

PRIVATE INVESTIGATORS LICENSING BOARD

MINUTES

MARCH 7, 2012

MEMBERS PRESENT:

JIM NADEAU: BOARD MEMBER

MARK ZANE: BOARD MEMBER (LAS VEGAS)

RICHARD PUTNAM: BOARD MEMBER

ROBERT UITHOVEN: BOARD MEMBER

BOARD CHAIRMAN DAVID SPENCER-(LAS VEGAS)

OTHERS:

MECHELE RAY: EXECUTIVE DIRECTOR-(LAS VEGAS)

TAMMY WHATLEY: INVESTIGATOR-(LAS VEGAS)

HARRY WARD: BOARD COUNSEL-(LAS VEGAS)

BRANDI KING: INVESTIGATIVE ASSISTANT

KIMBERLY CHRISTENSEN: ADMINISTRATIVE ASSISTANT-(LAS VEGAS)

SWEARING IN:

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

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

APPROVAL OF MINUTES:

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

#### FINANCIAL REPORT:

Executive Director Ray provided a copy of the financial statement through March 1, 2012. She was unable to obtain the budget document. She told the board members that the budget was very similar to the dollar amount in the work program budget expenditures with the exception of operating may be more and Information Services might be forty thousand instead of the thirty eight thousand. She told the Board once she was able to access the program, she would provide a copy to them.

#### REPORT FROM STAFF:

Executive Director Ray reviewed for the board the pending complaints, completed complaints, pending backgrounds, notice of violations, cease and desist letters sent, number of complaints received on licensees, number of general complaints, number of applications received, number of background investigations completed, authority granted to work in Nevada pursuant to NAC 648.280, notice of violations, citations issued by staff and citations referred to collection from December 2, 2011 through March 1, 2012. She told the board that several staff members had represented the board at different events, and had done presentations and training seminars for different organizations.

#### PUBLIC COMMENT:

There was no public comment.

7. Lexis Nexis Risk Solutions, Inc., License #1168, Lexis Nexis Screening Solutions, Inc., #1377 and Lexis Nexis Risk Data Retrieval Services, LLC, License #1409 requested corporate officer/member approval for Meredith Sidewater. Board member Zane told the board members that the item had been postponed from the last meeting. He explained he had not had an issue with the licensure of the corporate officer he had other concerns and requested an independent source to verify our investigations. His other concern had been the number and frequency of litigation within the last year and for an explanation of the structure of the business. Board member Putnam asked if the board was concerned about the use of Lexis Nexis database search in the investigation and he felt that issue had been resolved by using another database to conduct the investigation on Lexis Nexis. Board member Zane told the board he was still concerned with regard to the amount of litigation. Board member Zane moved to approve corporate officer status for Meredith Sidewater for Lexis Nexis Risk Solutions, Inc., License #1168, Lexis Nexis Screening Solutions, Inc., #1377 and Lexis Nexis Risk Data Retrieval Services, LLC, License #1409. Board member Nadeau seconded the motion which passed unanimously. Board member Zane asked that staff notify the licensees of these types of situations with regard to litigation. Executive

Director asked if the request included when the licensee had requested a corporate officer change. Board member Zane stated that if the Board had some knowledge of how many times an entity, company or parent company had been sued. Board member Zane told the board he did not want to get into the trade secrets or business actives, he would like a report that would tell the public that litigation exists and the Board knew and that the Board had not seen a public safety issue. Board member Nadeau felt that the parameters were pretty wide and if a policy were to be established he wanted more discussion. Chairman Spencer told the members that if this were to be an issue every time a large company came before the board then a policy would be needed. Chairman Spencer suggested the use this report be used as a test and see what would come out of it. Mr. Cronfeld questioned the decision of the Board. He said that Lexis Nexis was a British Corporation and the filings would be different there. He felt that the Board would open up different of issues with overseas corporations, US corporations, public traded entities. Board member Zane stated that his request was for the licensee part of the procedure which would be US jurisdiction.

PRA Locations Services LLC, dba IGS Nevada, License #1444 requested approval for Christopher Uhles to become the qualifying agent in the category of Repossessor. If approved Mr. Uhles asked that his individual Repossessor license be placed into abeyance. Mr. Uhles and Joe Hardy introduced themselves to the Board. Mr. Hardy told the Board that the company had about sixty employees in Nevada and about sixty employees nationally. The company is a subsidiary of a publicly traded company, Portfolio Recovery Associates Inc., on Nasdaq. PRA Locations preformed collateral services for major auto finance companies. He told the Board members that Board member Zane had requested a similar request to that of Nexis Lexis and Mr. Hardy believed that it had been done. He said that Mr. Uhles had been with the company since 2009, and that he passed the PILB test. Board member Zane asked Mr. Uhles about his practical experience in the field with repossessing. Mr. Uhles told the Board that he had eleven years in the repossess marketing services industry. Six years of that was with a company in Denver, the most recent three years with PRA Location Services, and over two years with a company in Nashville. Board member Zane asked him what his history was with the physical vehicle pick ups. Board member Zane said that he understood the supervision, administration part, but wanted the physical history. Mr. Uhles stated that his physical practical experience was very limited however he did manage the day to day operations, knew each

states licensures and practices. Board member Putnam moved to approve PRA Locations Services LLC, dba IGS Nevada, License #1444 an individual reposessor license for Christopher Uhles, qualifying agent status for Christopher Uhles and that his individual Reposessor license be placed into abeyance. Board member Uithoven seconded the motion which passed unanimously.

