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

Thursday, June 7, 2012  
9:00 a.m.

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

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

REPORTED BY: SHANNON L. TAYLOR, CCR, CSR, RMR  
Certified Court, Shorthand and Registered Merit Reporter  
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A P P E A R A N C E S

Board Members Present:

David Spencer, Chairman  
Jim Nadeau  
Richard Putnam  
Robert Uithoven  
Mark Zane (absent)

Also: Mechele Ray  
Executive Director

Jeffrey D. Menicucci  
Deputy Attorney General  
Board Counsel

Harry B. Ward  
Deputy Attorney General  
Prosecutor/Acting Board Counsel

Tammy Whatley  
Investigator

Robbie Hight  
Investigator

Elyse Gresnick-Smith (Las Vegas)  
Investigator

Brandi King  
Investigative Assistant

Kimberly Christensen  
Investigative Assistant

Other Participants in Carson City:

Bill Abbott  
Jason D. Porter

(Continued...)

1 Other Participants in Las Vegas:

- 2 Pamela Teer
- 3 Greg Rentchler
- 4 Shawn Smathers
- 5 Clifton Berry
- 6 Adam Robbins
- 7 Uyen Vu
- 8 Cody S. Munteer, Esq.
- 9 Barry Wormley
- 10 Jimmy Garza
- 11 Daniel Boggs
- 12 Justin McEwen
- 13 Laquan Blalock
- 14 Michael Brice
- 15 Sonny Alderson
- 16 Jacqueline Thomas
- 17 Orlando Pridgen
- 18 Howard Hornsby
- 19 Chad Hardy
- 20 Kenny Lambert
- 21 Tony Rowley
- 22 Mohammad Russa
- 23 Ed Eakins

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1 CARSON CITY, NEVADA, THURSDAY, JUNE 7, 2012, 9:23 A.M.

2 -oOo-

3 BOARD CHAIRMAN SPENCER: We're going to go back  
4 to yesterday to get three licensures out of the way.

5 Are you ready, Elyse?

6 Okay. All right. We'll go to item, yesterday,  
7 number 20.

8 MS. RAY: Do you want to do roll call? I'm  
9 sorry.

10 BOARD CHAIRMAN SPENCER: Yes, go ahead.

11 MS. RAY: Board Member Uithoven?

12 BOARD MEMBER UITHOVEN: Here.

13 MS. RAY: Board Member Nadeau?

14 BOARD MEMBER NADEAU: Here.

15 MS. RAY: Board Member Putnam?

16 BOARD MEMBER PUTNAM: Here.

17 MS. RAY: Chairman Spencer?

18 BOARD CHAIRMAN SPENCER: Here.

19 MS. RAY: And Board Member Zane is absent  
20 today.

21 BOARD CHAIRMAN SPENCER: Anything else?

22 Pinkerton Consulting and Investigations, Inc.,  
23 Jason Porter.

24 MS. RAY: He needs to be sworn in.

25 BOARD CHAIRMAN SPENCER: He needs to be sworn

1 in.

2 MR. WARD: Do you solemnly swear to tell the  
3 truth, the whole truth, and nothing but the truth, so  
4 help you god?

5 MR. PORTER: I do.

6 MR. WARD: Thank you.

7 BOARD CHAIRMAN SPENCER: Why don't you just  
8 take one of these front seats here, and we won't make  
9 you come up.

10 MS. RAY: Oh. Sorry. We need to do Teer from  
11 yesterday, remember?

12 BOARD MEMBER UITHOVEN: She's got a flight at  
13 11:00.

14 MS. RAY: She's got a flight at 11:00.

15 BOARD CHAIRMAN SPENCER: All right.

16 Mr. Porter, I'm going to put on you hold for a minute.

17 MR. PORTER: No problem.

18 BOARD CHAIRMAN SPENCER: Pam Teer. We'll do  
19 that one.

20 Come on up and sit down, Ms. Teer.

21 Ms. Teer, did you get some additional  
22 documents?

23 MS. TEER: Yes, sir, I did.

24 BOARD CHAIRMAN SPENCER: Did we get those?

25 MS. RAY: I don't have them.



1 MS. TEER: I did e-mail them to Mechele, but I  
2 also have a copy here.

3 BOARD CHAIRMAN SPENCER: All right. Elyse?

4 MS. GRESNICK-SMITH: Yes?

5 BOARD CHAIRMAN SPENCER: Could you take those  
6 documents and get them up to us.

7 Do we have a number for her?

8 MS. RAY: For Elyse?

9 BOARD CHAIRMAN SPENCER: Yes, to call.

10 (There was a period off the record to obtain  
11 documents.)

12 BOARD CHAIRMAN SPENCER: I apologize for the  
13 wait.

14 MS. TEER: I can get the hard copy if you'd  
15 like.

16 BOARD MEMBER NADEAU: Are we in session, are we  
17 back in session?

18 MS. RAY: Yes.

19 (There was a period off the record in the  
20 proceeding while the Board reviewed documents.)

21 BOARD CHAIRMAN SPENCER: Robert, ready to go  
22 back?

23 BOARD MEMBER UITHOVEN: Yes.

24 BOARD CHAIRMAN SPENCER: Ready, Jim?

25 BOARD MEMBER NADEAU: Yes, sir.

1 BOARD CHAIRMAN SPENCER: Okay. All right.  
2 Ms. Teer, we've had a chance to go over these. Why  
3 don't you explain to us the additional issues, and then  
4 we'll ask any questions we might have.

5 BOARD MEMBER NADEAU: Can I just ask one  
6 clarifying question?

7 BOARD CHAIRMAN SPENCER: Oh, certainly.

8 BOARD MEMBER NADEAU: Good morning.

9 MS. TEER: Good morning.

10 BOARD MEMBER NADEAU: Were you a licensed  
11 patrol in California, at any time? I realize you worked  
12 for the company. I realize you ran a branch office. At  
13 any point, were you licensed yourself?

14 MS. TEER: As a guard?

15 BOARD MEMBER NADEAU: Yes.

16 MS. TEER: No, sir, I was not. No, sir, I was  
17 not.

18 BOARD MEMBER NADEAU: Okay. Go ahead. Thank  
19 you, Mr. Chairman.

20 BOARD CHAIRMAN SPENCER: Yesterday, we were  
21 looking for additional time. Can you explain the  
22 additional time you have here to us?

23 MS. TEER: I trained the guards. I went out  
24 with them on patrol, make sure they were doing their job  
25 correctly. Any issues that came up, I took care of. I,

1 basically, did everything with the exception of having a  
2 guard card.

3 BOARD CHAIRMAN SPENCER: Does the Board have  
4 any questions?

5 BOARD MEMBER UITHOVEN: I would just ask the  
6 investigator if their opinion of these, this additional  
7 information, constitutes qualifying hours.

8 MR. HIGHT: Well, in looking at the letter that  
9 she sent today and comparing it to what you had  
10 previously, she's still claiming, basically, six years  
11 of -- I mean a little bit more information of running a  
12 branch, but the six years from 12-08 to 6-12 has all  
13 been over the phone. But at the same time, she has  
14 other jobs. And her other employment, if you look at  
15 her W-2s and 1099s, she's actually currently employed as  
16 a clerk manager with a convenience store, and told me  
17 that she's spending most of her time opening a new store  
18 there in New Mexico.

19 So I'm not exactly sure if I can use the phone  
20 time as qualifying time. I don't know if the Board  
21 would allow that or not. That's where we're at with  
22 that. If you take the other two years, you're still  
23 back to what my report says, only 4,084 hours of actual  
24 time. I'm not exactly sure.

25 Ms. Teer, what -- this new information about

1 branch holder, you run a branch in Oakland, can you  
2 explain to the Board maybe what that means and what you  
3 do, as far as from New Mexico, maybe what you do for the  
4 branch in Oakland?

5 MS. TEER: Well, I'm at California periodically  
6 to make sure things are running smoothly, but I also get  
7 new clients, and I make sure that everything is taken  
8 care of. If I need to be out there, then I go out there  
9 to take care of whatever needs to be done.

10 BOARD CHAIRMAN SPENCER: Are you the only  
11 source of supervision that those people have?

12 MS. TEER: No, sir, I am not.

13 BOARD CHAIRMAN SPENCER: Who else supervises  
14 them?

15 MS. TEER: Mr. Angel and James and David.

16 BOARD CHAIRMAN SPENCER: I guess, I'm just  
17 having a hard time understanding how -- well, two hows.  
18 How you can do it and how we would give you credit for  
19 telephone conversations with people X amount of miles  
20 away for that long a period of time and consider it  
21 experience is abnormal that your -- the boss here would  
22 put you in that position. But I don't know how it --  
23 how it can possibly be -- that's my own opinion --  
24 possibly be considered time.

25 MS. TEER: Well, I didn't move back to calls

1 until like 2008. And then I've been out to California  
2 at different points in time. I might be out there for a  
3 week, two weeks or a month or -- it's never the same  
4 amount each time. I do train my staff. And I can make  
5 sure -- I make sure that they take care of what they  
6 need to take care of.

7 BOARD CHAIRMAN SPENCER: I notice that, I  
8 notice in here that they provided you with certain  
9 services. Do they pay you a salary for this?

10 MS. TEER: They compensate me for -- they pay  
11 my expenses as far as the room goes, not necessarily the  
12 hotel, but the apartment that I live in, whenever I'm  
13 not there, not in California. So that was the agreement  
14 that we made for compensation.

15 BOARD CHAIRMAN SPENCER: And we're talking how  
16 long a period, ma'am, four years?

17 MR. HIGHT: Yeah.

18 MS. TEER: Off and on for four years, yes, sir.

19 MR. HIGHT: 2008 to 2012.

20 BOARD MEMBER PUTNAM: Mr. Chair, if I may ask  
21 another clarification question?

22 BOARD CHAIRMAN SPENCER: Please.

23 BOARD MEMBER PUTNAM: During this four-year  
24 period, did you receive any salary from these people;  
25 did they pay you any kind of income?

1 MS. TEER: No, sir. They pay me for my phone,  
2 they pay my apartment, and miscellaneous things like  
3 that. They do not pay me a salary. That was the  
4 agreement that we reached because it works out both  
5 ways. There's months where it's not as much, and  
6 there's months where it's more. So it evens out. My --  
7 because it's commission.

8 BOARD CHAIRMAN SPENCER: Anymore questions?

9 MS. TEER: I have a lot of hours, like I mean I  
10 have over six years, and I have like over 20,000 hours  
11 of service of training these individuals that work for  
12 me.

13 I was not required to have -- I was not  
14 required to have a guard card in order to train them. I  
15 have worked out in the field with them. I would go out  
16 on call with them and ride along with them and make sure  
17 that they were doing their job.

18 BOARD MEMBER PUTNAM: Well, ma'am, again, I'll  
19 ask, were you paid any salary for this, these activities  
20 that you just mentioned?

21 MS. TEER: No, sir. I was compensated by them  
22 paying for my apartment and my living expenses.

23 MR. HIGHT: Mr. Chairman, may I ask a question  
24 to maybe clarify?

25 BOARD CHAIRMAN SPENCER: Certainly.

1 MR. HIGHT: You mentioned just a second ago  
2 that you received commission. And, I think, we  
3 mentioned that before. I think, when I talked to  
4 Mr. Angel over the phone, he mentioned that you were  
5 paid by commission. Can you explain what that means?  
6 Commission you --

7 MS. TEER: I was paid.

8 MR. HIGHT: Go ahead.

9 MS. TEER: I am a commissioned employee. The  
10 first two years I worked, I was paid as -- on a  
11 commission basis. And then, whenever I left, and from  
12 that point on, they only pay -- my commission basis,  
13 basically, is they pay for my living expenses.

14 MR. HIGHT: So --

15 MS. TEER: Because that's the way we made the  
16 arrangement. Instead of them actually making a check  
17 out to me, they pay for my living expenses.

18 MR. HIGHT: By commission, though, you mean for  
19 every client that you get for the company, you get a  
20 certain amount, or by hours --

21 MS. TEER: Yes, sir.

22 MR. HIGHT: -- that you worked, or what?

23 MS. TEER: I get paid by the -- actually, both  
24 the hours that I work, because it's making phone calls  
25 to get new clients, as well as whenever I had to go out

1 there and work with the guys that -- my staff, then  
2 that's just the way they pay me. I consider that a  
3 commission. It may be the wrong terminology.

4 MR. HIGHT: M-hm (affirmative).

5 MS. TEER: But that, I consider that a  
6 commission. Even though I'm not actually receiving it  
7 in my hands, that I am getting compensated for my work  
8 by them paying my living expenses.

9 MR. HIGHT: Okay.

10 BOARD CHAIRMAN SPENCER: Any further Board  
11 questions?

12 Robert, do you have any questions?

13 BOARD MEMBER UITHOVEN: No.

14 BOARD CHAIRMAN SPENCER: Jim?

15 BOARD MEMBER NADEAU: I have no questions.

16 BOARD CHAIRMAN SPENCER: I'd entertain a  
17 motion.

18 BOARD MEMBER NADEAU: Mr. Chairman, I will.  
19 I'm going to make a motion that we deny this license.

20 If we -- the letter from Mr. Curtis indicates  
21 25,000 hours. When I look at that, that's in excess of  
22 4,000 hours a year. Even from his own description, that  
23 would be difficult to attain.

24 I'm just not comfortable in us trying to decide  
25 at this -- at this juncture, from all of this, these



1 general statements and those kinds of things, us trying  
2 to -- you know, this is what our investigator is  
3 supposed to do. Had she provided this documentation  
4 earlier, maybe he would have been able to glean it and  
5 go through it better. But I'm just not comfortable with  
6 her qualifying hours. I just don't think we're there.  
7 And that's my rationale. So my motion is to deny.

8 BOARD MEMBER PUTNAM: Second.

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

11 (Board members said "aye.")

12 BOARD CHAIRMAN SPENCER: Opposed?

13 I'm sorry. At this time, you're denied. Feel  
14 free to come back at some later time with a little  
15 better understanding of the time that you had. Because  
16 this, as Jim said, we just can't glean it out of there.

17 MS. TEER: Okay. Thank you.

18 BOARD CHAIRMAN SPENCER: Thank you.

19 All right. Item number 20, Jason Porter? How  
20 are you today?

21 MR. PORTER: Good. And yourself?

22 BOARD CHAIRMAN SPENCER: Not too bad. I see we  
23 have you in two separate companies here. Let's start  
24 with the Pinkerton. And they are requesting that you be  
25 a qualifying agent in investigations. Is that correct?

1 MR. PORTER: Yes, sir.

2 BOARD CHAIRMAN SPENCER: All right. Can you  
3 give us some background setting out your qualifications?

4 MR. PORTER: Well, I started off in the United  
5 States Marines in the Fleet Antiterrorism Security Team.  
6 It was all for protection, mainly overseas. After I  
7 left that, my first job in Las Vegas was as a security  
8 officer at Bally's Hotel and Casino. I worked for a  
9 number of years. Then I hired on with Norton Consulting  
10 and Investigations. I was with Ed Norton for eight  
11 years, and I was his director of operations and  
12 investigations. From there, I left Norton Consulting  
13 and Investigations. I went to the police department for  
14 a very short while. And then I went over to the -- to  
15 Pinkerton to run their Las Vegas operations.

16 During my time with Norton, we were contractors  
17 to Pinkerton at the time. That's how I was known to  
18 them. I've been with Pinkerton ever since. And I run  
19 their Nevada, Arizona, Utah, New Mexico and southern  
20 California operations as director of operations.

21 BOARD CHAIRMAN SPENCER: Okay. Good.

22 Questions from the Board?

23 BOARD MEMBER PUTNAM: I have none,  
24 Mr. Chairman.

25 BOARD CHAIRMAN SPENCER: Robert?

1 BOARD MEMBER UITHOVEN: No.

2 BOARD MEMBER NADEAU: I have no questions.

3 BOARD CHAIRMAN SPENCER: I'd entertain a  
4 motion. Do you have a motion? I'm sorry.

5 BOARD MEMBER NADEAU: Any public comment?

6 BOARD CHAIRMAN SPENCER: Any public comment?

7 Okay. Hearing none, I'll entertain a motion.

8 BOARD MEMBER PUTNAM: Mr. Chairman, I move that  
9 Jason Porter, that his license be placed in abeyance and  
10 that he become the qualifying agent for Pinkerton  
11 Consulting and Investigations, Incorporated, license  
12 number 1029.

13 I also move that -- well, we'll do them one at  
14 a time. Okay?

15 BOARD CHAIRMAN SPENCER: Yeah. Statutory.  
16 This is subject to all statutory and regulatory  
17 requirements?

18 BOARD MEMBER PUTNAM: Subject to that. Pardon  
19 me.

20 BOARD CHAIRMAN SPENCER: No problem.

21 BOARD MEMBER UITHOVEN: Second.

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

24 (Board members said "aye.")

25 Opposed?

1 None.

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

4 MR. PORTER: I have a question.

5 BOARD CHAIRMAN SPENCER: Uh-huh (affirmative).

6 MR. PORTER: I have the required checks for the  
7 fees for licensing and the abeyance fee.

8 MS. RAY: Oh. We'll do it after.

9 MR. PORTER: Okay.

10 BOARD CHAIRMAN SPENCER: Number two is  
11 Securitas. Two separate organizations?

12 MR. PORTER: Yes, sir.

13 BOARD CHAIRMAN SPENCER: That's quite a  
14 compliment. And here you're going to be in the private  
15 patrol, basically the same qualifications?

16 MR. PORTER: Yes, sir.

17 BOARD CHAIRMAN SPENCER: All right. Any  
18 questions from the Board or any from the audience?

19 Hearing none, go ahead.

20 BOARD MEMBER PUTNAM: Mr. Chairman, I move that  
21 the Board approve Mr. Porter as the qualifying agent for  
22 Securitas Security Services, Incorporated, and that his  
23 private patrol license be placed in abeyance, subject to  
24 all statutory and regulatory requirements.

25 BOARD MEMBER UITHOVEN: Second.

1 BOARD CHAIRMAN SPENCER: We have a motion and a  
2 second. All in favor, signify by saying "aye."

3 (Board members said "aye.")

4 Opposed?

5 Congratulations.

6 All right. Anyone else in -- here or in  
7 Las Vegas who is going to give testimony will have to be  
8 sworn in at this time. Would you please stand.

9 MR. WARD: Please raise your right hand. Do  
10 you solemnly swear to tell the truth, the whole truth  
11 and nothing but the truth, so help you god?

12 (Potential witnesses were sworn.)

13 BOARD CHAIRMAN SPENCER: Thank you.

14 Before we get started, we'll again ask for any  
15 public comment that anyone might have prior to  
16 proceeding, Las Vegas or here.

17 Hearing none, we will go ahead, then.

18 Number four is unlicensed activity appeal  
19 hearing, Mr. Don Clardy, DC Investigations from Arizona.

20 MR. WARD: Mr. Chairman, can I ask down south  
21 that they give him the packet of exhibits so he can --

22 BOARD CHAIRMAN SPENCER: Certainly.

23 MR. WARD: Make sure that he has them.

24 BOARD CHAIRMAN SPENCER: Elyse?

25 MS. GRESNICK-SMITH: There's nobody here.

1 BOARD CHAIRMAN SPENCER: What's that?

2 MR. WARD: No one here. No Don Clardy, there.

3 BOARD CHAIRMAN SPENCER: No Don Clardy there,  
4 huh?

5 MS. GRESNICK-SMITH: No Don Clardy, yeah.

6 BOARD CHAIRMAN SPENCER: I guess, he isn't  
7 there. All right. We'll move along, then.

8 Item number five, disciplinary hearing in the  
9 matter of Greg Rentchler, Southwest Tactical.

10 BOARD MEMBER NADEAU: Mr. Chairman, we're not  
11 going to go proceed with the evidence at this point? I  
12 guess, we have previously; I was just curious why we  
13 didn't do it this time.

14 MR. WARD: We could. And that's up to the  
15 Board. I would recommend that another -- we have  
16 counsel on the next one -- at this time, that we just  
17 take them out of order, after the -- before I finish up  
18 with the disciplinary actions, we do a follow-up on him  
19 and get something on the record.

20 BOARD MEMBER NADEAU: Okay. Thank you.

21 MR. WARD: Thank you, sir.

22 BOARD CHAIRMAN SPENCER: Mr. Rentchler?

23 MR. RENTCHLER: Yes, sir.

24 MR. WARD: May it please the Board,  
25 Mr. President, Chairman, Harry Ward, Deputy Attorney

1 General on behalf of the Board.

2 Mr. Rentchler, do you have a copy of the  
3 exhibits; have they been handed to you?

4 MR. RENTCHLER: Yes, sir. Yes, sir, I do.

5 MR. WARD: And they are, it looks like,  
6 Bates-stamped pages one through 69; is that correct?

7 MR. RENTCHLER: That is correct.

8 MR. WARD: Okay. These will be my exhibits.  
9 Do you have any objections to those? And I know that  
10 you have some exhibits.

11 MR. RENTCHLER: I haven't seen, I haven't seen  
12 these before.

13 MR. WARD: Can you take a minute to review  
14 them?

15 MR. RENTCHLER: 69 pages.

16 (There was a period of time for review.)

17 MR. WARD: Mr. Rentchler, likewise, do you have  
18 any witnesses in this matter?

19 MR. RENTCHLER: I do. I've asked to call Shawn  
20 Smathers.

21 MR. WARD: Okay. And Mr. Smathers is there in  
22 the courtroom?

23 MR. RENTCHLER: Yes, he is.

24 MR. WARD: As well as Mr. Berry and Mr. Robey?

25 MS. WHATLEY: Robbins.

1 MR. WARD: Robbins?

2 MR. RENTCHLER: Mr. Berry.

3 MR. WARD: At this time, Mr. Chairman, I would  
4 like to sequester the witnesses and ask the witnesses in  
5 this matter, if they've been sworn, to step out of the  
6 room, the courtroom or the hearing room.

7 BOARD CHAIRMAN SPENCER: Yes, please do.

8 MR. WARD: If you've been sworn, and you are a  
9 witness in this matter, please step out of the room.

10 MR. RENTCHLER: Step out.

11 (Witnesses left the hearing room.)

12 MR. WARD: And, Mr. Rentchler, you likewise  
13 have some exhibits; is that correct?

14 MR. RENTCHLER: That's correct. I provided  
15 those to the Board.

16 MR. WARD: And I'm going to hand those out  
17 right now.

18 BOARD CHAIRMAN SPENCER: Thank you.

19 BOARD MEMBER PUTNAM: Thank you.

20 BOARD MEMBER UITHOVEN: Thanks.

21 MR. WARD: Now, Mr. Rentchler, if you want to  
22 go ahead and reserve your objection to my exhibits, I  
23 have no problem with you making a motion that you want  
24 to reserve your objection. But at this time, I'm going  
25 to introduce all of the exhibits in globo. And if you



1 find out that you have one of these exhibits that you  
2 have an objection to, at that time, I will ask you to  
3 bring that up to the Board. This way, we can go ahead  
4 and proceed. Does that sound okay to you?

5 MR. RENTCHLER: That's fair, absolutely.

6 MR. WARD: And at this time, I would move to  
7 have all of the exhibits introduced in this matter.

8 MS. RAY: I need them back.

9 BOARD MEMBER NADEAU: Including his?

10 MR. WARD: Including his.

11 MR. WARD: May it please the Board,  
12 Mr. Chairman, Mr. President, at this time, I would like  
13 to call Ms. Tammy Whatley as my first witness. And  
14 she's going to retrieve another pen. And I apologize.

15

16 T A M M Y W H A T L E Y,

17 having been duly sworn,

18 was examined and testified as follows:

19

20 DIRECT EXAMINATION

21 BY MR. WARD:

22 Q. Please state your name for the record.

23 A. Tammy Whatley.

24 Q. And you have been sworn in this matter; is that  
25 correct?

1 A. Yes, I have.

2 Q. And what is your occupation?

3 A. Investigator.

4 Q. And how long have you held that position?

5 A. For the Attorney General's Office, for just  
6 under seven years, but for the Private Investigators  
7 Licensing Board, just under four years.

8 Q. Okay. And in regards to the investigation, can  
9 you tell us what you do, I guess, in layman's terms?

10 A. Actually, I investigate unlicensed activity.  
11 I'm tasked with the firearms, the -- for Chapter 648 of  
12 the NRS and the Nevada Administrative Code, which is  
13 actually absolutely consuming our time right now. And  
14 then I do compliance checks and various other duties as  
15 assigned.

16 Q. Okay. And are you familiar with the case of  
17 Greg Rentchler -- that's R-E-N-T-C-H-L-E-R -- complaint  
18 number 09-10-1501?

19 A. Yes, I am.

20 Q. Okay. And you have the exhibits in front of  
21 you. I'd like to go over those briefly with you.

22 A. Okay.

23 Q. And we'll start off with, I guess -- at the  
24 bottom of them, I'll refer to them as the Bates numbers  
25 of the page, where it says 0001. So this is the

1 complaint that is filed against them; is that correct?

2 A. That is correct.

3 Q. What I say "them," meaning Mr. Greg Rentchler,  
4 known also as Southwest Tactical; is that correct?

5 A. That is correct.

6 Q. And we have some factual allegations in here as  
7 well as alleged violations on page two and three; is  
8 that correct?

9 A. That's correct.

10 Q. Okay. In a nutshell, can you tell the Board  
11 what this case is about?

12 A. Well, it's a little bit more lengthy than a  
13 nutshell, but I will attempt. We have been inundated in  
14 the Private Investigators Licensing Board's office with  
15 the firearms instructors perhaps not giving proper  
16 instruction, reusing forms. They have -- and I  
17 apologize. There's several things going on, so I need  
18 to kind of refresh my memory for a brief moment on this  
19 particular situation.

20 Q. That's fine.

21 A. But there are forms of people being allowed to  
22 take the class that are not authorized to take the  
23 class. There -- the -- as I said, they're not giving  
24 the proper instruction. We did -- we conducted  
25 subcommittee meetings and developed a standardized

1 curriculum. So all certified firearms instructors have  
2 a standard curriculum that they're supposed to teach at  
3 a minimum, and it's set forth in the NAC, and it's to be  
4 eight hours of classroom, five hours of range minimum.  
5 We are being told that this is not occurring in the  
6 field. And in this particular case, we have a flyer  
7 stating such. We have documentation where forms have  
8 been used, previous forms were being used for future  
9 use, different, other things.

10 Q. And those will be in the exhibits in this  
11 packet?

12 A. Yes.

13 Q. Okay. All right. So let's start off, also on  
14 page one, I guess, with -- I guess, it would be factual  
15 allegation number one. Greg Rentchler is a certified  
16 firearms instructor. Is that correct?

17 A. That is correct.

18 Q. Okay. And number two, on August 1st, 2010, the  
19 Board established a standardized curriculum for all  
20 CFIs. Is that correct?

21 A. That is correct. That is the date it was to go  
22 into effect. It was established prior to that, but it  
23 was to be in effect, in use by all CFIs as of August  
24 1st, 2010.

25 Q. Okay. Now, let's move down to number four

1 under Count One, that on or about October 19th, 2010,  
2 after a flyer was provided to your office for  
3 respondent's course, which was required for the student  
4 to bring 50 rounds of appropriate ammunition, and stated  
5 that there would be three hours of range time. And I'll  
6 refer to -- I believe, it's Bates number 10. Is that  
7 the flyer that you would be referencing?

