARD: In regards to that, what, if
25 anything, did you do when you found those? Did you

1 issue a citation?

2 MS. GRESNICK-SMITH: I issued a violation. And
3 I also spoke with Mr. Sorenson to verify that one of the
4 postings that should not identify a company was actually
5 his posting, and he did verify.

6 MR. WARD: And I apologize; I said citation.
7 You issued a notice of violation; is that correct?

8 MS. GRESNICK-SMITH: That is correct.

9 MR. WARD: And that was based on the use of the
10 license number in the advertisements and written
11 communications regarding his business, NRS 648.030,
12 under --

13 MS. GRESNICK-SMITH: The -- sorry.

14 MR. WARD: No. Under 648.525, the use of
15 license number in advertising, he did not do that; is
16 that correct?

17 MS. GRESNICK-SMITH: That is correct.

18 MR. WARD: And your violation was -- and a fine
19 amount of \$200; was that your recommendation?

20 MS. GRESNICK-SMITH: Yes, that was.

21 MR. WARD: At this -- I have no further
22 questions, and I tender the witness to the Board.

23 BOARD CHAIRMAN NADEAU: Thank you. And the
24 reason it was \$200 was there two violations with \$100
25 per violation; is that correct?

1 MS. GRESNICK-SMITH: Correct, two separate
2 postings.

3 BOARD CHAIRMAN NADEAU: Any questions from the
4 Board?

5 BOARD MEMBER ZANE: No.

6 BOARD UITHOVEN: I don't.

7 BOARD MEMBER PUTNAM: No, Mr. Chairman.

8 BOARD CHAIRMAN NADEAU: Richard?

9 BOARD MEMBER PUTNAM: None, Mr. Chairman.

10 BOARD CHAIRMAN NADEAU: No questions from the
11 Board. Counselor, please proceed.

12 MR. WARD: May it please the Board,
13 Mr. Chairman, I have no further witnesses. And I would
14 ask for a motion to uphold the notice of violation.

15 BOARD CHAIRMAN NADEAU: Okay. I would
16 entertain a motion.

17 BOARD MEMBER ZANE: So moved.

18 BOARD CHAIRMAN NADEAU: Moved by Member Zane to
19 uphold the notice of violation. Do I have a second?

20 BOARD MEMBER UITHOVEN: Second.

21 BOARD MEMBER PUTNAM: Second.

22 BOARD CHAIRMAN NADEAU: Second by Member
23 Uithoven. Discussion on the motion?

24 Seeing none, all in favor of the motion,
25 signify by saying "aye."

1 (Board members said "aye.")

2 BOARD CHAIRMAN NADEAU: By upholding, I
3 believe, counselor, by upholding the citation, the
4 citation was for \$200, so, therefore, it's -- that's
5 automatically imposed. Is that correct?

6 MS. BRADLEY: Yes, I think. I think so, yeah.

7 BOARD CHAIRMAN NADEAU: Okay. Or do you need a
8 separate motion on the amount? I'm just trying to be
9 clear.

10 MS. BRADLEY: If it's in the statute with no
11 possible deviation, you know, if it doesn't have a
12 minimum or a maximum. It sounds like it's set out
13 specifically.

14 BOARD CHAIRMAN NADEAU: It's set out in the
15 regulations that we got as far as the amount per fine.

16 MS. BRADLEY: Right. So, as long as you made a
17 finding that there were two violations, then that would
18 mean there would be two citations for \$100, for a total
19 of \$200.

20 BOARD CHAIRMAN NADEAU: Okay. And, I think, we
21 made that clear on the record. So. Okay. Good enough.
22 Then, I think that completes number six.

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AGENDA ITEM 7

EDDIE LARUE DBA AGR DETECTIVE AGENCY

BOARD CHAIRMAN NADEAU: Let us proceed with number seven, Eddie LaRue dba AGR Detective Agency.

Mr. LaRue?

MR. LARUE: Where would you like me to sit?

BOARD CHAIRMAN NADEAU: Probably this one here, because, I think, it's closer to the microphone. The one right here.

MR. LARUE: Right.

BOARD CHAIRMAN NADEAU: There you go.

Okay. Counsel, we have Mr. LaRue here.

MR. WARD: Thank you. May it please the Board, Mr. Chairman.

Good morning, Mr. LaRue.

MR. LARUE: Good morning, sir.

MR. WARD: If I may proceed?

BOARD CHAIRMAN NADEAU: Counselor, should we go ahead and explain to Mr. LaRue the administrative process so that he understands his -- his duty here?

MR. WARD: Sure. And I'll let counsel do that.

MS. BRADLEY: Sure.

BOARD CHAIRMAN NADEAU: Thank you.

MS. BRADLEY: Mr. LaRue, so what's going to

1 happen is the state has the burden to prove the case
2 against you. So Mr. Ward here represents the staff, the
3 Board staff, and he's going to present a case. He's
4 going to call his witnesses and ask them questions.
5 After he's done asking them questions, you can
6 cross-examine them and ask them questions, and then the
7 Board gets a chance to ask them questions.

8 And then, once Mr. Ward finishes with all of
9 his witnesses, then it's your turn to call witnesses or
10 testify yourself. And then, again, Mr. Ward would get
11 to ask your witnesses or you questions, and then the
12 Board could ask you questions.

13 And at the end, I think, Mr. Ward will do a
14 brief closing statement. And you can also do a brief
15 closing statement at the end. And then the Board will
16 decide.

17 BOARD CHAIRMAN NADEAU: Do you understand that?

18 MR. LARUE: I believe, I understand the format.
19 I do have one question.

20 BOARD CHAIRMAN NADEAU: Okay.

21 MR. LARUE: I have some exhibits. Do I tender
22 them now, or do I --

23 BOARD CHAIRMAN NADEAU: Yes, I believe, you
24 introduce your exhibits at the time that you present
25 your side of the case.

1 MR. LARUE: Fair enough.

2 MS. BRADLEY: Yes.

3 MR. LARUE: Thank you.

4 MR. WARD: May it please the Board,
5 Mr. Chairman, at this time, I would call my first
6 witness, Ms. Elyse Gresnick-Smith, please.

7 MS. GRESNICK-SMITH: Present.

8 MR. WARD: And you can stay right there.

9 Please state your name. Please state your name
10 for the record.

11 MS. GRESNICK-SMITH: Elyse Gresnick-Smith.

12 MR. WARD: And who are you employed by?

13 MS. GRESNICK-SMITH: Private Investigators
14 Licensing Board.

15 MR. WARD: And approximately how long have you
16 been doing that?

17 MS. GRESNICK-SMITH: About a year and nine
18 months.

19 MR. WARD: Okay. And are you familiar with
20 agenda item number seven, Mr. Eddie --

21 And is it LaRue ("La-RUE"); is that how you
22 pronounce your name, sir?

23 MR. LARUE: Yes, sir. Thank you.

24 MS. GRESNICK-SMITH: Yes, I am.

25 MR. WARD: And how are you familiar with agenda

1 number seven?

2 MS. GRESNICK-SMITH: During our monthly
3 verification of insurance, it was found that license
4 number 42 had not provided updated insurance or updated
5 certificate of liability insurance --

6 MR. WARD: I apologize. Would you please start
7 over.

8 MS. GRESNICK-SMITH: After a monthly
9 verification was certificate of liability insurance, it
10 was found that license number 42 had not submitted
11 updated insurance, or updated certificate of liability
12 insurance --

13 THE REPORTER: Excuse me. Something happened,
14 and your voice went away. Can you --

15 MR. WARD: We lost the sound.

16 MS. GRESNICK-SMITH: Okay.

17 MR. WARD: We have it back. I apologize.

18 THE REPORTER: That's better.

19 MR. WARD: Could you start over.

20 MS. GRESNICK-SMITH: Yes. After I ran the
21 verification of certificate of liability insurance, it
22 was found that license number 42 had not submitted their
23 renewed insurance certificate, and a violation was
24 issued after finding that out.

25 MR. WARD: And in reference to license number

1 42, is that with AGR Detective Agency?

2 MS. GRESNICK-SMITH: That is correct.

3 MR. WARD: And that being Mr. Eddie LaRue,
4 who's before the Board?

5 MS. GRESNICK-SMITH: Correct.

6 MR. WARD: And since then, have you been able
7 to obtain any proof of general liability insurance at
8 this time?

9 MS. GRESNICK-SMITH: Yes. We did receive that
10 information on the 4th of November.

11 MR. WARD: Okay. But you did issue a notice of
12 violation in this matter; is that correct?

13 MS. GRESNICK-SMITH: That is correct.

14 MR. WARD: And in with regards to your issuing
15 of the notice of violation, you issued a fine of \$50; is
16 that correct?

17 MS. GRESNICK-SMITH: That is correct.

18 MR. WARD: I have no further questions, and I
19 tender her to you, Mr. LaRue, in regard to this witness.

20 MR. LARUE: Thank you.

21 Ms. Smith, during the course of your
22 investigation, did you call or attempt to call me to let
23 me know that I didn't provide the necessary insurance
24 information?

25 MS. GRESNICK-SMITH: Myself, no, I did not.

1 Shelly Donald sent you a letter on October 3rd notifying
2 you that you -- we had not received your certificate of
3 the liability insurance.

4 MR. LARUE: Certainly, I acknowledge that
5 letter. But no one in your shop or member of the Board
6 or anyone else ever called or attempted to resolve this
7 matter with a simple phone call; is that --

8 MS. GRESNICK-SMITH: A phone call, not to my
9 knowledge, no.

10 MR. LARUE: Thank you.

11 Thank you. I'll pass the witness.

12 MR. WARD: May it please the Board again, I
13 would like to do redirect.

14 So, Ms. Gresnick-Smith, a letter did go out to
15 Mr. LaRue; is that correct?

16 MS. GRESNICK-SMITH: That is correct.

17 MR. WARD: I have nothing further.

18 BOARD CHAIRMAN NADEAU: Questions of the Board
19 of the witness?

20 BOARD MEMBER PUTNAM: No questions,
21 Mr. Chairman.

22 BOARD CHAIRMAN NADEAU: Robert?

23 BOARD MEMBER UITHOVEN: I don't.

24 BOARD CHAIRMAN NADEAU: Mark?

25 BOARD MEMBER ZANE: No.

1 BOARD CHAIRMAN NADEAU: Just real quick. But
2 you did get the -- when you did get the affirmation of
3 insurance, was it in effect at the time that the
4 citation was issued, or the notice of violation was
5 issued?

6 MS. GRESNICK-SMITH: Yes. It continued. There
7 was no lapse in the insurance.

8 BOARD CHAIRMAN NADEAU: It was -- there was no
9 lapse in coverage?

10 MS. GRESNICK-SMITH: That's correct.

11 BOARD CHAIRMAN NADEAU: Thank you.

12 Please proceed.

13 MR. WARD: May it please the Board,
14 Mr. Chairman, I have no further questions for this
15 witness. And I would call Mr. LaRue to the stand to
16 testify.

17 BOARD CHAIRMAN NADEAU: Okay.

18 MR. LARUE: I'm sworn. So. I'm here.

19 MR. WARD: Yes. Do you need to be sworn in?

20 MS. BRADLEY: I think, he --

21 MR. LARUE: I've been sworn previous.

22 MR. WARD: Okay. Please state your name for
23 the record, sir.

24 MR. LARUE: Eddie LaRue, L-A capital R-U-E.

25 MR. WARD: And are you familiar with this

1 agenda item number seven?

2 MR. LARUE: Yes, sir.

3 MR. WARD: And are you, in fact, the authorized
4 agent for AGR Detective Agency, license number 42?

5 MR. LARUE: Yes, sir. AGR is a sole
6 proprietorship, and I am the sole proprietor.

7 MR. WARD: And you did, in fact, receive a
8 notice of violation in this matter; is that correct?

9 MR. LARUE: Yes, sir, I did.

10 MR. WARD: And is it your testimony that you
11 did receive a letter from the PILB concerning a lapse,
12 or notification that they needed some information; is
13 that correct?

14 MR. LARUE: Yes, sir, that's correct, also.

15 MR. WARD: Did you respond to that letter?

16 MR. LARUE: Yes, sir.

17 MR. WARD: And how did you do that? And when?

18 MR. LARUE: The letter was generated from the
19 Las Vegas as opposed to Carson City office. I responded
20 to that letter. The letter, by the way, was dated --
21 excuse me here.

22 The -- it was a courtesy letter dated by a
23 board member on October 3 of this year, as signed by
24 Shelly Donald. I, upon receiving that letter -- it's
25 actually dated -- the letter is dated October 3, but I

1 actually did not receive this letter until October 31.

2 MR. WARD: Okay.

3 MR. LARUE: On October 31, when I received the
4 letter, I called Ms. Donald, explained that I had
5 provided the insurance coverage, the same as I've done
6 for the past 48 years, and told her that the letter, or
7 I beg your pardon, the insurance coverage had been
8 forwarded to the Carson City. She didn't seem to be
9 overly concerned and said, well, it's up in Carson City.
10 And that was the gist of the conversation. And I did
11 another letter in that regard.

12 MR. WARD: So is it your testimony that you
13 never did supply proof that you had a policy of
14 insurance at that time?

15 MR. LARUE: Actually, the original question was
16 that did I receive a letter, or did I respond. The
17 answer to that question is yes. After hanging up the
18 phone from -- after hanging up the phone from
19 Ms. Donald -- by the way, could I interrupt? I have an
20 exhibit I'd like to pass to the Board.

21 MR. WARD: I have no problem with that. Would
22 you just explain, describe that exhibit. Is that the
23 letter?

24 MR. LARUE: Yes, certainly, in the exhibits
25 that I offered and tendered. And I apologize if I

1 interrupted you up north.

2 In any event, on the same date that I called
3 Ms. Donald, I contacted my insurance carrier. They
4 confirmed that the insurance information had been
5 forwarded to the Board. And I received a -- a fax
6 letter from my insurance carrier, which is part of the
7 exhibit I'd like to tender, and --

8 MR. WARD: Mr. LaRue?

9 MR. LARUE: Yes?

10 MR. WARD: I hate to interrupt. Why don't we
11 go ahead, and you can put numbers on all of those
12 exhibits. And then you can -- and you don't have to
13 send them or fax them to me down here. And then refer
14 to them as I ask you questions, so that the Board can
15 understand what you're testifying to. Would that be
16 okay with you?

17 MR. LARUE: That would be ideal. And they have
18 been numbered. So if I can pass those.

19 BOARD CHAIRMAN NADEAU: Well, how would you
20 like us to number these, I guess?

21 MR. LARUE: I numbered them page A through, I
22 think, D or E or whatever, A through D.

23 BOARD CHAIRMAN NADEAU: I just want to make
24 sure they're not conflicting with any other exhibits.
25 They're lettered exhibits, rather than numeric.

1 MR. WARD: That's fine.

2 Now, Mr. LaRue, in asking my questions I'm
3 going to ask you, if you do respond to my question, to
4 refer to one of the exhibits. And I have no problem
5 having those exhibits introduced in this matter. I have
6 no objection to them, even by not seeing them.

7 MR. LARUE: Very good. Sure. Your last
8 question, go ahead.

9 MR. WARD: Okay. Mr. LaRue, you did receive
10 written notice about this; is that correct, concerning
11 your liability insurance?