PRA Location Services LLC, dba IGS Nevada, applied for a corporate Private Investigator license. Kristine Mautner requested qualifying agent status and if approved requested that her individual Private Investigator license be placed into abeyance. Corporate Officers to be approved would be the same as previously approved; Steven Fredrickson, Craig Grube, and Kevin Stevenson. There are no changes in the previously approved officers for the parent corporation Portfolio Recovery Associates, Inc. Mr. Joe Hardy and Ms. Kristine Mautner introduced themselves. Mr. Hardy told the Board that Ms. Mautner had applied for qualifying agent and a corporate Private Investigators license. Board member Zane asked Ms. Mautner about her testimony as an expert witness for the courts. Ms Mautner told the Board that she had cleared all of them up and there were not any outstanding. Board member Zane moved to approve PRA Location Services LLC, dba IGS Nevada a corporate Private Investigator license, Kristine Mautner to be approved as the qualifying agent and if approved that her individual Private Investigator license be placed into abeyance. Corporate Officers to be approved would be the same as previously approved; Steven Fredrickson, Craig Grube, and Kevin Stevenson, as there are no changes in the previously approved officers of the parent corporation Portfolio Recovery Associates Inc. Board member Nadeau seconded the motion which passed unanimously.

Mark "Andy" Cameron applied for an individual Private Investigators and Reposessor license. If approved Mr. Cameron asked that his individual Private Investigator and Reposessor licenses be placed into abeyance. Board member Zane stated that at the last board meeting, an issue with unlicensed activity had come up. Board member Zane stated that a citation had been issued and the fine paid. Chairman Spencer told the Board members that Mr. Cameron was present for the Private Investigators license not for the Reposessor license. Board member Zane asked Mr. Cameron about the bankruptcy and the amount of funds available after such a short time after the bankruptcy filings and if the financial statement he completed was correct. Mr. Cameron told the board members that it was. Board member Nadeau asked that the investigator provide some information with regard to the citation issued as Mr. Cameron had stated that the issues were four years ago. Investigator

Whatley told the board members that the citation had been issued based on Mr. Cameron's oral testimony at the previous board meeting and his background. Investigator Whatley told the Board that the citation was based on the testimony and what was provided on the licensing application and that it did not reflect four years ago. Chairman Spencer asked what the citation was issued for. Investigator Whatley explained that Mr. Cameron had done security consulting previously. Mr. Cameron explained for the boards benefit what type of service he had provided in 2008 and 2009. It involved a manual he had worked on for a company in California under the name of ACI, for Andy Cameron Incorporated. He stated that the company was in name only and he had no clients in Nevada. Board member Nadeau asked Mr. Cameron when he realized he performed unlicensed activity. Mr. Cameron said that he had not been aware that he had performed any unlicensed activity until the December 2011 board meeting. Investigator Whatley read the citation into the record. She told the board that she had not been aware that it had been a one time activity. Investigator Ferraro told the board that he had been told it had been a one time issue when he made a booklet for a client. Board member Nadeau moved to approve Mark Cameron an individual Private Investigators license and a Repossessor license and that the licenses be placed into abeyance. Board member Putnam seconded. Board member Nadeau asked for discussion. Chairman Spencer explained that Mr. Cameron had applied for an individual Private investigators license only and not a Repossessor license. That had been an error. Board member Nadeau felt that Mr. Cameron had under oath self disclosed the information and that was why he made the motion to approve. Board member Zane stated that the applicant had admitted the activity and Board member Zane felt the hours of the unlicensed activity could not be used towards the required experience hours. He said that he would support the motion due to the fact that Mr. Cameron had enough hours to qualify. The motion passed unanimously.

Las Vegas Investigations Inc., applied for a corporate Private Investigator license. Phillip Roszelle requested to place his individual Private Investigator license into abeyance so that he may become the qualifying agent for Las Vegas Investigations, Inc. Corporate officer to be approved was Phillip Roszelle. Mr. Roszelle told Chairman Spencer that he had appeared at the last meeting and there had been an employer who had not responded to the CSEQ. Board member Putnam stated that the investigator could not verify ten thousand hours. Investigator Ferrara explained that there was addendum to that and Mr. Roszelle did have the required hours. Board member Zane moved to approve Las Vegas Investigations Inc a corporate Private Investigator license for Las Vegas Investigations Inc., qualifying agent status for Phillip Roszelle, and his

individual Private Investigator license to be placed into abeyance. Board member Nadeau seconded the motion which passed unanimously.