8 A. Yes, it is.

9 Q. Okay. Please tell us about that flyer and why  
10 you would consider this flyer a potential violation.

11 A. Well, number one, the flyer is dated  
12 October 19th, 2010. That's well after the August 1st,  
13 2010 standardized curriculum date. It states that the  
14 class will be 14 hours over a day and a half. And I  
15 have no problem with that. That's in excess. We have  
16 13 hours minimum. However, it does state that there  
17 will be three hours of range time. The NAC states that  
18 there must be five hours on the range.

19 Q. And just for the record, when you say "NAC,"  
20 that's Nevada Administrative Code; is that correct?

21 A. That is correct. And that would be Nevada  
22 Administrative Code 648.346(2)(b).

23 Q. Okay. Which would be five hours as opposed to  
24 three?

25 A. That's correct.

1 Q. Okay. Please continue.

2 A. Further on, it -- further down, it says  
3 "Applicant to bring check or cash, 50 rounds of  
4 appropriate caliber ammunition, lunch money, dress  
5 appropriate, water" -- something. But sunblock. Bat;  
6 I'm not quite sure. But sunblock.

7 Q. Hat, sunblock maybe?

8 A. Hat, yes. Thank you. We have a copy here that  
9 is not very clear.

10 The problem with that is our standardized  
11 curriculum has set exercises. And the exercises, if the  
12 student performs everything perfectly and does not have  
13 to reshoot anything, the exercises along with the  
14 30-round qualification is a total of 147 rounds. So if  
15 they're only bringing 50 rounds of ammunition, that is  
16 clearly far short of what the standardized curriculum  
17 calls for.

18 Q. Okay. So, in other words, exhibit -- or page  
19 in number 10 does not satisfy the NAC; is that correct,  
20 as far the requirements?

21 A. That is correct.

22 Q. Okay. If you don't mind, we can probably move  
23 on to -- I guess, it would be pages 11 through 13. And  
24 go back to number five of the factual allegations, which  
25 says that on January 10th, 2011, a fax copy of a

1 Verification of Employment for Armed Security was  
2 received in the Board office for a Clifton Berry. And  
3 would you please elaborate on that.

4 A. Yes. If you look at this form, you can see,  
5 especially where --

6 Q. "This form" being page 11?

7 A. Correct, yes. I apologize.

8 Q. That's fine.

9 A. Page 11. If you look at the name on the form,  
10 it clearly does not match the writing on the rest of the  
11 form. The form we received, it clearly had -- there had  
12 been White Out or some kind of something used to remove  
13 the name that was initially there, and this name,  
14 Clifton Berry's, was inserted.

15 Q. Excuse me. And I apologize. Attorneys always  
16 interrupt. So what you're saying is the printing of  
17 "Clifton C. Berry" in the middle of the page is  
18 different from, let's say, the words "security officer"  
19 and everything else; is that correct?

20 A. That is correct.

21 Q. In your view?

22 A. That is correct.

23 Q. And that's why you had a problem with this  
24 exhibit; is that correct?

25 A. Well, our office -- and it was not me. There

1 was another person who receives these forms, who  
2 contacted the employer regarding this form. And I do  
3 believe -- well, let me see. I'm not exactly sure if it  
4 was because the form looked suspect or what the original  
5 reason was.

6 Oh. Here it is. The page 12. The original  
7 contact from our office to the employer states "This  
8 individual was sent to firearms qualification class  
9 without being registered as an employee of your  
10 company." So our office made contact with the licensee,  
11 and the licensee reported back that this was not one of  
12 their employees, they never gave him this form.

13 Q. And, likewise, referring to page 13, is that  
14 also documented?

15 A. Yes, that is correct.

16 Q. And just why don't you go ahead and read the  
17 sentence on 13.

18 A. "This memo will serve to establish that  
19 Mr. Clifton Berry has never worked for Exclusive  
20 Protection, Inc. to my knowledge."

21 Q. Okay.

22 A. So because of this situation, it was then given  
23 to me. When I originally contacted Mr. Rentchler, he  
24 told me that he had forms that licensees had signed for  
25 him to use as a template, and that I advised him that



1 was not accurate, that was not appropriate, that that  
2 would be forgery or fraud perhaps because he's altering  
3 the form. Then I was told that after -- then I was told  
4 he did not provide the form to Mr. Clifton, Mr. Clifton  
5 came with the form. Mr. Clifton originally reported he  
6 just went to Mr. Rentchler, Mr. Rentchler provided all  
7 the paperwork.

8           The story's changed several times. Mr. Berry,  
9 Clifton Berry is here today. Hopefully, under sworn  
10 testimony, we can find out from Mr. Rentchler and  
11 Mr. Berry which one actually altered the form and  
12 provided a counterfeit verification of employment form.

13           Q. And in your testimony, you said Mr. Clifton.  
14 You're really saying Mr. Clifton Berry; that's who  
15 you're referring to, right?

16           A. Yes, sir. I --

17           Q. That's fine. Moving along, when we go to -- I  
18 guess, at this point, it would be item number six on the  
19 complaint. It says "That on February 12, 2010, 12 faxed  
20 copies of VEAS forms were received in the Board office."

21           And I'll let you reference the documents. I  
22 think, they're going to be pages 14, 15 and 16.

23           A. Yes.

24           Q. In regards to that allegation, what is your  
25 testimony?

1           A.    Actually, if you go to -- if you -- of course,  
2 with e-mails, you go to the last page. Well, actually,  
3 it starts on page 15, the very bottom. And, basically,  
4 I'm making contact with Mr. Rentchler, advising him that  
5 we received 12 verification of employment forms, that --  
6 we "received 12 Verification of Employment Forms,"  
7 slash, "Firearms cards from you via fax. I will accept  
8 Lemar Plump and Brian Anguiano if they are original  
9 forms filled out by the employer, signed and dated by  
10 both the qualifying agent and employee. The other forms  
11 are incomplete. Please send them back to us once the  
12 employer has completely filled in all applicable spaces.  
13 All forms should be originals filled out by the  
14 employer, signed and dated by both the qualifying agent  
15 and the employee. You may not reuse forms for future  
16 qualifications as that would constitute forgery and be  
17 considered unethical conduct. Also, on David Norton's  
18 you or someone else printed on the bottom 'Please  
19 register David under Rock Sec'. As qualifying agent, it  
20 is your responsibility to go into the computer system  
21 and hire and terminate your employees. If you do not  
22 know how to do such, please contact our office for  
23 further instruction. Have a great day."

24           Q.    Okay. Now, in regards to that, I know that --  
25 and the Board can read his response to that. But what

1 was the purpose of this e-mail to the respondent in this  
2 matter?

3 A. We received incomplete forms. We had sent out  
4 from the Board office a letter stating that they, the  
5 CFI absolutely had to have completed forms.

6 Q. And just for the public's reference, CFI means  
7 certified firearms instructor, correct?

8 A. That is correct.

9 Q. Okay.

10 A. And we had -- you know, 10 of his 12 forms had  
11 blanks in them. We -- there were issues with them.  
12 There were two that we accepted. And the reason I  
13 emphasized original forms signed by both the qualifying  
14 agent and the employee was because of the future --  
15 excuse me -- because of the previous conversation which  
16 he stated he reused forms.

17 Q. Okay. And when you say "he reused forms," who  
18 are you referring to?

19 A. Mr. Rentchler.

20 Q. And that's the respondent in this matter?

21 A. And in his response, he did also verify that he  
22 had forms that he reused.

23 Q. Okay. That would be at page 15; is that  
24 correct?

25 A. That is correct.

1 Q. Okay. Now, and I'm just curious. Can you  
2 educate us? Let's go to page 17. Is this the forms  
3 that you're talking about?

4 A. Yes, it is.

5 Q. Okay. And this is the forms that come to the  
6 Board; is that correct, that you get, and you have to  
7 review it?

8 A. That is correct.

9 Q. Or the Board reviews it, or someone reviews it?

10 A. That is correct.

11 Q. Okay. Now, moving right along, it might be  
12 easier if we go through all of the exhibits. Let's go  
13 to page 18. And that way, we can maybe refer back to  
14 the complaint. Page 18, what is your testimony in  
15 regards to page 18?

16 A. This is -- Mary Jane, who works in our office,  
17 she is the one that all these forms are originally sent  
18 to. Well, they're faxed to us typically, and she is the  
19 one that processes them, unless she has issues, and then  
20 they come to me. And she is sending, she is sending  
21 this fax to a licensee, to a qualifying agent, asking  
22 them to please enter all the missing information on the  
23 form and to fax it back.

24 Q. And was that, in fact, done, to your knowledge?

25 A. On this particular person -- there's so many,

1 I'd have to look.

2 Q. Well, then, let's just get to those when we get  
3 to those.

4 A. Okay.

5 Q. And then let's just briefly go to page 19.

6 A. Yes, that is the form in question that the fax  
7 was about. There are many missing blanks. There is a  
8 name. There is a company name. And there is a  
9 signature. But it's missing the last four of the Social  
10 Security number. It's missing the date of birth. It's  
11 missing dates. There are many things. And what's so  
12 important is it's just like we had the Clifton Berry  
13 situation that is a form that was not authorized by  
14 anybody. If there are all these blanks, we can't tell  
15 if it's truly authentic or not. They need to be  
16 properly filled out and presented at the time the class  
17 is given, or they're not eligible.

18 Q. When you say "we," you mean through you,  
19 through the PILB investigators?

20 A. That is correct.

21 Q. Okay. Why don't we just move on to page 20.  
22 Looks like a fax.

23 A. Yes.

24 Q. To Mary Jane.

25 A. This is a fax that says "Mary Jane, I just

1 returned from a trip and was faxed this form from Jeff  
2 that he had received from you regarding Bob Refer's  
3 armed security form that Greg Rentchler had sent in  
4 uncompleted. I have completed the form. Sorry for the  
5 poor quality of the fax, but this is how I received it.  
6 If you need anything, please let me know. Jim Leyde,  
7 Positive Protection of Nevada LLC 1305."

8 Q. And then we go to page 21, and that would be  
9 the -- what was faxed; is that correct?

10 A. That is correct. They completed all the boxes  
11 that are required to be completed.

12 Q. And is it your testimony that all boxes should  
13 be originally completed, and when they're not, that's  
14 why you have a beef or a problem?

15 A. That is correct. Because we -- if all the --  
16 the licensees are supposed to fill out everything  
17 completely. If the CFI accepts it with blanks, perhaps  
18 that's an altered form, perhaps that didn't come from  
19 the licensee. If the certified firearms instructor  
20 would contact that licensee about incomplete forms, we  
21 might be able to determine if the person's legitimately  
22 there.

23 Q. Okay. Why don't we go ahead and go on to the  
24 next page, page 22.

25 A. Okay.

1 Q. That's in regards to -- looks like Adam  
2 Robbins?

3 A. That is correct.

4 Q. And what is your testimony in regards to this  
5 exhibit?

6 A. This part, if you look at -- and, actually, may  
7 we go, may we refer to the instructions first, wherever  
8 the instructions are?

9 Q. They may be further down in the exhibits.

10 A. Page 32.

11 Q. Okay. Page 32. These would be -- go ahead.

12 A. Okay. All of the CFIs have been provided with  
13 instructions to complete the white ward.

14 Q. And when you say "the white card," that's what  
15 we're looking at the top of page 22, correct?

16 A. That is correct, the one that states  
17 "Certificate of Completion of Course in Firearms  
18 Safety."

19 Q. Okay. The slang term for it is white card,  
20 firearms card. And this is what the --

21 MR. RENTCHLER: Excuse me. Could I -- could I  
22 ask you a question here?

23 MR. WARD: No, you cannot. But make notes.  
24 You'll be able to ask questions of the witness at a  
25 later time. The only thing at this time that you could

1 do is maybe object --

2 MR. RENTCHLER: Thank you.

3 MR. WARD: -- to an exhibit. But I suggest  
4 that you make notes, and you'll have an opportunity to  
5 cross-examine this, my witness.

6 MR. RENTCHLER: I'd like to object to this  
7 exhibit, then, please.

8 MR. WARD: On what ground?

9 MR. RENTCHLER: It's not in the complaint.  
10 There's no -- there's no reflection to Adam Robbins  
11 anywhere in the complaint.

12 MS. WHATLEY: It is number nine. It doesn't  
13 state his name, but it states the firearms card.

14 MR. WARD: May it please the Board,  
15 Mr. President, this is part of the file. This will  
16 support -- I believe, it's going to be allegation number  
17 nine, numbers one through four, the subparts of number  
18 nine. And that will be referenced at a later time.  
19 And, likewise, Mr. Adam Robbins has been subpoenaed in  
20 this matter.

21 BOARD CHAIRMAN SPENCER: Has it been noted by  
22 card number in the complaint?

23 MS. WHATLEY: No. But the details of it, there  
24 is not another card that states the details of this one.  
25 Although the number is not stated. And this was an



1 issue on which I did talk to Mr. Rentchler regarding, at  
2 the time it occurred.

3 BOARD CHAIRMAN SPENCER: Mr. Rentchler, do you  
4 recall that conversation?

5 MR. RENTCHLER: I just, I recall that there was  
6 an issue with Mr. Robbins. I -- and that's why I  
7 just -- I'm just -- and now I see where it's connected,  
8 but I didn't know this ahead of time. And I don't  
9 remember the issues with Robbins. We had a short  
10 conversation that not -- not to allow him to come  
11 through, or something like that, from -- from  
12 Investigator Whatley and myself. And that's all I  
13 really remember about this without being brought up to  
14 date.

15 BOARD CHAIRMAN SPENCER: Okay. Will you  
16 withdraw your complaint or your objection or --

17 MR. RENTCHLER: Oh, I still, I still don't, I  
18 still don't understand it yet.

19 BOARD CHAIRMAN SPENCER: Well, let's go  
20 further, then, in explaining it, and we'll see.

21 BY MR. WARD:

22 Q. Backing up to your testimony, you're testifying  
23 about page 32, the instructions to fill out the card?

24 A. That is correct.

25 Q. And this was sent to all of the CFIs?

1 A. That is correct.

2 Q. Okay. And please explain just briefly what's  
3 required in that.

4 A. Okay. Actually, I would like to go to number  
5 four, date issued.

6 Q. And this is on page 32, correct?

7 A. That is correct. And number four is the date  
8 in which the class is given, the 13-hour class and --  
9 or --

10 (There was an interruption, noise from  
11 Las Vegas.)

12 MR. RENTCHLER: Oh, I'm sorry. I was -- I must  
13 have...

14 MS. WHATLEY: Number four is the date issued.  
15 This date should reflect the date in which a class was  
16 given. And the class is either the 13-hour class, or  
17 there are a handful of certified firearms instructors  
18 that have a refresher course on file, for people who  
19 have gone through the initial class, it has been five  
20 years, so the card is expiring, or if they've missed two  
21 qualifications, then that says their card is expired.  
22 Those are the only two ways you can have a refresher is  
23 if the five years is up or you miss two quals, you are  
24 eligible for a refresher versus an entire 13-hour class.  
25 So this date, number four, should carry forward

1 on every single card. The person taking the either  
2 class or the requal gets a new card every six months.  
3 But that date issued is to carry forward for five years,  
4 unless they miss two quals and they have another class.  
5 So this date issued is always related to a class date,  
6 not a requal.

7 And then the original instructor, number five,  
8 is the instructor that gave the class in number four.

9 Number six is the requalification date. So the  
10 date in which they're taking the class or the requal,  
11 whatever day this particular card is being issued, it  
12 goes six months out. And six months out will go into  
13 the requalified date. Because this card is good for  
14 six, this actual white card is good for six months,  
15 although the class is good for five years.

16 Q. In layman's terms, so let's say, for number  
17 four, that date is good for five years, correct?

18 A. Unless they miss two qualifications, yes.

19 Q. Right. And then, on number six, that's  
20 requalification date, and that's six months and six  
21 months increments from the number four date; is that  
22 correct?

23 A. Not necessarily.

24 Q. Okay.

25 A. Because, number six actually is when this

1 particular white card will expire. If they don't  
2 requalify by the number six date, then they're not  
3 eligible to carry their firearm. And each white card is  
4 good for six months.

5 Q. Okay. Now, going back to -- and we're going to  
6 reference page number 22. And, I think, that's also in  
7 reference to paragraph nine of the complaint; is that  
8 correct?

9 A. That is correct.

10 Q. Please go ahead and testify in that regards.

11 A. Okay. Letters have been sent out. Again,  
12 letters have been sent out. And there are exhibits  
13 stating that in order to go through the firearms class,  
14 you must be at a minimum in provisional status. That  
15 means you've had your background done, that you have a  
16 referral form from your employer, and you passed the  
17 class in order to get the white card.

18 At this time, this issue date says 6-1-11. At  
19 the time, Mr. Robbins was not in provisional status. He  
20 had not had his application processed into the  
21 provisional status. Therefore, he was not eligible to  
22 go to the class. And then, if you notice, though, it's  
23 stating that he had the class on 6-1-11, but the  
24 requalified date says 12-28-11. That is almost seven  
25 months.

1 Q. And that's improper, because they have to get  
2 requalified within six months; is that correct?

3 A. That -- that is correct. However, I may have  
4 made a mistake. Just one moment.

5 I spoke out of turn on the provisional status.  
6 He did take the class before he was provisional, but  
7 there's -- but when I spoke to Mr. Adams -- and he also  
8 provided on page 23 an e-mail. He actually went to the  
9 class. He stated he went to the class on June 27th. He  
10 was made provisional on June 30th. So, yes.

11 The applicant is stating he went to class on  
12 June 27th. He wasn't provisional until June 30th. So  
13 there's two different issues going on. He wasn't  
14 eligible, number one. And, number two, if he went to  
15 class on June 27th, why does the date issued say  
16 June 1st? And, then, not only why does it say June 1st,  
17 but yet Mr. Rentchler's given him almost seven months  
18 instead of six months on this card.

19 Q. And just out of curiosity, on page 22, at the  
20 top, that's, is it your understanding, Mr. Rentchler's  
21 signature on this card?

22 A. That is correct.

23 Q. And that's required, per the instructions, that  
24 the instructor sign the card?

25 A. That is correct.

1 Q. Okay. Please continue.

2 A. So those are the two issues with this. Number  
3 one, Mr. Robbins wasn't eligible to go through the  
4 class, but he went through it. And then the dates, the  
5 issue date and the requalified date, are both incorrect  
6 dates on this card. So this card is absolutely  
7 completely corrupt.

8 Q. And when you say "corrupt," what does that  
9 mean?

10 A. It's invalid. Nothing --

11 Q. Nothing jives?

12 A. When you don't have the correct issue date, and  
13 you don't have the correct requalification date, how can  
14 we trust anything on this card?

15 Q. Please go on. I think, you've testified as to  
16 page 23. That was the e-mail from Mr. Robbins; is that  
17 correct?

18 A. That is correct.

19 Q. What about page 24?

20 A. Yeah, this is further, this is just further  
21 conversation between --

22 Q. You and Mr. Robbins?

23 A. Me and Mr. Robbins, that's correct.

24 Q. Okay. Why don't you go on to page 25. And, I  
25 think, that's the tail end of it. Is that correct?

1 A. That is correct.

2 Q. And then, moving right along, page 26. And,  
3 likewise, I understand, when we're going through these  
4 e-mails, sometimes we have to go to the first e-mail,  
5 which is a couple pages back, and then read upward. Is  
6 that correct?

7 A. That is correct.

8 Q. So when you do testify to one of these pages --  
9 and I'm sure it's going to be pages 26, 27, 28, looks  
10 like 29, 30?

11 A. Actually, we change from -- on 27, it is still  
12 between me and Mr. Robbins. However, 28 is with  
13 Mr. Rentchler.

14 Q. Okay. So let's go there. Let's go to page 28.

15 A. Okay. And let's see where it actually begins.  
16 We may go further back.

17 Q. In other words, the first e-mail to him  
18 regarding the --

19 A. That is correct. If we look at page 30.

20 Q. And 31's blank, looks like the tail end of it,  
21 correct?

22 A. That is correct. So if we look at page 30, I  
23 address Mr. Rentchler on Wednesday, September 14th,  
24 2011, and: Good afternoon, Greg. I'm in receipt of a  
25 firearms certification card for Adam Robbins and have a

1 few issues with it. Number one, date issued is 6-1-11.  
2 Number two, requalify date is 12-28-11. Number three,  
3 he was not in provisional status until 6-30-11;  
4 therefore, was not eligible to take the class until  
5 6-30-11. Number four, Mr. Robbins reported taking the  
6 class on 6-27-11. Please provide via fax or e-mail a  
7 copy of the verification of employment form and a copy  
8 the card to reflect the proper dates. Thank you for  
9 your cooperation in this matter.

10 Q. And did that happen?

11 A. I did not receive anything. We went on to have  
12 further e-mails. He stated he still didn't understand.  
13 He was still confused. I sent him again the white card  
14 instructions that we just discussed on --

15 Q. Page 32?

16 A. 32. And, but I've never received the  
17 information requested on Mr. Robbins.

18 Q. And in regards to Mr. Robbins, how would that  
19 affect his card, if any?

20 A. In my opinion, he is not eligible to carry a  
21 firearm if I have no proof of him being eligible to take  
22 the class and taking the class. If, if you can't  
23 provide me with a verification of employment form, he  
24 wasn't authorized to take the class. But it turned out  
25 that Mr. Robbins, I do not believe, ever -- he was not



1 in an armed position. So at that particular time, it  
2 was not an issue. Later in these, it will be issues  
3 where people were taken off the job to retake classes.

4 Q. Well, let's go there, let's go to paragraph 10.  
5 It looks like we're starting off, I think, with Exhibit  
6 Number 33. This is Shawn Smathers. It's  
7 S-M-A-T-H-E-R-S.

8 A. Yes. And this, this was actually --

9 Q. When you say "this," you're referring to page  
10 33, probably 34 and 35, which is e-mails; is that  
11 correct?

12 A. Yes, and we'll start at -- this was actually  
13 sad for Mr. Smathers and other people that have had to  
14 be taken off the job because of their firearms. If we  
15 start on page 35, I sent -- actually, it may be further  
16 back. Actually, yes, we need to go further back.

17 Just to give you a reference to the e-mails, I  
18 would like to draw your attention to page 36. And if  
19 you see, the issue date is 3-2-06. Well, five years  
20 would be 3-2-11. So this class, you have to have the  
21 class per the NAC every five years. The class is  
22 outdated. He's beyond his class, if this is the correct  
23 issue date.

24 However, I actually, in the beginning, thought  
25 that Greg just forgot to change the date, that he gave

1 the class and forgot to change the date. So my e-mail,  
2 starting on page 35: Hi Greg. You need to issue a new  
3 requal card to Shawn with 11-29-11 in the Date Issued  
4 box if you gave him the class. This needs to be done as  
5 soon as possible and copies sent back to us. Thank you.

6 I get a response from Greg. Please see the  
7 bottom of page 34: The date of 3-2-06 was the date  
8 reflected on Smathers' card that he had on him. I have  
9 no idea when he took the original course. And my  
10 instructions from Tammy and the Board is to put the  
11 existing date, number four, date issued, on the new  
12 card, unless it is a renewed course. Then, I am to put  
13 the date of the renewal course. He was here for a  
14 six-month requal. So I put the date that was on his  
15 last card.

16 So then I responded: Greg, this card was  
17 expired. He was --

18 Q. And I'm going to interrupt, and I hate to. In  
19 other words, you're saying, if that five years is  
20 expired, he can't get requal?

21 A. He can't, he's not eligible to carry his  
22 firearm until he has another class.

23 Q. Okay. Please continue.

24 A. Greg, the card was expired. He was not  
25 eligible to merely complete a requal. The card expired

1 five years from the issue date of 3-2-06, which was  
2 3-2-11. Please within 24 hours confiscate his card and  
3 notify him and his employer he is not authorized to  
4 carry a firearm in the course of his duties until he has  
5 completed the class, and notify our office when such  
6 notification is made. This is serious. You have people  
7 out there thinking they are compliant that are not  
8 compliant.

9 I received a response: Tammy, Shawn was just  
10 here, and I resent a new card with the renewal date of  
11 11-29-11. My mistake for not putting renewal. When  
12 speaking with Mechele, she directed me to request  
13 approval for renewals. I am requesting that I do an  
14 eight-hour renewal class for those whose work card has  
15 expired.

16 And it goes on. He's inquiring about a  
17 refresher course. We go back and forth, and I tell him  
18 about that.

19 So now, again, the card is corrupt again.  
20 Because he's already told me clearly in the first e-mail  
21 that all he gave them was a requal. So why did he  
22 change the new date to 11-29 if he only gave him a  
23 requal?

24 Q. Okay. Now, in regards to exhibits, is that --

25 A. Yes.

1 Q. -- indicated in the exhibits?

2 A. Yes, it is. That is number -- actually, if you  
3 look at page 38. And you'll see that the date issued on  
4 the card that does not have an X over it, card number  
5 61858 shows date issued 11-29-11 from original  
6 instructor 74.

7 Q. And who was that, if you know?

8 A. Right off, it may be David Johnson. I am not  
9 sure. But it's not Greg Rentchler. And 11-29-11 is  
10 when Greg -- you know, Greg -- if Greg gave him a class  
11 on 11-29, it should have been 114. Whoever gave the  
12 class, that is the instructor number that goes there.  
13 But we've already heard and seen in e-mails that he did  
14 not give him a class 11-29. So this card is corrupt.

15 Q. And, once again, why do we have problems with a  
16 corrupt card?

17 A. Because once a card is corrupt, we -- unless we  
18 have it previously in our computer system -- which our  
19 computer system is -- has now since been changed to  
20 where it will not erase firearms information. It  
21 used -- our system used to continually erase when you  
22 update. So unless our system has an issue date, we  
23 would give this guy another five years without -- he  
24 would go 10 years without a class. It's very important  
25 to keep the dates correct.

1 Q. And that was my point. Okay.

2 A. And when we're talking about firearms and the  
3 liability of firearms, this is extremely serious stuff.

4 So that is -- so then let me find the e-mails.  
5 Basically, I notified Mr. Smathers and his employer as  
6 well that because I could not determine when he had had  
7 a class, and it appeared his card was expired, he could  
8 not work until he had the class.

9 So he was taken off the job, had to go through  
10 a class for, I believe -- oh, actually, let me back up,  
11 because I might be confusing this with one in the  
12 future. Let me look at my notes. I apologize.

13 Okay. So if, if you look at page 33, there's  
14 correspondence from Mr. Rentchler: Actually, Tammy, I  
15 gave Smathers the renewal six months ago, on 6-1-11. At  
16 that time, I was routinely putting in the dates for  
17 number four on the gun card to reflect whatever their  
18 date was already on the card. So you should have a form  
19 for me with gun card 61640 for Smathers. I will fax  
20 another copy ASAP. I'm thinking maybe that last renewal  
21 was not posted for Smathers. The important part of this  
22 is that Smathers has been and remains compliant per NAC.  
23 As per your comment about circumventing the NACs, why  
24 not keep those unprofessional comments to yourself. In  
25 fact, why don't you come to Las Vegas --

1 Q. Well, let's not go there.

2 A. Okay.

3 Q. So, in other words, you've had communication  
4 with him, and he communicated back, in regards to these  
5 not being filled out properly; is that correct?

6 A. And he could not provide me the proof that he  
7 really did give the class on 6-1. So Mr. Smathers was  
8 taken off the job, had to go through another class  
9 before he could work.