12 MR. LARUE: That's correct, yes, sir.

13 MR. WARD: And is that one of your exhibits?

14 MR. LARUE: Yes, it is.

15 MR. WARD: And would you -- what letter exhibit
16 is that?

17 MR. LARUE: Exhibit C. If the Board members
18 and --

19 MR. WARD: Okay.

20 MR. LARUE: Exhibit C is a copy of the letter
21 from Ms. Donald of the board.

22 MR. WARD: Okay. And are you familiar with
23 648.135 where it says "Before issuing any license or
24 annual renewal thereof, the Board shall require
25 satisfactory proof that the application of a licensee is

1 covered by insurance"; are you familiar with that
2 statute?

3 MR. LARUE: Yes, I am, yes, sir, very familiar
4 with it.

5 MR. WARD: Okay. Now, in reference to the
6 letter, which, I think, is Exhibit C, what did you do in
7 response to Exhibit C?

8 MR. LARUE: I initially called Ms. Donald,
9 advising that the certificate of insurance had been sent
10 to the Carson City office. Ms. Donald, well, it's up in
11 Carson City. It was a very brief conversation. And
12 that was the gist of the conversation of Ms. Donald.

13 I then called immediately to my insurance
14 carrier, who informed me that, yes, they had sent the
15 insurance certificate. That's my exhibit D, as in
16 David, if you would, please.

17 MR. WARD: And that was my next question. So
18 you did provide some sort of proof of insurance, and
19 that is Exhibit D; is that correct?

20 MR. LARUE: Yes, sir, that is correct.

21 MR. WARD: And at what time did you do it, I
22 mean do you have a date when you did timely provide that
23 information?

24 MR. LARUE: I received the courtesy letter on
25 October 31. On the same date, October 31, I contacted

1 my insurance carrier. They immediately faxed a copy of
2 the certificate with a cover letter indicating that they
3 had sent it earlier to the Board.

4 MR. WARD: Okay. And do you have an exhibit
5 number on that or that you're referencing?

6 MR. LARUE: Yes, sir. The letter from the
7 insurance carrier would be my Exhibit D.

8 Excuse me. I have a cold.

9 MR. WARD: That's fine. I'm at a bit of a
10 disadvantage, since I don't have the exhibits in front
11 of me. But that's fine.

12 MR. LARUE: Yes. I'd be more than happy to
13 provide this.

14 MR. WARD: No, that's fine. I can elicit it
15 through testimony. But it's your testimony that you
16 have given proof to the Board concerning your coverage
17 of insurance; is that correct?

18 MR. LARUE: Yes, sir, that is correct.

19 MR. WARD: And based on your exhibits, when do
20 you say that the Board received this proof?

21 MR. LARUE: My information would indicate that
22 the Board received -- well, received the amended proof,
23 if you will, on October 31.

24 MR. WARD: I have nothing further. I tender
25 the witness to the Board.

1 BOARD CHAIRMAN NADEAU: Thank you.

2 Any questions of Mr. LaRue?

3 BOARD MEMBER PUTNAM: Yes, I have one question
4 for just verification, Mr. LaRue. You received the
5 letter from the Board on the 31st of October; is that
6 correct?

7 MR. LARUE: Yes, sir. Yes, sir.

8 BOARD MEMBER PUTNAM: And that same day that
9 you received this letter, you made arrangements for your
10 insurance company to fax a copy of the policy to the
11 Board; is that correct?

12 MR. LARUE: Yes, sir, that is also correct.

13 BOARD MEMBER PUTNAM: Thank you, sir.

14 BOARD CHAIRMAN NADEAU: Counselor, Mr. Ward, it
15 might be worthwhile for to us read this e-mail that
16 Mr. LaRue received from his insurance company, if you're
17 interested.

18 MR. WARD: Yes, I am.

19 BOARD CHAIRMAN NADEAU: That's his Exhibit D.

20 MR. WARD: Okay. Thank you, sir. Please read
21 it into the record.

22 BOARD CHAIRMAN NADEAU: It's from Emeril Wilson
23 with the Harley E. Harmon Insurance Agency here in
24 Las Vegas: To whom it may concern. Our insured just
25 called and stated he received a citation since you did

1 not receive the certificate of insurance. On 10-21-11,
2 I personally mailed the certificate to 3476 Executive
3 Pointe Way, Number 14, Carson City, Nevada, 89706,
4 Attention of Mechele Salcedo. Saucedo. I'm sorry. I
5 printed off a copy. However, our computer automatically
6 changed the date to the date we printed it. I also have
7 included a new certificate showing the new address of
8 704 West Nye Lane, Number 203, Carson City, Nevada,
9 89703. This coverage is in full force and has been
10 since 9-25-11. If you need further information, please
11 let me know. Thank you.

12 MR. WARD: Thank you, Mr. Chairman.
13 Mr. Chairman, and if it may please the Board, I think,
14 Mr. LaRue also has an opportunity to, quote, unquote,
15 testify for himself. So if he would like to give his
16 side of the story, this might be appropriate. And then
17 the Board can ask him some questions. And I might,
18 likewise, cross-examine him. So he would be calling
19 himself as his own witness.

20 BOARD CHAIRMAN NADEAU: Okay. Then, you have
21 no additional witness, if I'm understanding correctly?

22 MR. WARD: Correct, I have no additional
23 witnesses.

24 BOARD CHAIRMAN NADEAU: All right. Mr. LaRue,
25 this is your opportunity to state your case and present

1 any witnesses that you so choose.

2 MR. LARUE: Okay. Thank you. I believe, this
3 whole scenario appeared to have been a clerical error on
4 the part of my insurance carrier. The letter, Exhibit D
5 that we've spoke of here, it looks like they sent the
6 certificate of the insurance to the old address, the
7 Executive Pointe address. And, obviously, since the
8 Board moved to the new address, it's possible that the
9 Board didn't get it. I think, it's reasonable to
10 assume, however, that the Board -- or that the -- maybe
11 they forwarded it to the new address.

12 Secondly, I do know that -- it's not become
13 part of the record, but my insurance carrier reports
14 that the certificate had not been returned undeliverable
15 to them. So somewhere out there in the world is a
16 certificate of insurance floating around.

17 And, again, as I asked Ms. Smith, I think that
18 the whole thing could have finally been resolved with a
19 simple phone call. I know years passed, times have
20 changed. And, you know, in the old days investigators
21 like Bill Bertram, who, unfortunately, is not with us
22 anymore, he would have picked up the phone and said,
23 "Hey, don't forget your insurance." I said, "Fine, we
24 will, we'll get it to you."

25 So I think that the whole thing got a little

1 bit blown out of proportion. And I'm sure Ms. Smith did
2 what her duty said she's supposed to do. But, I think,
3 it was just a simple clerical error that the insurance
4 coverage went to the old address and not the new
5 address.

6 And as stated in the letter, and, I think, the
7 Board is probably satisfied, that there never was a
8 lapse in the insurance at any time. There never has
9 been in as many years I've been in business, for the
10 insurance.

11 But they've always been in full force. And
12 that's my case. And I rest my case.

13 BOARD CHAIRMAN NADEAU: Okay.

14 MR. LARUE: That's --

15 BOARD CHAIRMAN NADEAU: Counselor, do you have
16 testimony that you would like regarding this?

17 MR. WARD: Yes, briefly, if it may please the
18 Board, Mr. Chairman.

19 Mr. LaRue, basically, what you're saying is
20 that it was a clerical error on behalf of the insurance
21 company; is that correct?

22 MR. LARUE: That would be my position, yes,
23 sir.

24 MR. WARD: And in years past -- and how many
25 years have you been licensed?

1 MR. LARUE: Approximately 48 years.

2 MR. WARD: In all those years, does your
3 insurance company always send the certificate, or do you
4 do that?

5 MR. LARUE: It's always been sent by the
6 insurance carrier.

7 MR. WARD: Okay. In your experience, that's
8 what has been done?

9 MR. LARUE: That's what -- if you're asking me,
10 yes, that is what's always been done, yes, sir.

11 MR. WARD: And do you know that they, that the
12 Board has a new address? Did you ever notify your
13 insurance company of their new address?

14 MR. LARUE: I do now. And, quite frankly, in
15 years past, there was only one address for the Board.
16 In fact, quite frankly, I forgot there was a Las Vegas
17 office. I don't do much business with the Board. And
18 I'm certainly aware of it. I've made corrections with
19 my insurance carrier. And I'm sure that in the future
20 dates I'll make sure that the correspondence gets to the
21 right address.

22 MR. WARD: I have nothing further, and I tender
23 the witness to the Board.

24 BOARD CHAIRMAN NADEAU: Thank you.

25 Any questions of Mr. LaRue?

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

3 BOARD CHAIRMAN NADEAU: In the south?

4 BOARD MEMBER ZANE: I have a question.

5 BOARD MEMBER NADEAU: Okay. Go ahead.

6 BOARD MEMBER ZANE: Mr. LaRue, did you pay your
7 licensing fee for the fiscal year 2011?

8 MR. LARUE: Yes, sir.

9 BOARD MEMBER ZANE: Did you receive a license?

10 MR. LARUE: Did I receive a license?

11 BOARD MEMBER ZANE: Yes.

12 MR. LARUE: Yes. Yes, sir, two licenses.

13 BOARD MEMBER ZANE: Okay. That's all I have.

14 BOARD CHAIRMAN NADEAU: Okay. Thank you.

15 All right. Any other witnesses or anything?

16 MR. LARUE: No, sir. I'm fine with it.

17 BOARD CHAIRMAN NADEAU: Mr. Ward, does -- I
18 believe, you -- does he close first, or do you close?

19 MR. WARD: I get to close, if it may please the
20 Board, just very briefly.

21 BOARD CHAIRMAN NADEAU: Okay.

22 MR. WARD: May it please the Board,
23 Mr. Chairman, at this time, I would ask the Board to
24 uphold the notice of violation and fine of \$50.

25 You heard testimony from the respondent,

1 Mr. LaRue. Basically, he is blaming his insurance
2 company, when, in fact, under the statute, he is the one
3 that has to satisfy the proof of -- he is the licensee,
4 he is the applicant or the licensee, and he is the one
5 that should have to prove that he is covered by a
6 policy. And in this matter, he did not.

7 Thank you.

8 BOARD CHAIRMAN NADEAU: Mr. LaRue, closing
9 remarks.

10 MR. LARUE: I recognize the Board's, the
11 counsel's comment. And I believe there's possibly a
12 gray area there. I recognize it's my responsibility to
13 make sure the insurance is in force. And I believe I
14 acted in good faith, as I have in many years past. And,
15 I think, I'll change my own procedure with respect to
16 the licensing and renewals of different forms.

17 So a lesson learned, whatever the Board rules,
18 that's still a lesson learned.

19 BOARD CHAIRMAN NADEAU: Thank you, Mr. LaRue.

20 All right. Then, I bring it back to the Board
21 for consideration and discussion. Any comments?

22 I see no comments. Then, I would entertain a
23 motion.

24 BOARD MEMBER ZANE: I would have a comment
25 after the motion.

1 BOARD CHAIRMAN NADEAU: I'm sorry?

2 BOARD MEMBER ZANE: I said I would have a
3 comment on whatever motion that we make.

4 BOARD CHAIRMAN NADEAU: Yes, again, we'll have
5 discussion of the motion. Sure. Okay. I will accept a
6 motion on this particular item.

7 BOARD MEMBER ZANE: Mr. Chairman, I would move
8 that the notice of violation issued under agenda item
9 number seven to Eddie LaRue dba AGR Detective Agency not
10 be upheld.

11 BOARD CHAIRMAN NADEAU: Okay. Motion to -- not
12 to uphold made by Board Member Zane. Do I have a second
13 to that motion?

14 BOARD MEMBER PUTNAM: Second.

15 BOARD CHAIRMAN NADEAU: Second by Board Member
16 Putnam. Discussion of the motion. Mark?

17 BOARD MEMBER ZANE: It was a violation,
18 indicates a violation of NRS 648.135. And the
19 provisions of the statute require that insurance be on
20 file at the time of licensing.

21 There's nothing in 648.135 that I can find that
22 indicates, although it is practice and policy that the
23 current insurance be provided to the Board, this
24 particular violation under this particular statute
25 requires that it be in existence at the time that the

1 license is issued. And so, if I'm mistaken, not
2 mistaken, that license would have been issued July 1st
3 of 2011. There's no testimony or evidence produced that
4 there wasn't insurance in place and the evidence of such
5 coverage on July 1st.

6 BOARD CHAIRMAN NADEAU: Okay. Any other
7 comments?

8 BOARD MEMBER PUTNAM: Yes, Mr. Chairman, I have
9 a comment.

10 BOARD CHAIRMAN NADEAU: Okay.

11 BOARD MEMBER PUTNAM: I think that it is
12 apparent that Mr. LaRue, in having the insurance company
13 send the policy to the Board, had been sufficient in the
14 past for a number of years. And, I think, he relied on
15 this. And, I think, if there is a violation here, it is
16 not one of intent, that it is one of a very technical
17 nature.

18 I think, he did everything that he had done in
19 the past to advise the Board of the insurance. And he
20 just followed the past procedures that worked. And, I
21 think, this is a -- it's unfortunate. But, again, it's
22 a technical, in my mind, a technical violation rather
23 than an intentional violation.

24 BOARD CHAIRMAN NADEAU: Okay. Thank you.

25 Robert?

1 BOARD MEMBER UITHOVEN: I agree, I agree with
2 Board Member Putnam.

3 BOARD CHAIRMAN NADEAU: And, I think, I think,
4 from the testimony, that it's clear that the insurance
5 was in place, and there's no lapse of insurance.

6 So, any further discussion?

7 Seeing none, we have a motion and a second.
8 All in favor of the motion, signify by saying "aye."

9 (Board members said "aye.")

10 BOARD CHAIRMAN NADEAU: Opposed?

11 Mr. LaRue, the violation has been overruled.

12 MR. LARUE: I appreciate it. It's nice to see
13 everyone. Thank you so much.

14 MS. RAY: Don't be a stranger.

15 MR. LARUE: I'll let the meeting go on. It's
16 nice to see you. Thank you, everyone.

17 BOARD CHAIRMAN NADEAU: All right. Thank you,
18 sir.

19

20 AGENDA ITEMS 9 AND 9a

21 DESHAWN HENDERSON

22

23 BOARD CHAIRMAN NADEAU: All right. Then, we'll
24 proceed now to the registration appeal hearings. And
25 we'll proceed to Mr. Deshawn Henderson.

1 I believe, according to staff, we made a motion
2 the last meeting in regard to Mr. Henderson. I think,
3 it was to uphold the denial. Is that correct?

4 MS. RAY: Yes, because he was not here.

5 BOARD CHAIRMAN NADEAU: And because
6 Mr. Henderson was not here. He has chosen to appear
7 today. So, therefore, in order for us to rehear this,
8 we would have to have a motion to reconsider our last
9 decision or to reopen this case.

10 Counselor, is there any particular protocol we
11 should follow in order to allow this rehearing if it's
12 the pleasure of the Board?

13 MR. WARD: To my knowledge, there is nothing
14 that would prohibit the Board from making that motion
15 and the determination.

16 BOARD CHAIRMAN NADEAU: Okay. So the pleasure
17 of the Board for -- as far as a motion to rehear
18 Mr. Deshawn Henderson's case.

19 BOARD MEMBER ZANE: Mr. Chairman, I would move
20 that we hear item number nine with regard to Deshawn
21 Henderson, who was denied at the previous meeting, who
22 has now made an application for request for appeal.