Integrity Support Services, Inc., dba Employment Screening Resources, applied for a corporate Private Investigator license. James Crockett requested an individual Private Investigator license to be placed into abeyance so that he may become the qualifying agent for Integrity Support Services, Inc., dba Employment Screening Resources. Corporate officer to be approved is Lester Rosen. Mr. Lester Rosen and James Crockett introduced themselves. Chairman Spencer asked if there had been any issues from the last meeting. Mr. Crockett stated there had been unlicensed activity and the investigation had been updated. Investigator Ferrara told the Board that Investigator Whatley had issued a citation. He said that the company had discovered a client in Nevada when they thought they had none. The citation had been paid in full. Mr. Rosen told the Board members that he had heard about a licensing issue; however they had never solicited in Nevada. The company posted on the website that they do not operate in Nevada and had referred clients to other companies. Some of these clients had slipped through the cracks and when the error had been found, they self reported it, paid the fine and wanted to move on. Board member Putnam asked if they had ceased taking any new clients. Mr. Rosen stated that it had been a business decision not to service Nevada employers. He stated that it had been their duty to follow the rules of Nevada and that one company had slipped through and it was human error. He told the members that they had zero business in Nevada. Board member Putnam reiterated the statement that had been made that the company had stopped taking Nevada clients. Mr. Rosen replied it had been a poor choice of words. Board member Putnam asked again if under oath, Mr. Rosen's company had not serviced any Nevada clients. Mr. Rosen stated no, it had been a one time error. Board member Putnam asked why they had not contacted the licensing agency for information. Mr. Rosen said that three or four years ago they decided not to service Nevada that it was a large commitment and very confusing. He said about a year ago they had changed their minds and started the process with Mr. Crockett. Mr. Crockett told the board that he had worked for the company during the unlicensed activity. Board member Nadeau questioned the time frame from when they identified the one client and when did they stop service with the client. Mr. Rosen told board members that he had contacted the board three or four years ago, and decided that it would be too much for the company to go through at that time, so they decided not to service clients in Nevada. About a year ago the company decided to work with

Mr. Crockett and obtain the license. Board member Nadeau asked when the client was identified and when was that client terminated. He asked why they waited for the citation if they knew one was going to be issued. Mr. Rosen told the board members that he prepared the original declaration, he stated that they had not provided service in Nevada, he was not comfortable with that and after checking with Mr. Crockett, they had done one more database search and found the client. He told the board that there had been another president whom worked for another company also and he advised them they were in compliance because they had started the process of applying for the Nevada license. Mr. Rosen had then contacted the board, and followed their instructions and process. Board member Putnam felt that there was a direct contradiction in what had been said. Discussion continued with regard to the one client and the citation being issued. Board member Zane moved to approve Integrity Support Services Inc., dba Employment Screening Resources a corporate Private Investigator license, qualifying agent status for Mr. James Crockett and an Individual Private Investigator license for Mr. Crockett to be placed into abeyance. Corporate officer to be approved was Lester Rosen. Board member Uithoven seconded the motion. Board member Nadeau asked for discussion. He stated that he could not support the motion based on the unlicensed activity. He felt that they knew about the unlicensed activity and continued to service the one client in Nevada. Board member Putnam would oppose the motion. He felt that the testimony was contradictory. Chairman Spencer had some concerns with the company and not so much an issue with Mr. Crockett. Motion was 3 to 2 to approve.

Covenant Security Services, Ltd., dba CSS Security Services, Ltd, License #1232 requested approval for Dominic Ferrara to become the qualifying agent. If approved Mr. Ferrara asked that his individual Private Patrolman license be placed into abeyance. Corporate officers to be approved are Melinda Jacobson and Louis Rascia. Mr. Ferrara told the board members that he had twenty six years with the Philadelphia police department and retired in 1996. He had worked for the last sixteen years in private security. Board member Nadeau motioned to approve Dominic Ferrara qualifying agent status for Covenant Security Services Ltd, dba CSS Security Services and Mr. Dominic Ferrara's individual Private Patrolman license be placed into abeyance. Corporate officers approved were Melinda Jacobson and Louis Rascia. Board member Putnam seconded the motion which passed unanimously.

## **CORPORATE OFFICERS**

US Investigations Services LLC, License #825 requested member approval for Keith Bernius and Peter Masanotti. Board member Nadeau asked what the relationship was with Altegrity Inc. and US Investigations Services LLC. Executive Director Ray told the board members that Altegrity Inc was the parent company of US Investigations Services LLC. Board member Putnam moved to approve members Keith Bernius and Peter Masanotti. Board member Zane seconded the motion which passed unanimously.