10 Q. Okay. Let's move right along, then.

11 A. Okay.

12 Q. And you can go back, I guess, through the  
13 exhibits. And what exhibit are we on now?

14 A. Actually --

15 Q. 39 was just a subpoena?

16 A. That is correct.

17 Q. 40, 41, subpoena and return. 42, likewise.  
18 43, 44.

19 A. And page 45 was a letter sent to all CFIs June  
20 22nd, 2010, sending them the standardized curriculum,  
21 telling them the history of the subcommittee meetings  
22 and what the Board had decided and approved, and that as  
23 of August 1, that this was the mandatory curriculum to  
24 be taught.

25 Q. And that would be referenced in, I think -- on

1 paragraph two of the first, of the complaint, I think,  
2 page one of the exhibits, subparagraph two, that as of  
3 August?

4 A. Yes.

5 Q. And that's what you were referencing?

6 A. That is correct. And then included is the  
7 letter sent to all CFIs on July 26, 2010. This is --

8 Q. And you're referring to page 46 now, correct?

9 A. Page 46. I apologize. There -- we, the PILB  
10 staff revamped and had approval for the new verification  
11 of employment form. So this letter was sent out  
12 advising the CFIs that there is a new form. The form  
13 was attached, that's page 47, advising them that the --  
14 and paragraph three, "The white PILB firearms cards are  
15 only to be issued to individuals who show proof they  
16 have a provisional paper or a current work card, provide  
17 you with a new verification of employment form and pass  
18 your class or requalification."

19 So this was a new form and explained to them  
20 that they, the people that are not in provisional  
21 status, can't go through the class.

22 Q. And what is provisional status again, I guess,  
23 briefly, what is the terms, that they're about to get  
24 the job?

25 A. No, actually, provisional status is a temporary

1 status that allows them to work, the preliminary  
2 background has been completed, and we are waiting on the  
3 FBI and repository to provide fingerprints to determine  
4 if they can have a permanent card.

5 Q. Thank you.

6 A. You're welcome. Page 48 is a -- an open letter  
7 sent from Investigator Roble and I to all CFIs. We were  
8 just -- you know, CFIs have consumed our time, not only  
9 the CFIs, but the students of CFI. Firearms, firearms  
10 in general have really consumed a huge chunk of our  
11 time. And it is such a serious matter. So we've been  
12 hearing a lot of things in the field, such as people  
13 using Airsoft guns for training, just ridiculous-type  
14 things.

15 So Investigator Roble and I drafted a letter to  
16 be sent and was sent to all CFIs outlining just exactly  
17 how things needed to be, that it was live fire range,  
18 that if they're not in provisional status, they can't  
19 take the class, the type of target, just reiterating all  
20 the things the CFIs should have already known.

21 Q. That's reference to 48, 49, looks like 50; was  
22 that also sent to them, do you think? Because that  
23 looks like the instructors --

24 A. At some time or another, it was sent to the  
25 CFIs. So I'm not sure which attachment or if it went by



1 itself.

2 Q. And number 50 is also the white card?

3 A. That is correct. That would be instructions.

4 Q. Okay. Now, in regards to the next few  
5 exhibits.

6 A. Yes. These are -- and let me see how many  
7 pages. These are minutes.

8 Q. And, I think, they go all the way through.

9 A. Okay. Yes.

10 Q. To -- through to page 68.

11 A. These were minutes from our April 21st, 2011  
12 workshop. And, actually, if I look at my copy. That's  
13 in my larger file. Let me skim through to see. There's  
14 something in particular.

15 In this workshop, we thoroughly discussed issue  
16 date, equal dates. We thoroughly -- you know, this  
17 whole workshop was regarding firearms. And so we  
18 thoroughly discussed the white card, what's expected of  
19 CFIs, and there was --

20 Q. Was Mr. Rentchler there?

21 A. Yes, he was. And there is conversation  
22 between -- let me find the correct page. On page 54,  
23 "Investigator Whatley moved on to the Verification of  
24 Employment Form. She provided everyone with two  
25 versions of the form and explained that one was what was

1 currently being used and the other was developed by one  
2 of our CFIs." We went over it and emphasized what the  
3 CFIs are supposed to do. "Mr. Rentchler asked if the  
4 licensees were getting the same information; however, as  
5 a certified firearms instructor, they have  
6 responsibility to make sure the form is completely and  
7 properly filled out or they could not accept it."

8 Q. Now, this was done in April of -- looks like  
9 April 21st, 2011, correct?

10 A. Yes.

11 Q. And is it your testimony even after this that  
12 you had white cards that were deficient?

13 A. Yes.

14 Q. From the --

15 A. And verification of employment forms that were,  
16 are deficient, yes.

17 Q. Is there anything else that you need to add in  
18 regards to the investigation in this matter?

19 A. Just the seriousness of the matter, considering  
20 it is related to firearms, and if someone's eligible to  
21 possess a firearm in the course of their job, and the  
22 fact that we have to remove people from their job if  
23 they're not properly qualified, and then they're not  
24 eligible to work until they get the proper training.

25 MR. WARD: I have nothing further, and I tender

1 the witness.

2 Mr. Rentchler, that means you can ask some  
3 questions.

4 MR. RENTCHLER: Yes. Thank you.

5

6 CROSS-EXAMINATION

7 BY MR. RENTCHLER:

8 Q. During your testimony, Investigator Whatley,  
9 you mentioned that -- you were asked the question how  
10 long was the white card good for, and you answered that  
11 it was good for five -- that it was good for six months  
12 until they requalified. And, I believe, the white card  
13 is good for five years. Is that correct?

14 A. That -- I apologize. That was not my  
15 testimony. My testimony is the class is good for five  
16 years. The actual physical white card is a six-month  
17 card. The class is what is good for six years.

18 BOARD MEMBER NADEAU: Five.

19 MS. WHATLEY: Excuse me. Five years, yes.  
20 Thank you.

21 In other words, every time someone comes to me,  
22 they requalify every six months, you give them a brand  
23 new white card, correct?

24 MR. RENTCHLER: That is correct.

25 MS. WHATLEY: And you just transfer that date

1 forward. So at the class, that class that certified  
2 them, that is good for five years. We hope to go to  
3 that permanent. We've talked. We hope to go to a  
4 permanent card that will last five years. But we don't  
5 have -- the current card is not capable of lasting five  
6 years. But that's why we carried the class dates  
7 forward, so we know when that, that class, expires.

8 MR. RENTCHLER: Right. I just wanted to make  
9 that clear. Because, I believe, it's question number 45  
10 on the armed guard investigator, or armed guard class  
11 test. I believe, it asks how long is the white card or  
12 gun card good for. And, and it says five, and the  
13 answer is five years. That's what we've been teaching.

14 I just wanted to make it clear, it's not a  
15 point of contention, just that it's clear that I  
16 understand the card is -- normally lasts six months,  
17 because it's cardboard or like cardboard, and sometimes  
18 less. But it is good, but the date of the class is for  
19 five years.

20 MS. WHATLEY: That is correct.

21 MR. RENTCHLER: Could I waive an answer? I'd  
22 like to go through, if I could. I don't know how you  
23 want me to do this. But I have a question that's  
24 related to allegations, Count One, allegation nine,  
25 which is what -- the one that doesn't have any

1 information with regard to Robbins. That's why I  
2 couldn't answer it.

3 MR. WARD: Um.

4 MR. RENTCHLER: But it's -- I can make some  
5 clarifications here when we get to it. Is that okay?

6 MR. WARD: If it may please the Board,  
7 Mr. President, Mr. Chairman.

8 You'll have an opportunity to testify. So if  
9 that's what you're saying, you want an opportunity to  
10 testify, you can do that when you take the stand. I  
11 guess, at this point, we're asking you to finish your  
12 questions to Ms. Whatley, and then we'll call another  
13 witness and another witness and another witness. But  
14 you'll have an opportunity to testify and give your  
15 defenses or whatever in regards to paragraph nine. Is  
16 that what you're asking?

17 MR. RENTCHLER: Yes. Thank you.

18 MR. WARD: Okay. So do you have any more  
19 questions for Detective Whatley?

20 MR. RENTCHLER: No, that's it. Thank you.

21 MR. WARD: At this time, I would call Mr. Shawn  
22 Smathers. And he's down south.

23 MS. GRESNICK-SMITH: I'll just get him.

24 MR. WARD: All the witnesses have been sworn.

25 And, Mr. Rentchler, you may have to share your

1 exhibits with the witness when I ask him about one of  
2 these numbered exhibits.

3 MR. RENTCHLER: Copy that. Thank you.

4 Good morning, Shawn.

5

6 S H A W N S M A T H E R S,

7 having been duly sworn,

8 was examined and testified as follows:

9

10 DIRECT EXAMINATION

11 BY MR. WARD:

12 Q. Please state your name for the record.

13 A. Shawn Patrick Smathers.

14 Q. And why don't you go ahead and spell your last  
15 name for the record, because this young lady is taking  
16 down everything.

17 A. Got you. S-M-A-T-H-E-R-S.

18 Q. And where are do you live? I'm just asking for  
19 a general location, not your specific address.

20 A. Las Vegas.

21 Q. Okay. And how old are you?

22 A. 29.

23 Q. And what is your profession?

24 A. Security.

25 Q. And are --

1 A. Armed.

2 Q. And are you currently working?

3 A. Yes.

4 Q. And what type of work are you doing?

5 A. I work at a gated community, security.

6 Q. And are you -- do you carry a weapon?

7 A. Yes.

8 Q. And you are licensed to carry a weapon?

9 A. Yes.

10 Q. And what type of license do you hold to carry  
11 the weapon?

12 A. I hold several different licenses.

13 Q. With when I say "license," excuse me, I mean  
14 certification, which is the correct terminology. That's  
15 what I'm referring to.

16 A. Okay. I carry the service card and -- or,  
17 well, the PILB work card and the -- oh, I'm sorry -- and  
18 the card for the test taken for every six months.

19 Q. Mr. Rentchler is going to maybe show you some  
20 exhibits in regards to your obtaining a white card. Do  
21 you know, when a white card is referenced, do you know  
22 what I mean when I say a "white card certification"?

23 A. For the every six months, you got to requal.  
24 And that's what we're talking about, correct?

25 MR. WARD: Correct.

1           And, I believe, that might be page 32 that you  
2 could hand him, or one of those.

3           MS. GRESNICK-SMITH: Greg, you can keep yours.  
4 I've got them.

5           MR. RENTCHLER: Okay. Thank you.

6           MS. GRESNICK-SMITH: Just reference the page  
7 number.

8           MR. RENTCHLER: 32.

9           MR. SMATHERS: Okay.

10 BY MR. WARD:

11           Q. And I'm referencing -- probably your packet is  
12 going to probably be 32, there's some e-mails, but also  
13 page 36, which, I think, indicates your card, as well as  
14 37 and 38. Is that correct?

15           A. Yes.

16           Q. Okay. And that's what we're talking about, the  
17 six months card.

18           A. Okay.

19           Q. Who did you obtain your six-month card from?

20           A. The second time around or the first time?

21           Q. Let's start with the first time.

22           A. Uh, well, that was back when I first originally  
23 moved out here. That would be the gun store. That was  
24 about --

25           Q. In '06 approximately?



1 A. Yes.

2 Q. All right. Let's go to the second time, then.

3 A. That would be through Greg.

4 Q. Okay. And when you say "Greg", you're talking  
5 about Mr. Rentchler next to you; is that correct?

6 A. Yes. Yes, yes.

7 Q. Okay. All right. I'm going to ask you to  
8 refer to pages 36, 37 and 38, and I'd like to go through  
9 those.

10 A. 37, 38. Okay.

11 Q. Do you have page 36, also?

12 A. Yes.

13 Q. Okay. This is the white card, and it shows  
14 3-2-06, I guess, when it says "Date issued," which is --

15 A. Yes.

16 Q. If you're referring to page 32, which is a  
17 larger picture of it. And that's when you originally  
18 took the class?

19 A. Yeah, that is original, when I first started.

20 Q. Okay. And, now, referring to pages 36, 37 and  
21 38, I notice that there are different dates on, which I  
22 would call, box number six, requalifying time.  
23 Requalifying date. Is that correct?

24 A. Yes.

25 Q. Specifically, on page 37, it looks like the

1 date says "12-6-11."

2 A. Yes.

3 Q. Do you remember, what dates did you requalify  
4 with the respondent in this matter?

5 A. I -- I would have to say it was 5-29.

6 MR. RENTCHLER: That would have been six months  
7 prior.

8 MR. SMATHERS: Yeah.

9 MR. RENTCHLER: So it would have been 11-29?

10 MR. WARD: Yeah, let me. Mr. Rentchler, you'll  
11 have an opportunity to ask him some questions. So, if  
12 you don't mind, please let me finish my questions with  
13 him.

14 MR. RENTCHLER: Okay. Sure.

15 MR. WARD: And then anything, you can clear up.  
16 Thank you, sir.

17 MR. RENTCHLER: Yes, sir.

18 BY MR. WARD:

19 Q. And in regards to your course, when did you  
20 take the course?

21 A. I -- it's been some time. But, I believe, it  
22 was 5-29 of 2012. Or not 5-29 of 2012. It would be  
23 5-29 of 2011. I'm sorry about that. I haven't gotten  
24 much sleep today. I work graveyards.

25 Q. In regards to your requalification course, what

1 did you do; do you recall?

2 A. We sat down. We pretty much started off right  
3 off the bat going out and shooting our weapons and  
4 everything. And then we came back, and we took --

5 Q. Approximately how many rounds? I apologize.  
6 Attorneys always interrupt. Do you remember how many  
7 rounds you were supposed to pay for, bring, or anything  
8 of that nature?

9 A. I remember bringing a couple boxes. We shot 12  
10 at close distance, and backed up, and another 12, and  
11 then backed up, another 12.

12 Q. Okay. Please continue. What about any other  
13 requalification, anything else that you did?

14 A. We went back. We -- he went over quite a few  
15 different scenarios and so forth. And then he  
16 actually -- we ended up taking the test, and then we  
17 graded the test.

18 Q. And did you receive a white card from  
19 Mr. Rentchler?

20 A. Yes.

21 Q. And were you able to use that white card to  
22 obtain employment or need it for employment?

23 A. I -- I didn't get called until six months  
24 later.

25 Q. Okay.

1 A. By the Board.

2 Q. Okay. And did you have problems with that?

3 A. Yes.

4 Q. With your white card?

5 A. Yes.

6 Q. And what problems did you -- occurred in  
7 regards to your white card?

8 A. It didn't show up as I had taken the refresher  
9 course class.

10 Q. And did you then go and take another refresher  
11 course?

12 A. Yes. About a week later, after they went  
13 through and said I would have to take another class.

14 Q. Okay. And you did, in fact, do that?

15 A. Yes.

16 Q. And did you go to another qualifier?

17 A. Yes. Discount Firearms. They were the only  
18 people in down certified to give the one-day course.  
19 refresher course.

20 MR. WARD: At this time, I have no further  
21 questions, and I tender the witness.

22 Mr. Rentchler, you have an opportunity to ask  
23 him questions in cross-examination.

24 MR. RENTCHLER: Thank you.

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CROSS-EXAMINATION

BY MR. RENTCHLER:

Q. Shawn, thanks for coming in today. I hope you're not in any trouble.

A. No.

Q. Okay. Thank you. I'm just going to ask a few questions. I'm going to ask you a few questions just to set up the scenario.

A. Okay.

Q. So I know you're clear with it. You came to me in 2011 in June?

A. Yes.

Q. Is that correct?

A. I believe so. I can't really remember. It's been a while. It's been a while.

Q. Okay. Yes, it would be June 6, 2011.

A. Okay. Yes, it was, yeah, shortly after my birthday actually. Yeah, I remember that now.

MR. RENTCHLER: May it please the Court, that I have, obviously, a two-day class, and that would have meant that we did this class on the 2nd day he was here. That's the dates that were reflected on my cards, which is the ending date of the class, which is the second day. So they attend two days, a day and a half with us, as CFIs. Does that make sense?

1 MR. WARD: Yeah, Mr. Rentchler, I know you're,  
2 basically, testifying, but I know you'll get to that at  
3 a later point. But, yes, please keep your -- ask  
4 questions. But I understand. But I have no problem  
5 with you telling the Board that and clarifying that.  
6 But that's going to be your testimony.

7 MR. RENTCHLER: Thank you.

8 MR. WARD: So please ask him some questions.

9 BY MR. RENTCHLER:

10 Q. Shawn, on 6-6, in June, when you came to see  
11 me, did we do the entire class, to incorporate the test  
12 and all the qualifying and the renewal of laws and that  
13 sort of thing?

14 A. Yes.

15 Q. Anything that might be renewing the course?

16 A. Yes, we did.

17 Q. Did you come to me again, then, for renewal, or  
18 I'm sorry, for a requal in November '11, in November of  
19 2011?

20 A. Yes.

21 Q. Do you remember the -- the time you got here,  
22 do you remember that we had some confusion? Could you  
23 explain to the Board what the confusion was with regard  
24 to checking on your work card on your ID.

25 A. They just called me and said the --

1 Q. No, this was when you were -- I'm sorry. This  
2 was when you were in my house.

3 A. So that would mean the third time, when I came  
4 over with the card and everything?

5 Q. Right, with the card.

6 A. They just said it wasn't dated correctly, or it  
7 was -- I think, it was an issue date that they had a  
8 problem with.

9 Q. Okay. I'm sorry. I'm not being clear. When  
10 you came to me --

11 A. Okay.

12 Q. -- we had some confusion because you didn't  
13 have any ID. Do you remember we had to call your wife?

14 A. I'm not married.

15 Q. Okay. Then, never mind. Okay. I'm sorry.  
16 Did you receive calls from me in the last four months,  
17 about once a month, asking -- leaving -- myself leaving  
18 a message to call me, that I wanted to make sure that  
19 your licensing was in order?

20 A. I believe, it was about two months ago, you  
21 called, left a message.

22 MR. RENTCHLER: Okay. I'm mistaken on this  
23 particular one. I thought that Shawn did not have his  
24 ID at the time, which further confused what we were  
25 doing. And I'm sorry. I'm testifying again.

1 MR. WARD: And you'll have an opportunity. I  
2 appreciate you recognizing that. Do you have any  
3 further questions for Mr. Smathers?

4 BY MR. RENTCHLER:

5 Q. And we -- and the last question, Shawn, is did  
6 we conclude our business in November with a requal that  
7 was done appropriately?

8 A. I believe so, yeah. We did a requal last time  
9 sending for business license. Yeah.

10 MR. RENTCHLER: Thank you. No further  
11 questions.

12 MR. WARD: May it please the Board,  
13 Mr. Chairman, Mr. President, I have no further  
14 questions.

15 He can either leave or stay, unless you plan on  
16 calling him back for anything.

17 MR. RENTCHLER: I don't.

18 I appreciate you coming in.

19 MR. SMATHERS: All right. I'm going home. See  
20 you guys.

21 MR. RENTCHLER: Thanks, Shawn.

22 MR. WARD: At this time, may it please the  
23 Board, I'd like to call Mr. Clifton Berry.

24 Mr. Rentchler, we're going to probably look at  
25 exhibits 11 -- I think, those were his cards -- 11, 12



1 and 13.

2 MR. RENTCHLER: Thank you.

3

4 C L I F T O N B E R R Y,

5 having been duly sworn,

6 was examined and testified as follows:

7

8 DIRECT EXAMINATION

9 BY MR. WARD:

10 Q. Sir, you have been sworn; is that correct?

11 A. Yes, sir.

12 Q. All right. Please state your name for the  
13 record.

14 A. Clifton Berry.

15 Q. All right. We're going to wait a little bit,  
16 because of the noise.

17 There we go. We appreciate it. We were  
18 getting a little background from the papers. So please  
19 spell your last name for the record.

20 A. B-E-R-R-Y.

21 Q. Thank you. And where do you live? And I'm  
22 asking for a general, not your address. Where do you  
23 live?

24 A. Las Vegas, Nevada.

25 Q. Okay. And how old are you, sir?

1 A. 32.

2 Q. And are you employed?

3 A. Yes.

4 Q. And what -- who are you employed with?

5 A. Um, well, I'm employed with American Detective  
6 and Security Agency, Incorporated. But I'm working for  
7 Mr. Brett (phonetic), Advanced Technologies.

8 Q. All right. In regards to what we're here for  
9 today, do you have any certifications to carry a  
10 firearm?

11 A. I have a CCW. My -- my firearms is -- I don't,  
12 I don't know. No, my firearms is not completed.

13 Q. Okay. I'm going to refer you to page -- you  
14 should have a packet there. Looks like pages 11, 12 and  
15 13, at the bottom right-hand corner of the pages that  
16 I'm going to refer to. Do you have those available for  
17 your review?

18 A. You said 11, 12 and 13?

19 Q. Correct.

20 A. Yes.

21 Q. Okay. Page 11, it looks like, up at the top,  
22 we refer to that as a white card. Do you know what the  
23 white card is?

24 A. Yes.

25 Q. And what is your understanding of what the

1 white card is?

2 A. Uh, that's what you get when you take your  
3 final certification and armed guard training.

4 Q. Okay. Now, in regards to exhibit or page  
5 number 11, the form where it says "Employment for Armed  
6 Security," how did you get that form? Or did you get  
7 it?

8 A. No, I didn't get it.

9 Q. Okay. Let me back up. Did you ever obtain a  
10 white card from Mr. Rentchler?

11 A. A white card, yes.

12 Q. Okay. How did you go about doing that?

13 A. I took the class.

14 Q. When?

15 A. Um, I don't, I don't remember the exact date,  
16 but it was last -- last year.

17 Q. Would exhibit 11, the white card, indicate on  
18 the white card when you took a class, or approximately?

19 A. Yes.

20 Q. And that would be when?

21 A. Are you talking about the card in the upper  
22 left-hand corner or the actual form that it's on?

23 Q. We'll get -- I'm talking about the card in the  
24 upper left-hand corner, and we'll get to the form.

25 Would January 2011 sound accurate, when you took the

1 13-hour class?

2 A. Yes.

3 Q. Okay. Tell us what you did for the class.

4 A. I went in, and we did -- we went through a  
5 bunch of papers and studied. And then we went shooting  
6 the second day.

7 Q. Okay. First day, how many hours of class did  
8 you have?

9 A. Uh, it started -- I think, we started about  
10 8:30 in the morning, and we finished like -- I want to  
11 say it was like maybe 3:00 o'clock, 3:15.

12 Q. Okay. The second day, you did shooting, you  
13 said; is that correct?

14 A. Yes.

15 Q. Did you have to bring some rounds for your  
16 shooting to qualify?

17 A. Yes.

18 Q. How many rounds do you recall bringing?

19 A. Uh, I don't know. It was a lot, though. It  
20 was like 60 rounds, I remember.

21 Q. Okay. That's fine. Now, according to page 11,  
22 referring to page 11, did you bring any paperwork with  
23 you to the class from your employer?

24 A. No. I was just -- I was -- no.

25 Q. Okay. Are you familiar with page 11? And I'm

1 referring to the Employment for Armed Security?

2 A. No. Am I familiar with it now? Yes. But was  
3 I familiar with it then? No.

4 Q. Okay. Did you ever work for Exclusive  
5 Protection?

6 A. They didn't hire me.

7 Q. Okay. Did you ever fill out an application  
8 with them?

9 A. No.

10 Q. Now, in regards to the class, when you finished  
11 the class, what happened; did you receive the white  
12 card?

13 A. Yes, I got my white card, and I sent it in to  
14 the PILB.

15 Q. Okay. And then, when you sent the white card  
16 to the PILB, did you have problems after that?

17 A. Yes.

18 Q. And why was that?

19 A. I guess, there was something wrong with the  
20 form or a date or something.

21 MR. WARD: May it please the Board, I have no  
22 further questions. Mr. Rentchler may have some  
23 questions in regards to cross-examination.

24 Thank you, sir.

25 MR. RENTCHLER: I have no questions.

1 BOARD MEMBER NADEAU: May I ask a question?

2 MR. WARD: Yes, I think.

3 BOARD MEMBER NADEAU: Mr. Berry, on the second  
4 day of the class, how long did the day -- how long did  
5 the class last, that second day, the day you went  
6 shooting?

7 MR. BERRY: I got there, I got there at 8:30,  
8 and I left about -- it was a little after 2:00.

9 BOARD MEMBER NADEAU: Thank you.

10 MR. WARD: I have no further questions, and I  
11 would release the witness. He can either stay or -- I  
12 won't be calling him for rebuttal.

13 BOARD CHAIRMAN SPENCER: Mr. Rentchler, would  
14 you require anything further of Mr. Berry?

15 MR. RENTCHLER: No, just a thank-you for coming  
16 in.

17 BOARD CHAIRMAN SPENCER: All right. Mr. Berry,  
18 you're excused.

19 MR. WARD: You're free to go, sir.

20 MR. BERRY: Thank you.

21 MR. WARD: At this time, I would call Mr. Adam  
22 Robbins.

23 Mr. Rentchler, these are going to be pages, I  
24 think, around 24, 25.

25 MR. RENTCHLER: Thank you.

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A D A M R O B B I N S ,

having been sworn,

was examined and testified as follows:

DIRECT EXAMINATION

BY MR. WARD:

Q. Please state your name for the record.

A. Adam Robbins.

Q. And would you go ahead and spell your last name for the record, sir.

A. R-O-B-B-I-N-S.

Q. And when I ask you where you live, I'm not asking for a specific address. But where do you live?

A. Las Vegas, Nevada.

Q. And are you employed, sir?

A. Yes, sir.

Q. And where are you employed?

A. Urban Defensive Training and Tactics.

Q. And in what capacity, sir?

A. Training.

Q. Okay. Do you hold any certifications for carrying a firearm at this time?

A. Not at this time.

Q. Prior, have you ever taken any classes to get certified to carry a firearm?

1 A. Yes, sir.

2 Q. And if so, with whom?

3 A. Southwest Tactical.

4 Q. And were you ever issued -- and do you know  
5 what a white card or a six-month card is?

6 A. I'm familiar with it, yes, sir. I was issued  
7 one.

8 Q. Okay. And I'm going to refer you -- you might  
9 have a stack of papers. I think, it's pages 22 and 23,  
10 but 22 appears that it may have the card, a copy of it.

11 A. Stand by.

12 Q. And on page 22 at the top, is that, basically,  
13 a card that you -- regarding you?

14 A. Yes, sir.

15 Q. And so you did take a class; is that correct?

16 A. Yes, sir.

17 Q. And who did you take the class from?

18 A. Mr. Rentchler.

19 Q. And do you recall when you took that class?

20 A. Sometime in June 2011.

21 Q. Okay. And would you tell us about the class.  
22 First day, how long did the class last, and what did you  
23 do?

24 A. Approximately seven to eight hours, a lot of  
25 classroom and some firing scenarios on the range.



1 Q. Okay. Was that day one or day two?

2 A. Day one.

3 Q. All right. Day two, what did you do?

4 A. As far as I can recall, I believe, it was the  
5 same thing.

6 Q. Okay. Do you recall having to supply your own  
7 ammo?

8 A. Yes, sir.

9 Q. How many rounds were you instructed to bring,  
10 if you recall?

11 A. I believe, 50 to -- I believe, 50 to a hundred.  
12 But I always bring a lot more; because of firearms  
13 training, I have about five or six hundred.