23 BOARD MEMBER UITHOVEN: Second.

24 BOARD CHAIRMAN NADEAU: We have a motion by
25 Board Member Zane and a second by Board Member Uithoven

1 to rehear Mr. Henderson's request for appeal. Any
2 discussion on the motion?

3 BOARD MEMBER PUTNAM: Mr. Chairman, may I ask a
4 question of Mr. Henderson?

5 MR. HENDERSON: Yes, sir.

6 BOARD CHAIRMAN NADEAU: Go ahead.

7 BOARD MEMBER PUTNAM: Mr. Henderson, as I
8 understand it, you did not appear at the previous
9 appeal. Is that correct?

10 MR. HENDERSON: Yes, sir, no, sir.

11 BOARD MEMBER PUTNAM: What was the reason you
12 did not appear?

13 MR. HENDERSON: I sent the fax because I just
14 had a newborn. I had a newborn two days earlier.

15 BOARD MEMBER PUTNAM: Okay, sir. Thank you.

16 MS. RAY: That's why I couldn't be here.

17 BOARD CHAIRMAN NADEAU: Any, any other
18 questions?

19 Seeing none, no other questions, all in favor
20 of the motion, signify by saying "aye."

21 (Board members said "aye.")

22 BOARD CHAIRMAN NADEAU: Opposed?

23 It sounds like it's unanimous.

24 Okay. All right. Mr. Deshawn Henderson,
25 Mr. Henderson, I guess, we should find out why it was

1 denied initially, if you could refresh our memories on
2 that. Or not denied. Yeah, why his application for
3 registration was denied.

4 MS. GRESNICK-SMITH: For the record, Elyse
5 Gresnick-Smith. I am the investigator assigned to this
6 application.

7 Originally, Mr. Henderson was denied for not
8 disclosing all of his arrests on his original
9 application. He then provided information. However, he
10 was placed on probation, and violated probation, and had
11 subsequent arrests following that. So it was very
12 unclear whether or not he was currently on probation for
13 these charges. And that information still has not been
14 provided.

15 So, as of right now, along with the reasons
16 that he was arrested, we're unaware if he's currently on
17 probation.

18 BOARD CHAIRMAN NADEAU: Okay. Mr. Henderson?

19 MR. HENDERSON: No, sir. I haven't been on
20 probation since March 31st, 2010.

21 BOARD MEMBER ZANE: Ask him if he has
22 documentation.

23 BOARD CHAIRMAN NADEAU: Documentation of that?

24 MR. HENDERSON: I tried. I tried. And they
25 kept making me go back and forth from the courts to the

1 probation office, from the courts or probation office,
2 and I couldn't get it.

3 Well, what happened was I got put on probation
4 on March 31st. I went -- went to jail. And they had
5 took my probation away. So I had to serve, I had to
6 serve my year in county. So I got out last -- last
7 year, November 30th. And I did nine months in county
8 since I -- I was good, so let me do the rest of my time
9 on house arrest. So. And so I got off house arrest
10 May 5th. And since then, I have not had any trouble.

11 BOARD CHAIRMAN NADEAU: May 5th of this year?

12 MR. HENDERSON: Yes.

13 BOARD CHAIRMAN NADEAU: And what was the charge
14 that you were convicted of and you did time for?

15 MR. HENDERSON: I did time for -- it was
16 attempt possession of a stolen vehicle.

17 BOARD CHAIRMAN NADEAU: And was that a felony
18 or a gross misdemeanor?

19 MR. HENDERSON: It was a gross.

20 BOARD CHAIRMAN NADEAU: Gross misdemeanor.

21 MR. HENDERSON: I don't have any felonies on my
22 record, sir.

23 BOARD CHAIRMAN NADEAU: Is that reflected as a
24 conviction on his record?

25 MS. GRESNICK-SMITH: Yes.

1 BOARD CHAIRMAN NADEAU: So what you're
2 contending is that there wasn't any -- whether you were
3 on probation or not, is that they rescinded your
4 probation, and you actually had to do the time?

5 MR. HENDERSON: I had to do the time.

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

8 BOARD MEMBER PUTNAM: None here, Mr. Chairman.

9 BOARD MEMBER ZANE: No questions.

10 MS. GRESNICK-SMITH: He did provide a SCOPE
11 printout. There -- there is a question regarding his
12 background. The possession of a stolen vehicle, he had
13 to be investigated regarding that charge. And, also,
14 the possession arrests, one was intent to sell.

15 BOARD CHAIRMAN NADEAU: The one was what?

16 MS. GRESNICK-SMITH: Was the intent to sell.

17 BOARD CHAIRMAN NADEAU: Oh, possession with
18 intent to sell?

19 MS. GRESNICK-SMITH: Yeah. No felony
20 convictions. I do not have fingerprint results at this
21 time, so I can't verify if there's anything else. But
22 from where we got in June, no felonies.

23 MR. HENDERSON: I don't have 12 arrests.

24 BOARD CHAIRMAN NADEAU: Do you have a series of
25 arrests associated with the different things?

1 MR. HENDERSON: I've probably been arrested
2 like four times, five times, if that.

3 BOARD CHAIRMAN NADEAU: Okay. Mark, anything?
4 Mark, any additional questions?

5 BOARD MEMBER ZANE: No.

6 BOARD CHAIRMAN NADEAU: Okay. Richard, do you
7 have some questions?

8 BOARD MEMBER PUTNAM: None, Mr. Chairman.

9 BOARD CHAIRMAN NADEAU: Okay. Robert?

10 BOARD MEMBER UITHOVEN: No.

11 BOARD CHAIRMAN NADEAU: All right. All right.
12 Bring it back to the pleasure of the Board. Any
13 discussion or a motion?

14 BOARD MEMBER ZANE: Mr. Chairman, I move that
15 we uphold the denial.

16 BOARD CHAIRMAN NADEAU: Okay. We have a motion
17 by Member Zane to uphold the denial. Do we have a
18 second?

19 I'll second that motion. Discussion on the
20 motion?

21 BOARD MEMBER PUTNAM: Mr. Chairman, could you
22 repeat the motion, please.

23 BOARD CHAIRMAN NADEAU: The motion is to uphold
24 the denial.

25 BOARD MEMBER PUTNAM: Thank you.

1 BOARD CHAIRMAN NADEAU: Any discussion?
2 Richard?

3 BOARD MEMBER PUTNAM: None, sir.

4 BOARD CHAIRMAN NADEAU: Robert?

5 BOARD MEMBER UITHOVEN: No.

6 BOARD CHAIRMAN NADEAU: Mark?

7 BOARD MEMBER ZANE: No.

8 BOARD CHAIRMAN NADEAU: Okay. Motion and a
9 second to uphold the denial. All in favor, signify by
10 saying "aye."

11 (Board members said "aye.")

12 BOARD CHAIRMAN NADEAU: Opposed?

13 Mr. Henderson, I think, it's time and distance.
14 And, I think, you're -- the denial is upheld. And
15 you're free to reapply within a year, or at end of the
16 year.

17

18 AGENDA ITEM 10

19 TUPE SU'A

20

21 BOARD CHAIRMAN NADEAU: Okay. Item number 10,
22 Tupe Su'a.

23 All right. Item number 10 has been resolved by
24 staff. So, therefore, is there anyone here who would
25 testify on number 10?

1 I think, it's Tupe Su'a. Is that -- okay. So
2 we will not consider item number 10. That's already
3 been rectified by staff.

4

5 AGENDA ITEM 11

6 SHARONA DANIEL

7

8 BOARD CHAIRMAN NADEAU: Item number 11, Sharona
9 Daniel.

10 Good morning.

11 MS. DANIEL: Good morning.

12 BOARD CHAIRMAN NADEAU: Who investigated this
13 one? Oh, thank you. Investigator Whatley?

14 MS. WHATLEY: Yes, it is.

15 BOARD CHAIRMAN NADEAU: Please inform us as to
16 why it was denied.

17 MS. WHATLEY: Okay. On the application,
18 Ms. Daniel disclosed a March 10, 2011 arrest for a bad
19 check. The background shows the actual arrest was
20 attempt theft, forgery and burglary. According to the
21 criminal complaint provided by the applicant, Ms. Daniel
22 entered a Walmart store with the intent to defraud
23 Walmart by forging a signature on a check made payable
24 to herself in the amount of \$829.69.

25 I don't have fingerprint results. But that is

1 the criminal complaint provided by the applicant.

2 BOARD CHAIRMAN NADEAU: Okay. And so the
3 denial was based on?

4 MS. WHATLEY: Well, that was only March of this
5 year.

6 BOARD CHAIRMAN NADEAU: Okay. And what was
7 the -- was this considered a misdemeanor, gross
8 misdemeanor, or a felony?

9 MS. WHATLEY: Well, the original charges were a
10 felony. But the -- one moment. Let me see if I have --
11 let me see the criminal complaint, what it -- if it
12 suggests.

13 I don't believe it states that it was reduced
14 to anything less.

15 BOARD CHAIRMAN NADEAU: Okay. Any questions
16 from the Board of Ms. Whatley?

17 BOARD MEMBER PUTNAM: Yes. Ms. Whatley, do you
18 have any, any indication as to the final outcome of this
19 case?

20 MS. WHATLEY: No. In fact, the criminal
21 complaint that I was provided is actually not even
22 signed. But it was the documentation that Ms. Daniel
23 provided.

24 BOARD MEMBER PUTNAM: These charges are still
25 pending?

1 MS. WHATLEY: I'm not sure. I can tell you the
2 crime occurred in March of 2011. Which, in my opinion,
3 that was not enough time and distance.

4 BOARD MEMBER PUTNAM: Yeah.

5 MS. WHATLEY: We -- she did not supply
6 fingerprints. So we will not get fingerprint results.

7 BOARD CHAIRMAN NADEAU: Okay. Any other
8 questions, Richard?

9 BOARD MEMBER PUTNAM: No further questions.

10 BOARD CHAIRMAN NADEAU: Any other questions?
11 Mark?

12 BOARD MEMBER ZANE: You said that you did not
13 supply any fingerprints, or they were late, or...

14 MS. WHATLEY: No, she had -- even if -- if this
15 denial is overturned, we're still waiting on her
16 supplemental documents. She would still need to provide
17 things to us. She has not provided fingerprints. Or
18 last time I had checked, she had not.

19 BOARD MEMBER ZANE: So they -- would it be
20 considered the initial application would be complete?

21 MS. WHATLEY: No. The -- it's incomplete. She
22 would not even -- she's not even eligible for
23 provisional status at this point until she provides us
24 the remainder of the supplemental documents. But it was
25 an automatic denial based on arrest history.

1 BOARD MEMBER ZANE: Thank you.

2 BOARD CHAIRMAN NADEAU: Robert, do you have any
3 questions?

4 BOARD MEMBER UITHOVEN: No.

5 BOARD CHAIRMAN NADEAU: Ms. Daniel, would you
6 go ahead and tell us about your feeling and what your --
7 go ahead and give us your side of this issue.

8 MS. DANIEL: I'm appealing to get the guard
9 card because I need a job. And about the fingerprints,
10 the fingerprints that she's talking about, is that to --
11 what is that to -- I don't understand it.

12 BOARD CHAIRMAN NADEAU: In order to get the
13 guard card, you have to submit fingerprints. They have
14 to be submitted to the FBI, and that's for validation of
15 identity and criminal history.

16 MS. DANIEL: When I did the application, I
17 thought I did submit fingerprints, because I did pay for
18 them.

19 BOARD CHAIRMAN NADEAU: Okay.

20 MS. DANIEL: And I have my receipt. But I
21 didn't have it, I don't have it with me. I thought I
22 brought it, but I brought another set of papers with me.

23 BOARD CHAIRMAN NADEAU: All right. And as far
24 as the arrest goes, what's you're -- where is that,
25 what's the status of that?

1 MS. DANIEL: I have this paper. It's a new --
2 it's a new guilty plea agreement. And then they did
3 drop some of the charges to -- of attempt theft. And I
4 have that, if you want to have it.

5 BOARD CHAIRMAN NADEAU: Would you give that to
6 Investigator Smith.

7 MS. DANIEL: And I had a court date yesterday.
8 They -- yesterday, but they cancelled it. And I
9 appeared, unfortunately.

10 BOARD CHAIRMAN NADEAU: Okay. So this case is
11 still pending acceptance of the final agreement by the
12 court?

13 MS. DANIEL: Yeah.

14 BOARD CHAIRMAN NADEAU: Okay. Any questions?
15 Richard, do you have any questions from the north?

16 BOARD MEMBER PUTNAM: No, Mr. Chairman.

17 BOARD CHAIRMAN NADEAU: Robert?

18 BOARD MEMBER UITHOVEN: No.

19 BOARD CHAIRMAN NADEAU: Mark?

20 BOARD MEMBER ZANE: No.

21 BOARD CHAIRMAN NADEAU: No questions. Okay.
22 Let's wait and see. I'm sure that -- this is still
23 pending. So let's -- what's the pleasure of the Board?

24 BOARD MEMBER UITHOVEN: Since you're not -- I
25 think -- well, I'll make a motion. I'm going to make a

1 motion to uphold the denial. For a couple reasons; one,
2 it doesn't appear that we have even the necessary -- the
3 Board doesn't have the necessary fingerprints and
4 whatever other information needed to complete this
5 application. And then, also, as with the previous
6 appellant, we don't -- some time and distance from the
7 crime here that's being discussed.

8 BOARD CHAIRMAN NADEAU: Okay. So we have a
9 motion for -- to uphold the denial. Do I have a second?

10 BOARD MEMBER PUTNAM: Second.

11 BOARD CHAIRMAN NADEAU: Discussion on the
12 motion?

13 BOARD MEMBER ZANE: Yes, Mr. Chairman. I -- I
14 would -- I would not support the motion, but not based
15 upon the fact that it's warranted. I would base it upon
16 the fact that I wouldn't -- I don't think that we should
17 be here considering an appeal based upon an application
18 that is incomplete.

19 BOARD CHAIRMAN NADEAU: Okay.

20 BOARD MEMBER ZANE: And, I think, to -- to make
21 the denial puts us in a situation where the applicant
22 has to wait a year to be considered again. And we're
23 basing that upon the unsigned criminal complaint that
24 was provided to us by the applicant.

25 BOARD CHAIRMAN NADEAU: Okay.

1 BOARD MEMBER ZANE: So we're not only -- we're
2 resting upon the results of our own inquiry or the
3 official document.

4 BOARD CHAIRMAN NADEAU: Okay. To that end, my
5 question is -- Mechele, is if we can find this, is it
6 automatically a year to apply, to reapply?

7 MS. RAY: Yes.

8 BOARD CHAIRMAN NADEAU: The denial by the
9 Board. Or not by the Board. Yes, that's by the Board.
10 Not this, not this, but the PILB Board, your denial
11 initially, does that also start the year delay?

12 MS. RAY: No. If staff denies a
13 registration --

14 (The Reporter interrupted due to the inability
15 to completely hear Las Vegas.)

16 BOARD CHAIRMAN NADEAU: Okay. My question to
17 Mechele was, if staff denies a -- an application, then
18 does that automatically start the clock, the one-year
19 clock for reapplication. Our denial automatically
20 starts that clock, I believe, and that was my question.
21 So Mechele is responding to that.