Altegrity, Inc., the parent corporation for US Investigations Services LLC, requested corporate officer approval for Keith Bernius and Sharon Rowlands. Board member Zane moved to approve corporate officer for Keith Bernius and Sharon Rowlands. Board member Putnam seconded the motion which passed unanimously.

Intellicorp Records, Inc., License #1376 requested corporate officer approval for Todd Carpenter. Board member Nadeau moved to approve corporate officer Todd Carpenter. Board member Putnam seconded the motion which passed unanimously.

## **CHANGE OF LICENSING STATUS**

Robert Gatewood, License #710 requested a change in licensing status. Courtesy Patrol LLC, applied for a corporate Private Patrolman license. Robert Gatewood requested qualifying agent and member status. Mr. Gatewood told the board that he had been licensed in 1987 and maintained an individual license in abeyance. Board member Zane moved to approve the change of licensing status for Courtesy Patrol LLC., a corporate Private Patrolman license and qualifying agent status for Mr. Robert Gatewood. Board member Nadeau seconded the motion which passed unanimously.

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

Unified Investigations & Sciences, License #888 requested approval for Michael Reynolds to become the qualifying agent. If approved Mr. Reynolds asked that his individual Private Investigator license be granted and placed into abeyance. Mr. Reynolds told the board he had been a fire investigator for thirty years and was in law enforcement form 1988-1986. He had twelve years with the company and they employed 180 fire investigators nationwide. The previous qualifying agent had retired.



Board member Putnam moved to approve Unified Investigations & Sciences and Mr. Michael Reynolds qualifying agent status and his individual Private Investigator license be granted and placed into abeyance. Board member Zane seconded the motion which passed unanimously.

All American Security Corporation, License #1359 requested approval for Clinton Kelly to become the qualifying agent. If approved Mr. Kelly asked that his individual Private Patrolman license be granted and placed into abeyance. Mr. Drew Corry told the board that Mr. Kelly was unable to attend so he was there on Mr. Kelly's behalf. Investigator Ferrara told the board members that Mr. Kelly was a bailiff for the courts in Utah. Chairman Spencer did not believe it would be an issue. Board member Nadeau was not comfortable proceeding with this item without Mr. Kelly being there. Chairman Spencer explained that typical law enforcement from other states does not get licensed. Mr. Corry explained what information he had with regard to Mr. Kelly's bailiff position. Board member Zane asked if there were any business conducted in Nevada. Mr. Corry stated there was not. Board member Nadeau motioned to continue until the next regular scheduled meeting. Board member Putnam seconded the motion which passed unanimously.

#### **PRIVATE INVESTIGATOR**

TrendSource Investigative Services, Inc., applied for a corporate Private Investigator license. Dinnell La Barbara requested to place her individual Private Investigator license into abeyance so that she may become the qualifying agent for TrendSource Investigative Services, Inc. Corporate officer to be approved is Randy Moll. Executive Director Ray told the board members that they would not be present as the corporate officer was out of the country. Board member Nadeau motioned to continue until the next regular scheduled meeting. Board member Uithoven seconded the motion which passed unanimously.

#### **PRIVATE INVESTIGATOR AND PRIVATE PATROLMAN**

Security Industry Specialists, Inc., applied for a corporate Private Investigator and Private Patrolman license. John Spesak requested that his individual Private Investigator and Private Patrolman license be granted so that he may become the qualifying agent for Security Industry Specialists, Inc. Corporate officers and Directors to be approved were John Spesak and Thomas Seltz. Mr. Spesak told the board members that he had four years of law enforcement experience and had worked in the private sector doing personal security, built entities, and now the

company he was with provided protective services, unarmed uniformed personnel, and light investigation type work to some major corporations. Board member Zane motioned to approve Security Industry Specialists Inc., for a corporate Private Investigator and Private Patrolman, and that John Spesak be granted his individual Private Investigator and Private Patrolman licenses, qualifying status for John Spesak and corporate officer approval for John Spesak and Thomas Seltz. Chairman Spencer seconded the motion which passed unanimously.

## **PRIVATE PATROLMAN**

Executive Protective Service & Special Response Group LLC, applied for a corporate Private Patrolman license. Montgomery Bradley requested that his individual Private Patrolman license be granted so that he may become the qualifying agent for Executive Protective Service & Special Response Group LLC. Members to be approved were Billie Bradley, Martha Wolinsky and Montgomery Bradley. Mr. Bradley told the board members that he had been in private security since 1988 and owned his own business since 1998. Board member Nadeau moved to approve Executive Protective Services and Special Response Group LLC a corporate Private Patrolman license, qualifying agent status for Montgomery Bradley, an individual Private Patrolman license for Mr. Bradley to be placed into abeyance and member status for Billie Bradley, Martha Wolinsky and Montgomery Bradley. Board member Uithoven seconded to the motion which passed unanimously.