14 Q. Do you recall how many rounds you used in that  
15 class?

16 A. At least 50, at least the 50 to a hundred.  
17 That's what I recall.

18 Q. Did you, in fact, receive your white card?

19 A. Yes, sir.

20 Q. And were you ever contacted by the PILB  
21 regarding your white card?

22 A. Months and months and months later, I believe,  
23 I was contacted through an e-mail.

24 Q. Okay. And in that --

25 A. Because I -- go ahead.

1 Q. And you may refer to page 23, and that's where  
2 I was going to next. So we do have a copy of that.

3 A. Thank you very much.

4 Q. Okay. And if you want to read it briefly, but  
5 you don't have to read it, but that's where I'm going  
6 with this. Why were you contacted by the PILB in  
7 regards to your white card?

8 A. Um.

9 Q. And you may have to back up to pages 24 and 25  
10 to regards to the first e-mails earlier than those.

11 A. Okay. It's in regards to my background; is  
12 that where you're going?

13 Q. No, not really. Not the background. More  
14 interested in the white card and applications and the  
15 paperwork that you brought to get into your class. And  
16 I'll ask specifically.

17 A. Just ask me.

18 Q. All right.

19 A. Ask me a specific question.

20 Q. In regards to taking the class, what paperwork  
21 did you bring to get certified?

22 A. I was relying on my employer at the time,  
23 Pro-Tect Security, to fax all information over to  
24 Mr. Rentchler.

25 Q. Okay. So you had the paperwork faxed over to

1 him?

2 A. That's what I understood, by my employer.

3 Q. Now, and I just want to clarify. You said you  
4 brought ample enough rounds for your testing; is that  
5 correct?

6 A. Correct, sir.

7 Q. And you have no idea. Did you ever read the  
8 regulations as to how many rounds were required for you  
9 to be tested on?

10 A. You know what, I'm sure I read it. However, I  
11 have a very extensive background in firearms and  
12 training. And I come extremely prepared, especially  
13 knowing that maybe someone else might not have enough.  
14 So that's why I always bring a lot.

15 Q. And your testimony is you brought how many  
16 rounds, you think?

17 A. I probably brought around 500.

18 MR. WARD: Okay. I have no further questions,  
19 and I tender the witness.

20 Mr. Rentchler and then the Board will have an  
21 opportunity to question you, sir.

22 MR. RENTCHLER: I've got no questions. Thanks.

23 BOARD CHAIRMAN SPENCER: Questions from the  
24 Board?

25 BOARD MEMBER NADEAU: No.

1 BOARD CHAIRMAN SPENCER: No.

2 MR. WARD: Thank you, sir. You're free to go.

3 MR. BERRY: Thank you for your time.

4 MR. RENTCHLER: Thanks.

5 MR. WARD: May it please the Board,

6 Mr. President, at this time, I rest.

7 BOARD CHAIRMAN SPENCER: Why don't we take a  
8 break right now. And then we'll come back, and you can  
9 present your case, Mr. Rentchler.

10 MR. RENTCHLER: Thank you, sir.

11 BOARD CHAIRMAN SPENCER: About 10 minutes.

12 \* \* \* \* \*

13 (A break was taken, 11:16 to 11:28 a.m.)

14 \* \* \* \* \*

15 BOARD CHAIRMAN SPENCER: Whenever you're ready,  
16 Mr. Rentchler. Take your time there.

17 MR. RENTCHLER: Thank you. I'm ready.

18 BOARD CHAIRMAN SPENCER: Okay.

19 MR. RENTCHLER: I've provided the Board with a  
20 copy of my exhibits. I hope that will help you follow  
21 along. And I -- I didn't include a couple of the  
22 allegations, because I didn't -- I'll explain those, and  
23 they're not in there, because they were in the  
24 complaint, I couldn't refer to them.

25 With opening remarks, I just want to -- I would

1 like the Board to know that I do take this very  
2 seriously. It's something what I've done a long time.  
3 I just gave you a few brief facts -- I'm not trying to  
4 snow you or anything else -- just to let you know that  
5 I've had various certifications. And I've never had  
6 anything serious. We've -- I've had some  
7 administrative, you know, errors, I guess, along the  
8 way. I can't even remember one, but I'll certainly  
9 admit to those, and admit to some of these in this, in  
10 this hearing.

11           The one thing that bothers -- a couple things  
12 that bother me about the complaint, that it was started  
13 in 2010, and it was levied -- and it was levied in 2012.

14           The second is -- that I'm having a little  
15 trouble with is, we were handed, I was handed 69 pages  
16 of evidence from the Board staff, the investigator  
17 staff, and I didn't get to see them prior. And, but, I  
18 think, we could live with that, because I've covered  
19 every page, and so have you, since we've been talking.

20           Can we go to Count One?

21           BOARD CHAIRMAN SPENCER: Sure.

22           MR. RENTCHLER: Would you -- do you have --  
23 would you tell me what you'd like me to do. I mean is  
24 there a process or a procedure you'd like me to follow  
25 here?

1 MR. WARD: May it please the Board,  
2 Mr. President, Mr. Chairman.

3 It's your opportunity to go ahead and tell your  
4 side of the story. So, basically, you are testifying.  
5 I will have an opportunity to cross-examine you, as well  
6 as the Board will likewise have an opportunity to ask  
7 you questions. So it is your show right now to present  
8 a defense as to the allegations made against you.

9 MR. RENTCHLER: Thank you very much.

10 Count one through three, I believe, those are  
11 factual allegations. There's no reason to respond to  
12 those; is that correct? Allegations one through three,  
13 count one?

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

15 MR. WARD: And if -- I don't want to direct it.  
16 But if you want, yes, you can go on to Count One,  
17 paragraph four, if that's where you'd like to start.  
18 That's fine.

19 MR. RENTCHLER: Yes, sir, I would. Thank you.

20 This, this flyer that I put in the -- in this  
21 handout is a -- is a marketing flyer that resides on my  
22 desktop on my computer. And this was merely between the  
23 time of -- I use this, I use this marketing flyer when I  
24 get a new client. So when a new company becomes  
25 licensed, or I hear of a new company, or I get a new --

1 a new agent or officer from a new company, I then pursue  
2 the company to see if I can get their work, that sort of  
3 thing, as other CFIs do.

4 MR. WARD: And, Mr. Rentchler --

5 MR. RENTCHLER: This is nothing more --

6 MR. WARD: I apologize. But that's also number  
7 10; is that correct, in the exhibits, that flyer that  
8 you're referring to?

9 MR. RENTCHLER: Yes, sir, that's number 10 in  
10 your exhibits, yes, that's correct.

11 MR. WARD: Okay.

12 MR. RENTCHLER: So it really is just a -- it is  
13 really considered a marketing flyer that I can either  
14 fax or e-mail to a licensee or his operations manager to  
15 let them know who I am. And it was -- and I started  
16 this initially when I became a CFI, I believe, in 2004,  
17 four or five, 2005, I believe, January.

18 I merely didn't change this flyer from the  
19 dates. And that's what I wanted to show on the -- I'm  
20 not sure what your -- my March 12 flyer, of 2012, I just  
21 wanted to show you that that has been changed to reflect  
22 13 hours, a hundred fifty rounds of ammunition.

23 And just to show you that it was my mistake by  
24 having this flyer still up in their office, by some --  
25 and that, and that is how it was -- it was introduced to

1 me that it showed up in our office, and it's not  
2 compliant based on the training that we went through. I  
3 would agree with that. My mistake.

4 It's been fixed. The flyer is nothing more  
5 than -- it's not an official document other than a  
6 marketing one-page flyer for me. I've changed the  
7 parameters in it. I was not -- I probably was not as  
8 responsive to the changes as I should have been.

9 That's really what I believe this to be about  
10 in Count One, allegation four.

11 MR. WARD: It's your show. Go ahead.

12 MR. RENTCHLER: To Count One, allegation five,  
13 with regard to Mr. Clifton Berry, Mr. Berry came to me  
14 with his -- and I -- and after looking at your evidence,  
15 I'm going to -- I'm going to totally open this up to my  
16 speculation, because I see that the -- your form for  
17 Mr. Berry, your verification form -- I'm sorry. I don't  
18 know your number.

19 MR. WARD: 11.

20 MR. RENTCHLER: Uh, okay. You'll see the --  
21 you'll see the marks at the top. The marks at the top  
22 are from each individual fax. And I asked Mr. Berry who  
23 he worked for. Because at the time, I was utilizing  
24 these forms for -- mostly for requals, almost  
25 exclusively for requals, so that officers could come to



1 me without having to go to their office first, and they  
2 could fill that form out. Those forms were not  
3 secretive. They were given to each individual that came  
4 to me. Until I was told I couldn't use them, I used  
5 them.

6 So Mr. Berry came to my house. I said, "Who do  
7 you work for?" And he said, "Exclusive." I believe,  
8 that says "Exclusive Protection." I gave him the form.  
9 We went through the class.

10 You'll see that on 1-13-11, Mr. Berry has  
11 his -- that's his test, test form. They'll fill out a  
12 test and a release form every time they do a renewal or  
13 a new class with me.

14 Do you want me to continue to another count,  
15 sir?

16 MR. WARD: Sure, please.

17 MR. RENTCHLER: Allegations six, seven and  
18 eight in the same Count One, these were the verification  
19 forms that were sent, that were sent back to me, first  
20 with a phone call from Mary Jane, who does a wonderful  
21 job. She called me and said, "These 10 forms are no  
22 good. Send them back to the licensee and have them fill  
23 it in properly."

24 I believe, I believe, six of those were for Jim  
25 Leyde. And, and he did, he did what I asked him to do.

1 And the other four out of those 12, I believe, was for  
2 G4S. And I don't know what happened to those forms. I  
3 faxed them over to Melanie in the office at the time.

4           So as far as I'm concerned, with the forms at  
5 the time, when I was asking Jim Leyde to fill them out,  
6 I was taking heat over the fact that they weren't filled  
7 out properly, that the dates were -- my feeling is that  
8 the dates were not filled in by the -- by the licensee  
9 properly. But then I was told to correct them. We  
10 don't touch those forms as CFIs. And if we do, we  
11 initial the part where we change it. Like on Rock  
12 Security, where I'm the qualifying agent, I will change  
13 the dates of the date of the class and initial it.

14           I just wanted to make sure that was clear, that  
15 the Board understood that the licensee issues the  
16 verification of employment, along with the employee.  
17 The employee, they go to a firearms instructor then, for  
18 either a -- to a CFI for either a new class or renewal  
19 or a requal. And that's the form we intake with them at  
20 the beginning of the class, and we check their -- and  
21 we're to check their currency on their licensing.

22           So I feel like I'm taking a hit over forms that  
23 I really don't have control over. That's what -- six,  
24 seven and eight, that's my feeling there.

25           On number nine, I couldn't answer the

1 complaint, because there's no reference to a name, and  
2 that was Mr. Adam Robbins. And now I understand what  
3 that was. So I could not answer number nine at all for  
4 you.

5           And with regard -- so in your handout to the  
6 Board, in your handout where it says "Count One," six,  
7 seven and eight, the allegations, if you'll look across  
8 the page to the two e-mails, I was really taken aback,  
9 and I felt confronted by Investigator Whatley when she,  
10 basically, accused me of forging the verification forms,  
11 because of the use of the marks at the top of the page,  
12 that I was apparently using those forms and committing  
13 forgery, which would lead to unscrupulous practices.

14           I was merely trying to make it more convenient  
15 for the officers, so they wouldn't -- they get off at  
16 6:00 a.m. The office doesn't open till 8:00. A lot of  
17 them have trouble getting the forms from their -- from  
18 their employers, because they may not be needed on a --  
19 on an armed post at the time they want to requal. There  
20 are a number of reasons that those forms -- how they  
21 come to us. Also, it could be in-house policies were  
22 with the licensees.

23           So I was -- I took -- I took affront to the  
24 e-mail from Investigator Whatley.

25           As I said, number nine, I can't answer.

1           Number 10 -- thank you very much (for glass of  
2 water handed to him). Excuse me, please.

3           On Count 10, with regard to Mr. Smathers, I put  
4 the wrong date down on his card. It was fixed  
5 ultimately. And I have done some corrective action that  
6 I will talk about just further in my presentation, if  
7 that's okay.

8           On Count Two, which is page three of your  
9 exhibits, I had to short sale my home. And I moved in  
10 February, the first few days in February. At the last  
11 minute, I moved into an apartment that it was not  
12 scheduled to move into. My first -- I was very proud of  
13 the fact that when I got my effects into my apartment,  
14 about 10 minutes after I signed my lease, I made  
15 notification to, in this order, the PILB, ATF for my  
16 federal firearms license, and the City of Henderson for  
17 changing my occupancy code, my home occupancy license to  
18 that address.

19           So I mean every notification, I knew how to do  
20 to continue with my licensing. And you'll see on the  
21 opposite page of Count -- of my offering here, my  
22 business license has been uninterrupted since two  
23 thousand -- I believe, I got it in 2001, because I was  
24 doing concealed weapons, and I was in the process of  
25 getting my P.I. license. So I was already doing

1 concealed weapons certification. So I had to get, I had  
2 to get my home occupancy permit in place. So I started  
3 that in 2001, and it's continued.

4 But I did move. And so the allegation, to me,  
5 in Count Two, and also, in the first page, which is  
6 Count -- factual allegation one of Count One, they  
7 pretty much say the same thing, that, that I moved. And  
8 I'm going to ask the Board if there is any -- if there  
9 are any restrictions in moving your residence. I really  
10 did respond in a timely fashion. And I made it a point  
11 to. Because the FFL license, also, that means that,  
12 also, they have to meet certain codes.

13 So I had several agencies I had to talk to.  
14 And I didn't leave out the Board at all. It was my  
15 first notification by fax to Jane.

16 MR. WARD: Mr. Rentchler, is that your complete  
17 testimony, or do you have more to add?

18 MR. RENTCHLER: Just my closing remarks that,  
19 again, I feel like a two-year-old complaint is not  
20 appropriate. I should have been brought forth, I think,  
21 with some kind of educational process ahead, before  
22 this. It's come down to a very serious matter, and I  
23 don't believe it should have.

24 I've never defrauded this agency. I've never  
25 done -- I've never defrauded anyone I've ever worked for

1 or represented, to include my guards. These guys leave.  
2 And if they leave, I think, if you ask them, they're  
3 going to tell you that they got -- you know, they got  
4 some serious training.

5           There, um -- there seems to be an animosity  
6 between the licensees and the Board, and it's because we  
7 all feel that it is a compliance mission only. We don't  
8 feel that there's any education or a joint partnership.  
9 And I'm speaking on my behalf. But these are  
10 conversations that, obviously, we have before and after  
11 these sessions with you.

12           I think, that educational -- and I've got to  
13 tell you, with regard to my flyer, I did get an e-mail  
14 that's part of your package, and I couldn't find it at  
15 the time, from Mechele, saying to me, "Greg, you realize  
16 that we are now changing to the hundred and fifty.  
17 You've got a flyer. Hundred fifty rounds and 13 hours.  
18 We've changed the curriculum. You have a flyer that  
19 doesn't reflect that."

20           I immediately went in and changed that. It  
21 doesn't reflect it on the date, because I've had several  
22 iterations. But I wanted you to know that that is a  
23 marketing flyer that I do change. And I was remiss in  
24 not changing it initially. I do admit to that.

25           Under corrective actions, I always felt,

1 working for the government, they always like to see  
2 this. And that's just my background. So for the Board,  
3 I have worked on my filing system. It's just me. I'm  
4 terrible at it. I'm forcing myself to get better.

5 I've also created a class designator to help me  
6 and to help, hopefully, whoever sees the verification  
7 form at the Board at the time I faxed it, which is  
8 usually Mary Jane. And I've designated new -- a new  
9 class requal and renewal. And that has helped me  
10 reflect the appropriate dates.

11 I really have had a problem with it. I will  
12 admit that. But it's administrative errors. I'm not  
13 trying to shortchange anybody or do anything wrong.

14 And I'll rest with that.

15 MR. WARD: May it please the Board.

16 Mr. Rentchler, I'm going to ask you a few  
17 questions on cross-examination. The Board may have a  
18 few questions also. Okay?

19 MR. RENTCHLER: Yes, sir.

20

21 G R E G R E N T C H L E R,

22 having been sworn,

23 was examined and testified as follows:

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CROSS-EXAMINATION

BY MR. WARD:

Q. Do you understand why you're here?

A. Yes, I do.

Q. And why is that, in a nutshell?

A. Because a complaint has been filed by the -- by the staff of the private investigators Board, and it's been -- it's alleging that I've done some things that are not in compliance with the Board's policies.

Q. In regards to that, in the documents that we have introduced, do you see that the Board does have problems with some of the documents that were produced by you? Do you realize that?

A. Yes, sir. Yes, sir, I do.

Q. And do you understand that your position is a very important position as a certified firearms instructor?

A. Absolutely.

Q. And you understand that it is an important position for the Board as well as the private investigators to determine that the people that you do issue a card to is qualified; do you understand that?

A. Yes, sir, absolutely.

Q. When I say "license," I mean certification.

A. Yes, sir, that's right. I absolutely concur.



1 Q. And then with regards to the white cards, you  
2 understand that someone that is -- that is issued a  
3 certification or a white card, that it is important for  
4 that card to be accurate. Do you understand that?

5 A. I have a -- I have a renewed appreciation for  
6 the white card accuracy, that is correct.

7 Q. And was that renewed appreciation through this,  
8 I guess, complaint and the procedures that you've gone  
9 through?

10 A. That is, that is correct, and, of course, the  
11 study I've had to do to get here, absolutely.

12 Q. Okay. And you would agree that in with regards  
13 to some of the forms, you, as a CFI, you shouldn't  
14 accept incomplete forms, let's say, from the employer of  
15 the potential employee; you understand that?

16 A. That is correct. And you are -- how I'll  
17 answer that is you've picked out a couple of  
18 verification forms out of thousands probably by now that  
19 were not complete. And that, that is correct. They --  
20 I'm looking at them a lot harder. And, of course,  
21 they -- I don't copy them any longer after I was told to  
22 cease and desist copying those forms. And I've done  
23 that. Pissed off a lot of people that come in to see  
24 me. But I've told them. You know, once they got -- it  
25 got around, and they came back, it's fine. They knew

1 they had to bring the form with them.

2           So, I think, the whole industry has tightened  
3 up because of that.

4           Q.   So, then, you're basically admitting that, yes,  
5 we did find some forms that were incomplete forms, that  
6 you may have accepted, that were incomplete and have  
7 been brought to your attention, and that's why we're  
8 here today; is that correct, would that be accurate?

9           A.   Yes, sir, that is correct, with just -- if I  
10 could make one clarification.

11          Q.   Sure.

12          A.   We -- you just have to understand that I -- and  
13 forgive me for not knowing more about the Board's -- the  
14 individuals that you folks serve.  But for a licensee  
15 that works as a CFI, we have to deal with a lot of -- we  
16 have to deal with a lot of challenges when we get people  
17 in our classrooms.  We have people that are dishonest  
18 that want to work, and they will not go through the  
19 procedures.  And that's probably done to me once a week,  
20 if not more.  I don't know why I'm such a soft touch.

21                 And we have illiteracy issues.  We have  
22 language issues.  And we, you know, have to bring in  
23 interpreters for some of my Cubanos.  And they're  
24 wonderful, they're wonderful guys.  They get it.  But we  
25 have those issues.

1           And people are short -- they're trying to  
2 shortcut this, this system. It's an elaborate system.

3           And, also, we had a change of both going from  
4 the sheriff to the PILB, major change. Sheriff loses  
5 interest after a couple years, we don't get a lot of  
6 cooperation.

7           And I'm not -- that's just a general statement  
8 without any -- you know, nothing real bad, but people go  
9 there, and they're frustrated because of the sheriff  
10 clerks. It's so far removed now from the 2008 or so  
11 that we changed over, and you took this process. The  
12 sheriff has not retrained a lot of their clerks. So our  
13 guys really stumble around the system, that have the old  
14 grandfathered card and the sheriff card.

15          Q. All right. Mr. Rentchler, I understand that,  
16 and I appreciate that. And you do understand that, as a  
17 CFI, you are part of the safety net in as far as issuing  
18 these certifications; you understand that?

19          A. Yes, sir, I do.

20          Q. Okay. And you understand that that's why we  
21 are here today, because we found some discrepancies in  
22 that regard; do you understand that? And you have  
23 likely admitted to a few of these, correct?

24          A. That is correct, right.

25          Q. And I'll just bring up one instance, like in

1 regards to when Mr. Smathers took the class. Did he not  
2 provide the correct documents, or you didn't have the  
3 correct documents for him; is that one indication?

4 A. I was --

5 Q. At the time?

6 A. I believe, he did -- I'm sorry?

7 Q. At that time? That's what I meant.

8 A. I was confused when he came to me back in  
9 November. We were confused with his -- I don't believe  
10 he had his information with him. And that's just my  
11 feeling. Because it was hard. I was, I was confused  
12 with what we did with Mr. Smathers. And when  
13 Investigator Whatley called me, she was very, very  
14 concerned, and I understand it, and I couldn't put my  
15 fingers on it at the time she called. So I'm sure that  
16 made her feel I was either incooperative, uncooperative  
17 or inattentive to what I was doing.

18 And I just couldn't put my hands on the  
19 evidence that you -- or the exhibit that you do see,  
20 that he took the entire class. He did the test and  
21 the -- and the general release for me is something for,  
22 you know, white card.

23 Q. But, basically, your testimony is that you've  
24 now changed your way, you've improved administratively  
25 in regards to responding when the Board needs to

1 accurately get a backup in regards to the dates on the  
2 white card?

3 A. Yes, sir, that's a true statement.

4 MR. WARD: I have nothing further. The Board  
5 may have some questions for you, sir.

6 BOARD CHAIRMAN SPENCER: Questions from the  
7 Board?

8 BOARD MEMBER NADEAU: I just have a couple.  
9 What -- how many people do you certify a year?

10 MR. RENTCHLER: How many people do I serve; is  
11 that what the question is?

12 BOARD MEMBER NADEAU: Do you certify. You  
13 know, how many, you know, or in a month, how many people  
14 do you give white cards to in a month?

15 MR. RENTCHLER: Because of the conventions, you  
16 know, it goes up and down in months here, like summer  
17 will be real light. But likely --

18 BOARD MEMBER NADEAU: Just an average.

19 MR. RENTCHLER: Maybe, maybe six to 10 a week.

20 BOARD MEMBER NADEAU: Okay.

21 MR. RENTCHLER: Either a requal or a new class,  
22 six to 10 a week, in a small -- in a small location.

23 BOARD MEMBER NADEAU: Okay. And do you know  
24 who number 74 is and number 113 are? Do you know who  
25 those folks are? Because you're 114, correct?

1 MR. RENTCHLER: Oh, 74 is Bob Herman. Bob  
2 Herman is 74, from The Gun Store. He's now, I believe,  
3 a counselor.

4 BOARD MEMBER NADEAU: Okay. But he doesn't  
5 work with -- he doesn't work with you, correct?

6 MR. RENTCHLER: No, that's -- no, sir. I was  
7 reflecting his number. By mistake, I reflected his  
8 number.

9 See, if it's a requal, we reflect the original  
10 CFI's number on the requal as the initial date and the  
11 initial class. And I mistakenly reflected Bob Herman's  
12 number on that card.

13 BOARD MEMBER NADEAU: What kind of records, if  
14 you do, you know, six to 10 a week, what kind of records  
15 do you keep for your own internal -- for you, to reflect  
16 on that, number one, someone attended your class, number  
17 two, what -- what class they attended and those kinds of  
18 things? Do you have any internal records that you keep?

19 MR. RENTCHLER: Yes, sir. We're required to  
20 keep those documents that says who took the class on  
21 certain dates, who was in the class and, of course, what  
22 was the outcome of the class, meaning the test.

23 So the records I keep, with a requal, is the  
24 verification form that I put the white card on and fax  
25 to the PILB right after the class is completed, for a

1 requal. That's just a shoot. And as soon as they  
2 leave, about 1:00 o'clock or so, I send those to  
3 Mary Jane. And that's for the day. So I keep that  
4 record in my files. And I've kept those four or five  
5 years plus.

6 BOARD MEMBER NADEAU: Okay.

7 MR. RENTCHLER: The other records, when they  
8 take a renewal, or they come to me as a new client for  
9 renewal, a new class, CCW -- and I know that has nothing  
10 to do with this -- I have them fill out, I have them --  
11 obviously, I keep their test results, because that is  
12 required by the sheriff as well as the PILB for showing  
13 that they passed written, the written part of the exam,  
14 and then we certify they passed the dynamic part.

15 I also keep the general release form, which  
16 there's a copy in there as well for Mr. Smathers, I  
17 believe, that says -- it's pretty much the same release  
18 form that ranges give you when you walk into a gun  
19 range, and it says you're not going to hold me  
20 reliable -- or liable for the time spent here if you  
21 have any accidents. Mine says you're not going to hold  
22 Greg or Southwest Tactical reliable -- liable for any  
23 training that you receive today if you get into  
24 something down the road; a couple years from now, you're  
25 in a shooting, you can't reflect it over to the training

1 you had today. It's strictly a certification.

2 Those are the forms I give to new. And I keep  
3 those forms as well. But I couldn't put my hands on  
4 them right away. And I have that -- that's better  
5 organized, and I'm doing a better job there.

6 BOARD MEMBER NADEAU: You've made a couple  
7 comments, that the complaint was initiated in 2010, and  
8 you felt that there had been some kind of a -- you know,  
9 maybe a statute of limitations or something like that on  
10 the complaint. But all of this stuff that was brought  
11 to us today is all run through 2011. So it's pretty,  
12 pretty current, pretty current issues as far as that  
13 goes. Would you agree to that? I didn't see any --

14 MR. RENTCHLER: Well, I --

15 BOARD MEMBER NADEAU: I didn't see anything in  
16 the documents that we were provided today that are 2010  
17 records. They were all 2011.

18 MR. RENTCHLER: Well, the complaint was filed  
19 in 2010, isn't it, September of '10?

20 BOARD MEMBER NADEAU: That's when the original  
21 complaint was -- that was when PILB got the complaint.  
22 But everything, all the documents and everything that  
23 we're seeing today, there's nothing from 2010. They're  
24 all from 2011. Do you understand what I'm saying? In  
25 other words --



1 MR. RENTCHLER: Yes, sir.

2 BOARD MEMBER NADEAU: Under a normal  
3 investigation, I would think, you have someone that  
4 comes forward and makes a complaint. And then the  
5 investigators follow up that complaint. And in the  
6 context of the investigating that complaint, they found  
7 all of this stuff that's 2011. There's no documents  
8 that I saw, other than reference to the original  
9 complaint coming forward and that, that was 2010. These  
10 are all 2011 documents. Correct?

11 MR. RENTCHLER: Not all of them. I think,  
12 you'll -- I think, the complaint references a 2010  
13 document.

14 BOARD MEMBER NADEAU: Okay. Well, then, help  
15 me out here.

16 MR. RENTCHLER: But I do understand what you're  
17 saying.

18 BOARD MEMBER NADEAU: Were the preponderance --  
19 excuse me. Were the preponderance of documents 2011?

20 MR. RENTCHLER: That's correct, yes, sir.

21 BOARD MEMBER NADEAU: Okay. Thank you. All  
22 right.

23 MR. RENTCHLER: Right.

24 BOARD MEMBER NADEAU: So I want to just be  
25 clear. You acknowledge that you have some kind of a

1 responsibility in your position to make sure that the  
2 documents are in order and the people that you're  
3 certifying are given a white card to -- are within the  
4 system in some fashion, correct? In other words, you're  
5 kind of a stopgap here, too, wouldn't you say?