22 THE REPORTER: Okay. Thank you.

23 MS. RAY: Once the Board denies the
24 registration application, it's a -- one year before they
25 can reapply.

1 BOARD CHAIRMAN NADEAU: Thank you.

2 BOARD MEMBER PUTNAM: Mr. Chairman?

3 BOARD CHAIRMAN NADEAU: I understand Board
4 Member Zane's concern as far as the application is
5 incomplete.

6 And, but, to me, we have several dynamics going
7 here. Number one, the criminal issue has still not been
8 settled. So, therefore, to me, that's an automatic
9 issue from my perspective. Until we know what the
10 disposition of that criminal case is, we can't respond
11 or act on that. And, but I agree, we can't act, because
12 we don't have fingerprints and don't have a completed --
13 completed criminal history. So we don't know what else
14 is out there, so.

15 And in one sense, I support your motion. But
16 my concern is the year, that year that this clock
17 starts. So I'm struggling with that. So.

18 Richard, do you have a comment?

19 BOARD MEMBER PUTNAM: Yes, Mr. Chairman. I'd
20 just like to comment that, frankly, I agree with the
21 investigator in this matter in that this, that
22 registration should be denied purely on the standpoint
23 of the recency of this particular act that has yet to be
24 settled. And I believe that this agreement that she's
25 talking about includes, you know, a guilty plea to a

1 lesser included charge.

2 So I support this motion wholeheartedly.

3 BOARD CHAIRMAN NADEAU: And this, this
4 agreement here, as I've seen it, it says consequences of
5 a plea. It is "I understand that by pleading guilty, I
6 admit the facts which support all elements of the
7 offense to which I now plead, as set forth in Exhibit 1.
8 I understand that as a consequence of my plea of guilty,
9 the Court may elect to treat this offense as a felony or
10 as a gross misdemeanor."

11 So. I'm going to go ahead; with that language,
12 I've got to support the motion.

13 Okay. So. Okay. So the motion is -- we have
14 a motion and a second. Any further comment on the
15 motion, the motion to -- what was it? To deny the
16 application, is that what the motion was?

17 MS. RAY: In this case, it is the application
18 for registration.

19 BOARD CHAIRMAN NADEAU: Okay. So it's to deny
20 the application. So any further discussion?

21 Okay. All in favor of the motion, signify by
22 saying "aye."

23 (Board members said "aye.")

24 BOARD CHAIRMAN NADEAU: Opposed?

25 BOARD MEMBER ZANE: No.

1 BOARD CHAIRMAN NADEAU: All right. So we have
2 a three-one, with Board Member Zane voting in opposition
3 to the motion.

4 Ms. Daniel, I think that I -- I understand. I
5 think, you need to get some things sorted out. Okay.

6 MS. DANIEL: Okay.

7 BOARD CHAIRMAN NADEAU: But you're welcome to
8 apply in a year from now. Okay.

9 MS. DANIEL: Okay. Thank you.

10 BOARD CHAIRMAN NADEAU: All right.

11 MS. WHATLEY: Mr. Chairman, may I ask a
12 question of the Board?

13 BOARD CHAIRMAN NADEAU: Yes.

14 MS. WHATLEY: With this situation, when I
15 discussed matters with Ms. Daniel, she did not deny the
16 allegation. She knew it would be going forward at some
17 point, that it would not be completely dismissed. I did
18 not have her go ahead and complete the application and
19 insist we get the photo, proof of ID, fingerprints, all
20 that, because it would just be more financial hardship
21 on her, when I knew I was already denying it based on
22 the recency of the crime and the fact that she did not
23 deny committing the crime.

24 Would you like for us to still go ahead and
25 make them complete the application before you see them?

1 BOARD CHAIRMAN NADEAU: I think, that's
2 probably a discussion item that we could have, if we
3 agendize it and -- appropriately. I don't know that we
4 can discuss --

5 MS. WHATLEY: Okay.

6 BOARD CHAIRMAN NADEAU: -- give that the
7 appropriate consideration without it being agendized.

8 Counsel, would you tell me if I'm right.

9 MR. WARD: I agree with you, Mr. Chairman, that
10 we should possibly put it on the agenda for further
11 discussion.

12 MS. WHATLEY: Okay. Thank you.

13 BOARD CHAIRMAN NADEAU: You're welcome.

14

15 AGENDA ITEM 12

16 STEPHEN STRAKER

17

18 BOARD CHAIRMAN NADEAU: All right. We're next
19 down to item number 12, Stephen Straker. Is Mr. Straker
20 here?

21 MR. STRAKER: I am.

22 BOARD CHAIRMAN NADEAU: All right, sir.

23 Mr. Straker --

24 MR. STRAKER: Yes, sir.

25 BOARD CHAIRMAN NADEAU: And I'm sorry. Could

1 you identify yourself.

2 MS. BERARDI: My name is Lynn Berardi of the
3 specialty courts for Clark County.

4 BOARD CHAIRMAN NADEAU: Okay. And could you
5 spell your last name, Ms. Berardi.

6 MS. BERARDI: B, as in boy, E-R-A-R-D, as in
7 David, I.

8 BOARD CHAIRMAN NADEAU: Okay. Thank you.
9 Because this is -- we do have a court stenographer that
10 takes all this down.

11 Okay. Number one, were both of you here at the
12 time of being sworn in?

13 MR. STRAKER: Yes, sir.

14 MS. BERARDI: Yes.

15 BOARD CHAIRMAN NADEAU: Okay. Thank you.

16 Okay. Who handled this? Okay.

17 MS. GRESNICK-SMITH: For the record, Elyse
18 Gresnick-Smith.

19 MS. BERARDI: Okay. Could we have this closed,
20 please.

21 BOARD CHAIRMAN NADEAU: The applicant's has
22 requested closure of this, this hearing.

23 BOARD MEMBER ZANE: I make the motion.

24 BOARD CHAIRMAN NADEAU: We have a motion by
25 Board Member Zane to close the hearing. Do we have a

1 second?

2 BOARD MEMBER UITHOVEN: Second.

3 BOARD CHAIRMAN NADEAU: We have a second by
4 Board Member Uithoven. All in favor of the motion,
5 signify by saying "aye."

6 (Board members said "aye.")

7 Please, we'd ask everyone from the public to
8 step out during this hearing.

9 * * * * *

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

13 * * * * *

14 BOARD CHAIRMAN NADEAU: All right. We've had
15 our, I believe, information, on that. I believe that
16 I -- I would accept a motion.

17 BOARD MEMBER ZANE: Mr. Chairman, I would --
18 Which number are we on? We're on number 12.

19 Mr. Chairman, I move that we overturn the denial and
20 number 12, Mr. Straker, be issued a work card, with the
21 stipulation that -- with the stipulation that the court
22 services in charge of the program, since they volunteer,
23 keep us apprised of Mr. Straker's progress and his
24 successful completion.

25 BOARD CHAIRMAN NADEAU: We have a motion.

1 Richard, did you hear the motion?

2 MR. WARD: There's a --

3 BOARD MEMBER PUTNAM: Oh. Yes.

4 MR. WARD: There's a squeaking going on there
5 somewhere.

6 BOARD CHAIRMAN NADEAU: Yes, we have officers
7 running back.

8 That we have -- the motion is to overturn the
9 denial and request the court continue to keep the Board
10 informed as to the progression of the program.

11 Is that what you said?

12 BOARD MEMBER ZANE: Correct.

13 BOARD CHAIRMAN NADEAU: Okay.

14 BOARD MEMBER UITHOVEN: Second.

15 BOARD CHAIRMAN NADEAU: We have Board Member
16 Zane made the motion. It's seconded by Board Member
17 Uithoven.

18 I was just curious if we could include in the
19 motion. This is only, this denial was only for the
20 existing card. And so, therefore, the expiration would
21 still remain the same, October next year. Is that
22 correct? Or it was just -- are we issuing a full, whole
23 new card?

24 BOARD MEMBER ZANE: I would believe, since he
25 applied to the Board for the card, it's an issuance of a

1 whole new card.

2 BOARD CHAIRMAN NADEAU: Is it, is it a whole
3 new card?

4 MS. GRESNICK-SMITH: Yeah.

5 BOARD CHAIRMAN NADEAU: Okay. All right.
6 Then, okay. I understand.

7 Okay. Discussion on the motion?

8 BOARD MEMBER UITHOVEN: Mr. Chairman, I tend to
9 agree with Board Member Putnam about his concern that
10 the program has not been completed. Though, I am
11 confident with this applicant that the program will be
12 completed. And if not, he loses his rights being
13 granted here today anyway. Which is why I seconded in
14 support of this motion.

15 BOARD CHAIRMAN NADEAU: All right. Additional
16 comment?

17 BOARD MEMBER ZANE: Generally speaking, without
18 the level of support that has been exhibited by the
19 court and services program, I wouldn't have made this
20 motion. I wouldn't be in support of giving somebody a
21 card to be in a position for the protection of the
22 public if I believed for a minute that my decision would
23 render me a fool in the future.

24 So it's only based upon representations here
25 today and the fact that you're doing so well in the

1 program and the fact that I'm taking it for granted your
2 word that since you've been in it 33 months, there's no
3 way you're going to jeopardize the next three. So.

4 MR. STRAKER: I won't.

5 BOARD MEMBER ZANE: If you get it. Hopefully,
6 I'm not a fool.

7 MR. STRAKER: I will not make you look foolish,
8 I can guarantee you that.

9 BOARD CHAIRMAN NADEAU: I'm going to support
10 the motion. I think, the circumstances are such that
11 had the applicant not lost his card, we wouldn't even be
12 here today. So, therefore, I'm going to support the
13 motion. And, again, our -- my confidence is in the
14 court and their support and the applicant, his ethics
15 or -- tough decision, but I'm going to support the
16 motion.

17 BOARD MEMBER PUTNAM: Mr. Chairman?

18 BOARD CHAIRMAN NADEAU: Yes, Richard?

19 BOARD MEMBER PUTNAM: I would like to make a
20 comment. Number one, I would like to express my
21 wholehearted support of this program that this man is
22 in. They have saved hundreds of lives here in this
23 state, turned hundreds of people around. And it's
24 great.

25 But I cannot support this motion, because the

1 program has yet to be completed. And I'm also concerned
2 with regard to his legal status as presented in these
3 court documents that I've been referring to. But,
4 again, I do support the activities, the activities of
5 organizations that do do the things that he is
6 connecting with now.

7 BOARD CHAIRMAN NADEAU: Okay. Thank you.

8 Any further discussion?

9 BOARD MEMBER ZANE: I'd like to say that, in
10 review of the documents that are in the file, I do rely
11 upon the fact that there is no final judgment issued in
12 this case. So, therefore, I don't have an issue with
13 the standard of conviction.

14 BOARD CHAIRMAN NADEAU: Okay. Okay. We have a
15 motion. No further discussion. All in favor of the
16 motion, signify by saying "aye."

17 (Board members said "aye.")

18 BOARD CHAIRMAN NADEAU: Opposed?

19 BOARD MEMBER PUTNAM: Nay.

20 BOARD CHAIRMAN NADEAU: Okay. Please let the
21 record reflect that Board Member Putnam voted negative.

22 Mr. Straker?

23 MR. STRAKER: Yes, sir.

24 BOARD CHAIRMAN NADEAU: We're counting on you.
25 Don't let us down.

1 MR. STRAKER: I won't.

2 BOARD CHAIRMAN NADEAU: Good luck.

3 MR. STRAKER: Thank you, sir. Thank you,
4 members.

5 BOARD CHAIRMAN NADEAU: Thank you, sir.

6 We're going to take a break. But we're in
7 serious danger of losing our quorum at 1:30. And so
8 I -- and so I would say let's be back at 10 after 11:00
9 so we can complete our business of the day before,
10 before 1:30.

11 BOARD MEMBER PUTNAM: I'm sorry?

12 BOARD CHAIRMAN NADEAU: Oh, I'm sorry. At
13 11:25. Okay.

14 * * * * *

15 (A break was taken 11:13 to 11:28 a.m.)

16 * * * * *

17 BOARD CHAIRMAN NADEAU: Okay. We're back in
18 session.

19

20 AGENDA ITEM 13

21 LOUIS COLLINS

22

23 BOARD CHAIRMAN NADEAU: Let's move on to item
24 number 13. That is Louis Collins.

25 Louis Collins, is he up north?

1 MS. WHATLEY: No, he is not.

2 BOARD CHAIRMAN NADEAU: Do we have a Louis
3 Collins in the audience here?

4

5 AGENDA ITEM 14

6 RUFUS HUGHES

7

8 BOARD CHAIRMAN NADEAU: Okay. Then, let's move
9 on to item number 14, Rufus Hughes.

10 Mr. Hughes, please step forward.

11 And who had Mr. Hughes? Do we know who had
12 Mr. Hughes' file?

13 MS. GRESNICK-SMITH: It's Brandi's, and she's
14 coming now.

15 MR. WARD: She's coming.

16 BOARD CHAIRMAN NADEAU: Thank you.

17 MS. KING: I'm sorry about that.

18 BOARD CHAIRMAN NADEAU: Please identify
19 yourself for the record, and tell us what we're -- what
20 we have here.

21 MS. KING: I'm Brandi King, Investigative
22 Assistant, assigned to this application.

23 BOARD CHAIRMAN NADEAU: Go ahead and proceed,
24 please.

25 MS. KING: Okay. I processed Mr. Hughes'

1 application in August. And he did not disclose any of
2 his arrests on his application. He had seven arrests
3 and/or criminal citations. And I denied him for not
4 disclosing those and because of his temperate habits,
5 including a recent failure to appear on a traffic
6 citation and a contempt of court charge.

7 So I sent him a letter August 31st denying him,
8 with the option to appeal. And he sent me a letter
9 requesting an appeal on September 12th.

10 BOARD CHAIRMAN NADEAU: Okay.

11 MS. KING: The preliminary background revealed,
12 out of seven of his arrests, they all -- he failed to
13 appear on all of them, resulting in 13 bench warrants.
14 And I just was not comfortable with his background and
15 his habits. And two of them were burglary charges.

16 Since that time, I have received his
17 fingerprint results. And on the fingerprint results,
18 it's showing that the two burglary charges, he was found
19 guilty at trial of -- they were amended to nonsufficient
20 funds, slash, checks, but it shows that they were felony
21 convictions.

22 BOARD CHAIRMAN NADEAU: Okay. Any questions of
23 Brandi? Robert? Richard?

24 BOARD MEMBER PUTNAM: No questions,
25 Mr. Chairman.

1 BOARD CHAIRMAN NADEAU: Okay. Sir, do you
2 have -- Mr. Hughes, would you like to go ahead and
3 address those issues?

4 MR. HUGHES: Basically, it was issues just
5 writing bad checks. And I did my time in DCCC. And the
6 judge told me that this would not, the burglary charge
7 would not reappear on my record. So when I went down to
8 the police station and got my record, I saw that it's
9 still there, you know. But he indicated it would not
10 show on my record.

11 BOARD CHAIRMAN NADEAU: Did you hear that? Are
12 you able to hear him okay?

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

14 MR. HUGHES: Okay. When I saw the judge on the
15 burglary charges, he told me that the charge, the
16 burglary charge would not appear on my record. And I
17 did my time in DCCC. He dropped all the charges.

18 BOARD CHAIRMAN NADEAU: Okay. And did you --
19 why didn't you put your arrests on the -- on your
20 application?

21 MR. HUGHES: It was just due to my
22 carelessness, not paying attention to the application.
23 I was, you know -- I'm sorry I made that mistake, you
24 know.

25 BOARD CHAIRMAN NADEAU: And when was the

1 burglary conviction?