Imperial Guard Service, Inc., applied for a corporate Private Patrolman license. Johnny Johnston requested that his individual Private Patrolman license be placed into abeyance so that he may become the qualifying agent for Imperial Guard Service, Inc. Board member Zane asked Mr. Johnston if that was the first time before the board and if so asked Mr. Johnston for his background. Mr. Johnston told the board members that in 1988 he was a security instructor, 1991 he had become a firearms instructor and in 1993 he went to work for Imperial Guard and his current title was Senior Vice President for Special Operations. Imperial Guard Services specialty was mainly in providing security for warehouses. Board member Zane asked if Imperial Guard did business in any other state. Mr. Johnston stated they were in 18 other states. Board member Nadeau asked for clarification of his financial situations. Mr. Johnston replied that all the financial issues had been resolved. Board member Nadeau moved to approve Imperial Guard Services Inc., a corporate Private Patrolman license, qualifying agent status for Johnny Johnston an individual Private Patrolman license be placed into abeyance and

corporate officer approval for RQ Brewer and Robin Johnston. Board member Putnam seconded the motion which passed unanimously.

360 Group International, Inc., applied for a corporate Private Patrolman license. William Kirkpatrick requested that his individual Private Patrolman license be placed into abeyance so that he may become the qualifying agent for 360 Group International, Inc. Corporate officers to be approved are William Kirkpatrick, and Cathy Kirkpatrick. Mr. Kirkpatrick told the board members that he had twenty three years law enforcement and in 2005 he started his own business and became licensed in New York and New Mexico. Board member Nadeau verified the charge of burglary was a misdemeanor and it was. Board member Putnam pointed out that on the application for Ms. Kirkpatrick indicated no conviction on arrests, but that Ms. Kirkpatrick did have a conviction. Mr. Kirkpatrick told the Board that she had written in a statement to clarify that. Investigator Ferrara told the board that the arrest was pled to a misdemeanor violation and the documents had been provided by the Santa Barbara courts. Board member Nadeau asked if Ms. Kirkpatrick explained to the investigator why it had not been listed on the original application. No explanation was given. Board member Nadeau asked what her role would be in the corporation. Mr. Kirkpatrick told the Board she would be doing administrative type work, bookkeeping, overseeing licenses were up to date. Board member Zane moved to approve a corporate Private Patrolman license for 360 Group International Inc., qualifying agent status for William Kirkpatrick, an individual Private Patrolman license be placed into abeyance for Mr. Kirkpatrick and corporate officers status for William Kirkpatrick and Cathy Kirkpatrick. Board member Nadeau seconded the motion which passed unanimously.

## **PROCESS SERVER**

ProDox L.L.C. applied for a corporate Process Server license. Billy Sparks requested an individual Process Server license to be granted and placed into abeyance so that he may become the qualifying agent for ProDox L.L.C. Member to be approved was Billy Sparks. Mr. Sparks told the Board he had started in the business in 1997 in Arizona. He and another person went into a partnership with their own company and after about four years later that partnership dissolved and he went into business for himself as a record retrieval business. Board member Putnam asked Mr. Sparks if the citation that had been issued February 2012 had been taken care of. Mr. Sparks told the Board it had not. He told the Board he would attempt to get it paid in thirty days, or would ask for a payment plan. Board member Putnam stated that he thought the citation should be paid before a license was issued.

Peter Maheu from the National Society of Professional Investigators stated that their origination is against anyone being approved for a license as long as there was an outstanding citation or fines owed. Chairman Spencer agreed. Board member Nadeau asked for clarification on a denied or continuance. Chairman Spencer explained to Mr. Sparks what a denied decision would be versus a continuance. Mr. Sparks asked for a continuance until the June board meeting. Board member Nadeau motioned for the continuance. Board member Putnam seconded the motion which passed.

Affordable Legal Services, LLC applied for a corporate Process Server license. Jeffery Spencer requested an individual Process Server license to be granted and placed into abeyance so that he may become the qualifying agent for Affordable Legal Services, LLC. Member to be approved was Jeffery Spencer. Mr. Spencer told the Board he had been in emergency medicine and in late 2000 he had an injury and needed to change professions. He had done process service in California. Board member Putnam asked who Jeremy Spencer was. Mr. Spencer told the Board member Putnam that they were not the same person and he had not known who Jeremy Spencer was. Board member Putnam asked that since the social security number and date of birth matched, had the investigator compared photos. Investigator Ferrara told the Board members he had verified the DMV photos and they were not the same person. Board member Putnam felt there were issues that the Board needed to have answered. Mr. Spencer stated that he was told the information obtained by the investigator was from Lexis Nexis and that Jeremy and Jeffery were not the same person. Chairman Spencer asked if Investigator Ferrara was comfortable that that was Jeffery Spencer present. Investigator Ferrara stated he was. Board member Nadeau asked in the fingerprints where received and that they confirmed whom he was. Investigator Ferrara verified the fingerprints. Board member Zane asked if the company had made any income and what kind of business had they performed. Mr. Spencer told the board members that Affordable Legal Services LLC had provided only runner services, going to the courts, e-filing and not process service. Board member Zane asked if the client could verify there had not been any process service done. Mr. Spencer stated yes. Board member Zane motioned to approve Affordable Legal Services LLC be granted a corporate Process Server license, qualifying agent status for Jeffery Spencer, an individual Process Server license to be placed into abeyance and member status for Mr. Spencer. Board member Putnam seconded the motion which passed unanimously.