6 MR. RENTCHLER: Yes, sir, I do believe we play  
7 a huge role, you bet.

8 BOARD MEMBER NADEAU: Okay. And you have  
9 changed your accounting processes and those kinds of  
10 things to better enable you to kind of watch things a  
11 little bit better?

12 MR. RENTCHLER: Just to respond better to  
13 the -- to the questions by e-mail or by phone call, yes,  
14 sir, I have. And meaning I can get to them, I can put  
15 my hands on them faster. I still keep the same  
16 documents, but -- and I'm paying more attention to the  
17 verification form because of -- because of the shortcuts  
18 some of the clients try to take.

19 BOARD MEMBER NADEAU: Okay. All right. So  
20 you're trying to be a little bit more alert on what's  
21 going on; is that what you're saying?

22 MR. RENTCHLER: Yes, absolutely. I don't want  
23 to sit here again.

24 BOARD MEMBER NADEAU: Okay. Thank you.

25 That's all, Mr. Chairman. Thank you.

1 BOARD CHAIRMAN SPENCER: Any further questions?

2 BOARD MEMBER PUTNAM: I have none,  
3 Mr. Chairman.

4 BOARD CHAIRMAN SPENCER: Mr. Rentchler, I know  
5 only of you by reputation, and that is -- has been a  
6 very good thing, that you do a great job as far as your  
7 firearm training is concerned.

8 MR. RENTCHLER: Thank you.

9 BOARD CHAIRMAN SPENCER: What I see here is bad  
10 housekeeping, you know. It's like me when my wife's  
11 gone, not taking care of business, you know, forgetting  
12 to dot the i's, cross the t's and keep up some of the  
13 stuff.

14 MR. RENTCHLER: That's correct.

15 BOARD CHAIRMAN SPENCER: I see no indication of  
16 any of the crimes that have been bandied about, that  
17 require specific intent, involved in anything that  
18 you've done.

19 MR. RENTCHLER: No, sir, I never intended to.  
20 I don't agree with some of the training techniques,  
21 because we all have backgrounds, like -- but that's all.  
22 But I still do what I'm supposed to do. It -- and, I  
23 think, my problem is in the paperwork. And my dog has  
24 no thumbs, so she can't do my filing. And it's me. So.  
25 But I'm doing a better job.

1 BOARD CHAIRMAN SPENCER: Just keep it up.

2 What's next?

3 MR. WARD: A motion.

4 BOARD MEMBER NADEAU: Have we had the  
5 summations?

6 MR. WARD: No, we haven't had the summations.

7 BOARD MEMBER NADEAU: I guess, that's the  
8 Chairman's.

9 MR. WARD: May it please the Board, at this  
10 time, I think, all evidence has been presented. At this  
11 time, we'll give a brief summation.

12 Likewise, I'll go first, and then you'll get to  
13 go second, and then, I think, the Board in this open  
14 meeting will then make a decision whether to sanction  
15 you or not, or discipline you or not. Do you  
16 understand?

17 MR. RENTCHLER: Yes, sir, I do.

18 MR. WARD: May it please the Board,  
19 Mr. Chairman, Mr. President, the violations in this  
20 matter, and I'm just going to briefly go over them, can  
21 be found on page three. All of the -- all of the  
22 exhibits that you have seen can be found and are grounds  
23 for disciplinary action under 648.030(5), NAC 648.345  
24 and 648.346.

25 Basically, in a nutshell, the CFI structure is

1 one of our safety nets in issuing the white cards. He  
2 has admitted to sloppy dealing, sloppy housekeeping.  
3 But those are concerns of the PILB and the  
4 investigators. And, unfortunately, it consumes a lot of  
5 Ms. Whatley's time.

6 I would hope that this Board would consider  
7 giving him some sort of a sanction, disciplinary action,  
8 probation or a letter of reprimand, or something of that  
9 nature, that this has to stop. Likewise, Mr. Rentchler  
10 says he doesn't want to be here again. Likewise, I  
11 don't want to be here again doing this. And I'm sure  
12 Ms. Whatley doesn't want to have to put through all  
13 these hours and going back and doing the work of making  
14 sure that Mr. Rentchler does the work that he should be  
15 doing in the first place.

16 Therefore, I think, Ms. Whatley has an  
17 obligation, as well as I do, to bring this to the  
18 attention of the Board when we do find this sloppy  
19 housekeeping, which we are concerned that these are  
20 violations of the NAC and the regs, in regards to the  
21 respondent being a safety net in the issuing of the  
22 white card. And as such, we would hope that this Board  
23 would sanction and/or discipline Mr. Rentchler for his  
24 activities.

25 Thank you.

1           Your turn, sir.

2           MR. RENTCHLER: Thank you.

3           May it please the Board, I would like to refer  
4 to at least some of the accuracy items. It's more of a  
5 deviation. Because a violation, to me, is -- borders,  
6 again, on criminalities; and that would, to me, consist  
7 of something that might be against the laws.

8           And I just -- I guess, I -- when I hear  
9 "violation," I really think you have to have some kind  
10 of intent to do something other than what the curriculum  
11 calls for. In my case, I'd like to say I deviated from  
12 the appropriate dates, and I didn't put -- and I was  
13 sloppy in some of the entries.

14           And, but I have to tell you, a lot of it's been  
15 confusing. There's been a lot of confusion. I don't  
16 think I'm the only CFI that, like this -- I realize I'm  
17 one of the worst, because I'm here. But I don't think  
18 I'm the only one that's had issues because of the dates.  
19 And when we do call, the dates don't always jive. So.  
20 So I'm -- you know, there's a lot of people involved.  
21 We've had a sheriff involved for a number of years. We  
22 have the PILB involved with a new process. And we have  
23 CFIs that had to adapt from one to the other. And we  
24 also have the individuals that we have as clients.

25           So it's -- it's not a -- it's not a cop-out.

1 It's just an explanation that it -- it is a job. It's  
2 a -- we actually -- we look into a lot of things. And  
3 you would be surprised the questions we are asked and  
4 the questions we have to ask to see if they either  
5 understand or, you know, that they're actually with us.  
6 So it is, it can be tedious.

7 But I do appreciate the fact that there was a  
8 lot of time on this that I wish hadn't had to happen.

9 MR. WARD: May it please the Board,  
10 Mr. Chairman, Mr. President, just briefly in rebuttal,  
11 and I'll let you refer to counsel here, the burden of  
12 proof on the state is not what he is saying. It is not  
13 a criminal matter. We don't have to prove beyond a  
14 reasonable doubt. It's less than that. And, I think,  
15 that's what Mr. Rentchler was saying when he says "a  
16 violation."

17 This is not a criminal court. These are  
18 violations of the regs for the Board, and thus our  
19 burden is not beyond any reasonable doubt, as you've  
20 alleged.

21 Thank you.

22 BOARD MEMBER NADEAU: Mr. Chair, may I ask a  
23 question?

24 Counsel, if I'm reading our NAC appropriately,  
25 NAC 648.431 would be the prevailing penalties associated

1 with this?

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

3 BOARD MEMBER NADEAU: I'm assuming it would be  
4 (4), (4)(a).

5 BOARD CHAIRMAN SPENCER: 431?

6 BOARD MEMBER NADEAU: Yeah, 331. Well, it  
7 would be 648.431(4)(a), I believe, it would be.

8 MS. RAY: 648.175 for disciplinary action.

9 BOARD CHAIRMAN SPENCER: Okay.

10 BOARD MEMBER NADEAU: On the NRS or NAC?

11 BOARD CHAIRMAN SPENCER: NRS.

12 MS. RAY: 175.

13 BOARD CHAIRMAN SPENCER: 175, 648.175.

14 BOARD MEMBER NADEAU: So, I guess, I'd ask  
15 counsel. What is the difference between 648 NRS and NAC  
16 as far as -- so I'm assuming, then, 648.431 is only if  
17 there is a notice of violation, not if there's a  
18 hearing. Is that correct?

19 MR. RENTCHLER: Yes.

20 BOARD CHAIRMAN SPENCER: Yes.

21 BOARD MEMBER NADEAU: Okay. Thank you. That  
22 clarified it for me. I don't have any more questions.

23 BOARD MEMBER PUTNAM: Counselor, can I make a  
24 comment?

25 BOARD CHAIRMAN SPENCER: Sure.



1           BOARD MEMBER PUTNAM: It looks very much to me  
2 as if this is, in fact, a problem as far as sloppy  
3 housekeeping or whatever you want to call it. But the  
4 problem that I see here with this sloppy housekeeping  
5 is, god forbid, one of the people you have trained has  
6 to use that firearm you've trained him with. And  
7 because a couple of extra days have been added on to  
8 his -- the individual's white card, or whatever, because  
9 of sloppy housekeeping, I think, it opens all kinds of  
10 doors for all kinds of very serious problems.

11           This is not -- this may be sloppy housekeeping,  
12 but in my mind, it's a very, very serious matter.

13           BOARD CHAIRMAN SPENCER: The trickle-down  
14 effect, as is pointed out in the complaint, is where the  
15 rub really comes and what might happen to some of these  
16 individuals who do, to no fault of their own, fall  
17 beyond the scope of the training and, in fact, get  
18 involved in some kind of issue, that or something that  
19 the lawyers can twist any way they want it.

20           MR. RENTCHLER: Yes, sir.

21           BOARD CHAIRMAN SPENCER: And make the  
22 allegations.

23           Certainly you've already had a public  
24 reprimand.

25           BOARD MEMBER PUTNAM: Counsel, what are our

1 options? Just run through them quickly.

2 MR. WARD: Let me read 175.

3 MR. MENICUCCI: It's really geared towards  
4 suspending a license. This here would be, essentially,  
5 revoking or putting conditions on or suspending a  
6 certification as an instructor. In addition, there are  
7 fines, up to 5,000 for each violation, as a maximum, not  
8 as a minimum. And any order that is issued can be  
9 suspended for a period of time, a form of probation.  
10 And there's also a public reprimand.

11 BOARD MEMBER NADEAU: Counsel, do we have the  
12 option of assessing a fine, suspending it pending  
13 follow-up by the Board for future violations, and if  
14 future violations are discovered, then approving that  
15 fine?

16 MR. MENICUCCI: Yes, you could impose a penalty  
17 suspended on the allegations. If those conditions are  
18 met, then the penalty would not take effect.

19 BOARD MEMBER NADEAU: Mr. Chair, if you're  
20 prepared, I'm prepared to make a motion.

21 BOARD CHAIRMAN SPENCER: Okay. Please.

22 BOARD MEMBER NADEAU: I would move that we --  
23 that we find that the defendant has, in fact, violated  
24 the NAC and statutes, that he be assessed a fine of  
25 \$1,000, to be suspended for one year pending any

1 additional, any discoverable additional violations, that  
2 at the time, that that would be imposed.

3 BOARD CHAIRMAN SPENCER: Second?

4 BOARD MEMBER PUTNAM: I second that.

5 BOARD CHAIRMAN SPENCER: Okay. I have a motion  
6 and a second. Any discussion on the motion?

7 Hearing none, all in favor?

8 (Board members said "aye.")

9 BOARD CHAIRMAN SPENCER: Opposed?

10 Did you hear that clearly, Mr. Rentchler?

11 MR. RENTCHLER: Yes, sir, I did.

12 BOARD CHAIRMAN SPENCER: Get that housekeeping  
13 up.

14 MR. RENTCHLER: It's already done, sir.

15 BOARD CHAIRMAN SPENCER: All right.

16 All right. Let's take five minutes while  
17 you're getting everything taken care of.

18 MR. RENTCHLER: Thank you. Thank you, Board.  
19 Thank you, Director Ray.

20 BOARD MEMBER PUTNAM: Just take care of that  
21 housekeeping, sir.

22 MR. RENTCHLER: I will.

23 MR. WARD: Can we give counsel for the next  
24 case, Uyen Vu, the exhibits down south, the packet?

25 MS. GRESNICK-SMITH: I will get it.

1 MR. WARD: Thank you.

2 \* \* \* \* \*

3 (A break was taken, 12:15 to 12:28 p.m.)

4 \* \* \* \* \*

5 BOARD CHAIRMAN SPENCER: Okay. Let's move on  
6 to the next one, which is -- pardon me if I butcher the  
7 name, but Uyen Vu, Lotus Consulting.

8 MR. MOUNTEER: Yes. And, in fact, my name is  
9 Cody Munteer. I'm with Marquis Aurbach Coffing. I  
10 represent Ms. Vu. Good morning, or I should say good  
11 afternoon at this point, to Mr. President and -- or  
12 Mr. President and Mr. Chairman. We are ready to  
13 proceed.

14 BOARD CHAIRMAN SPENCER: All right. Counsel.

15 MR. WARD: May it please the Board,  
16 Mr. President, Harry Ward, Deputy A.G. on behalf of the  
17 Board in regards to this matter.

18 Sir, I didn't catch your name. You were a  
19 little too quick. I know which firm you're from,  
20 because you filed an answer. What's your last name?

21 MR. MOUNTEER: It's Munteer. That's  
22 M-O-U-N-T-E-E-R.

23 MR. WARD: Okay. Mr. Munteer.

24 MR. MOUNTEER: Thank you.

25 MR. WARD: And you go by Cody, Cody Munteer;

1 is that correct?

2 MR. MOUNTEER: Yes, that's correct.

3 MR. WARD: May it please the Board,  
4 Mr. President, at this time, I would like to call  
5 Ms. Tammy Whatley to the stand. But, likewise, we do  
6 have witnesses in this matter. I think, they're going  
7 to be Mr. Daniel Boggs, Jimmy Garza and Barry Wormley.  
8 And at this time, I would invoke the rule and ask that  
9 they be sequestered.

10 Are they present down there?

11 MS. GRESNICK-SMITH: Yes, they are.

12 (Potential witnesses left the room.)

13 MR. MENICUCCI: Will the respondent have any  
14 witnesses that need to be sequestered?

15 MR. WARD: I'll ask him.

16 Mr. Munteer, do you have any witnesses that  
17 need to be sequestered?

18 MR. MOUNTEER: No, I do not.

19 MR. WARD: May it please the Board,  
20 Mr. President, I call Ms. Tammy Whatley to the stand.

21

22 T A M M Y W H A T L E Y,

23 having been sworn,

24 was examined and testified as follows:

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DIRECT EXAMINATION

BY MR. WARD:

Q. You have been sworn; is that correct?

A. That is correct.

Q. Maybe I should go over some preliminary matters. But please state your name for the record.

A. Tammy Whatley.

Q. And please spell your last name for the record.

A. W-H-A-T-L-E-Y.

Q. And what is your occupation?

A. Investigator.

Q. And how long have you been an investigator?

A. For the Attorney General's Office, just under seven years, and for the Private Investigators Licensing Board per se, just under four years.

MR. WARD: Thank you.

And may it please the Board.

Is it Mr. Munteer?

MR. MOUNTEER: Yes.

MR. WARD: You have received, I guess, our packet. And, I think, I have received a copy of your exhibits. Is that correct?

MR. MOUNTEER: That is correct. At this time, I just want to make a general objection to the packet to -- I barely received the packet. I had no time to

1 prepare for these documents. They're in violation of my  
2 client's due process, substantive due process rights.  
3 However, because of costs and having the Board here, we  
4 will proceed on at this point.

5 MR. WARD: And, likewise, you didn't file for  
6 any discovery; is that correct, in this matter?

7 MR. MOUNTEER: No.

8 BY MR. WARD:

9 Q. Okay. Ms. Whatley, you are familiar with this  
10 case; is that correct? And I'm referring to, I think,  
11 Uyen Vu's -- for the record, it's Y-W-E-N (sic), and the  
12 last name Vu, V-U. And it looks like it's going to be  
13 case number -- is that an "I"?

14 A. If I may, unless I heard it wrong, Uyen is  
15 U-Y-E-N, last name Vu, V-U.

16 Q. I'm sorry. I stand corrected. I-034-12,  
17 correct?

18 A. That's correct.

19 Q. And how are you familiar with that case?

20 A. Our office, the Private Investigators Licensing  
21 Board's office has received many phone calls, many  
22 questions, many complaints regarding the practices of  
23 Ms. Vu and Lotus Consulting.

24 Q. And what type of practice was she doing; what  
25 is Lotus Consulting?

1 A. Certified firearms instructor.

2 Q. Okay. And it might be just a lot easier if we  
3 go through these documents one by one in regards to the  
4 complaint. So I'll refer you to page 13 of the  
5 complaint in this matter.

6 A. Okay.

7 Q. It's your understanding that Uyen Vu is a  
8 certified firearms instructor; is that correct?

9 A. Correct.

10 Q. And, likewise, we're going to number two,  
11 factual allegation, that on or about August 1st, 2010,  
12 the Board established a standardized curriculum for all  
13 certified firearms instructors, or CFIs; is that  
14 correct?

15 A. That is correct. That's the day it was to be  
16 used, be effective.

17 Q. Okay. And then, likewise, paragraph three, on  
18 or about July 26, 2010, a letter was mailed to all CFIs  
19 detailing the changes in regards to the regs or the NAC;  
20 is that correct?

21 A. There was a letter sent outlining some of the  
22 issues, yes.

23 Q. Okay. And, likewise, I think, it's paragraph  
24 number four, that or about March 10, 2011, the  
25 respondent did appear in front of the Board for a



1 disciplinary hearing, and the Board assessed an  
2 administrative fine of a thousand dollars plus the  
3 hearing and expenses; is that correct?

4 A. And if my memory serves me correctly, she was  
5 placed on probation as well.

6 Q. Okay.

7 A. But what is stated here is correct, yes.

8 Q. Now, referring to Count One, that on or about  
9 April 21st, 2011, Eduardo Lima gave a statement to the  
10 Las Vegas staff that he was told by respondent that she  
11 could not provide him with a firearms card but could  
12 provide the training to him when he returned with the  
13 form from the employer, that she could then provide the  
14 card. What is your knowledge of that? And if you can,  
15 refer to exhibits in this matter.

16 A. Okay. Page number 026 and 027 was provided to  
17 me from office staff. It's a letter written by Mr. Lima  
18 stating such.

19 Q. And in that regards, why would that be a  
20 problem? Can you please explain in layman's terms what  
21 the allegation is?

22 A. We have asked in letters, and I have spoken to  
23 Ms. Vu via phone as well, stating that certified  
24 firearms instructors cannot allow students to attend the  
25 PILB firearms training unless they are at least in

1 provisional status, they have a referral form from their  
2 employer that's completely filled out, and they pass the  
3 course. And at that time -- well, and then they can  
4 take the course. And if they pass the course, they get  
5 the white card.

6 Q. And has that happened in this case?

7 A. Actually, several people have been told that  
8 they can attend the class and come back later with the  
9 verification of employment form to obtain the white  
10 card, that they can attend class prior to being eligible  
11 and then would then receive the card once they become  
12 eligible.

13 Q. And has that happened in this case?

14 A. Yes.

15 Q. Okay. And let's go through that. Why don't we  
16 go through, I guess, the page 13 as well as going  
17 through the exhibits. And it might be simpler if we  
18 just go through the exhibits that you just explained.  
19 Let's start off, I guess, with page 20. And we can  
20 refer back to the compliant. What is page 20?

21 A. Page 20 is a letter written June 22nd, 2010 to  
22 all certified firearms instructors. It was notifying  
23 them about the subcommittee meetings that took place,  
24 the standardized curriculum being developed, and that as  
25 of -- it was providing them with a copy of the

1 standardized curriculum, the exam, the answer sheet, and  
2 telling them that that is the minimum standard as of  
3 August 1st, 2010.

4 Q. And, likewise, page 21?

5 A. Page 21 is a letter that was sent July 26, and  
6 it was outlining a new verification of employment form.  
7 And it's -- I attached a copy of that to this.

8 Q. Would that be page 22?

9 A. Well, yes, that's page 22. But in  
10 paragraph three, "The white PILB firearms cards are only  
11 to be issued to individuals who show proof they have a  
12 provisional paper or a current work card, provide you  
13 with the new verification of employment form and pass  
14 your class or requalification."

15 MR. MOUNTEER: I'm sorry. I didn't -- there  
16 are two separate letters there. I wasn't sure which one  
17 she's referring to.

18 MS. WHATLEY: Page 21.

19 MR. MOUNTEER: Page 21, paragraph three; is  
20 that correct?

21 MS. WHATLEY: That is correct.

22 MR. MOUNTEER: Okay. Thank you.

23 BY MR. WARD:

24 Q. Please continue.

25 A. So that was dated July 6, 2010, and we're

1 telling them that they can only issue the white cards to  
2 people who show proof they have provisional status, have  
3 a current work card, and provide them with the  
4 verification of employment form and pass the class.

5 Q. Okay. And moving right along, page number 22,  
6 that's the verification of employment for armed  
7 security; is that correct?

8 A. Yes.

9 Q. And can you just explain, who gets this, and  
10 who brings this; what is this form, again?

11 A. This form is the verification of employment  
12 form for armed security. The licensee, which would be  
13 the student's employer, or it could be the licensee, the  
14 licensee or the employee that's going to attend the  
15 class has to have one of these filled out by the  
16 qualifying agent, or signed by the qualifying agent,  
17 dated. And it, basically, has their name, the last four  
18 digits of their Social, date of birth, date of hire,  
19 things to indicate that they are eligible to take this  
20 class. And there's an affirmation, also, to be signed  
21 by the student stating, basically, that they're eligible  
22 to possess firearms.

23 Q. Okay. And, basically, they need this, "this"  
24 being page number 22, to attend the class; is that  
25 correct?

1 A. That is correct.

2 Q. And it has to be properly and completely filled  
3 out; is that correct?

4 A. That is correct.

5 Q. Okay. Moving right along, what is document  
6 number 23 and 24?

7 A. That is a letter dated January 20th, 2011. It  
8 was -- we had been hearing -- at the time, Investigator  
9 Nick Roble and I were just absolutely inundated with  
10 firearms issues. Every day, all day long, we were  
11 getting calls, complaints, things. And we were hearing  
12 things such as people were using soft air pellet guns  
13 for training when it's supposed to be live fire range  
14 time, different other things. So we needed to address  
15 issues. And if you go to --

16 MR. MOUNTEER: I object and would ask the  
17 witness only answer the questions that are directly  
18 posed to her. And the specific type of allegations that  
19 are against my client, not the general allegations in  
20 the community from instructors.

21 BOARD CHAIRMAN SPENCER: That was too much.

22 MR. WARD: May it please the Board, I'm  
23 entitled to a little leeway in regards to the questions  
24 in regards to this witness. I think, what -- based on  
25 his objection, basically, he's -- I would argue that

1 counsel just wants to say aren't -- the evidence is  
2 there, make this Board have a decision. I have a right  
3 to present my case. And that's what I am doing. It  
4 might be in a long -- in a fashion that he does not  
5 like, but I have the right to present my case.

6 BOARD CHAIRMAN SPENCER: Proceed.

7 MR. MOUNTEER: Uh. No, with all due respect, I  
8 understand that. I just don't want the witness's  
9 testimony to be confused. And I'd like the Board to  
10 take note that when she's testifying in general to what  
11 she's hearing back from all the general community of the  
12 instructors, versus the specific allegations that are  
13 against my client. That is all.

14 BOARD CHAIRMAN SPENCER: Thank you. We'll do  
15 that.

16 BY MR. WARD:

17 Q. All right. In regards to page 23 and 24, what  
18 was your intent? Because you are the author in this,  
19 the co-author?

20 A. I am the co-author of this. But what  
21 definitely applies to this case is paragraph four,  
22 "There has been some confusion about when a student is  
23 able to take the armed guard class. You should only  
24 teach the class when someone is in provisional, complete  
25 or active status. You must verify they have a valid

1 provisional/completely/active paper or a valid work  
2 card. And referred by their employer. Please check the  
3 forms carefully to ensure they are filled out  
4 completely. It has been the practice of some to allow  
5 students to take the class and within a specified period  
6 of time bring a referral form back to exchange it for  
7 the white card. This is no longer acceptable. Do not  
8 allow students to take the class prior to having a  
9 completely filled out referral form from their current  
10 employer."

11 Q. And in regards to the case we are presently  
12 here for, did that happen?

13 A. Yes.

14 Q. Can you explain and demonstrate in the  
15 exhibits?

16 A. Yes. We have Exhibit 26, which is a letter  
17 from Mr. Lima stating that he was -- it says "The reason  
18 why I am doing it is because I don't want anybody" --  
19 and I apologize. I am reading it as it's written -- "us  
20 have problems with the PILB card. I think everybody  
21 work hard to pay" -- I'm not sure what this is -- "the  
22 staff and is not fear get charge."

23 Q. In layman's terms, what happened?

24 A. Basically, he called; he's stating that he  
25 called a lady. He's referring to Lotus. I would assume

1 it's Uyen. That would be an assumption. He said he  
2 called, and it was on 4-21-11, and explained to her that  
3 he needed a PILB card because he wanted to be prepared  
4 to get a job. She said she could not give him the card,  
5 but she can help him get the training, and after that,  
6 she can give him a card once he provides the form to  
7 her.

8 Q. Do you know if that occurred in this matter?

9 A. I do not believe that occurred. I believe, he  
10 called our office first, and he was not actually out any  
11 expenses in actually taking the class.

12 Q. Okay. And we'll get to those others. All  
13 right. So if you don't mind, please proceed. Was that  
14 exhibit number 28?

15 A. Exhibit number 28, I received a phone call from  
16 John Taylor, who said the same thing. He called. He  
17 was told he could take the class, but he would not be  
18 given a card until he brought the form back. So he  
19 wanted to call our office to verify this was legitimate.

20 Q. Page 29?

21 A. Page 29, there is a white card, number 60502,  
22 for William Noll.

23 Q. Was this white card issued by the respondent in  
24 this matter?

25 A. Yes, it was.



1 Q. And can you identify that license or instructor  
2 number?

3 A. 143.

4 Q. Okay. Please continue.

5 A. Okay. The date issued, if you'll note that  
6 date, I believe that is 7-6-11. If you look on page  
7 030, it's the verification form showing he was hired on  
8 7-5-11. And if you look at page 31, he has a  
9 certificate from Lotus Consultants that he completed the  
10 class on -- it varies, because one signature, the  
11 signature of the instructor, is 6-15, June 15th, and the  
12 instructor of the student is 6-21.

13 So the class was given prior to being hired and  
14 having a referral form. And, therefore, the class date,  
15 the issue date of the firearms card is not correct,  
16 either, because the white card is stating he took the  
17 class on 7-6. This certificate clearly shows he did not  
18 take the class on 7-6.

19 Q. When you say "This certificate," which one are  
20 you referring to?

21 A. Page 31.

22 Q. So in layman's terms, on page 31, the  
23 certificate of achievement, is the date that he actually  
24 graduated?

25 A. It is my understanding that -- and like I said,

1 there's the discrepancy. I would think that the date  
2 was completed the day the instructor signed it, which is  
3 June 15th of 11th.

4 Q. And it is --

5 MR. MOUNTEER: Counsel?

6 MR. WARD: Yes.

7 MR. MOUNTEER: Since you're referring to the  
8 documents, could I have just a moment to discuss with my  
9 client something and get back to you really quick?

10 MR. WARD: That's up to the Board. I don't  
11 have a problem with that.

12 BOARD CHAIRMAN SPENCER: Sure, take a minute.

13 MR. MOUNTEER: Okay. Thank you.

14 (There was a moment off the record.)

15 MR. MOUNTEER: Thank you. We're ready. At  
16 this time -- can you hear me?

17 MR. WARD: Yes.

18 MR. MOUNTEER: Okay. Thank you for that  
19 moment. Being that we just got these documents, I  
20 appreciate the chance to look over them.