2 MR. HUGHES: I think, it was February 2003 or
3 2004.

4 MS. KING: It was 2002.

5 BOARD CHAIRMAN NADEAU: 2002. Okay. Okay.

6 Any other questions?

7 Do you have any other comments, sir?

8 MR. HUGHES: No.

9 BOARD CHAIRMAN NADEAU: Okay. With that in
10 mind, I'd entertain a motion.

11 BOARD MEMBER ZANE: Mr. Chairman, I'd move that
12 we uphold the denial.

13 BOARD MEMBER UITHOVEN: Second.

14 BOARD CHAIRMAN NADEAU: Okay. We have a motion
15 by Member Zane to uphold the denial and a second by
16 Member Uithoven. Any discussion on the motion?

17 BOARD MEMBER PUTNAM: Second.

18 BOARD CHAIRMAN NADEAU: It's already been
19 seconded, Richard. Thank you.

20 Any discussion on the motion?

21 BOARD MEMBER UITHOVEN: I'd support the motion,
22 Mr. Chairman, just based on the inability, or whatever
23 reason, whatever the excuse is that these arrests were
24 not, as the application requests, to list all arrests,
25 that they were not properly listed on the application.

1 BOARD CHAIRMAN NADEAU: Any other discussion?
2 Hearing none, all in favor of the motion,
3 signify by saying "aye."

4 (Board members said "aye.")

5 BOARD CHAIRMAN NADEAU: Opposed?

6 All right. Mr. Hughes, you've been denied on
7 your application. You can reapply in a year. I would
8 suggest, though, that you read the application and put
9 down, when it says "arrests," arrests, and
10 "convictions," convictions.

11 If you have a concern regarding the burglary
12 reflected on your record, then you should go back in to
13 the court, proceed with legal counsel and get the -- you
14 know, that information removed.

15 MR. HUGHES: Okay.

16 BOARD CHAIRMAN NADEAU: Okay?

17 MR. HUGHES: Okay.

18

19 AGENDA ITEM 15

20 DAMIEN NEWSOME

21

22 BOARD CHAIRMAN NADEAU: Okay. Then, we'll go
23 to Damien Newsome. Is Mr. Newsome here?

24 Good morning.

25 MR. NEWSOME: Good morning.

1 BOARD CHAIRMAN NADEAU: And who did the
2 investigation of Mr. Newsome?

3 MS. CHRISTENSEN: I did, Kimberly Christensen.

4 BOARD CHAIRMAN NADEAU: Thank you. Could you
5 go ahead and proceed, please.

6 MS. CHRISTENSEN: Okay. He completed his
7 application, and he did not disclose any arrests.
8 During that time period, I did receive his fingerprint
9 returns. And those, the fingerprint returns, indicated
10 five arrests. I did deny him for nondisclosure and
11 possible felony due to -- and three of the arrests were
12 for burglary.

13 I tried numerous times to get him to disclose
14 these. He started to disclose them but would not --
15 still has not even mentioned the January 2011 burglary
16 arrest on his fingerprints. No disposition.

17 BOARD CHAIRMAN NADEAU: Okay. And any
18 additional information?

19 MS. CHRISTENSEN: No. No.

20 BOARD CHAIRMAN NADEAU: All right. Any
21 questions of the investigator?

22 Okay. Mr. Newsome, can you explain why you did
23 not list your arrests, could you explain the burglary on
24 the charges?

25 MR. NEWSOME: It was only one burglary charge,

1 and that was from receiving stolen property, and I was a
2 juvenile. And I completed everything that I was
3 supposed to do, what the court asked me. I paid my
4 community service. I did my community service. I paid
5 my restitution fees. And I did my time. I completed
6 everything.

7 BOARD CHAIRMAN NADEAU: How long ago was that?

8 MR. NEWSOME: This was like when I was 17.

9 BOARD CHAIRMAN NADEAU: Okay. What about the
10 2011 charge?

11 MR. NEWSOME: I don't know what that was for.
12 I only been in -- I only got arrested for like a traffic
13 ticket.

14 BOARD CHAIRMAN NADEAU: Why didn't you list the
15 arrest?

16 MR. NEWSOME: Because I didn't know what
17 disposition means. And I kept calling Kimberly, I kept
18 calling her, asking her to explain. And when she did
19 explain to me, I wrote it down, but it was too late.
20 That's why I'm here for it now.

21 BOARD CHAIRMAN NADEAU: Questions of
22 Mr. Newsome?

23 BOARD MEMBER UITHOVEN: What do we know about
24 the January 21 arrest, this year?

25 BOARD CHAIRMAN NADEAU: Kimberly, what do you

1 show for 2011?

2 MS. CHRISTENSEN: It is showing the January 31,
3 2011 arrest, one count burglary, no disposition. That
4 is on his fingerprint returns.

5 BOARD MEMBER UITHOVEN: Where was the arrest?

6 MS. CHRISTENSEN: I'm sorry?

7 BOARD MEMBER UITHOVEN: Where was the arrest?

8 MS. CHRISTENSEN: Norwalk, California.

9 And I did have several telephone conversations
10 with Mr. Newsome on what I did need to get, what I
11 needed him to provide and disclose.

12 BOARD MEMBER ZANE: Sir, what about the arrest?

13 MR. NEWSOME: The Norwalk wasn't a burglary. I
14 got arrested for driving with no license. That's what
15 they arrested me for. They didn't arrest me for
16 burglary. And I was out the next day. The detective
17 told me it wasn't for burglary. It was only for driving
18 with no license. And then he tried to say that I stole
19 the car. And my car was stolen. I bought the car from
20 off the street.

21 BOARD CHAIRMAN NADEAU: What was the
22 disposition of that?

23 MR. NEWSOME: The disposition was --

24 BOARD CHAIRMAN NADEAU: In other words, where
25 are you at?

1 MR. NEWSOME: Oh, I was in Norwalk.

2 BOARD CHAIRMAN NADEAU: No, I'm asking you,
3 where's that case? Has it been settled? Is it still
4 pending?

5 MR. NEWSOME: Oh, yes, it settled.

6 BOARD CHAIRMAN NADEAU: How was it settled?

7 MR. NEWSOME: I got to pay, I got to pay for
8 it. Like I got to go to court. That's like in April.
9 That's it.

10 BOARD CHAIRMAN NADEAU: And what was the final
11 charge?

12 MR. NEWSOME: The final charge was for me to
13 pay.

14 BOARD CHAIRMAN NADEAU: Pay what?

15 MR. NEWSOME: \$300.

16 BOARD CHAIRMAN NADEAU: Okay. Any, any
17 additional questions?

18 BOARD MEMBER ZANE: No.

19 BOARD CHAIRMAN NADEAU: Okay. Robert, any
20 questions?

21 BOARD MEMBER UITHOVEN: No.

22 BOARD CHAIRMAN NADEAU: Richard, any questions?

23 BOARD MEMBER PUTNAM: No questions,
24 Mr. Chairman.

25 BOARD CHAIRMAN NADEAU: Okay. Any additional

1 comments, Mr. Newsome?

2 MR. NEWSOME: That's not a burglary.

3 BOARD CHAIRMAN NADEAU: All right. I would
4 entertain a motion.

5 BOARD MEMBER ZANE: Mr. Chairman, I'd move that
6 we uphold the denial on item number 15.

7 BOARD CHAIRMAN NADEAU: I have a motion to
8 uphold the denial by Board Member Zane.

9 BOARD MEMBER UITHOVEN: Second.

10 BOARD CHAIRMAN NADEAU: We have a second by
11 Board Member Uithoven. Discussion on the motion?

12 Seeing none, all in favor of the motion,
13 signify by saying "aye."

14 (Board members said "aye.")

15 BOARD CHAIRMAN NADEAU: Opposed?

16 Mr. Newsome, you've been denied. I would
17 suggest you try to find out what all this is.

18 MR. NEWSOME: Okay.

19 BOARD CHAIRMAN NADEAU: Try to get it squared
20 away.

21

22 AGENDA ITEM 16

23 STEVEN BOLICK

24

25 BOARD CHAIRMAN NADEAU: Mr. Steven Bolick. Do

1 we have a Mr. Steven Bolick?

2

3 AGENDA ITEMS 17 AND 17a

4 WALTER YOUNG AND DONNA YOUNG

5

6 BOARD CHAIRMAN NADEAU: Mr. Walter Young? Do

7 we have Walter Young?

8 BOARD MEMBER PUTNAM: He's up here.

9 BOARD CHAIRMAN NADEAU: Okay.

10 BOARD MEMBER PUTNAM: Mr. Chairman, the -- he's
11 also accompanied by his wife, who is 17a. Could we hear
12 both of these at once?

13 BOARD CHAIRMAN NADEAU: Certainly, that would
14 be appropriate.

15 BOARD MEMBER PUTNAM: Good afternoon.

16 MR. YOUNG: Good afternoon.

17 MRS. YOUNG: Good afternoon.

18 BOARD CHAIRMAN NADEAU: Okay. I guess, it's
19 Mr. and Mrs. Young. Could you go ahead and just explain
20 to us why you're before the Board.

21 MR. YOUNG: I can't understand him.

22 BOARD MEMBER PUTNAM: He can't quite understand
23 you.

24 Could you explain why you're here before the
25 Board, sir.

1 MR. YOUNG: Okay. Mrs. Young and I are
2 currently peace officers for the Carlin Police
3 Department in Carlin, Nevada. That, apparently, makes
4 us ineligible for a five-year security card.

5 We need the card in order to be involved in
6 contract security work. Elko is growing up. And in the
7 past, we did not have contract companies to handle any
8 type of security. So we worked security through the
9 sheriff's department and by private entities. For
10 instance, the hospital, if they needed security
11 officers, they hired people. Now, because of growth,
12 things are being turned over to contractors.

13 And so we wish to stay in that field as working
14 for a contractor. But since we hold peace officer
15 status, we're not eligible to receive these five-year
16 security cards.

17 BOARD CHAIRMAN NADEAU: And as I'm reading our
18 agenda item, it appears that in the past you've not been
19 required to have a security card, and now you are. So,
20 therefore, you fall within the provisions of this
21 Board's purview. Is that what I'm understanding?

22 MRS. YOUNG: Right.

23 MR. YOUNG: Yes, sir.

24 BOARD CHAIRMAN NADEAU: How long have you been
25 doing contract security?

1 MR. YOUNG: 22 years for me.

2 MRS. YOUNG: 17 years with the sheriff's posse
3 and a few months with the hospital. And then they
4 brought in this contractor. And they were looking at
5 maybe taking us. But we didn't have this card that's
6 now required, because they were a contract -- it's
7 Guardsmark that was doing Barrick's mine security. And
8 so we weren't able to be picked up by them.

9 And that's when we found out that -- I tried to
10 apply for this card. And Ms. Ray said that because we
11 had been sworn officers, to get this letter from our
12 chief that we're not paid officers. We're trainers, but
13 we do a lot of training, firearms and CCW training. And
14 so security that we've worked with the last 20 some
15 years.

16 BOARD MEMBER PUTNAM: Mr. Chairman?

17 BOARD CHAIRMAN NADEAU: Yes?

18 BOARD MEMBER PUTNAM: I would like to draw the
19 Board's attention to two letters authored by the chief
20 of police in Carlin. And I'll quote from those letters,
21 one for each Mrs. Young and Mr. Young: The designation
22 of special officers does not include any powers of peace
23 officers as defined by NRS 289. And neither of the
24 Youngs are compensated for their services to the
25 department. Neither has access to criminal justice

1 status systems, no access to NCIC or Department of Motor
2 Vehicles records. And it is the chief's opinion that
3 their affiliation with the Carlin Police Department does
4 not conflict in any way with the provisions of NRS
5 Chapter 648.

6 BOARD CHAIRMAN NADEAU: Okay. Thanks for
7 putting that in the record, Richard.

8 Richard, do you have any questions of Mr. and
9 Mrs. Walter Young?

10 BOARD MEMBER PUTNAM: No, sir.

11 BOARD CHAIRMAN NADEAU: Robert?

12 BOARD MEMBER UITHOVEN: No.

13 BOARD CHAIRMAN NADEAU: Mark?

14 BOARD MEMBER ZANE: Yes.

15 Can you tell me, can you tell me if either one
16 of you were sworn in and assigned an oath of office?

17 MRS. YOUNG: Yes, we were.

18 BOARD MEMBER PUTNAM: He asked whether you were
19 assigned an oath of office.

20 MR. YOUNG: Yes.

21 MRS. YOUNG: Yes, with Carlin.

22 BOARD MEMBER PUTNAM: But, again, if I may,
23 Mr. Chairman, this letter from the chief of police in
24 Carlin says that they are enrolled as special officers,
25 and the designation of special officer does not include

1 any powers of peace officers as defined in Chapter 289.

2 BOARD CHAIRMAN NADEAU: Okay. Mark, any
3 additional questions?

4 BOARD MEMBER ZANE: Is Carlin Police Department
5 the only organization that you have this relationship
6 with?

7 MR. YOUNG: Yes, sir.

8 BOARD MEMBER ZANE: You had mentioned you were
9 part of the posse at Elko County?

10 MRS. YOUNG: That was disbanded. And that,
11 they're talking about maybe rebringing it in. But when
12 Dale Lotspeich became sheriff, he decided to disband the
13 sheriff's posse that Neil Harris had put in. And so --

14 BOARD MEMBER ZANE: In your conversations with
15 Chief Bauer, have you discussed whether or not you can
16 continue your service to the Carlin Police Department
17 without being sworn officers?

18 MRS. YOUNG: No, because we have LE firearms
19 credentials from the NRA. And to be able to continue to
20 qualify his people, we have to have a department we work
21 for.

22 And we went out, years ago, when we were on the
23 sheriff's posse, we did all their qualifications, also.
24 And Chief Bauer didn't have anybody in his department to
25 do his annual two to three times a year qualifications,

1 firearms qualifications. And we used to go out and do
2 his qualifications for him, also, as a courtesy. And in
3 both places, we never got any pay for doing our firearms
4 qualifications.

5 MR. YOUNG: As a criminal justice instructor,
6 we have to have some letterhead that we would function
7 under. And, all of a sudden, things were drying up.
8 And Chief Bauer called and said, "For a year and a half,
9 you came over to Carlin and qualified my people at no
10 charge. Whose, what letterhead are you going to
11 function under?" And we explained that we didn't have
12 one. He said, "Would you like to be a special officer
13 for my department?" And, all of a sudden, we had a
14 letterhead.

15 And my credentials have been continued. And
16 we're functioning. And except that now, we find that
17 because we are, quote, sworn officers, no -- no security
18 card from the state. So we're asking for an exemption
19 so that we can get that card, even though we are truly
20 sworn officers.

21 BOARD MEMBER ZANE: Okay. But you understand
22 that the fact that you have an oath of office on file
23 with the county recorder and a commission from a law
24 enforcement agency, that although the chief said in this
25 letter that indicates his understanding, you have full

1 peace officer powers in association with that oath in
2 that commission?

3 MRS. YOUNG: We're not POST certified.

4 BOARD MEMBER ZANE: Okay. That's an issue that
5 would need to be addressed by the POST committee.

6 BOARD MEMBER PUTNAM: Mr. Chairman, if I might.

7 BOARD CHAIRMAN NADEAU: Yes.

8 BOARD MEMBER PUTNAM: I'd like to quote from
9 648.338: Except as otherwise provided in subsection 2,
10 a licensee may not employ an unlicensed person who
11 becomes employed by or as a peace officer.