Roy Evans applied for an individual Process Server license. Mr. Evans told the Board that he had worked in the construction trade in Nevada and when the economy went bad he was laid off. Mr. Martin Welsh spoke to the Board with regard to Mr. Evan's being hired. Mr. Welsh said that Haynes and Welsh Law Offices had researched the statute for service of Notice to Vacate. He believed after during the research they felt Mr. Evans would be allowed to service those types of notices. He was hired as an independent contractor not as an employee. Mr. Welsh told the board he never served process for them, only notices to vacate. The actual summons and complaints are serviced by licensed process server. He told the Board that the blame was strictly on the law office of Haynes and Welsh and not on Mr. Evans. Mr. Evans had only worked for Haynes and Welsh. Chairman Spencer asked Mr. Evans whom else he had worked for and Mr. Evans told the Board it had been West Coast Process Service, where he was paid by check and paid taxes. Board member Zane asked if a citation had been issued and the response had been not yet. Board member Nadeau asked the investigator if the W-2's or 1099's were ever provided. Investigator Ferrara told the Board he had not received those. Mr. Evans told the Board that he had lost his home by eviction and the boxes were lost. Mr. Evans had called the IRS and requested documents. Board member Nadeau asked if the hours were every verified and Investigator Ferrara stated they had been through personal contacts. Board member Putnam asked staff if a citation was being considered for the unlicensed activity. Mr. Welsh stated he believed a citation would be issued. Board member Putnam felt that the Board could not take this license under consideration because of the pending citation issue. Board member Zane asked about the CSEQ's from Martin and Martin and from West Coast Process Service. He asked if those were certified. Investigator Ferrara told the Board he had spoken with West Coast and verified those hours. Board member Zane felt that regardless of the citation being issued, the employment gained during the time Mr. Evans was an independent contractor and not as a bona-fide employee could not be considered toward qualifying hours. Board member Zane said that about 4,000 hours would not quality toward the hours. Mr. Welsh said that they thought they were doing everything correctly and apologized to the Board. Mr. Welsh told the Board that Mr. Evans had not worked for them much this year. He said that they would hire Mr. Evans as an employee so that he could work toward the hours. Investigator Ferrara told the Board that Mr. Evans hours would be about 500 with West Coast Process Server. Board member Putnam said that if Mr. Evans does not have the required hours, regardless if a citation would be issued, the Board could not vote on this. Mr. Evans decided to withdrawal his application. Board member Zane approved the motion and Board member Putnam seconded it which passed unanimously.

## LEGISLATIVE SESSION/DISCUSSION

Board review, discussion and possible action with regard to amendments to NRS 648. This may include Board initiated legislative amendments; support for industry or public initiated amendments; suggestions; input and future meeting/workshop discussion and topics. Executive Director Ray told the Board that at the last meeting Acting Chairman Nadeau suggested having some legislative discussion. The purpose being that any individual, industry, board members; or the general public who wanted to come forward with proposed amendments to NRS 648 for discussion so that the board could make a decision as to whether or not the board would support or oppose a particular piece of legislation and allow the Board to formally take a position and testify on matters before the legislature. She was hoping to get some dialogue going and had provided some documents to the board members that had been received. Mr. Maheu told the Board that he had submitted documents to Executive Director Ray with some of their suggestions. The one issue that they felt most strongly about was that if the company is licensed in Nevada there should be a presence in Nevada, taxes, insurance and wages should be paid in Nevada. He brought to the attention of the Board that there were at least two instances where companies get away without paying the taxes etc for Nevada. Board member Zane asked if Mr. Maheu wanted legal liability presence so they would be under the umbrella of the Board so that insurances are properly paid could be investigated and the Board would have jurisdiction. Mr. Maheu told Mr. Zane that everyone should play by the same rules on taxes, insurance, wages, and licensees and if the companies have a presence in Nevada then they should have the records in Nevada. Mr. Kirkman told the board that all the businesses are required to have a business license and there are companies that do not pay and file the quarterly reports with Department of Employment and Training. He said that the internet had taken over so much business by being able to use the internet for business and that it should be a level playing field. He said that the businesses should be required to have a physical address in Nevada. He felt it should be changed with the legislature. Mr. Kirkman asked for the boards' support. Executive Director Ray asked for clarification on some of the wording. Mr. Maheu and Mr. Kirkman stated that some of the wording needs to be revamped and for the Executive Director to make the necessary changes. She explained that when audits are conducted, Employment Security Division (ESD) reports are pulled and maybe the audits could be expanded for more information. Board Nadeau asked for clarification on some of the language. Discussion continued on the