21 I would just as soon like to stipulate that it  
22 has been the practice of Lotus Consulting and my  
23 client -- I mean clearly due to this letter of January  
24 20th, that's marked 023, that there has been confusion  
25 regarding whether someone, in fact, has to receive their

1 employment papers prior to receiving the course. There  
2 is no statutory -- well, we'll argue later there's no  
3 statutory requirement there. But we will stipulate to  
4 that if counsel would like to go ahead and not have to  
5 ask any more questions regarding any students who had  
6 received the training prior to receiving their card.

7 MS. WHATLEY: One second.

8 MR. WARD: One second.

9 In regards to your stipulation, counsel, what  
10 is it, again, that you're stipulating regards to the  
11 employees?

12 MR. MOUNTEER: With regards to Lotus Consulting  
13 and Ms. Vu, her practice, her standard practice has been  
14 that she has been able to teach the course itself,  
15 because there was no type of schedule within the statute  
16 or any Administrative Code stating that she had to  
17 receive that employee certification. However, there was  
18 no card issued in violation of that. But we are  
19 stipulating that the classes were taught to particular  
20 individuals, although the card was not issued until the  
21 course was verified, in accordance with the statute.

22 Am I making myself clear, or is that still  
23 confusing?

24 MR. WARD: It might be a bit confusing, but  
25 you're saying that she would issue the class, from what

1 I can understand, and if they graduated, she would issue  
2 the card once they proved that they were employed, and  
3 that's when she would date the card?

4 MR. MOUNTEER: Yes. If it was within the -- if  
5 it was within the Administrative Code's six-month  
6 period -- therefore, they had to still qualify for every  
7 single step in order to get their white card -- she  
8 allowed them to take the class first so that she could  
9 go to our employer, so the student could go to their  
10 employer and say, "I have received training. I'm ready  
11 to be hired and get work."

12 If they had received employment within that  
13 time period, before they had recertification, once she  
14 had everything, per the Administrative Code, she then  
15 would administer the card and put all the paperwork in  
16 front of the Board.

17 Am I correct on that?

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

19 MR. WARD: I have no problem with that  
20 stipulation. Of course, I would be arguing that it is  
21 still a violation.

22 MR. MOUNTEER: I understand, counsel. Thank  
23 you.

24 MR. WARD: And may it please the Board,  
25 Mr. President, I'll proceed.

1 BY MR. WARD:

2 Q. Let's just go through these briefly, as we were  
3 going. I think, number 32.

4 A. I received a complaint from Lenny Davis, who is  
5 also a certified firearms instructor. He initially sent  
6 me an e-mail and a picture stating that the training  
7 that he observed was not compliant with the standardized  
8 curriculum. He then -- he is currently out of the  
9 country, so he did provide a notarized affidavit of what  
10 he saw. And I did verify that the date in question, we  
11 did receive white cards from students indicating that  
12 was an initial class for the PILB card.

13 Q. And you're referring to page 37?

14 A. 37. Part of 37, 38, 39, 40, 41, 42. Yes,  
15 through 42.

16 Q. And, once again, in layman's terms, is that  
17 the -- I guess, the certification date and the date on  
18 the white card are different?

19 A. No, this is -- in this particular case, another  
20 certified firearms instructor that knows the curriculum  
21 very well is stating that what she was teaching was not  
22 within the standardized curriculum, that nothing -- that  
23 what she was teaching did not conform to what she was  
24 supposed to be teaching for a white firearms card for  
25 PILB.

1 Q. Okay. And moving on to page -- is it 42?

2 A. Yes. Actually, 42 is still part of that.  
3 Moving on to 43.

4 Okay. Moving on to page 43 through 46, we  
5 received the call in the Private Investigators Licensing  
6 Board's office from a Daniel Boggs, who had attended one  
7 day at class, or was asking specific questions. And  
8 upon staff questioning him, he did not have a referral  
9 form to take the class. We did send Investigator Bob  
10 Ealey out to conduct a compliance check. This e-mail on  
11 43 is Investigator Ealey asking Ms. Vu to provide the  
12 employment, the employers for the four students that  
13 were on the range that day.

14 And 44, page 44 is where Ms. Vu replies to --  
15 oh, excuse me. No, that's still -- yes, Ms. Vu replies  
16 to Investigator Ealey stating that "Tammy Schleppeberger  
17 is employed by TSI Security Company and did her  
18 five-year renewal with us. The other participants in  
19 the class were not there for the purpose of obtaining an  
20 armed guard card and therefore are outside the purview  
21 of the PILB."

22 Well, Daniel Boggs was in that class. Daniel  
23 Boggs is here today, stating -- and he has stated to me  
24 that he specifically was there for the PILB class, and  
25 he's could take her a verification of employment form

1 back at a later time to obtain the white card.

2 Q. Now, in regards to exhibit number -- I guess,  
3 it's 45.

4 A. Yes.

5 Q. Go ahead and explain that.

6 A. Number 45 is simply the verification of  
7 employment form for Tammy Schleppe --

8 BOARD CHAIRMAN SPENCER: Schleppegrell.

9 MS. WHATLEY: Yes.

10 BY MR. WARD:

11 Q. And, likewise, 46 is the white card and  
12 identification?

13 A. That is correct, for her. So in this  
14 particular case, the issue is Daniel Boggs being there  
15 for the class. But not only should he be in -- he  
16 should not be in the class, but also Ms. Vu's stating  
17 that Tammy was the only person there to take the PILB  
18 course, another class.

19 Q. And just out of curiosity, what other classes  
20 would have been, could have been offered?

21 A. It's my understanding that Ms. Vu combined CCW  
22 with PILB class.

23 Q. For the record, what is CCW?

24 A. Concealed carry, concealed carry weapon. The  
25 situation is that she gives a discount. Somewhere in

1 this paperwork, or perhaps it's in my other file, that  
2 if you take the two together, there is a discount, than  
3 taking them separately. So oftentimes, because it is a  
4 savings, the armed guards prefer to take them together.

5 Q. And is there a difference in curriculum in  
6 regards to both those licensures?

7 A. Absolutely.

8 Q. Okay. Please continue in regards to page 47,  
9 48?

10 A. Okay. 47 is an e-mail from Elyse stating that  
11 Theodora Hutcheson called the office. She had been told  
12 she could take the class from Lotus, from Uyen Vu, and  
13 come back later with the verification of employment  
14 form. And she just wanted to verify that was a correct  
15 statement before she spent her money and was not  
16 eligible to be armed.

17 Q. Okay. And moving right along, I think, they  
18 stipulated that this would happen. Please continue.

19 A. Page 48 -- Eustacio Ximenez, this was a  
20 situation where he was not authorized to attend the  
21 class. The original verification of employment form was  
22 not signed by the appropriate people. It had blanks on  
23 it. Some of the blanks that are important, there's --

24 Q. You're referring to page 50?

25 A. Yes, I am. I apologize. The date of hire is



1 blank. If -- as we've stated, if -- the certified  
2 firearms instructor will not allow incomplete forms.  
3 If, in this case, Ms. Vu would have contacted the  
4 employer because of it being an incomplete form, she  
5 would have found that this actually had been -- was a --  
6 was a paper not authorized. The signature here is not  
7 the qualifying agent, and it's not any person within the  
8 company that has authority to send people to the  
9 firearms class.

10 Q. So failure to verify the verification of  
11 employment for armed services was not done?

12 A. Well, because it has blanks on it.

13 Q. Correct.

14 A. Yes. And if she would have verified the blanks  
15 and had it accepted, only accepted in completed form,  
16 this probably would not have happened. We probably  
17 would not have had -- we would have caught the issue  
18 prior to him obtaining the card.

19 Q. Okay. And then please continue. When you're  
20 referring to the card, you're referring to page 53; is  
21 that correct?

22 A. Yes, that is correct.

23 Q. Please continue. And, I think, it may be page  
24 56 or 55.

25 A. Yes, actually 55. I per se do not necessarily

1 have an issue with this, but it was a complaint received  
2 in our office. You know, since there was a complaint  
3 coming forth and some -- the person that sent in the  
4 complaint felt it was important enough, I felt it should  
5 be added. It is a Craigslist ad, and Las Vegas  
6 Craigslist, jobs, security jobs. Now, they have a  
7 training session. But this is listed under Jobs, where  
8 people go looking for jobs. The person that sent in the  
9 complaint felt that this was somewhat of a --  
10 advertising as a licensee for someone to come work for  
11 them and, therefore, perhaps unlicensed activity or  
12 something of that sort.

13 Q. But it wasn't alleged in our complaint; is that  
14 correct?

15 A. Yes, I believe, it is.

16 MR. MENICUCCI: It is, actually.

17 MS. WHATLEY: It is.

18 BY MR. WARD:

19 Q. I'm sorry. I take that back. Yes, it is,  
20 under Count Two. Okay. And that would be number --  
21 okay. Please continue.

22 A. We then go to page 56 and Barry Wormley. And I  
23 have spoken to Mr. Wormley. And this is the count that  
24 refers to that other people are teaching class other  
25 than Uyen Vu, which was also --

1 Q. Is that permissible?

2 A. It is not permissible, and she has been  
3 disciplined on that one before. And he stated that  
4 there was a man and woman teaching on the range. He is  
5 here. He's sequestered.

6 Going on to 58. Going on to 58, this is  
7 actually a very sad situation for the employee. 58 is a  
8 statement from Mr. Garza, and it states "To whom it may  
9 concern: I, Jim Garza, sat in a class to receive a  
10 white card with Lotus. When I attended class, Range  
11 Master Wynn accepted my money, and I said I had to --  
12 and said I had to sit in a class before going to range.  
13 After 30 minutes in class, we went to range where the  
14 male instructor certified me. On same day of class,  
15 another fellow coworker went to qualify and was told  
16 they couldn't because they didn't have a white card.  
17 The following day, turned in card to work. My  
18 supervisor noticed date was incorrect. Then and there,  
19 I called range master in front of supervisor and told  
20 him of incorrect date on card. I asked how it can be  
21 corrected. He instructed me it would be fine to change  
22 the date on the card. If you have any questions  
23 regarding statement, please let me know."

24 So then, page 59, I think, there was a little  
25 bit of a misunderstanding. This is from the employer to

1 Mary, which was then sent to me, basically stating that  
2 the guard -- that the guard -- the white card had been  
3 altered, and they uploaded it, scanned it in, scanned it  
4 in and sent it to us, and wanted to know if this guard  
5 could actually work armed.

6 Q. And could he?

7 A. No, not with an altered card.

8 So page 60, this is -- I believe, this is a  
9 copy of his previous card. Some of the -- some of the  
10 armed guards do not shred their previous cards. And, I  
11 believe, this is a copy of the previous card. And I  
12 believe that when he was instructed to change the date  
13 on the card, he changed the date to the wrong card.  
14 Where I've circled "Requalify Date," you see 11-11-11.

15 If you go to page 61, you see the same card  
16 with 11-11-12. I believe, he changed the "1" to a "2"  
17 based on what his -- his statement that the instructor  
18 told him to. I believe, he was supposed to change card  
19 number -- hang on one second.

20 I believe, he was supposed to change card  
21 number -- look at page 64. I have several copies of  
22 this card 62579. And I noted -- Ms. Vu has very  
23 distinct, distinct writing, and it's very consistent.  
24 This card is not Ms. Vu's writing. It does not appear  
25 to be Ms. Vu's writing. The date shows that it was --

1 my copy. This isn't the good copy. Let me look at my  
2 copy.

3           There we go. The date on that card, the  
4 requalify date says 5-10 of '11. And I believe that  
5 should have been 5-10 of '12. I believe, this is the  
6 card that they would have referred to changing the date  
7 on. Because that, 61, would have been 5-10-12. But  
8 because the date was changed, and the card was altered,  
9 the employer questioned it, contacted me.

10           And if you notice the issue date -- let's go  
11 back to the --

12           Q. Page 60 and 61?

13           A. Yes, let's look at 61. There is an issue date  
14 of 5-11-11 with instructor 74 and then 11-11-12.

15           MR. MOUNTEER: I have to object to this whole  
16 line of questioning as there's nowhere in the complaint  
17 that allegations have been made regarding these cards,  
18 and we've had no notice that this would be something  
19 that would be brought up at the hearing today.

20           MR. WARD: May it please, in regards to the  
21 complaint, the complaint alleges -- and let me get to  
22 it.

23           MS. WHATLEY: There are other people teaching  
24 the class.

25           MR. WARD: There --

1 MR. MOUNTEER: I understand that the complaint  
2 alleges there's no -- there's other people teaching the  
3 class. However, nothing in that complaint talks about  
4 any type of cards being altered or by other individuals,  
5 specifically by Ms. Vu. There's no proper notice that's  
6 been provided to even respond to this allegation at this  
7 time.

8 BOARD CHAIRMAN SPENCER: Was -- she didn't  
9 actually change the card. She instructed to have it  
10 changed. Is that correct?

11 MS. WHATLEY: I believe, the card that was  
12 issued was written by the male instructor, and Ms. Vu  
13 probably was not even aware there was an issue with the  
14 card. The employee then called. He said a male, the  
15 male instructor, and the male instructor told him to  
16 change the card.

17 So this is all going back to her not teaching  
18 the class, not filling out the card. And he is one of  
19 the sequestered witnesses.

20 BOARD CHAIRMAN SPENCER: Okay. And the charges  
21 we made include that very thing?

22 MS. WHATLEY: Include that she's not the only  
23 one teaching the class.

24 BOARD CHAIRMAN SPENCER: This will be allowed.

25 MR. WARD: Please continue.

1 MR. MOUNTEER: With all due respect, just to  
2 preserve the record, I want to specifically read into  
3 the record, if I could, the count against -- that's  
4 mentioned in the complaint. Count Three only states,  
5 one, period, PILB staff have received telephone calls  
6 with concern to -- or concerns that the class was not  
7 being taught by the certified instructor but by another  
8 individual.

9 Thank you.

10 BY MR. WARD:

11 Q. Please continue.

12 A. It was determined that Mr. Garza's card was not  
13 valid. Mr. Garza was taken off his post, ineligible to  
14 work armed until he could attend another class. And  
15 which, it if you look at 069, he did attend another  
16 class, and even that card -- he went to another CFI,  
17 certified firearms instructor, Greg Rentchler; and he  
18 then made a mistake on Mr. Garza's card. So Mr. Garza  
19 had to get another card from Mr. Rentchler.

20 Further, page 73, going back to the count of  
21 allowing persons to take the class that do not have  
22 verification of employment form, on page 73, the issue  
23 date does not coincide with the class date on the  
24 certificate, which is page 74.

25 And page 75 is where, on Wednesday, April 6th,

1 2011, I spoke via phone to Uyen Vu and told her on the  
2 phone she absolutely cannot allow people without  
3 verification of employment form to take the class.

4 MR. WARD: I believe, that's been stipulated to  
5 that she did, in fact, do that.

6 Is that correct, counsel?

7 MR. MOUNTEER: Yes, that's correct.

8 MS. WHATLEY: 76, 77 and 78 are just simply  
9 another case of someone taking the class, Mark Graham,  
10 that later went back with the referral form after the  
11 fact.

12 And 80 to the end is, basically, the previous  
13 complaint.

14 BOARD CHAIRMAN SPENCER: Okay.

15 MS. WHATLEY: I apologize. For some reason,  
16 85 got placed in there by mistake. It is -- it should  
17 not be in there. It's already been addressed.

18 MR. WARD: At this time, I tender the witness.

19

20 CROSS-EXAMINATION

21 BY MR. MOUNTEER:

22 Q. Ms. Whatley, you directly spoke with Mr. Davis  
23 and had him prepare an affidavit for today's hearing; is  
24 that correct?

25 A. Yes, I did.



1 Q. Being that I can't cross-examine Mr. Davis, and  
2 due to his affidavit, I'd just like to ask you a couple  
3 questions regarding that. Is it correct that he  
4 provided you correspondence that said he did not know  
5 which course Ms. Vu was instructing at that time?

6 A. That is part of what he said, yes.

7 Q. He also provided that within his affidavit, I  
8 believe, at paragraph five.

9 BOARD MEMBER NADEAU: Could we have a reference  
10 to the page?

11 MR. WARD: Can you reference the page, counsel?

12 MR. MOUNTEER: Sorry. Page 035,  
13 paragraph five.

14 BOARD MEMBER NADEAU: Thank you.

15 MR. WARD: Thank you.

16 MS. WHATLEY: Okay.

17 BY MR. MOUNTEER:

18 Q. I also -- okay. Thank you. Is it also true  
19 that in Leonard Davis's affidavit, he specifically said  
20 that he came back at 12:30, after his lunch break; is  
21 that correct?

22 A. Yes.

23 Q. Okay. And last question, Ms. Whatley. Have  
24 you specifically given any information to people  
25 inquiring regarding consulting, Lotus Consulting or

1 Ms. Vu, over the phone about the Board going after  
2 Ms. Vu or Lotus Consulting's license?

3 A. Absolutely not in those terms. If I conducted  
4 confidential investigations, it was said to them it's a  
5 confidential investigation. But most of my  
6 investigation has just simply been asking people who  
7 call or who come into the office, "What was your  
8 training like? How many hours? What did you do?"

9 But, number one, I would never refer to Ms. Vu  
10 as having a license, because she does not have a  
11 license. And I would not state that the Board was going  
12 after her license. I didn't realize you were referring  
13 to an affidavit you provided.

14 MR. MOUNTEER: Yes. I would just like the  
15 Board to take notice of the Affidavit of Robert Bedwell  
16 regarding a conversation he had specifically with  
17 Ms. Whatley where, on page three --

18 MR. WARD: Counsel, I don't know if --

19 MR. MOUNTEER: It's --

20 MR. WARD: Hold up. I don't know if they have  
21 a copy of this. It's definitely not in my packet.

22 BOARD CHAIRMAN SPENCER: It's not in mine.

23 BOARD MEMBER NADEAU: What page is it?

24 MR. MOUNTEER: I apologize. It was, it was  
25 provided by fax to the Board on June 5th of '12.

1 BOARD MEMBER NADEAU: What page is it?

2 BOARD CHAIRMAN SPENCER: Three.

3 (There was a moment off the record to look for  
4 the affidavit.)

5 MR. WARD: Counsel, they don't have a copy.

6 MR. MOUNTEER: I also have a copy -- okay.  
7 We'll have a copy sent out to you. I received a copy  
8 today from the Board's representative here. So I  
9 assumed that you had received it. I apologize.

10 MS. GRESNICK-SMITH: Tammy, I believe, it was  
11 e-mailed. But Mechele probably is having problems with  
12 her e-mail, so it might have been one of those that  
13 didn't make it.

14 MR. WARD: I can make a copy and give it to the  
15 Board. She's doing it right now.

16 MR. MOUNTEER: Thank you. I appreciate that.  
17 (There was a period off the record.)

18 MR. WARD: Okay. Counsel, I think they  
19 received it. They may need an opportunity to review it.

20 MR. MOUNTEER: Thank you.

21 (There was a period off the record.)

22 MR. WARD: Counsel, we were just discussing,  
23 one has a stamped copy, one doesn't. So it doesn't  
24 really matter, in regards to when it was received.

25 MR. MOUNTEER: Okay. Yes. No problem. To

1 clarify the issue regarding the two separate documents,  
2 one was a letter from Mr. Bedwell, and then one was an  
3 affidavit. The letter is specifically referenced in his  
4 affidavit and incorporated in the affidavit under his  
5 testimony against perjury, under penalty of perjury.

6 BOARD MEMBER NADEAU: What are we waiting for?  
7 Are you finished with your --

8 MR. MOUNTEER: Oh, I was wondering, is the  
9 Board done reviewing the documents?

10 BOARD MEMBER NADEAU: Oh, yeah. I know I am.

11 BOARD CHAIRMAN SPENCER: Yeah.

12 MR. MOUNTEER: Okay. Thank you.

13 Specifically in response to Ms. Whatley's  
14 statement that she had not advised anyone regarding  
15 Lotus Consulting or Ms. Vu, that the Board was again  
16 going after their license, I want to present Robert  
17 Bedwell's affidavit in rebuttal to that. Specifically,  
18 in section eight, it's the second to the last sentence,  
19 fourth line up, where he states "Then Investigator  
20 Whatley said, 'I will advise you not to use Lotus  
21 Consultants again, as the Board is going after her  
22 license.'"

23 I would like to admit this now as the next  
24 exhibit in order for respondent.

25 MR. WARD: And I would object to it. One, I

1 don't have an opportunity to cross-examine the witness.

2 MR. MOUNTEER: I'll leave it up to the Board on  
3 that.

4 MR. MENICUCCI: Has this been authenticated in  
5 some fashion?

6 MS. VU: It's notarized.

7 MR. WARD: It's not notarized. It's a  
8 declaration.

9 BOARD MEMBER NADEAU: Is there any kind of a  
10 notarization, affidavit of -- anything that tells us the  
11 validity of the document?

12 MR. MOUNTEER: If the Board would so indulge,  
13 under number nine, pursuant to NRS 53.045, Mr. Bedwell  
14 does swear under penalty of perjury under the laws of  
15 the State of Nevada that the foregoing is true and  
16 correct. That holds the same penalties of perjury as if  
17 this was an affidavit and not a declaration. There is  
18 also corresponding case law in Nevada saying the same.

19 MR. MENICUCCI: I think, the concern is not so  
20 much whether it's an affidavit or a declaration, but the  
21 authentication of the paper, where it came from and how  
22 it's been provided. I don't hear any questions of this  
23 witness concerning that document.

24 In other words, maybe the problem is just out  
25 of order. It may be something that will be properly

1 presented when you're doing your defense case in chief.

2 MR. MOUNTEER: And I understand the question by  
3 the Board. However, this is a direct rebuttal evidence  
4 to the statement made by Ms. Whatley to impeach her  
5 testimony that -- on the question she was priorly asked  
6 regarding this very statement. Therefore, I feel it's  
7 appropriate at this time to bring it forward as  
8 impeachment evidence.

9 MR. MENICUCCI: You're asking to introduce the  
10 document merely as a self-authenticating document. Is  
11 there some --

12 MR. MOUNTEER: I'm asking, I'm asking to  
13 introduce the document as direct impeachment evidence  
14 under the penalty of perjury Ms. Whatley's provided.

15 MR. MENICUCCI: Has the witness ever seen this  
16 or encountered this document before?

17 MS. WHATLEY: I've seen it yesterday.

18 MR. MENICUCCI: In connection with this case?

19 MS. WHATLEY: Yes. But my issue is I don't  
20 even know that it's Mr. Bedwell who signed this.  
21 There's nothing to prove. There's no notarization. He  
22 didn't show proof of who he was.

23 MR. MENICUCCI: Of course, the Board is not  
24 bound by strict rules of evidence in the admission of  
25 evidence. But a concern is that a witness may be

1 examined on something, but the document itself may not  
2 be admissible. That may be two separate questions.

3 MR. MOUNTEER: I believe that is -- I do  
4 believe, though, pursuant to NRS 53.045, that it doesn't  
5 matter if it's been notarized or not. This is -- he's  
6 represented under penalty of perjury this is his  
7 signature, and this is his statement.

8 BOARD MEMBER PUTNAM: But we don't know it's  
9 his signature.

10 MR. MENICUCCI: I think, that's no argument  
11 about what it purports to be, but the authentication of  
12 it is another issue that the Board may consider. And,  
13 again, in administrative procedures, we don't have the  
14 strict rules of evidence. I think, there's a  
15 reliability standard that the Board would want to apply  
16 to it before it admits it as an exhibit.

17 BOARD CHAIRMAN SPENCER: Yes, under  
18 cross-examination, so, as to if it would be allowed.  
19 And what would you like to -- or it will not be allowed.

20 MR. WARD: Did you hear the Board's ruling?

21 MR. MOUNTEER: Yes. May I please, may I please  
22 go on to ask Ms. Whatley some extra questions to lay  
23 some foundation?

24 BOARD CHAIRMAN SPENCER: Sure.

25 ///

1 BY MR. MOUNTEER:

2 Q. Ms. Whatley, did you, in fact, contact  
3 Mr. Bedwell regarding Lotus Consulting?

4 A. I -- I believe, he contacted our office. I  
5 don't -- I do know that I spoke to him. I am not sure if  
6 I at any time called him or if it was only him calling  
7 our office, but I did speak to him via phone.

8 Q. And can you explain what you spoke with  
9 Mr. Bedwell about?

10 A. I do not have the full facts and paperwork in  
11 front of me. There must have been some issue with his  
12 firearms, because he was transferred to me with his  
13 firearms certification. He was, he was transferred to  
14 me. And I did question him about his training, what --  
15 the questions we ask everybody when I'm out doing  
16 compliance collections: How long was the class? How  
17 many rounds did you shoot? What -- tell me about your  
18 class.

19 Q. Is it a correct statement that this  
20 conversation would have taken place on or around April  
21 of 2012?

22 A. I don't know.

23 MR. MOUNTEER: Based on the statements of  
24 Ms. Whatley, I just ask the Board to reconsider this  
25 affidavit.



1 BOARD CHAIRMAN SPENCER: Do you have a feeling?

2 BOARD MEMBER PUTNAM: I'd like to see something  
3 at the bottom, like a notary.

4 BOARD MEMBER NADEAU: Well, I'll ask. I'll ask  
5 counsel. But whether we accept it or not doesn't really  
6 make any difference. We give it whatever weight we feel  
7 it carries in our deliberation.

8 Is that correct?

9 MR. MENICUCCI: Yes, that --

10 BOARD MEMBER NADEAU: It has -- it has -- we  
11 don't -- he's not here for any testimony. It has no  
12 authentication of signature or anything of that nature.  
13 We don't know anything about it. But we -- you know,  
14 okay, so we -- the defendant's provided it. But we just  
15 give it weight, whatever we think is appropriate.

16 MR. MENICUCCI: That is permissible.

17 BOARD CHAIRMAN SPENCER: Go ahead. We'll allow  
18 it.

19 MR. MOUNTEER: Thank you.

20 I have no further questions for the witness.

21 MR. WARD: May it please the Board,  
22 Mr. President, just a follow-up.

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REDIRECT EXAMINATION

BY MR. WARD:

Q. In regards to this exhibit that they introduced, and I'm referring to the affidavit, that he put in quotes, would you refer to your affidavit. Just take your time.

A. This is the one?

Q. The declaration.

A. M-hm (affirmative).

Q. And I know he has some in quotes that he indicates in this affirmation. I won't call it an affidavit. It's a declaration, that it's your language. All right. Let's say, page three, quote, unquote, "going after her license." Did you tell Mr. Robert Bedwell that you were going after her license?

A. Absolutely not.

Q. What about anything else in the affidavit that you deem to be incorrect that you did not tell the declarant, Mr. Robert Bedwell? And take your time.

A. In paragraph six, on page two, she then stated "You don't have enough to work in the security field in Nevada." That doesn't -- I would not say that. I may state that "You have not received the proper firearms training to be an armed security guard"; but I would not make that statement.

1 Paragraph seven, midway through, "I was not" --  
2 let me -- "Investigator Whatley informing me I was not  
3 qualified and that she was denying my license." I would  
4 never refer to a work card holder or a registered  
5 employee as having a license. I educate people every  
6 day, all day long, that their work card is not a  
7 license, that a certified firearms instructor does not  
8 have a license.

9 On page three, just above where we were talking  
10 about, "She then said, 'Okay. I will let you slide this  
11 time and input the information into the computer  
12 database after our call." I definitely would not state  
13 that. You either have the qualifications or you don't.  
14 You don't just slide by.