12 And neither, neither of these folks are paid
13 anything. They are not employees, number one. And,
14 number two, as far as peace officer status, the chief of
15 police there in Carlin says they don't have police
16 powers.

17 And there's a provision where they can get a
18 card if there's no conflict of interest, or he cannot
19 use the position with a public employer for personal
20 advantage in private activities.

21 MR. YOUNG: You can't.

22 BOARD CHAIRMAN NADEAU: Okay. Any other
23 questions of the applicants or these folks?

24 BOARD MEMBER ZANE: No.

25 BOARD CHAIRMAN NADEAU: Okay. Robert?

1 BOARD MEMBER UITHOVEN: No.

2 BOARD CHAIRMAN NADEAU: Richard, any other
3 questions?

4 BOARD MEMBER PUTNAM: No, sir. I'd like to
5 make a motion.

6 BOARD CHAIRMAN NADEAU: I would -- yeah, I'd
7 entertain a motion.

8 BOARD MEMBER PUTNAM: Mr. Chairman, I move that
9 Donna Young and Walter Young be granted a work card and
10 that they're -- let's see -- that they be granted, that
11 they be, yeah, not denied a work card.

12 BOARD CHAIRMAN NADEAU: Okay. Just grant the
13 exemption with --

14 BOARD MEMBER PUTNAM: Under the exemption.

15 BOARD CHAIRMAN NADEAU: Grant the exemption.
16 Okay. We have a motion to grant the exemption. Do we
17 have a second?

18 I'll second the motion.

19 Discussion on the motion?

20 BOARD MEMBER ZANE: Yes, Mr. Chairman. I
21 would -- I would not be able to support the motion
22 inasmuch as the possible existence for conflict of
23 interest that is the nature of the -- of the regulation.
24 As well as the lack of appearance of any prospective
25 employer at the hearing or the meeting to set the

1 Board's mind at ease, as we've had with several of these
2 other type of applicants, where they come in and
3 disclose and discuss the nature of the duties and the
4 fact that they are aware, they are aware of the
5 restrictions and the potential for conflict of interest.

6 I can appreciate the volunteerism, and I can
7 appreciate Chief Bauer's position of restricting the
8 nature of the authority. However, I'm unaware. Once
9 that oath of office is on file and the commission is
10 issued, that is an empowerment that is only revoked
11 through the rescission of oath.

12 I'm understanding the nature. I'm familiar
13 with rural departments. I understand the need for
14 specials. But I -- I just can't overlook the
15 possibility or probability for conflict of interest
16 based upon the fact that a commission is on file for a
17 peace officer status.

18 BOARD MEMBER PUTNAM: Mr. Chairman?

19 BOARD CHAIRMAN NADEAU: Go ahead, Richard.

20 BOARD MEMBER PUTNAM: If I may make another
21 comment. Number one, NRS 648.338 says that to fall in
22 this situation, you have to be an employee of a peace
23 officer. And the thing is that these people are not
24 paid. Therefore, they're not employees of this
25 department.

1 And the second thing is that the chief of
2 police there in Carlin feels that there is no conflict
3 of interest, and he's attested to this in writing in two
4 separate letters, one for each of these two applicants.

5 BOARD CHAIRMAN NADEAU: Okay. Okay. We have a
6 motion to grant the exemption, a motion and a second.
7 Seeing no further discussion, all in favor of the
8 motion, signify by saying "aye."

9 (Board members said "aye.")

10 BOARD CHAIRMAN NADEAU: Opposed?

11 BOARD MEMBER ZANE: No.

12 BOARD CHAIRMAN NADEAU: Okay. Please let the
13 record reflect that Board Member Zane voted in the
14 negative.

15 Mr. and Mrs. Young, you -- you've been granted
16 the exemption. You may now apply. You don't
17 automatically qualify. You now have to apply for the
18 security card.

19 MRS. YOUNG: Right.

20 BOARD CHAIRMAN NADEAU: Okay?

21 MRS. YOUNG: That was my understanding, we
22 couldn't apply until we got the exemption. Thank you.

23 BOARD CHAIRMAN NADEAU: Yes. But now you may
24 apply.

25 MRS. YOUNG: Thank you.

1 MR. YOUNG: All right. Thank you.

2 BOARD CHAIRMAN NADEAU: Thank you. All right.

3 How was the trip from -- how was the trip from Carlin?

4 MRS. YOUNG: The usual. We make the trip quite
5 often. But it's worth coming down, because we think
6 what we're doing is something good. And thank you for
7 your consideration.

8 BOARD CHAIRMAN NADEAU: Good luck.

9 MRS. YOUNG: Thank you.

10 MR. YOUNG: Thank you.

11 BOARD MEMBER PUTNAM: Thank you.

12

13 AGENDA ITEM 18

14 JON PLAMONDON

15

16 BOARD CHAIRMAN NADEAU: All right. Number 18,
17 Jon Plamonda -- Plamondon.

18 MR. PLAMONDON: That's correct.

19 BOARD CHAIRMAN NADEAU: All right. Thank you.
20 Okay. Mr. -- is it Plamondon?

21 MR. PLAMONDON: Plamondon.

22 BOARD CHAIRMAN NADEAU: Pronounce your name for
23 me so I...

24 MR. PLAMONDON: Plamondon ("Pleh-MON-don").

25 BOARD CHAIRMAN NADEAU: Plamondon. Thank you

1 very much, sir.

2 MR. PLAMONDON: You're welcome.

3 BOARD CHAIRMAN NADEAU: It's my understanding
4 that you're requesting an exemption.

5 MR. PLAMONDON: That's correct.

6 BOARD CHAIRMAN NADEAU: Please state your case,
7 then.

8 MR. PLAMONDON: May I start by asking a
9 question of the Board?

10 BOARD CHAIRMAN NADEAU: Of course.

11 MR. PLAMONDON: What do I need to do to get an
12 exemption so that I can get a work card?

13 BOARD CHAIRMAN NADEAU: I guess, state your
14 case and see what the Board -- state your case, and then
15 go and let the Board give it consideration.

16 MR. WARD: May it please the Board,
17 Mr. President, I would just answer, under NAC 648.338,
18 he has to prove to the Board that he is entitled to an
19 exemption under the Administrative Code, that being that
20 there is no conflict of interest or the possibility of
21 the use of the position with the public employee for
22 personal advantage.

23 So that is going to be up to the Board under
24 the statute, and you must prove your case.

25 MR. PLAMONDON: Thank you. I'd like to --

1 BOARD CHAIRMAN NADEAU: Thank you, counsel.

2 Thank you, counselor.

3 Please proceed, Mr. Plamondon.

4 MR. PLAMONDON: I'd like to first read a letter
5 into the record that's from my court administrator where
6 I work. I am employed as a bailiff with the Reno
7 Justice Court at this time. We work four days a week
8 now. I'm looking to seek the work card so that I can
9 supplement my income. As you know, the county has cut
10 back on pay and whatnot. So. That's my motive for
11 pursuing this.

12 I do have a unique circumstance in that I live
13 in Fallon but work in Reno. If granted the exemption
14 and awarded the work card, I do intend to provide
15 process service services outside of the territory that I
16 work. I plan on working in the Fernley and Fallon
17 markets.

18 But let me enter this letter from my court
19 administrator. It says "Please be advised that Mr. Jon
20 Plamondon is a sworn bailiff employed at Reno Justice
21 Court. His duties and responsibilities lie within the
22 confines and general areas of the court and surrounding
23 grounds. He does not have assigned duties or should
24 take action as a court employee outside these defined
25 areas of responsibility. I have considered the

1 possibilities of actual and/or perceived conflicts of
2 interest and found none. With this being said, I, Steve
3 Tuttle, Court Administrator for Reno Justice Court,
4 authorize Mr. Plamondon to seek part-time as a process
5 server during hours that he is not actively working for
6 the court. If you have any questions, please do not
7 hesitate to contact me at 325-6500."

8 Some other arguments that I'd like to make
9 surround the fact that Brian Brown, the attorney for
10 Reno Justice Court, in a wrongful termination case of a
11 former employee, has built a very strong case that
12 bailiffs of the courts are not peace officers. I'd like
13 to read from some of his writings a couple brief
14 paragraphs that kind of explain his justification for
15 that. So please bear with me.

16 Basically -- and I'm reading now: Reno Justice
17 Court is not listed as a law enforcement agency in
18 either NRS 62A.200 or NRS 179.050. Those statutes list
19 local law enforcement agencies as the sheriff's office
20 of a county, a metropolitan police department, or a
21 police department of an incorporated city. Courts are
22 not listed as law enforcement agencies.

23 Furthermore, it is not in Reno Justice Court's
24 function to enforce the law. Rather, it is the court's
25 function to determine, by considering the facts of each

1 case it hears, whether a violation of law has occurred.
2 Thus -- in this case, he uses the word plaintiff,
3 because it's a case with a plaintiff. Thus, the
4 plaintiff's employer, the Reno Justice Court, cannot be
5 classified as a law enforcement agency, as the term is
6 used in NRS 289.020 to 289.120.

7 The plain meaning of "law enforcement agency,"
8 as it is used to describe employees in NRS 289.020 to
9 289.120, discourages a reasonably well-informed person
10 from interpreting the term "peace officer," as it is
11 used in the statutes, to include justice court bailiffs.

12 Furthermore, the legislature chose to qualify
13 the definition of "peace officers" to discourage
14 overbroad interpretation of the term. "Peace officer"
15 is defined in Section 289.010, colon: As used in this
16 chapter, unless the context otherwise requires, "peace
17 officer" means a person upon whom some or all of the
18 powers of a peace officer are incurred pursuant to NRS
19 289.150 to 289.360, inclusive.

20 Now, as I understand my position with Reno
21 Justice Court --

22 BOARD CHAIRMAN NADEAU: Can I interrupt you?
23 Can I interrupt you just for a second?

24 MR. PLAMONDON: Certainly.

25 BOARD CHAIRMAN NADEAU: Sure. What about

1 289.150 that defines "peace officer" and 189.150.4 that
2 says bailiffs and deputy marshals of district courts,
3 justice courts, municipal courts, whose duties require
4 them to carry weapons and makes arrests; are you saying
5 you don't carry a weapon, and you don't make arrests?

6 MR. PLAMONDON: I do carry a weapon. I am
7 authorized to make arrests within the confines of the
8 court, the court grounds. I have no -- as far as I
9 understand it, I have no duty, responsibility nor desire
10 to enforce law enforcement functions outside of those
11 defined areas.

12 BOARD CHAIRMAN NADEAU: And what -- are you
13 POST certified?

14 MR. PLAMONDON: I am, sir.

15 BOARD CHAIRMAN NADEAU: And category?

16 MR. PLAMONDON: We've -- Reno Justice Court
17 bailiff position is a category two position. However, I
18 am a category one certified officer.

19 BOARD CHAIRMAN NADEAU: Okay. Go ahead, then,
20 proceed, please, your additional information.

21 MR. PLAMONDON: Okay. Reno Justice Court
22 bailiffs are not afforded the benefits of the
23 police-fire PERS program. We are -- I'm classified as
24 a -- I guess that you call it the civilian PERS
25 benefits. And I realize that could be a hurdle.

1 As I -- I would be interested -- oh, one other
2 thing is that I do not have access to NCIC for any type
3 of researching that may need to be done.

4 I'd be curious to hear from the Board how they
5 see perceived conflicts, how that would arise from
6 working as a process server.

7 BOARD CHAIRMAN NADEAU: Well, we'll get into --
8 we'll get into our deliberation and discussion. I'm
9 giving you an opportunity to go ahead and make your --
10 state your case, sir.

11 MR. PLAMONDON: Okay. I appreciate that.

12 I think that while it does state in NRS in that
13 one section that you mentioned, that .150, that bailiffs
14 are -- are peace officers, I find it interesting that an
15 attorney for Reno Justice Court is making a case that
16 bailiffs aren't peace officers, in fact, and that there
17 may be some ambiguity in things as they are now with
18 NRS.

19 And, I think, I'm going to probably just leave
20 it at that.

21 BOARD CHAIRMAN NADEAU: Thank you.

22 Questions from the Board?

23 BOARD MEMBER ZANE: Mr. Chairman, I do have
24 some questions, but I also have to make a -- make a
25 disclosure. I do not have a conflict of interest in the

1 matter, but my wife is employed with the same court as
2 the -- as Mr. Plamondon. So. But I don't know him. I
3 just want to make that disclosure.

4 BOARD CHAIRMAN NADEAU: Sure. Thank you.

5 BOARD MEMBER ZANE: I believe that there are
6 other statutes within the NRS 169.125, which is the
7 preliminary provisions for criminal procedures, that
8 outlines, that also outlines the definition of a peace
9 officer, in addition to those quoted by Chairman Nadeau.
10 It provides that -- I lost my place.

11 BOARD CHAIRMAN NADEAU: What was the cite,
12 again?

13 BOARD MEMBER ZANE: 169.125. It refers back to
14 NRS 289.150 through 289.360 and includes that. But it
15 gives a particular definition as a peace officer
16 includes any person upon whom some or all powers of a
17 peace officer through 289.360.

18 Now, the regulation that we're dealing with in
19 this particular situation is NAC -- let me find it --
20 648.338. And by its very nature -- and it's employment
21 of unlicensed person, except as otherwise provided in
22 subsection 2, a licensee may not employ an unlicensed
23 person who is or becomes employed:

24 A, as a peace officer as defined in NRS
25 169.125. Which is the case here.

1 B, by a federal, state or local law enforcement
 2 agency. And, I think, B would be representative of the
 3 position taken by Mr. Plamondon as it applies to the
 4 argument made by Deputy District Attorney Brown in the
 5 case that was cited in the copy that was given. All
 6 drawing a distinction that the Reno Justice Court isn't
 7 defined as a local law enforcement agency. And that was
 8 my understanding of the gist of the argument. However
 9 artful the argument was made, it was on behalf of an
 10 attorney doing business on behalf of his client. So he
 11 was being as artful as possible in order to provide for
 12 his case in that argument.

13 C, in a position which makes him eligible to
 14 contribute to any public employees retirement system.
 15 So that doesn't mean police or fire. That means any
 16 public retirement system.

17 And with B saying by a federal state or local
 18 law enforcement agency, I don't even know that it draws
 19 into -- calls into a distinction whether it be within
 20 the state. Plus, we have an exemption that's coming
 21 forward for out-of-state law enforcement officers who
 22 come in and work security in venues.

23 Upon receipt of a written request for
 24 examination, the Board may grant exemption from the
 25 prohibitions set forth in subsection 1, if the Board

1 finds that the present activities of the unlicensed
2 person, on behalf of the licensee, would not create or
3 tend to create a conflict of interest with his
4 responsibilities to his public employer and his duties
5 to discharge them.

6 Now, I believe that that particular provision
7 is answered by the letter from the court administrator.
8 I don't believe, though, that we've had any -- we've
9 addressed any issues with regard to the possibility,
10 which is B, of the use of his position with a public
11 employer for personal advantage in his private
12 activities.

13 So from the perspective of parsing the
14 Administrative Code to determine what is and is not
15 appropriate to grant exemptions, I think, that might --
16 it at least it gives me -- going through that exercise,
17 gives me a little bit clearer ability to segregate what
18 I might be opposed with regard to this particular
19 exemption.