wording for maintaining records in Nevada. Executive Director told the board that she had been provided with amendments that pertained to computer investigation section. Executive Director said that there would be a Certified Firearms Instructor sub committee meeting on April 5, 2012 and a workshop on April 17, 2012 for proposed statutory changes. Mr. Steve Baker, licensee and Certified Firearms Instructor told the board he had some issues with the NRS and the legislative control with regard to the change of Private Patrolman to Private Patrol Officer. He told the board that the change had been made in 2009. He was concerned about the term of "officer" because of a possible conflict with "officer" and certain statutes with local law enforcement. He told the board that the Certified Firearms Instructors had one proposed change to the NRS. It involved the statue 202 and a Carrying Concealed Weapons Instructors that are provided immunity for the agency and instructor as long as the program was followed and the certified firearms instructors do not have that. He went on to NAC issues. Mr. Baker told the board he had been working with staff on some programs and administrative issues. He said that some of the NAC needed to be more current.

### **ADMINISTRATIVE BUSINESS**

John Vizcarra of Las Vegas Protective Services Inc., License #1501, 1501A and 1501B, requested an extension to continue to operate their Private Investigator license until the next regularly scheduled meeting in order for a qualifying agent to be approved by the Board at its next regularly scheduled meeting. Executive Director Ray told the board that Mr. Vizcarra was in the process of completing a paper application due to the fact the online test application had not worked correctly. Board member Zane motioned that John Vizcarra of Las Vegas Protection Services Inc. be granted the exemption to operate their Private Investigators license until the next regular scheduled meeting. Board member Nadeau seconded the motion which passed unanimously.

Update, Discussion and possible action or direction on matters listed below.

a. Criteria for denial of registration made available on website and to applicants and licensees. Executive Director Ray told the Board that she had been unable to make the changes that Board member Zane had suggested and perhaps Board member Zane could submit his request in an email. Board member Putnam motioned to continue this agenda item until the next regular scheduled meeting. Board member Zane seconded which passed unanimously.

b. "Rules of Practice". Executive Director Ray provided the board with statutes that Board member Zane had provided with some suggestions. She inquired if these were to be a statute, regulation or a policy item and which items would be most important to the board members. Board member Zane had wanted some rules in place with regard to disciplinary matters or appellate matters that there are not rules in place to put everyone on notice as far as how faxes are being sent, how evidence is received, acceptable formats, and timelines. Discussion continued with regard the disciplinary hearing should be NAC; however the conduct of the board should not be in NAC. Board member felt that one is policy and one is administrative and policy would be easier to change than the NAC. Executive Director agreed and she will meet with counsel Ward on the issue. Board member Zane motioned to continue this item. Board member Putnam seconded the motion which passed unanimously.

c. Registration applicant's criminal history; confidentiality of criminal history. Executive Director explained to the board that some questions had come up about the confidentiality of criminal history and what was being provided to the licensees when an applicant is denied. There was a suggestion made to have a waiver or written consent signed by the applicant however the office needed to be careful on what information would be provided. Counsel Ward explained about HIPPA laws, the conflict with open meeting laws and what would actually be public record when considering criminal history. Executive Director explained that the concern was the actual convictions. Mr. Nicholas told the board that his concern was when an employee re-applied for a work card and the card had been denied it created problems when the employers go to the unemployment history on why an employee was fired. He said it would be easier if the staff could let the employers know the reason for the denied work card registrations. Discussion continued with regard to obtaining a subpoena for records; or to board staff to testify at the unemployment hearings; and the background check conducted by the licensees prior to hiring an employee. Mr. Yarborough explained the background investigations that the Gaming Control Board used. No action was required.

d. Complaint/Citation information available on the public website. Executive Director Ray told the board that she was making efforts to put a link on the website for disciplinary actions and the final order for the public to view. She explained that whenever something was done to the website it takes money and time to complete. She told the board that the other issue was that the website on the Legislative Counsel Bureau was not updated. She told the board it was now up to date. Executive



Director Ray said that she had now added to the appeal hearing agendas the individuals who had been issued a citation or under the staff's preview so there would be public meetings on those types of issues. Mr. Kirkman asked if they would be closed sessions. Executive Director said that they could be closed per the statute. She said they were working on the types of things the public would like to see. Mr. Maheu asked if the citations, fines, complaints would be on the website. Counsel Ward said anything that had been adjudicated before the board would be available on the website. Executive Director Ray explained that Mr. Maheu had asked for citations issued that had not come before the board. Mr. Maheu said that if he had been issued a citation and paid a fine, and the public wanted to check on his reputation as an investigator, it was very difficult to locate the information on the website. He told the board that the Real Estate Division and the Medical Board does it why could the PILB board not do it. Counsel Ward again explained that if the information had been done in the Open Meeting Law then it could be posted. Discussion continued with regard to what was legal public information and what was not with regard to citations, fines, discipline, and adjudicated. Mr. Maheu asked board counsel for a legal opinion on why the information could not be available on the website. Executive Director Ray reiterated what information had been asked to be placed on the website. The information requested was the citations issued, fines, what was paid without an appeal. Chairman Spencer said that some kind of decision needed to be made on what could be placed on the website and asked board counsel for a decision. Board member Zane said that NRS 239 and 648 the information should be available to the public if there was not a prohibition in either one of the statutes.