15 MR. WARD: Thank you. I have nothing further.

16 MR. MOUNTEER: Nothing further.

17 BOARD CHAIRMAN SPENCER: Commission?

18 BOARD MEMBER NADEAU: You've got witnesses?

19 MR. WARD: Yes, we've got witnesses.

20 May it please the Board, I would call at this  
21 time, Mr. Barry Wormley.

22 MR. MOUNTEER: While we're waiting for this  
23 witness to take the stand, I just want to put on the  
24 record we object to this witness, as his name was not  
25 even in the complaint. We had no information or notice

1 that he would be actually appearing at the hearing, to  
2 conduct any discovery or questioning on it. However, it  
3 being that we are here in front of the Board, we will  
4 agree to allow to move forward.

5 BOARD CHAIRMAN SPENCER: Thank you.

6

7 B A R R Y W O R M L E Y,  
8 having been sworn,  
9 was examined and testified as follows:

10

11 DIRECT EXAMINATION

12 BY MR. WARD:

13 Q. Please state your name for the record.

14 A. Barry G. Wormley.

15 Q. And would you go ahead and spell your last  
16 name, please.

17 A. W-O-R-M-L-E-Y.

18 Q. And, sir, where do you live, and I'm not asking  
19 for your specific address, but where do you live?

20 A. Las Vegas.

21 Q. And how old are you, sir?

22 A. 56.

23 Q. And are you currently employed?

24 A. Yes.

25 Q. And where are you employed?

1 (The Reporter indicated she didn't hear the  
2 response.)

3 BY MR. WARD:

4 Q. She didn't hear you in regards to your  
5 employment.

6 A. All Purpose Security.

7 Q. All purpose Security. And have you obtained  
8 what we know as a certification or a white card?

9 A. Yes, sir.

10 Q. Please tell us with whom you obtained that  
11 from.

12 A. Lotus Consultants.

13 Q. And do you recall when you obtained that?

14 A. When was that? Just a minute.

15 MR. WARD: I'm going to refer you to -- you may  
16 have an exhibit there, counsel. I think, it's going to  
17 be maybe page 56 or 57. I think, it's 56. Which we'll  
18 give him a -- if he could reference it, if you don't  
19 mind.

20 MR. MOUNTEER: Yes.

21 The witness has the document.

22 BY MR. WARD:

23 Q. Okay. You have the document, number 56. Is  
24 this the white card that you received?

25 A. Yes.

1 Q. And would this refresh your memory as to when  
2 you believe it was issued?

3 A. Just a minute.

4 Q. Okay.

5 A. Yeah, around that time, yes.

6 Q. Okay. And please tell us about your  
7 qualification and your course; how many days were --  
8 was it?

9 A. Two days.

10 Q. The first day --

11 A. The first day was --

12 Q. Please continue.

13 A. The first day, the first day, about eight  
14 hours. She talked about it. She talked about the  
15 class. She talked about it. She explained everything  
16 to us. You know what I'm saying? She asked a lot of  
17 questions and stuff like that. And after that, she gave  
18 us the test.

19 Q. Okay. Was there any other instructor on the  
20 first day?

21 A. No, sir.

22 Q. Okay. All right. Tell us about the second  
23 day.

24 A. The second day, she had a -- it was a guy, a  
25 technical sergeant or a SWAT guy, and he took us through

1 a lot of training. At first, we watched a film. And  
2 then, after we watched the film, we went out on the  
3 range, did a lot of covering, a lot of dead-end aiming,  
4 covering, you know, training, shooting, and we had  
5 different things.

6 Q. And your --

7 A. Yeah, different --

8 Q. I'm sorry.

9 A. We --

10 Q. Please continue. I'm sorry.

11 A. And we had different -- we were shooting  
12 different distance range, of the range, and took about,  
13 oh, about five hours out there.

14 Q. And was Ms. Vu your instructor on the range?

15 A. Both of them was.

16 Q. Okay. Did you have problems with your card?

17 A. No.

18 Q. In regards to the rounds, do you remember, do  
19 you recall how many rounds that you shot on the second  
20 day?

21 A. About a hundred something rounds. But we had  
22 practice shots, and then we went in and took the test.

23 Q. In regards to -- what paperwork did you provide  
24 to Ms. Vu prior to taking the exam or the class?

25 A. The form from my job.

1 MR. WARD: And that's a verification of  
2 employment. I think, it's page 57, counsel.

3 I have nothing further.

4 MR. MOUNTEER: I'll provide it to the witness.

5 BY MR. WARD:

6 Q. Sure. Page 57 has been handed to you. Is that  
7 the form?

8 A. Yeah, this is it.

9 Q. Okay. So your testimony --

10 A. Yeah.

11 Q. -- is page 57 is what you submitted to Ms. Vu;  
12 is that correct?

13 A. Yes, sir.

14 Q. In regards it day two, was Ms. Vu there the  
15 entire time while you were being instructed?

16 A. Yes.

17 Q. With regards to day one --

18 A. Yes, sir.

19 Q. In regards to day one, likewise?

20 A. Both, both days.

21 MR. WARD: Okay. I have nothing further. I  
22 tender the witness.

23 MR. MOUNTEER: I have nothing for this witness.

24 MR. WARD: If the Board has no questions, I  
25 would be willing to release him.



1           You're free to go, sir.

2           MR. WORMLEY:   Thanks.

3           BOARD CHAIRMAN SPENCER:   Thank you.

4           MR. WARD:   At this time, I would call Mr. Jimmy  
5 Garza, please.

6           MS. GRESNICK-SMITH:   I'm sorry.   What witness?

7           MR. WARD:   Mr. Jimmy Garza.

8

9                           J I M    G A R Z A,

10                           having been sworn,

11                           was examined and testified as follows:

12

13                           D I R E C T   E X A M I N A T I O N

14 BY MR. WARD:

15           Q.   Please state your name for the record.

16           A.   Jim Garza, G-A-R-Z-A.

17           Q.   Thank you as for spelling it.   And where do you  
18 live, and I'm not asking for your specific address?

19           A.   Las Vegas, Nevada.

20           Q.   And how old are you, sir?

21           A.   40 years of age.

22           Q.   And are you approximately employed?

23           A.   Yes, sir.

24           Q.   And where are you employed, sir?

25           A.   AlliedBarton.

1 Q. I'm sorry. I didn't hear you.

2 A. AlliedBarton.

3 Q. Okay. And have you obtained a white card or  
4 certification to carry a firearm?

5 A. Yes, sir.

6 Q. And when did you receive that, an approximate  
7 date?

8 A. I believe, it was May 2nd of 2012, most  
9 recently.

10 Q. And can you tell us about your certification?

11 A. I also hold a carrying a concealed weapon for a  
12 security.

13 Q. All right. And let's refer to the most recent  
14 one, in regards to who did you receive your  
15 qualifications from?

16 A. Through Greg.

17 Q. I'm sorry. I didn't hear.

18 A. I don't know what his last name is. Greg.

19 Q. Let's go to the one before that. Did you ever  
20 get qualified through Ms. Vu?

21 A. Yes. Yes, sir.

22 Q. And approximately when did that happen?

23 A. I believe, it was the end of December of 2011.

24 Q. Okay. And in that regards, please tell us  
25 about the courses, the day, and what you did and who

1 your instructors were.

2 A. I went and sat in --

3 Q. First day?

4 A. I went in and sat in on the 30-minute,  
5 approximately, time in class. It was about the dos and  
6 don'ts about going out to the range. And after we  
7 cleared that, we went out to the range, got certified,  
8 and we were clear to go. That was the first time.

9 The second time, actually, we were out on the  
10 range. I got certified by the male instructor there,  
11 and I was clear to go.

12 Q. Do you know what the male instructor's name  
13 was?

14 A. Offhand, no, sir.

15 Q. Was there -- was Ms. Vu there with you when the  
16 male instructor was there?

17 A. Outdoors on the range, no, sir.

18 Q. Did you receive a white card?

19 And it might be, I think, on page 60, counsel.

20 A. Yes, sir.

21 Q. And do you know who your -- do you know if  
22 Ms. Vu's the one that signed your white card?

23 MR. MOUNTEER: I apologize. I wrote on my  
24 copy. I'm giving him a fresh copy.

25 MR. GARZA: No, sir.

1 MR. MOUNTEER: The witness has the copy now.

2 BY MR. WARD:

3 Q. In regards to -- I think, there's also a page  
4 64.

5 MR. MOUNTEER: The copy's been provided to the  
6 witness.

7 BY MR. WARD:

8 Q. Okay. You have the exhibit, page 64 and 61.  
9 Did you have any problems with any cards issued by  
10 Ms. Vu; and if so, what problems?

11 A. At a later date in time, the next day prior  
12 from my qualification, my supervisor advised me that the  
13 date was incorrect. And in front of my supervisor, I  
14 made a land line call to the instructor advising them of  
15 an incorrect information on the card. And upon  
16 agreement -- and the only reason I did so was for him,  
17 he said I could go ahead and change it. So we both  
18 agreed on it, since it was just the prior day. And that  
19 was the last I heard of that.

20 And after that, in my part-time job, I went  
21 ahead and submitted my paperwork again for them. And  
22 that's when it was brought to my attention that  
23 something was incorrect.

24 Q. And as a result of that, did you have to get  
25 requalified?

1 A. Yes, sir.

2 Q. All right. Now, in reference to page 61, do  
3 you think that's the white card that you changed or were  
4 instructed by a male to change?

5 MR. MOUNTEER: The witness has the document.

6 MR. WARD: Thank you.

7 MR. GARZA: I'm sorry. The question was,  
8 again? I apologize.

9 BY MR. WARD:

10 Q. Page 61, where it would be -- and, I think,  
11 it's circled. Did you make that change; is that the  
12 white card where you were -- you made the actual change  
13 to the white card as instructed?

14 A. Yes, sir, that was the only change. Yes, sir.

15 Q. Okay. But that's what you were instructed by  
16 the male instructor that certified you, supposedly?

17 A. That is correct.

18 Q. And at this time, you were taking classes  
19 through Lotus?

20 A. At this time, no.

21 Q. Okay. This certification, can you explain,  
22 then, who you were getting certified by?

23 A. At this point here in question?

24 Q. Yes, on -- on number 61, page 61, my question  
25 is, the male instructor that told you to change the card

1 on pages 61, who was he an instructor for?

2 A. Oh, I'm sorry. For Lotus. I apologize.

3 MR. WARD: Okay. That was my question.

4 I have no further questions, and I tender the  
5 witness.

6 MR. MOUNTEER: Thank you.

7

8 CROSS-EXAMINATION

9 BY MR. MOUNTEER:

10 Q. Mr. -- is it Garza; is that correct?

11 A. Yes, sir.

12 Q. The male instructor that you're talking about  
13 who you contacted, and he told you to change the date on  
14 document 61, do you remember what number, phone number  
15 you called when you contacted him, by chance?

16 A. All is I know is I had it in my contacts in my  
17 phone.

18 Q. Could you please -- you do, you have it with  
19 you today?

20 A. Yes.

21 Q. Do you have your phone?

22 A. Yes.

23 Q. Could you please look that up and provide that  
24 to the Board.

25 A. Just a minute. I apologize. (The witness

1 looked at his phone.) Actually, I apologize. My phone  
2 crashed about a month and a half ago, and I lost a lot  
3 of contacts. And that was one of them.

4 Q. That was one of them?

5 A. That was one of them.

6 Q. Do you recall whether or not the number that  
7 you called was Ms. Vu's cell phone number or the number  
8 that Lotus Consultants typically uses to contact you?

9 A. The only thing I can remember, that's the land  
10 line that I always do call. And sometimes, which I do  
11 understand they are busy, I do get a return call if I  
12 leave a voicemail to that particular number.

13 Q. Do you recall if you left a voicemail on this  
14 time and got a call back, or did you actually connect  
15 with someone directly?

16 A. This prior time?

17 Q. The time that you're talking about when the  
18 male instructor told you to the change the date on the  
19 card.

20 A. Oh, no, he answered the phone.

21 Q. He answered the phone?

22 A. His phone.

23 Q. Okay. But you can't recall, you can't recall  
24 the number?

25 A. No, sir. I called that time.

1 MR. MOUNTEER: Thank you. No further  
2 questions.

3

4

REDIRECT EXAMINATION

5 BY MR. WARD:

6 Q. Just one follow-up. I asked you if you had any  
7 problems with the card. Did you miss any work because  
8 of this?

9 A. Yes, sir. Altogether, it was four days.

10 MR. WARD: I have nothing further.

11 MR. MOUNTEER: Nothing further.

12 BOARD CHAIRMAN SPENCER: May he be excused?

13 MR. WARD: He may be excused.

14 Nothing from the Board, so you may be excused.  
15 Thank you, sir.

16 MR. GARZA: Thank you.

17 MR. WARD: At this time, we will call  
18 Mr. Daniel Boggs, when he comes back in.

19

20

D A N I E L B O G G S,

21

having been sworn,

22

was examined and testified as follows:

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DIRECT EXAMINATION

BY MR. WARD:

Q. Please state your name for the record, sir.

A. Daniel C. Boggs.

Q. And why don't you go ahead and spell your last name, because this lady is taking down everything you're saying.

A. B, as in boy, O, George, George, Sam.

Q. And where do you live, and I'm not asking for your specific address?

A. North Las Vegas.

Q. And what is your age, sir?

A. 43.

Q. And are you employed, sir?

A. Yes, sir, I am.

Q. And where are you employed?

(The Reporter indicated she didn't hear the response.)

Q. Would you go ahead and repeat that a little slower. She's writing this down.

(The Reporter again indicated she couldn't hear the response.)

Q. Okay. She moved, she moved the mic. One more time.

A. Apex Bulk Commodities.

1 Q. Apex Bulk Commodities.

2 THE REPORTER: Thank you.

3 BY MR. WARD:

4 Q. Thank you.

5 A. You're welcome.

6 Q. And are you familiar with the white card or  
7 certification to carry a weapon?

8 A. Yes, sir.

9 Q. And did you obtain a white card or  
10 certification to carry a weapon through Ms. Vu?

11 A. I did not obtain the white card itself.

12 Q. Okay. And did you go through the class with  
13 Ms. Vu to graduate?

14 A. Yes.

15 Q. Through her class?

16 A. Yes, sir, I did. Yes, I did.

17 Q. Do you recall when you did that?

18 A. I don't recall, but I do have the paperwork  
19 with me. And the class was on 12-6 of '11.

20 Q. And you did go through the class; is that  
21 correct?

22 A. Yes, sir.

23 Q. And it's your testimony you did not get the  
24 white card. And why is that?

25 A. I don't really know if it was my

1 miscommunication. But I was under the assumption, once  
2 I passed the class, that I was able to get the sheriff's  
3 card to obtain armed guard status. And I found out  
4 later that's not the case. I also took the class for my  
5 CCW at the same time. They said it was all to run  
6 concurrent together.

7 Q. So you were able to obtain your CCW; is that  
8 correct?

9 A. I have the paperwork for it; but, quite  
10 honestly, I have not had time, with my schedule, to go  
11 out actually to the sheriff's department and turn it all  
12 in it get it. I was told I had up to a year to carry  
13 that.

14 Q. In regards to your white card for the PILB  
15 Board, did you ask Ms. Vu if you could go to the class  
16 and then get the card after you were obtained  
17 verification from an employer; was that ever related to  
18 you?

19 A. To the best of my knowledge, to the best of my  
20 memory, that's kind of what I asked; and, I think, if  
21 I'm not mistaken, that I, you know, could go to the  
22 class and get -- to get the armed guard class.

23 Q. And approximately how much did you pay for both  
24 classes, if you recall?

25 A. Honestly, I -- I have no recollection of it,

1 because I paid cash, and I just cannot remember what it  
2 was.

3 MR. WARD: I have no further question, and I  
4 tender the witness.

5

6 CROSS-EXAMINATION

7 BY MR. MOUNTEER:

8 Q. Mr. Boggs, you stated earlier you went through  
9 the class with Lotus Consulting, but you did not receive  
10 your white card; is that correct?

11 A. That is correct.

12 Q. And did you ever provide Lotus Consulting or  
13 Ms. Vu with your workpapers?

14 A. Is workpapers --

15 Q. The verification form. I'm sorry.

16 A. No. I -- because every place that I applied,  
17 they said I had to go through their tactical, and they  
18 gave me employment verification. Then, I had to go back  
19 to Lotus Consulting. Then I'd get the paperwork and go  
20 down to the sheriff's department and get the white card.

21 MR. MOUNTEER: Thank you. I have no other  
22 questions.

23 MR. WARD: May it please the Board, if the  
24 Board has no questions, I can release the -- oh, we have  
25 a question.

1 BOARD MEMBER NADEAU: I have a question.

2 Mr. Boggs?

3 MR. BOGGS: Yes, sir.

4 BOARD MEMBER NADEAU: Did I just understand you  
5 to say that the reason you didn't get employment was  
6 because you went to a variety of different places, and  
7 they indicated to you that her class was not sufficient,  
8 that you would have to go through another class in  
9 order -- with their employee verification paperwork?

10 MR. BOGGS: Yes, sir. Yes, sir, I'd have to go  
11 through their -- I'd have to go through separate  
12 tactical training in order to get qualified to carry as  
13 an armed guard.

14 BOARD MEMBER NADEAU: All right. So they  
15 didn't accept the fact that Ms. Vu's class was  
16 preparatory or was sufficient for their training needs?

17 MR. BOGGS: Correct, sir.

18 BOARD MEMBER NADEAU: Okay. Thank you very  
19 much, Mr. Boggs.

20 MR. BOGGS: You're welcome.

21 MR. WARD: I have no questions.

22 MR. MOUNTEER: No questions.

23 MR. WARD: You may be released as far as I'm  
24 concerned.

25 Counsel, do you plan on calling him back or any

1 need for him?

2 MR. MOUNTEER: No. He's free.

3 BOARD CHAIRMAN SPENCER: Thank you, Mr. Boggs.  
4 You're free to go.

5 MR. BOGGS: Thank you. Is this -- do I have to  
6 take this with me?

7 MS. GRESNICK-SMITH: No.

8 MR. BOGGS: All right.

9 MR. MOUNTEER: Thank you, sir.

10 MR. WARD: May it please the Board,  
11 Mr. President, at this time, the State rests. We rest.

12 BOARD CHAIRMAN SPENCER: Okay. Do you have --

13 MR. MOUNTEER: At this time, we'd ask the Board  
14 to please allow us maybe like a 10-minute break for me  
15 to use the rest room and talk with my client?

16 BOARD CHAIRMAN SPENCER: Oh, yes.

17 MR. MOUNTEER: Thank you.

18 \* \* \* \* \*

19 (A break was taken, 1:51 to 2:11 p.m.)

20 \* \* \* \* \*

21 BOARD CHAIRMAN SPENCER: Okay. We can begin.

22 MR. MOUNTEER: Okay. We'd actually like to  
23 call Ms. Vu to testify at this hearing.

24 BOARD CHAIRMAN SPENCER: Okay. Were you sworn,  
25 Ms. Vu?

1 MS. VU: This morning, sir.

2 BOARD CHAIRMAN SPENCER: Okay. Thank you.

3 MS. VU: You're welcome.

4

5 U Y E N V U,

6 having been sworn,

7 was examined and testified as follows:

8

9 DIRECT EXAMINATION

10 BY MR. MOUNTEER:

11 Q. Ms. Vu, I just have a couple questions today.  
12 Specifically, with Lotus Consulting and yourself, how  
13 many different phone numbers are available to your  
14 clientele or, essentially, the students?

15 A. One phone number.

16 Q. And what might that phone number be?

17 A. 702-285-1256.

18 Q. And with regard to the male instructor, can you  
19 please explain to the Board just a little about who this  
20 male instructor is and how he assists you in conducting  
21 your class?

22 A. He assists in being my range safety officer,  
23 but he has a lot more certification qualification when  
24 it comes to firearms training. So, of course, I always  
25 welcome his expertise and advice and adding input to the

1 class.

2 Q. Do you ever leave -- what is the name of that  
3 male instruction?

4 A. Darius.

5 MR. WARD: I'm sorry. I didn't hear it.

6 MS. VU: Darius Harper.

7 BY MR. MOUNTEER:

8 Q. During the course of the training for the  
9 private investigator board licensing, do you ever leave  
10 Mr. Harper alone?

11 A. If I have to use the bathroom or maybe run out  
12 to go get a coffee or something; but most often, no.

13 Q. Does Mr. Harper at any time have the authority  
14 to sign cards or issue anything on behalf of Lotus  
15 Consulting or yourself?

16 A. Absolutely not.

17 MR. MOUNTEER: That's all the questions I have  
18 at this time. Pass the witness.

19 MR. WARD: May it please the Board.

20

21 CROSS-EXAMINATION

22 BY MR. WARD:

23 Q. Ms. Vu, basically, your testimony, and I think  
24 that we might have entered into a stipulation, at one  
25 time, you were offering the certification without



1 getting the verification from an employer; is that  
2 correct?

3 A. Yes, sir.

4 Q. Would you have been --

5 A. If they take the class. But I've never issued  
6 the white card, ever, without that verification form.

7 Q. And, I guess, that would be my next question.  
8 When you do issue the white card, do you issue it for  
9 when the day they graduated or when you receive the  
10 verification of employment?

11 A. When they receive the verification of  
12 employment.

13 Q. And, I think, that was demonstrated likewise in  
14 the exhibits today; is that correct?

15 A. Yes, sir.

16 Q. Okay. And then, likewise, you heard the  
17 testimony. I think, it was Mr. Daniel Boggs. Is that  
18 correct?

19 A. Yes.

20 Q. He took the class, but he did not get the white  
21 card because he never gave the verification; is that  
22 correct?

23 A. Yes, that is correct.

24 Q. Okay. Now, in regards to -- and, I think, it's  
25 exhibit number 55, if you want to refer to that. And

1 that's the advertising in regards to Lotus. Do you  
2 also, do you advertise your services on Craigslist?

3 A. Yes.

4 Q. And so it is listed through Craigslist, and do  
5 you have an -- and that's in Las Vegas; is that correct?

6 A. Yes.

7 Q. And do you have any say-so as to when and where  
8 you want the advertisement to go with Craigslist?

9 A. Yes.

10 Q. In regards to that page 55, it says, at the top  
11 of the page, "Las Vegas Craigslist, Jobs, Security  
12 Jobs." Do you advertise under Security Jobs?

13 A. Yes, I do.

14 Q. And is that what you instructed them where to  
15 advertise, under Security Jobs?

16 A. Yes.

17 Q. And are you licensed, are you a licensed  
18 security agent?

19 A. No, I'm not.

20 Q. Now, in regards to Count Three, and I think you  
21 did give some direct testimony, we allege that we  
22 received telephone calls concerning that the class is  
23 not being taught by a certified instructor but by  
24 another individual. Is it your testimony that -- did  
25 you say Mr. Darius Harper was assisting you in your

1 instruction?

2 A. He was assisting, not in the instruction, but  
3 more on the range safety procedures. So when I'm out on  
4 the range, and I have, you know, multiple people out  
5 there with live firearm, I always like to have someone  
6 else out there as well.

7 Q. Approximately how large are your classes, your  
8 certification classes?

9 A. Anywhere from four people on up to 15, 17  
10 people.

11 Q. If you have, let's say, a small class, do you  
12 likewise get Mr. Harper to assist you?

13 A. Yes. I will actually ask him. He volunteers  
14 the assignment because he enjoys being out at the range.

15 Q. Okay. And is he normally out there all the  
16 time?

17 A. Most of the time, yes.

18 Q. Now, I know we are going to probably get into  
19 Count Four just briefly. You are making payments on  
20 your prior violation; is that correct, so you are up to  
21 date?

22 A. Yes, sir. Yes, sir.

23 Q. And you don't deny that you were -- and I'll  
24 refer to the exhibits -- that a violation was assessed  
25 against you; is that correct?

1 A. Yes.

2 Q. And in going back to -- and I'm going to refer  
3 to page 23 and 24, which was a letter which was sent to  
4 you -- and I'll give you a chance. Ms. Whatley,  
5 basically, read a lot of this in their paragraph four.  
6 Since then, and this is going back, I guess, to the  
7 stipulation, that you said that at one time you were  
8 giving the class without getting the verification. Is  
9 that correct?

10 A. Yes.

11 Q. And have you since changed that, since you  
12 received the letter?

13 A. No, not since the letter dated January, no.

14 Q. Okay. And when did you change your practices?

15 A. Last few months, I believe. I can't give you  
16 the exact date, but it's --

17 Q. That's fine.

18 A. -- been a few months.

19 Q. Do you offer both certifications of CCW and the  
20 PILB certifications at the same time?

21 A. Yes, I do offer that.

22 Q. Okay. And --

23 A. And I'm not the only instructor that does that.

24 Q. Okay. And do you likewise get someone to  
25 assist you when you do that?

1 A. Gets who to assist me, sir?

2 Q. Do you likewise get a safety officer to assist  
3 you during those instructions?

4 A. Yes. Yes.

5 Q. And on the first day, can you give us an idea  
6 of what you do on the first day for instructions?

7 A. The first day is all lecture. We go over all  
8 the curriculum. We go over the statutes. We go over  
9 civil, criminal liabilities. We go over range safety  
10 rules. We go over gun safety rules, basic gun safety  
11 knowledge. It's all lecture the first day.

12 Q. And are you the sole person that gives the  
13 lecture?

14 A. Yes.

15 Q. Okay. Going to the second day, and I think you  
16 have testified to this, but you said that you are  
17 assisted on the range by Mr. Harper as a safety officer?

18 A. Yes.

19 Q. And in regards to credentials, does he have any  
20 credentials that you know of?

21 A. Yes. He's a military -- currently, a military  
22 law enforcement trainer for the Army National Guard.  
23 And he also currently holds law enforcement and firearms  
24 training for Florida. So I mean he has -- and he is  
25 also a former SWAT officer for Florida as well.

1 Q. And in regards to any of the Nevada  
2 certifications, do you know if he's certified through  
3 Nevada for anything?

4 A. That I'm not aware of, sir.

5 Q. And let me ask you specifically, what about an  
6 instructor?

7 A. I am not aware. I don't know.

8 Q. But you -- but you have asked him, or he  
9 assists you, but you've never inquired whether he is, in  
10 fact, a certified firearms instructor in the state of  
11 Nevada; is that correct?

12 A. I've never asked him if he is a certified  
13 instructor for the state of Nevada. However, I'm  
14 teaching the class, so I never thought I had to ask him  
15 for that.

16 Q. Okay. And I'm just curious. In your  
17 association with him, you've just seen him at the range  
18 a lot, and that's how you got to know him?

19 A. Yes. Yes.

20 Q. And based on that is how you got the background  
21 information; is that what you're saying, that you just  
22 testified to?

23 A. From him. Yes.

24 MR. WARD: I have nothing further, and I tender  
25 the witness.

1 MR. MOUNTEER: If I could have just one moment,  
2 please.

3 (There was a brief discussion off the record.)  
4

5 REDIRECT EXAMINATION

6 BY MR. MOUNTEER:

7 Q. I just have a couple follow-up questions.  
8 Ms. Vu, have you ever issued a white card to anyone  
9 who's not provided you with the work verification form?