20 BOARD CHAIRMAN NADEAU: Okay. Any additional
21 comments or questions?

22 BOARD MEMBER ZANE: No, sir.

23 BOARD CHAIRMAN NADEAU: Okay. Robert, do you
24 have any comments or questions?

25 BOARD MEMBER UITHOVEN: No.

1 BOARD CHAIRMAN NADEAU: Richard, do you have
2 any comments or questions?

3 BOARD MEMBER PUTNAM: Not really, no, sir.

4 BOARD CHAIRMAN NADEAU: All right.

5 BOARD MEMBER PUTNAM: Whoever is using the
6 stapler, it's coming across on the microphone very, very
7 loud.

8 BOARD CHAIRMAN NADEAU: We don't have a
9 stapler.

10 BOARD MEMBER ZANE: Oh, I'm sorry. Forgive my
11 bad. Sorry.

12 BOARD CHAIRMAN NADEAU: Okay. We got you.
13 Okay. Then, I guess, I'd entertain a motion.
14 Let's -- sir, do you have any additional
15 comments that you'd like to make before we go into
16 deliberation?

17 MR. PLAMONDON: Well, I am seeking an exemption
18 from section 1 there. That's where I'm at.

19 BOARD CHAIRMAN NADEAU: Okay. All right.
20 Then, I would -- I'd entertain a motion.

21 BOARD MEMBER ZANE: Mr. Chairman, I'd move that
22 we deny the exemption request.

23 BOARD MEMBER UITHOVEN: Second.

24 BOARD CHAIRMAN NADEAU: All right. Board
25 Member Zane has made a motion to deny the exemption,

1 seconded by Board Member Uithoven. Comments on or
2 discussion on the motion? Any comments?

3 I guess, I'm going to support the motion
4 inasmuch as we have -- in contrast to the last exemption
5 that we just heard, we have -- the applicant is, is
6 employed. He does have peace officer powers. He is
7 certified by -- has POST certification, regardless of
8 what that certification is. I think, his position in
9 the court has a direct conflict with -- as a process
10 server, could have conflict. I'm not going to say it
11 does. But could have conflict.

12 I think, the statutes are pretty, pretty clear,
13 and our Administrative Code is pretty clear on this. So
14 I will support the motion.

15 Any other comments or discussion?

16 Seeing none, all in favor of the motion,
17 signify by saying "aye."

18 (Board members said "aye.")

19 BOARD CHAIRMAN NADEAU: Anybody opposed?

20 It passes unanimously.

21 BOARD MEMBER PUTNAM: Sorry.

22 MR. PLAMONDON: Okay.

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AGENDA ITEM 19

EARL EVANS

BOARD CHAIRMAN NADEAU: Okay. We'll now move on to item number 19, Earl Evans.

Are you Mr. Evans?

MR. EVANS: Yes, sir.

BOARD CHAIRMAN NADEAU: All right. Do we have anyone else in the audience up north?

MR. WARD: No.

BOARD MEMBER PUTNAM: No.

BOARD CHAIRMAN NADEAU: Okay. Thank you. Good afternoon. Thank you, Mr. Evans. Give us just one -- give me just one...

Oh. Mr. Evans, you had your work card denied?

MR. EVANS: Yes.

BOARD CHAIRMAN NADEAU: Who was the investigator on that?

MS. GRESNICK-SMITH: Me. For the record, Elyse Gresnick-Smith. I am the investigator that was --

(The reporter indicated she is having difficulty hearing Las Vegas.)

BOARD CHAIRMAN NADEAU: Okay. Go ahead. I'm sorry.

1 MS. GRESNICK-SMITH: For the record, Elyse
2 Gresnick-Smith. I am the investigator that was assigned
3 to Mr. Evans' application.

4 His preliminary background investigation
5 revealed multiple arrests and FTA's for the same
6 charges. Although they were traffic, they occurred over
7 a period of almost 10 years and seemed to be an issue
8 regarding his temperate habits. So I was not
9 comfortable with approving the application.

10 BOARD CHAIRMAN NADEAU: Okay. Sir, would you
11 like to go ahead and address those issues.

12 MR. EVANS: Yeah. I wouldn't deny that they
13 were traffic tickets. I was -- I guess, the best way I
14 could put it was I was just trying to find my direction,
15 trying to find my way. I was out of jobs. So to keep
16 trying to pay the tickets, it was, it was hard. I
17 eventually did pay them off, and I got it done and out
18 of the way and got it taken care of.

19 But that was the majority of it. It was --
20 like I said, it was just the sum of not being able to
21 focus and take care of it. I finally was able to settle
22 down and take care of all my financial obligations,
23 which I did not too long ago.

24 And I'm not, I'm not a criminal. You know, I'm
25 saying, like I said, there were tickets. I mean it was

1 hard to pay them. I know it's not really my stupid way.
2 I am the father of a total of eight kids, plus I have
3 additional children. We're a home of 12 total of
4 children. So, financially, you know, sometimes I got it
5 a little hard.

6 But I wouldn't deny that, you know, I did fail
7 to appear a couple times on those tickets. Besides
8 that, since then, I have taken care of all my financial
9 obligations. I do try to abide by all laws. I make
10 sure that the ones I have now, they're all taken care
11 of.

12 I bet, if you actually look, they go back
13 pretty far. You know, exactly like I said, I mean since
14 then, I haven't been into any trouble. I do admit that
15 I did disclose -- I mean I didn't disclose it. It was
16 an accident. When I -- when most applications say
17 "arrest," I automatically assume it's for like felony
18 convictions or a gross misdemeanor. I have none of
19 those at all. So.

20 I do apologize for not disclosing information.
21 If I had known it was that important for me to have done
22 so, I would have done so. After that, I actually did
23 look at my background check done on myself to make sure
24 there wasn't anything else that I wasn't disclosing.
25 And pretty much that was all it. I -- everything else

1 was just minor things that were already taken care of.

2 BOARD CHAIRMAN NADEAU: Do we have any
3 questions of the applicant?

4 BOARD MEMBER PUTNAM: No questions from me,
5 Mr. Chairman.

6 BOARD CHAIRMAN NADEAU: Okay.

7 BOARD MEMBER UITHOVEN: No.

8 BOARD MEMBER ZANE: What's your -- what's your
9 work history; how do you support all those children?

10 MR. EVANS: I was in my own business. I did
11 custom cars. I started in '05. And I closed it down
12 because of our last child. Like I said, it was rough.
13 So, you know, it was up and down. Our last child, my
14 fiancée, she had a real rough pregnancy. And it was
15 either be at home with the kids or take care of that.
16 So I chose to close it down and find other means of
17 finances. I did work some part-time. I did work some
18 part-time jobs in between them.

19 But it's really been hard. Right now, I do
20 work. But I am trying to seek a career. I do like
21 security, you know. So that's the -- that's the
22 direction I'm going to try and go in.

23 You know, like I said, she -- she works
24 part-time. So it helps out. But, like I said, for the
25 most part, it's just take care of it. I do what I can

1 to take care of it. Thank god, I've never done anything
2 as far as drugs or anything like that. So I take care
3 of my children. I pay my child support. I do
4 everything else. And, you know, I try to maintain what
5 I can.

6 BOARD MEMBER ZANE: Would the record that you
7 have there reflect his position that a lot of these were
8 historical, and he's straightened up today?

9 MS. GRESNICK-SMITH: Well, there was tickets
10 for August of this year. But prior to that, nothing
11 since 2008.

12 MR. EVANS: Which I'm paying my tickets, the
13 ones I have, the only tickets I have now.

14 BOARD MEMBER ZANE: But most of your concern
15 was the fact that he wasn't handling his life as a
16 mature adult?

17 MS. GRESNICK-SMITH: Yeah, and it was the same.
18 Yeah, everything that's been the same, it was driving
19 without a license, no proof of insurance, registered
20 vehicle. And those were the same tickets that he
21 received throughout the time.

22 And I also do want to make a statement that we
23 don't ask them to provide the traffic ticket on there.
24 So the issue was not him disclosing the tickets. It was
25 just the magnitude.

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

2 BOARD CHAIRMAN NADEAU: All right. Any other
3 questions or comments?

4 Sir, would you like to go ahead and add
5 anything before we go into deliberation?

6 MR. EVANS: No, other than the fact that, you
7 know, like I say, I just -- all I'm trying to do is
8 provide for my family. Like I said, I'm no criminal.
9 I'm far from it, you know. I'm terrified of going to
10 prison or anything like that. So you won't have to
11 worry about a year from now hearing, oh, Earl did
12 something crazy, and they couldn't believe what
13 happened.

14 So, you know, I mean in that aspect, I'm just
15 going to ask you guys for consideration, that if you do
16 put faith in me, I won't let you down.

17 BOARD CHAIRMAN NADEAU: Thank you.

18 All right. I'm open for -- I'd entertain a
19 motion.

20 BOARD MEMBER ZANE: Mr. Chairman, I'd move to
21 grant Earl Evans the -- the denial be set aside and he
22 be issued a work card.

23 BOARD CHAIRMAN NADEAU: Okay. We have a motion
24 for -- to reverse the denial. And do we have a second?

25 BOARD MEMBER UITHOVEN: Second.

1 BOARD CHAIRMAN NADEAU: Motion by Board Member
2 Zane and a second by Board Member Uithoven. Any
3 discussion on the motion?

4 All in favor of the motion, signify by saying
5 "aye."

6 (Board members said "aye.")

7 BOARD CHAIRMAN NADEAU: Opposed?

8 Mr. Evans, you will get your work card.

9 MR. EVANS: Thank you very much.

10 BOARD MEMBER ZANE: Don't let us down.

11 MR. EVANS: No, sir. I promise I won't.

12 MS. RAY: We also -- we don't show that we
13 asked you for your ID yet.

14 MR. EVANS: My ID? Here, I have it in my
15 pocket.

16 MS. RAY: Well, not now. So would you please
17 contact --

18 BOARD CHAIRMAN NADEAU: Just talk with
19 Investigator Gresnick.

20 MR. EVANS: So let me know where to go, and
21 I'll get it to you.

22 BOARD CHAIRMAN NADEAU: Okay. Just talk to
23 Investigator Gresnick. Okay.

24 MR. EVANS: Thank you. I appreciated it.

25 BOARD CHAIRMAN NADEAU: All right. Okay. On

1 item number 20 -- anyway, good luck, sir.

2 MR. EVANS: Thank you. Thank you very much.

3

4 AGENDA ITEM 20

5 QUENTIN GOINS

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7 BOARD CHAIRMAN NADEAU: On the disciplinary
8 matter of Quentin Goins.

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

10 The complaint was sent. However, I have not
11 received confirmation that it's been received. I did
12 hear that he may be out of the country working. So if
13 we could continue this matter to March.

14 BOARD CHAIRMAN NADEAU: I'd accept a motion to
15 continue.

16 BOARD MEMBER ZANE: Move to continue that
17 matter.

18 BOARD CHAIRMAN NADEAU: I have a motion by
19 Board Member Zane to continue. Do I have a second?

20 BOARD MEMBER UITHOVEN: Second.

21 BOARD CHAIRMAN NADEAU: Second by Board Member
22 Uithoven. Discussion on the motion?

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

24 (Board members said "aye.")

25 BOARD CHAIRMAN NADEAU: Okay.

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AGENDA ITEM 21
ROBERT GATEWOOD

BOARD CHAIRMAN NADEAU: Mr. Gatewood?

MR. GATEWOOD: Yes, sir.

BOARD CHAIRMAN NADEAU: Please --

MR. GATEWOOD: Good afternoon, lady and gentlemen.

BOARD CHAIRMAN NADEAU: You were, you were sworn in at the beginning of the meeting; is that correct?

MR. GATEWOOD: Yes, I was.

BOARD CHAIRMAN NADEAU: All right.

MS. RAY: Mr. Chairman, if I could just make a comment. I provided you with a packet of information that Mr. Gatewood did apply. There is no background report tied to it, because we haven't done that yet.

The Board has given me -- through a management directive, I have the authority no grant temporary approval. In these kinds of situations when an individual is simply changing their status from, you know, their license in abeyance, and they're the only member of the LLC, things of that nature, I can grant temporary approval.

Mr. Gatewood has had a license with this Board

1 for a number of years. And that's not the issue for me.
2 The issue is a longstanding situation that we've had
3 with an individual who's been issued an unlicensed
4 activity citation, appeal that was upheld. And since
5 that time, he's been issued a second unlicensed activity
6 citation.

7 He has continued to look for licensees to
8 provide services that he is not licensed to provide.
9 And that's why we're here today. So. I didn't feel
10 comfortable --

11 (There was some extraneous noise, and the
12 Reporter asked Ms. Ray to repeat what she was saying.)

13 MS. RAY: Okay. So he's continued to look for
14 licensees to provide services for which he is not
15 licensed to do. And here we are with another licensee
16 today who is -- is seeking approval to change his own
17 status and to, you know, possibly be able to provide his
18 services and who would be appropriately licensed to
19 provide them.

20 But the issue is, I believe, he is still going
21 to employ the individual that we seem to be having
22 problems with. That's why we're here today.

23 BOARD CHAIRMAN NADEAU: Okay.

24 BOARD MEMBER ZANE: Now, for the person that is
25 seeking out to qualify -- the person that's seeking to

1 try to get approval is somebody that we've already
2 adjudicated once --

3 MS. RAY: Once.

4 BOARD MEMBER ZANE: -- and there's a case
5 against?

6 MS. RAY: Yes. And the 30 days has passed.
7 There has been -- unless something has come in while
8 I've been down here, there has been no indication that
9 that second citation will be appealed.

10 So, you know, that's why we're here. It's kind
11 of two-fold, two separate issues. Mr. Gatewood has
12 provided a complete packet to do what he wants to do
13 today. I don't have an issue with that. It's the other
14 side of it that I just want out on the record and
15 brought forward.

16 BOARD MEMBER ZANE: But if we approve this
17 agenda item, the monkey's on Mr. Gatewood's back?

18 MS. RAY: Yeah, pretty much.

19 BOARD MEMBER ZANE: He'll be responsible for
20 his employee?

21 MS. RAY: Yes.

22 BOARD CHAIRMAN NADEAU: The employee, has he
23 been working under the Courtesy Patrol LLC?

24 MR. GATEWOOD: Exactly.

25 BOARD CHAIRMAN NADEAU: Where the citation is

1 delivered?

2 MS. RAY: Yes.

3 BOARD CHAIRMAN NADEAU: For that?

4 MS. RAY: Yes. Just there's a little bit more
5 history. I don't know if you remember all of the
6 history. When he was here in June, he was working for
7 another licensee of Simmons Security Services.

8 Harry, if I stray, please let me know.

9 MR. WARD: Okay. I will.

10 MS. RAY: Okay. He was working for a licensee
11 who was licensed. He came before the Board. The Board
12 upheld it. The Board actually had some questions with
13 regard to that whole relationship.

14 BOARD MEMBER ZANE: Whether or not Simmons
15 was --

16 MS. RAY: Had some, you know, responsibility --

17 MR. GATEWOOD: Correct.

18 MS. RAY: -- in how all this was happening.

19 I submitted the order to the individual who was
20 issued the citation after the Board upheld it. And I
21 received a correspondence asking for the ability to make
22 payment arrangements on that citation. Which I had no
23 problem with. In the -- in his e-mail, there was a
24 signature line that referenced Simmons Security. I
25 responded to him, saying that I had no problem with the

1 arrangements that he was proposing; however, he needed
2 to remove that signature as that licensee was no longer
3 licensed with this Board due to failure to renew their
4 license. He thought I was misunderstanding him because
5 he had the wrong license number listed on that. And I
6 said, no, that that's not the case. They did not renew
7 their license.