e. Security Guard Exam. Executive Director Ray told the board that the security guard exam had been revised from twenty two questions to twenty eight and that staff was looking for two more questions. The exam had not been updated since 2001. Mr. Nicholas requested that the correct answer be mixed up some and not so many C answers in a row. Board member Zane asked why security guards were tested and not any other positions. Executive Director Ray told the board that it had been the Feds who pushed for and then required the exam. The states took a proactive stand and tried to start their own training and testing. In the end, Nevada did the twenty two question exam.

f. On location fingerprint services Las Vegas location only. Executive Director Ray told the board that letters had been sent to the fingerprinting agencies to see if they would be interested in performing the service at the PILB Las Vegas office. She said that the board would not have

anything to do with the fees charged and the agencies would be on a rotated schedule. She said that the staff would have the capability to take the photo which would be a benefit to the staff of not having to upload the photos. Board member Zane motioned to approve the concept of having the fingerprinting agencies on location at the Las Vegas office. Board member Nadeau seconded the motion which passed unanimously.

g. Continued discussion and determination by the Board with regard to "credentialing" companies utilized by the Nevada State Dental Board with regard to their licensing applicants and the need for licensing by the Private Investigators Licensing Board. Executive Director Ray told the board that she and Counsel Ward had discussed the issue; however they were unable to meet with the Dental Boards' legal counsel. She had provided information from the Dental Boards website with regard to conducting the background investigations and whether those companies would need to be licensed in Nevada. She stated that it may not fall under the boards preview and clarification was needed. She asked that this be moved to the next meeting and have the Dental Board present. Chairman Spencer motioned to continue until the next regular scheduled meeting. Board member Uithoven seconded the motion. The motion passed 4 to 1 with Board member Nadeau opposed.

h. Heir Finders and the need for licensing by the Private Investigators Licensing Board. Mr. Atwater told the board that NRS 648.012 defined a Private Investigator and Heir Finders performed the exact same duties with regard to indentify and finding people, securing evidence, and recover money. He said that the information usually came from the State Controllers office. Heir Finders would then conduct an investigation to locate the heirs. They used databases, talked to people, and the like to verify the correct persons. It was similar to skip tracing. Mr. Atwater told the board that they needed to be licensed in Nevada. Chairman Spencer said that the duties performed was an investigation. Board member Putnam agreed. Chairmen Spencer asked if there are any duties performed that a license would not be required. Mr. Atwood said that there are some databases that could be used that do not require a Private License number; however most database searches would require the number. Executive Director Ray provided the board with an old opinion regarding unclaimed property that was very similar and that staff needed clarification. Board member Nadeau asked if a motion was needed that this type of investigation would fall under the Private Investigators Licensee Board. Board member Nadeau motioned that heir

finders would need licensed by the board. Board member Putnam seconded the motion which passed unanimously.

i. Aviation Security Officers who are contracted by the US Marshal's Service Justice and Alien Transportation Systems and the need for licensing by the Private Investigators Licensing Board. Executive Director Ray told the board that staff had encountered different job positions when processing registration applicants. However she had read a copy of a job description that had been provided and she felt that because there was a paragraph under special conditions that the employees are a bone fide employee with withholding of federal and state taxes. She felt that the board would not need to make a motion. Chairman Spencer agreed.

31. Discussion and possible action to allow the Board to retain the current Executive Director, Mechele Ray through a Temporary Service beginning on or about May 1, 2012 through December 31, 2012. Executive Director Ray told the board that she would be retiring with thirty years and she thought that the request would need the Board of Examiner approval and that there was a form that needed to be completed. She told the board that the Board of Examiners reviewed these types of issues very carefully. She said her retirement date would be around May 3<sup>rd</sup> or 4<sup>th</sup>. Board member Nadeau asked who had the responsibility of the paperwork and request before the Board of Examiners. Executive Director said that it was the board's responsibility. She asked if perhaps two board members could take the responsibility of reviewing the resumes when they started coming in. Discussion continued with regard to the time table for the position being posted, the review of resumes, the completion of the request to the Board of Examiners. Board member Putnam motioned to retain the current Executive Director through a Temporary Service. Board member Zane seconded the motion which passed unanimously.

32. Board comment and future agenda items.

33. Public comment and discussion only.

There was no further board comment or public comment.

Meeting adjourned.