8 This immediately prompted some -- a response
9 from that licensee. And I had to explain to them that
10 it was the end of October, they were essentially done.

11 In the meantime, this individual was again
12 scrambling, trying to find someone so he could maintain
13 the business that he's had, you know, from, before.

14 We received correspondence from an individual
15 who wanted to do the right thing. I contacted that
16 person directly. I said that the contracts are not to
17 be in the unlicensed security company's name, they need
18 to be turned over to you as the licensee. And so they
19 were trying to do the right thing. As far as I know,
20 that relationship is still in existence. I assume. I
21 don't know.

22 And then Mr. Gatewood then approached me
23 through an e-mail wanting to then take over this
24 arrangement. So. And that's why we're here today.

25 BOARD CHAIRMAN NADEAU: Mr. Gatewood, first

1 off, you understand all the dynamics that are going on
2 here, correct?

3 MR. GATEWOOD: Yes, sir, I do.

4 BOARD CHAIRMAN NADEAU: Okay. Secondly, you
5 are the sole officer of this LLC?

6 MR. GATEWOOD: Yes. There's a slight
7 correction. This is a new company.

8 BOARD CHAIRMAN NADEAU: This is a new company?

9 MR. GATEWOOD: Courtesy Patrol. The -- another
10 company, Courtesy Patrol Services, was in existence.
11 And, I believe, it still may be in existence. But that
12 is not a concern of mine. I just applied. I just got
13 the Secretary of State for this new business. So there
14 is no background on this new business.

15 BOARD CHAIRMAN NADEAU: Okay. So. And so
16 you're the sole member of this LLC?

17 MR. GATEWOOD: Yes, I am.

18 BOARD CHAIRMAN NADEAU: And any additional
19 corporate members would then have to -- would have to
20 come before our Board.

21 MR. GATEWOOD: That's correct.

22 BOARD CHAIRMAN NADEAU: Okay. And with the
23 710, you can probably get around that.

24 MR. GATEWOOD: 1987, I got my first license.

25 MS. RAY: The Board can accept the corporate

1 license, so.

2 BOARD CHAIRMAN NADEAU: Yeah. Yeah, he can get
3 around that.

4 Okay. Any other questions? I'm sorry. Mark?

5 BOARD MEMBER ZANE: No, Mr. Chairman.

6 BOARD CHAIRMAN NADEAU: Robert?

7 BOARD MEMBER UITHOVEN: No.

8 BOARD CHAIRMAN NADEAU: Richard, do you have
9 any questions?

10 BOARD MEMBER PUTNAM: No questions,
11 Mr. Chairman.

12 MS. RAY: And then, if I might, Mr. Chairman,
13 more clarification.

14 You will be receiving -- in these particular
15 cases, when I do approve these temporary situations, you
16 do receive in a subsequent Board meeting the background
17 packet and the information. You'll see this again.

18 MR. GATEWOOD: Okay. Perfect.

19 BOARD CHAIRMAN NADEAU: Okay. Do you have any
20 other, any additional information that you would like to
21 provide us?

22 MR. GATEWOOD: No, I wouldn't want to hold you
23 back anymore. It's been a long day for everybody.

24 BOARD CHAIRMAN NADEAU: All right.

25 MS. RAY: Any assurances?

1 MR. GATEWOOD: Assurances? No.

2 MS. RAY: Okay.

3 MR. GATEWOOD: No. Assurances. Oh,
4 assurances, A-S-S-U-R -- okay. Assurances. I've
5 been -- having been licensed in this capacity since
6 1987, I know what to do as a licensee. So it would be
7 that everybody's involved in it would make an
8 application with Security Services, Security Patrol.
9 And, you know, that could go through just like it has
10 with my other company all these -- all these years that
11 I've owned it. Everything goes through the process.

12 I'm the one responsible. I'm the one that
13 meets the clients. I do the contracts. I -- I receive
14 the billing through my office. I have -- I'm in charge
15 of the payroll for all the employees, background,
16 everything else, the same that is required in all 648
17 sections, everything's else. It's my responsibility,
18 nobody else's. And if I goof it up, then I'll be back
19 here with egg on my face and denied probably.

20 That's all I have.

21 BOARD CHAIRMAN NADEAU: Thank you very much.

22 All right. I'll bring it back to the Board.

23 Any -- and, first off, I'd entertain a motion, if that's
24 the pleasure of the Board.

25 BOARD MEMBER ZANE: Mr. Chairman, I'd move that

1 Robert Gatewood, license 710, be able to change his
2 licensing status from an individual license to a
3 qualifying agent for the LLC. Courtesy Patrol LLC is
4 applying for a corporate private patrol license. Robert
5 Gatewood is requesting to be approved as the qualifying
6 agent and sole member of the LLC, subject to all
7 statutory and regulatory requirements.

8 BOARD CHAIRMAN NADEAU: We have a motion. Do
9 we have a second?

10 BOARD MEMBER UITHOVEN: Second.

11 BOARD CHAIRMAN NADEAU: We have a second by
12 Board Member Uithoven. Discussion on the motion?

13 BOARD MEMBER ZANE: I would just like to
14 disclose that in the event that there is any chance
15 whatsoever that this is a strong buyer situation, that
16 we will tend to move on.

17 BOARD CHAIRMAN NADEAU: Okay. Any other
18 comments?

19 Seeing none, all in favor of the motion,
20 signify by saying "aye."

21 (Board members said "aye.")

22 Opposed?

23 It's unanimous. All right.

24 MR. GATEWOOD: Have a merry Christmas, and
25 happy holidays to everybody.

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AGENDA ITEM 13 AND 16

LOUIS COLLINS AND STEVEN BOLICK

BOARD CHAIRMAN NADEAU: We have two, two applicant or two appellants that did not show, Louis Collins, number 13, and Steven Bolick, number 16. Is it the pleasure of the Board to take any action with regard to those?

MS. RAY: Mr. Chairman, may I make a comment on number 13?

BOARD CHAIRMAN NADEAU: Go ahead.

MS. RAY: It appears, in the materials that I provided to you, I combined 13 and 14, and it reads Louis Hughes or Rufus Collins; I'm not sure which. And in my file, I'm not showing a letter issued to Mr. Collins. So I couldn't guarantee that he was properly noticed of this appeal meeting.

BOARD CHAIRMAN NADEAU: I'd accept a motion to postpone this to our next Board meeting.

BOARD MEMBER ZANE: So moved.

MS. RAY: Yeah. Okay.

BOARD CHAIRMAN NADEAU: Is that appropriate?

MS. RAY: Yes.

BOARD MEMBER UITHOVEN: Second.

BOARD CHAIRMAN NADEAU: We have a motion and a

1 second to postpone number 13, Louis Collins, to the next
2 Board meeting, given proper notification. Any comment
3 on the motion or discussion on the motion?

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

5 (Board members said "aye.")

6 BOARD CHAIRMAN NADEAU: Opposed?

7 Okay. Number 16, then, Steven Bolick.

8 MS. RAY: Mr. Chairman, I believe, this is the
9 second time he has been on the agenda and, apparently,
10 is not able to provide the documents that -- I believe,
11 this is Kimberly Christensen's applicant. And he has
12 not been able to provide the documents that she has
13 requested.

14 So, I think, that would be the pleasure of the
15 Board.

16 BOARD CHAIRMAN NADEAU: Bring it back to the
17 Board, then?

18 MS. RAY: The Board.

19 BOARD CHAIRMAN NADEAU: Do we have a motion?

20 BOARD MEMBER ZANE: Mr. Chairman, I'd make a
21 motion that we deny the -- or we uphold the decision to
22 deny the motion.

23 BOARD MEMBER UITHOVEN: Second.

24 BOARD CHAIRMAN NADEAU: We have a motion and a
25 second to uphold the denial. Any discussion on the

1 motion?

2 Seeing none, all in favor, signify by saying

3 "aye."

4 (Board members said "aye.")

5 Opposed?

6 Unanimous.

7

8 AGENDA ITEM FROM YESTERDAY'S MEETING

9 (12-7-12)

10

11 BOARD CHAIRMAN NADEAU: We had one item that we
12 continued from yesterday.

13 MR. WARD: Yes.

14 BOARD CHAIRMAN NADEAU: And is that, is that
15 the only -- other than items 23 and 24, except for the
16 report. Okay.

17 MS. RAY: Mr. Chairman, that was the -- just
18 kind of more of a description of -- you know, after the
19 last meeting, we talked about proposed changes to the
20 NAC. We have to provide a report to the Governor's
21 Office December 31st of this year. We reviewed some of
22 these changes in September. I didn't have an actual
23 document for you to look at. I was just kind of reading
24 off notes. I provided a document of those things that
25 we've discussed over the last several meetings, where we

1 were going to amend certain sections of the NAC.

2 Board Member Putnam did provide the proposed
3 changes with regard to the polygraph section, which you
4 have a copy of.

5 And I will put that report in some sort of a
6 memo format and send it to the Governor's Office. The
7 intent is, once the freeze on these regulations is
8 lifted, which, I believe, is also the 31st, we'll
9 proceed with having the workshops and getting the
10 process started to get some of these regulations
11 updated.

12 BOARD CHAIRMAN NADEAU: Okay. Richard, we
13 postponed this.

14 Let me ask you this. Do we still need Shannon
15 here, or do we need to do that through the completion of
16 the meeting, or can we go ahead and release her?

17 MR. WARD: I believe, she can be released,
18 because this is not a disciplinary action. This is just
19 an agenda item from yesterday.

20 MS. RAY: We don't have any notes or recording.

21 BOARD CHAIRMAN NADEAU: Oh, you don't have it
22 recorded? Okay. So.

23 All right. Sorry, Shannon, you're going to
24 have to hang around.

25 THE REPORTER: It's all right.

1 BOARD CHAIRMAN NADEAU: Okay. Richard, we
2 postponed this, moved this to today's meeting, in case
3 you had a comment regarding it. We want to make sure
4 you had your input. Do you have anything you'd like to
5 bring forward?

6 BOARD MEMBER PUTNAM: Not really. If anybody
7 has any questions about the changes I made, why, I'd
8 certainly be glad to answer them.

9 BOARD MEMBER ZANE: I'd like to ask you some
10 questions as I understood it.

11 BOARD CHAIRMAN NADEAU: Go ahead.

12 BOARD MEMBER ZANE: That was it.

13 MS. RAY: He's being funny.

14 BOARD CHAIRMAN NADEAU: Oh. Okay.

15 All right. Robert, do you have anything?

16 BOARD MEMBER UITHOVEN: No.

17 BOARD CHAIRMAN NADEAU: No. Okay. Then, we go
18 to Mark.

19 BOARD MEMBER ZANE: No.

20 BOARD CHAIRMAN NADEAU: All right. Then, let's
21 go to item number 23, I think.

22 BOARD MEMBER UITHOVEN: Board comments.

23 BOARD CHAIRMAN NADEAU: Okay.

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AGENDA ITEM 22

BOARD COMMENT AND DISCUSSION ONLY

BOARD CHAIRMAN NADEAU: Board comments. Any comments from the Board?

MS. RAY: Mr. Chairman, I did provide you with an e-mail from Phil Tiogist (phonetic). I don't know that I need to read it into the record. But he couldn't be here, and I just told him it would be put on the --

Oh, I'm sorry. This is board comment. I don't have a comment. Never mind.

BOARD CHAIRMAN NADEAU: Okay. So that was in regard to reportings?

MS. RAY: No, it was in regards to the armored car.

BOARD CHAIRMAN NADEAU: Oh. All right. Okay. Board comments? Richard?

BOARD MEMBER PUTNAM: Well, once again, I would like to express my thanks to staff for the obvious great job they're doing.

I would also make an -- and I don't know if it's appropriate for me to say this or not. But I know we have an obligation to be fair to all applicants. But I think that, I think that we -- our major focus should be on what we're here for, and that's to protect the

1 public. And I'll just let it drop at that.

2 BOARD CHAIRMAN NADEAU: Okay. Robert, any
3 comments?

4 BOARD MEMBER UITHOVEN: No, sir.

5 BOARD CHAIRMAN NADEAU: Okay. Richard, I don't
6 disagree with you. I think, you're absolutely correct,
7 our consumer protection is our -- is our reason we're
8 here. And I know I take that very seriously.

9 BOARD MEMBER PUTNAM: Good.

10 BOARD MEMBER ZANE: I just think it's --

11 BOARD MEMBER PUTNAM: Well, I didn't mean that
12 as criticism of any Board member.

13 BOARD MEMBER UITHOVEN: None taken.

14 BOARD MEMBER ZANE: I would agree with that,
15 because that's our mandate. But I also believe that
16 case by case, individual by individual, the restriction
17 of individual liberties has to be waived, and the rights
18 of people to be employed and to provide for their family
19 and for the opportunity for second chances that aren't
20 prohibited and, also, an opportunity for an individual
21 who almost reached the goal line to have some
22 assistance, as well as those that have already reached a
23 goal.

24 BOARD CHAIRMAN NADEAU: All right.

25 BOARD MEMBER ZANE: That's all.

1 BOARD CHAIRMAN NADEAU: Any other comments?

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AGENDA ITEM 23

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FUTURE AGENDA ITEMS

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6 BOARD CHAIRMAN NADEAU: If not, then we go to
7 number 23, which is public comment.

8 Mechele, you said you wanted to bring up
9 something on public comment?

10 MS. RAY: Actually, 23's future agenda items.

11 BOARD CHAIRMAN NADEAU: Oh, future agenda
12 items. All right. I'm sorry, 23's future agenda items.
13 And any future agenda items?

14 I think, we pretty well covered this yesterday.

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AGENDA ITEM 24

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PUBLIC COMMENT AND DISCUSSION ONLY

18

19 All right. Now can we go to public comment?

20 MS. RAY: Yes.

21 BOARD CHAIRMAN NADEAU: Do you have any public
22 north?

23 BOARD MEMBER PUTNAM: We have no public here in
24 the north.

25 MR. WARD: None.

1 BOARD CHAIRMAN NADEAU: Okay. We have no
2 public in the south, either.

3 All right. Then, let's adjourn. Very good,
4 Board. You guys did a great job in getting through a
5 tough schedule of events. Thank you so much.

6 MS. RAY: You did a great job.

7 BOARD MEMBER PUTNAM: I have a motion we
8 adjourn.

9 BOARD MEMBER UITHOVEN: Second.

10 BOARD CHAIRMAN NADEAU: All in favor?

11 (Board members said "aye.")

12 * * * * *

13 (The meeting adjourned at 12:43 p.m.)

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REPORTER'S CERTIFICATE

I, SHANNON L. TAYLOR, a Nevada Certified Court Reporter, Nevada CCR #322, do hereby certify:

That I was present at the Office of the Attorney General, 100 North Carson Street, Mock Court Room, Carson City, Nevada, on Thursday, December 8, 2011, at 9:00 a.m., and commencing at 9:05 a.m. took stenotype notes of a meeting of the State of Nevada, Private Investigators Licensing Board;

That I thereafter transcribed the aforementioned stenotype notes into typewriting as herein appears, and that the within transcript, consisting of pages 1 through 156, is a full, true, and correct transcription of said stenotype notes of the open portion 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 20th day of January, 2012.

SHANNON L. TAYLOR
Nevada CCR #322, RMR