10 A. No.

11 MR. MOUNTEER: That's the only thing I have.  
12 Thank you.

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

14 MR. MOUNTEER: I have nothing further. Oh.

15 MR. WARD: I think, counsel, I think, maybe the  
16 Board may have a question or two. So I'd just ask you  
17 to --

18 BOARD MEMBER NADEAU: Thank you. Ms. Vu --

19 MS. VU: You're welcome, sir.

20 BOARD MEMBER NADEAU: You're saying that, or  
21 you're -- I think, your testimony -- if I'm wrong,  
22 correct me. Your testimony is that someone -- and you  
23 already stipulated to this, but someone could attend the  
24 class, go through the two-day class, without having the  
25 employment verification card. But you would then, when

1 they brought the employment verification card, you would  
2 then issue the white card. What dates would you put on  
3 the white card, as far as the --

4 MS. VU: The date -- when they bring back the  
5 verification form, that would be the date I would go off  
6 of.

7 BOARD MEMBER NADEAU: So their hire date was  
8 the date that you would note, stipulate?

9 MS. VU: Yes.

10 BOARD MEMBER NADEAU: I guess, I'm confused.  
11 If you look at -- well, never mind. That's -- so the  
12 hire date was the date. So the six months would run  
13 from the hire date --

14 MS. VU: Yes, whichever date that they come to  
15 me to give me the verification form is the date that I  
16 would put on the card, the date that I actually receive  
17 the verification form. I'm sorry. Let me clarify.

18 BOARD MEMBER NADEAU: Okay. And they could  
19 bring that to you how long after they went through the  
20 training?

21 MS. VU: Six months.

22 BOARD MEMBER NADEAU: So, in essence, they  
23 could come in for your training, then go out and find a  
24 job, find a job, five and a half months later go back to  
25 you, you would issue the card then for six months?



1 MS. VU: Yes.

2 BOARD MEMBER NADEAU: So the piece of the NAC  
3 or the piece of the regulations that requires that they  
4 go through a retraining every six months would then be  
5 automatically extended out to 10 months, 12 months,  
6 almost a year?

7 MS. VU: It would come out, and if they're at  
8 the mark where they're close to six months, they  
9 actually have to retrain again with their weapon that  
10 they want listed on their card.

11 BOARD MEMBER NADEAU: But maybe I'm  
12 misunderstanding you. You said that if they came back  
13 to you within six months of having qualified, you would  
14 automatically issue the white card --

15 MS. VU: Yes, from the day that I received the  
16 form.

17 BOARD MEMBER NADEAU: -- using that hire date.  
18 Well, but then their expiration is six months from their  
19 hire date. So, therefore, that would extend that out  
20 to, what, nearly a year before they would --

21 MS. VU: Right.

22 BOARD MEMBER NADEAU: -- have to go back for  
23 retraining.

24 MS. VU: Well, it would extend out six months  
25 from the date I issue that.

1 BOARD MEMBER NADEAU: Yeah. So, in essence,  
2 that's circumventing the statute or the requirement for  
3 them to recertify every six months or requalify every  
4 six months. Wouldn't that be -- in essence, wouldn't  
5 you be circumventing that, so, therefore, they wouldn't  
6 be meeting the criterion?

7 MS. VU: I never actually gave it that thought.  
8 So that was not something that I intentionally went out  
9 to do. Because I never actually look at it with that  
10 point and that point of view.

11 BOARD MEMBER NADEAU: Okay. So. But,  
12 regardless, that's what would happen, correct?

13 MS. VU: Right, that's what would happen. But,  
14 like I said, again, that is not something I  
15 intentionally set out to do.

16 BOARD MEMBER NADEAU: Intentional or not,  
17 that -- it's getting around it.

18 MS. VU: Right, I have just qualified that.

19 BOARD MEMBER NADEAU: Yeah, intentional or  
20 not --

21 MS. VU: Right.

22 BOARD MEMBER NADEAU: -- that is exactly what's  
23 happening.

24 MS. VU: Right. Yes, sir.

25 BOARD MEMBER NADEAU: All right. I guess, I

1 don't have any other questions. Thank you.

2 MR. MOUNTEER: I have no questions.

3 MR. WARD: Summations.

4 BOARD CHAIRMAN SPENCER: Summations.

5 MR. WARD: May it please the Board,  
6 Mr. President, Harry Ward, Deputy Attorney General for  
7 the PILB Board.

8 Regards to the factual allegations in the  
9 complaint, I think, you've heard over and over, and  
10 there is a stipulation, and you, obviously, just heard  
11 from the respondent in this matter, she was offering the  
12 course and only issuing a white card and dating it when  
13 she received verification of employment and thus  
14 circumventing or perverting the NAC requirements that  
15 someone should be recertified within six months of  
16 taking a course.

17 That is a violation of our NAC in this matter.  
18 And, I think, she's admitted that she has violated it,  
19 but she's no longer doing that. And that would conclude  
20 all of Count One.

21 In furtherance of that, and I would ask you  
22 specifically, for Daniel Boggs, there is mandatory  
23 language under the NAC, and I'll just point it out  
24 briefly. Under 648.350(1), and it says "To certify a  
25 person's successful completion of the course of training

1 in carrying, handling and using firearms safely, and his  
2 or her successful qualification with a firearm, a  
3 firearms instructor shall" -- which is mandatory  
4 language, as I argue -- "issue to the person a card  
5 furnished by the Board for that purpose."

6           You heard from Mr. Boggs; he did not get the  
7 card. Why? Because now she knows that she should not  
8 issue a card unless she has a verification of  
9 employment. But under the language of the statute, it  
10 says that, mandatorily, she should have issued a card.  
11 Once again, another violation.

12           If we go, also, to Count Two, it says "Lotus  
13 Consultants is advertising on Craigslist in the 'Armed  
14 Security' and 'Security Jobs.'" Lotus Consultants is  
15 not a licensed -- or it is not licensed to provide armed  
16 security. While it may be a minor infraction, there is  
17 a violation per se under the law that, under Craigslist,  
18 she's advertising under Armed Security, a violation of  
19 the statute.

20           Count Three, we allege that "PILB staff has  
21 received telephone calls with concerns that the class is  
22 not being taught by the certified instructor, but by  
23 another individual." You heard testimony from the  
24 witnesses, two witnesses, in fact; both said that there  
25 was a male instructor out there. One of the witnesses

1 said at one time it was just the male instructor.

2           You've also heard from the respondent, and she  
3 said she does not believe, or she does not know whether  
4 this male instructor that she uses as a security or  
5 range security officer was instructed by the State of  
6 Nevada. Thus, a violation of the statute, statute and  
7 NAC.

8           And finally, under Count Four, "Respondent is  
9 in violation of the previous Order"; but I think that,  
10 and it has been confirmed that she is making payments.  
11 But what is important is that the respondent has  
12 violated these regulations on a prior occasion. She's  
13 been put on notice. And she continued to do this.  
14 Whether it was done intentionally or nonintentionally,  
15 if we're going to argue intent, we're going to get into  
16 criminal law, and we're not in a criminal law matter, or  
17 that's not the before the Board. There is no criminal  
18 law intent in any of these statutes that have to be  
19 proven by the state. Thus, we don't have to prove  
20 beyond a reasonable doubt some sort of specific intent.

21           As such, I think the State has proven that the  
22 respondent has violated all counts in this matter, and  
23 we request that discipline be enforced.

24           Thank you.

25           MR. MOUNTEER: May it please the Board, in

1 speaking about Count One, there is no schedule in NAC  
2 anywhere that dictated or dictates exactly how the  
3 timeline regarding receiving the work verification form  
4 and the class is to be conducted.

5 I understand there was quite a few questions  
6 regarding possibly circumventing the statute because of  
7 the recertification six-month time period. However, we  
8 heard testimony from Ms. Vu herself that she hadn't  
9 given that thought. And as counsel said, even though we  
10 don't have -- he doesn't have to prove intent, we can  
11 see that there's really just an oversight here or a  
12 misthought on that statement.

13 The only thing that Ms. Vu really may have  
14 mistaken in actually teaching the class prior to  
15 receiving the work verification form is the paragraph in  
16 document number 023, which is the letter from the  
17 private investigations board, Private Investigators  
18 Licensing Board, on January 20th, 2011, where therein it  
19 admits that there's been some confusion regarding how to  
20 actually apply the course to the statutes. However,  
21 there's been no amendment to that statute. The  
22 Legislature made no comment on the statute. And it  
23 clearly was just something that my client had overlooked  
24 in teaching this.

25 If nothing else, and perhaps it's other than

1 discussing possibly a recertification issue, my client  
2 has been training people who have not been able to get a  
3 job, but yet making sure that they know how to operate a  
4 firearm safely. If that is, you know, the only benefit  
5 that may come up of it, we have more people out there  
6 that know how to actually work a firearm in situations,  
7 even though they may not be licensed carriers.

8           It was the intent of my client to be able to  
9 provide the class per the statute, which we heard from  
10 the witness Barry Wormley about the proper eight hours  
11 of course, the second day where there was the other  
12 range technician and Ms. Vu out there going through the  
13 proper rounds, was to make it so that an individual  
14 could actually receive the training and be able to be  
15 prepared to go to an employer in this type of market and  
16 receive some type of edge to say, "Look, I've already  
17 received the training. You know, you can hire me; and  
18 as soon as I get that verification form, I can go out  
19 and protect whoever's been able to purchase that  
20 particular service."

21           So, in essence, it really is in good faith that  
22 she was conducting the class in the manner that she was.  
23 Now, she has testified that she has since been made  
24 aware that it really was improper. Not that she didn't  
25 know the statute. The statute, there's no specific

1 regulation that dictates, like I said before, the  
2 schedule in which it has to be taught. So she wasn't in  
3 violation of NAC.

4           What she was doing, though, was actually at  
5 that time bringing herself in conformity with the letter  
6 and asked that the Private Investigators Licensing Board  
7 has requested her to do.

8           With regard to Count Two, the Craigslist  
9 advertisement, looking at Craigslist, there really is  
10 only one area that mentions security, period. And that  
11 particular area that mentions security happens to be  
12 under Jobs. Yes, she has admitted that she posted her  
13 ad for the training courses under the Jobs title.  
14 However, if you actually look at the specific language  
15 that she used, you can see the very first sentence makes  
16 it clear, "Armed security guards officer training  
17 courses." Nowhere in this ad does it mention that  
18 Ms. Vu or Lotus Consulting provides any type of security  
19 service, only training courses.

20           Furthermore, Ms. Vu provides her guard PILB  
21 license number so that any individual who is looking to  
22 take her course can look her up and make sure that she  
23 is able, or they're able to understand exactly what  
24 they're getting into, so there's no confusion.

25           Lastly, with regard to Count Two, there is no



1 violation of NAC because there is no regulation of  
2 advertising for the particular services she has offered.

3           So coupled with the no confusion and the no  
4 regulation of advertising, plus Ms. Vu's good faith in  
5 exactly what she mentions in there is for -- to receive  
6 the training only, we don't think that there's any  
7 grounds for disciplinary action.

8           With regard to Count Three, like Ms. Vu said,  
9 she does have an individual who assists her in the  
10 training at the range, Mr. Harper. She is not aware if  
11 Mr. Harper has any Nevada certification; however, he  
12 clearly is qualified, if nothing else, to make sure that  
13 when Ms. Vu is out there conducting her courses and  
14 teaching these students who are going to be handling  
15 firearms, when she might be giving a particular  
16 prospective private investigator or security officer  
17 some individual attention, that other individuals who  
18 arguably may not have much experience with firearms are  
19 not monkeying around on the range. If nothing more, his  
20 assistance, Mr. Harper's assistance provides a better  
21 security net for the safety at the range and to make  
22 sure the course is taught per NAC.

23           Last, with regard to Count Four, my client has  
24 admitted that she's had a violation prior to this. She  
25 currently has -- I mean she is current with her payments

1 to the Board.

2 And at this point, we'd rest and ask the Board  
3 to please consider things before and allow Ms. Vu to  
4 continue on with her courses.

5 Thank you.

6 MR. WARD: May it please the Board and counsel,  
7 in rebuttal, I would like the Board to be referred to,  
8 and I will read it into the record, NAC 648.346. That's  
9 under "Course of training: Required curriculum; written  
10 examination; instruction; training and remedial training  
11 on firing range." And under NAC 648.346, section 3, and  
12 I'll read it, "The course must be completed within a  
13 period of 14 days." So, yes, this two-day course must  
14 be completed within 14 days. However, the law is  
15 perverted when she issues a white card greater than 14  
16 days when she has been submitted the verification of  
17 employment, a perversion of the law and a way to get  
18 around it and a violation.

19 Likewise, under the statute, under 350, I read  
20 in my closing was that a firearms instructor shall issue  
21 to the person a card furnished by the Board for that  
22 purpose once they complete it.

23 As such, I would just like the Board to take  
24 that note and take that into consideration that she has  
25 violated NAC.

1 Thank you.

2 MR. MOUNTEER: In a quick response to counsel's  
3 remarks of NAC 648.346, subsection 3, it does  
4 specifically state "The course must be completed within  
5 a period of 14 days." However, nowhere in there does it  
6 does it define what a course actually is and whether the  
7 work verification form is part of that course or if  
8 that's part of just the other administrative code, which  
9 is something that needs to be conducted or checked off  
10 prior to receiving their white card.

11 Clearly, our client, based on her testimony  
12 today, has shown that she was truthfully trying to  
13 comply with the statute and in no way is trying to  
14 circumvent any type of administrative code or statute.

15 Thank you.

16 BOARD CHAIRMAN SPENCER: That would lead us to  
17 Board discussion.

18 Do you want to take it count by count, or how  
19 would you like to do it?

20 (There was a brief period off the record.)

21 BOARD CHAIRMAN SPENCER: Do you want to do it  
22 count by count, or how would you like to, or are you  
23 pretty much set?

24 BOARD MEMBER PUTNAM: I'm pretty much set.

25 BOARD MEMBER NADEAU: Pleasure of the Chair or

1 whatever he wants to do. Mr. Chair?

2 BOARD CHAIRMAN SPENCER: Yes?

3 BOARD MEMBER NADEAU: Are we in deliberation  
4 or --

5 BOARD CHAIRMAN SPENCER: We can deliberate  
6 and --

7 BOARD MEMBER NADEAU: And my thought process is  
8 that, as a certified firearms instructor licensed by  
9 this Board, her responsibility is to not only follow the  
10 statutes and the administrative codes specific to her  
11 position, but also standards that are developed and are  
12 clearly articulated by the Board.

13 We have standards. Not everything can be  
14 included in NRS, and not everything can be written in  
15 the Administrative Code. So, therefore, we have a  
16 variety of things that are articulated by the Board,  
17 through notifications and that, to the various licensees  
18 or certified firearms instructors.

19 The situation in this case is that the -- item  
20 number 23, which articulates very clearly, I think, the  
21 process in which a person may receive the white card,  
22 that's articulated very well. And, also, in paragraph  
23 three, it articulates the type of targets that they're  
24 required to use.

25 This way, you know, to do these types of things

1 in the necessary Administrative Code sometimes would  
2 be -- could be done. But in this case, I think,  
3 clearly, exhibit 23, page 23, it's articulated a variety  
4 of things clearly. And there's been no contention by  
5 the defendant that she didn't get the letter, she didn't  
6 know anything about it, or anything like that.

7           The second part is, and whether it's  
8 intentional or inadvertent, by doing what she was doing,  
9 and outlined in Count One, she's making the people with  
10 whom -- or who she is training, she's making them in  
11 violation of NAC, and I -- clearly -- I think, it's NAC  
12 648.350, where it requires that you, under point two,  
13 the certification card is valid for five years, qualify  
14 every six months.

15           Well, she's all -- by her actions, she's  
16 forcing the people she issues those cards to, to be in  
17 violation of NAC. Inadvertent may be the case, but by  
18 not applying that standard, she's definitely putting  
19 those people...

20           And the other side is, by assuring someone, who  
21 they come there to get their training, that when they  
22 get their employment, they're going to be able to go to  
23 work right away, well, it was clear to me. And I think  
24 that one of the witnesses testified that he's been  
25 unable to find a job because of the fact that her

1 training wasn't -- didn't meet the qualifications of  
2 where he's applied. So, therefore, but, then, that's  
3 between her and he.

4 So, from my perspective, I think Count One has  
5 been clearly, even through her own stipulations and  
6 those kinds things, it's clearly been proven.

7 We have -- as far as Count Two, we have  
8 consistently indicated that, and held folks to the fire,  
9 their feet to the fire, that if you advertise on  
10 Craigslist or online or anything like that, under that  
11 heading of Armed Security, whether it's training or not,  
12 if you're there, you're conducting --

13 BOARD MEMBER PUTNAM: Business.

14 BOARD MEMBER NADEAU: -- business, yes, without  
15 a license. So we've consistently -- I think, this Board  
16 over the years has consistently held that.

17 I'm struggling with Count Three. And I'm -- it  
18 appears under Count Four that she has been paying,  
19 though, I think -- I don't know when she started paying,  
20 but. So. But, I think, on Count One and Count Two,  
21 very clearly, those have been proven.

22 BOARD CHAIRMAN SPENCER: Well, Count Two, I'm a  
23 little -- I understand what you're saying. But, also,  
24 it could be wrong. There's no mention, in this entire  
25 display that she puts in there, of armed security

1 per se. She goes strictly with armed security guards  
2 training, the training courses. And I think that if  
3 you're going to -- I'm not trying to make excuses for  
4 her. But she's not advertising to provide armed  
5 security. She's advertising to provide security -- or  
6 to provide training for security people, armed security.  
7 Bad choice of words there. But she's not, she's not  
8 selling herself out as, or her company as providing that  
9 service.

10 One, I agree with you wholeheartedly. Three, I  
11 have the same problems that you have. And four, you  
12 know, it is what it is.

13 I mean have you received any payments?

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

15 BOARD CHAIRMAN SPENCER: You have?

16 MS. RAY: Yes.

17 BOARD CHAIRMAN SPENCER: Okay. That would be  
18 contrary to the statement.

19 MS. RAY: Since this, yes.

20 BOARD CHAIRMAN SPENCER: Since this?

21 MS. RAY: Yes.

22 BOARD CHAIRMAN SPENCER: Okay. So as a result.  
23 But after this?

24 MS. RAY: After this.

25 BOARD CHAIRMAN SPENCER: Okay. So that's kind

1 of the way I'm looking at it. Anyone else want to chime  
2 in?

3 BOARD MEMBER UITHOVEN: I agree with you,  
4 Mr. Chairman, and with Mr. Nadeau down here, that, I  
5 think, one looks pretty solid.

6 Two, I have the same concerns. It is posted  
7 under Jobs. But it's not posting a job. It's not  
8 posting something that would provide the applicant  
9 compensation. In fact, it's the entity before us today  
10 that would be receiving money. But it's -- there's  
11 definitely intent to put it under Jobs, to attract those  
12 people who are probably looking for security jobs,  
13 without having advertising for an armed guard or  
14 security job.

15 And I agree with both of you on three and four.

16 Mechele, is that correct, that on four, that  
17 there has been payment received from the \$1,000?

18 MS. RAY: As of right now, yes, \$400 in  
19 payments has been received.

20 MR. MOUNTEER: If I can clarify that, my client  
21 has paid \$500. I know a check was sent in just  
22 recently, in the last week. But it was actually cashed  
23 by the State of Nevada itself. So she is current.

24 BOARD MEMBER UITHOVEN: I guess, I'm in  
25 agreement with you, Mr. Chairman, and Mr. Nadeau on



1 Count One.

2 BOARD MEMBER PUTNAM: Mr. Chairman, I'd also  
3 like to indicate that I also support Count One, because  
4 I think all of the evidence that we've heard here today  
5 does, in fact, support that.

6 And with regard to the other counts, I don't  
7 think we're there. But I do believe that the evidence  
8 presented does, in fact, show violation of Count One.

9 BOARD CHAIRMAN SPENCER: In regards to whether  
10 we find a violation for Count Three, I would strongly  
11 urge that Ms. Vu should know exactly who's training her  
12 people and what certifications they have, et cetera,  
13 et cetera. But I don't think that's as strong as it  
14 needs to be.

15 MS. RAY: He's not certified.

16 BOARD CHAIRMAN SPENCER: He's not?

17 MS. RAY: No.

18 BOARD CHAIRMAN SPENCER: Any further discussion  
19 or a motion, or what would you like to do?

20 BOARD MEMBER PUTNAM: Make a motion.

21 BOARD MEMBER NADEAU: Well, I'll make the  
22 motion that we find the violation of -- that we sustain,  
23 or what would be -- counsel, help me out on what it  
24 would be. To sustain Count One, what would the  
25 appropriate language be for that?

1 MR. MENICUCCI: That the Board finds that the  
2 facts under the laws sustain the charged violation for  
3 Count One.

4 BOARD MEMBER NADEAU: Okay. I would make that  
5 motion utilizing that language and not sustaining counts  
6 two, three and four.

7 BOARD CHAIRMAN SPENCER: Second?

8 BOARD MEMBER PUTNAM: Second.

9 BOARD CHAIRMAN SPENCER: All right. We have a  
10 motion and a second. All in favor, signify by saying  
11 "aye."

12 (Board members said "aye.")

13 BOARD CHAIRMAN SPENCER: Opposed?

14 BOARD MEMBER NADEAU: Separate motion, then,  
15 for penalty?

16 BOARD CHAIRMAN SPENCER: Yes.

17 BOARD MEMBER NADEAU: I'll defer to you.

18 BOARD CHAIRMAN SPENCER: Practitioners for  
19 that.

20 MR. MENICUCCI: It would be at the discretion.

21 MR. MOUNTEER: If I may, may I make one claim  
22 to the Board regarding penalty now that the counts have  
23 come down?

24 BOARD CHAIRMAN SPENCER: Please.

25 MR. MOUNTEER: I would just ask, since my

1 client has come in and retained our firm, and as she  
2 testified today, she's changed the way that she is  
3 actually conducting these courses, I have personally  
4 advised her and will advise her after this hearing  
5 regarding what's happened here today to ensure, at least  
6 from my standpoint, that she goes forward in complete  
7 compliance.

8 Thank you.

9 BOARD CHAIRMAN SPENCER: We would encourage  
10 that, also.

11 MR. MOUNTEER: I understand.

12 BOARD MEMBER PUTNAM: Mr. Chairman, if I might?

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

14 BOARD MEMBER PUTNAM: I would just suggest that  
15 since Ms. Vu has been through this same situation  
16 before, that, apparently, she didn't pay a great deal of  
17 attention to what happened during the previous hearing.

18 And so I think that -- I mean our  
19 responsibility here is to protect the public. And part  
20 of that public is the State of Nevada. And because of  
21 some of the things that she's done, I mean a  
22 fraudulent -- fraudulent dates extending the life of one  
23 of those white cards is an extremely serious matter.

24 Again, god forbid somebody, one of our  
25 licensees or employee of our licensees has to use a

1 firearm, and someone is hurt or killed. That difference  
2 is going to have an awful lot to do with where that  
3 particular situation goes. I know that like law  
4 enforcement, if you can show that your people have been  
5 trained adequately and to standards, that takes a lot of  
6 the sting out of anything that might be coming your way.  
7 But if you can't show that, I'm sure it'll have the  
8 exact opposite effect. And it is an extremely serious  
9 matter, at least in my mind.

10 BOARD CHAIRMAN SPENCER: Well, it is in my  
11 mind, also. And I think that the reason it may have not  
12 as a breathtaking effect at this point in time is that  
13 we've been fortunate throughout the state and not had a  
14 lot of incidents of security guards killing anyone.

15 And god forbid it should be one of your  
16 trainees, regardless of who it might be, that's giving  
17 the instruction.

18 But enough said about that. I mean it is, it  
19 is.

20 I would say, at least, you know, I would offer  
21 that we should consider the probation for two years, you  
22 know, at least to start with.

23 BOARD MEMBER NADEAU: Mr. Chair?

24 BOARD CHAIRMAN SPENCER: Yes?

25 BOARD MEMBER NADEAU: I think, if probation is

1 what the Board, you know, wants to consider, I would --  
2 no less than two years, but.

3 MR. MENICUCCI: Don't go more.

4 BOARD MEMBER NADEAU: I'm sorry?

5 MR. MENICUCCI: Don't go more.

6 MR. WARD: Statutory.

7 BOARD MEMBER NADEAU: Well, yeah, no, less than  
8 two years, but. Well, my concern is that the Board  
9 receive the appropriate fine, if there's a fine  
10 associated with it, also, on that. So, I guess, I look  
11 at the fine needs to be paid, too, and not delayed.  
12 It's already -- the imposition of one fine has been  
13 delayed for nearly, what, six months, almost a year for  
14 payment on that.

15 And, so, therefore, my concern is that there's  
16 also a standing fine, to pay the fine.

17 BOARD MEMBER UITHOVEN: Mr. Chairman or  
18 counsel, is it appropriate for a motion to assess a  
19 two-year probationary period and a fine or to begin once  
20 and only once the current fine is paid in full? In  
21 other words, if the fine -- the probationary period, the  
22 clock starts when the previous July 20 -- is it 20? --  
23 the previous fine is fully paid?

24 BOARD MEMBER NADEAU: July 21.

25 BOARD MEMBER UITHOVEN: July 21. Is that

1 appropriate, permissible?

2 MR. MENICUCCI: Mr. Chairman, I think, there  
3 might be some issues there, because you get sort of a  
4 springing probation to start at some point in the  
5 future. We're bound by the statute that it can extend  
6 only for two years.

7 BOARD MEMBER UITHOVEN: Okay.

8 BOARD CHAIRMAN SPENCER: I think that maybe  
9 something along the lines of another one that you  
10 suggested today might be appropriate, Jim.

11 BOARD MEMBER UITHOVEN: I have a motion,  
12 Mr. Chairman.

13 BOARD CHAIRMAN SPENCER: Okay.

14 BOARD MEMBER UITHOVEN: I'd move that we assess  
15 a two-year probationary period and a fine of a thousand  
16 dollars, suspended upon that time that the licensee -- I  
17 don't know how you worded it earlier, but suspended  
18 upon --

19 BOARD MEMBER NADEAU: With no other --

20 BOARD MEMBER UITHOVEN: -- completion of the  
21 probationary period without any further --

22 BOARD MEMBER NADEAU: Violations.

23 BOARD MEMBER UITHOVEN: -- violations.

24 BOARD MEMBER PUTNAM: And payment of the fine.

25 BOARD MEMBER UITHOVEN: And full payment of the

1 previous fine.

2 BOARD MEMBER PUTNAM: If I might add to your  
3 motion, and the costs of the hearing. Because that was  
4 assessed the first time around, too.

5 BOARD MEMBER UITHOVEN: And the cost of the  
6 hearing, Mr. Chairman.

7 BOARD MEMBER PUTNAM: Second.

8 BOARD CHAIRMAN SPENCER: We have a motion and a  
9 second.

10 BOARD MEMBER UITHOVEN: So for discussion  
11 purposes, a two-year probationary period, a \$1,000 fine  
12 to be suspended the end of the probationary period upon  
13 no further disciplinary actions, and compensation for  
14 the cost of this hearing on this matter.

15 BOARD MEMBER PUTNAM: No, I can't go with the  
16 suspended fine. Because her first violation, she got  
17 the fine.

18 BOARD MEMBER UITHOVEN: No, she has to pay the  
19 first fine in full.

20 BOARD MEMBER PUTNAM: And she's also got to pay  
21 the second fine.

22 BOARD MEMBER UITHOVEN: Upon --

23 BOARD MEMBER PUTNAM: Because the first time  
24 around, she was fined, and if this is the second time,  
25 the same kind of actions, and you're going to give her

1 less of a sanction this times than you did -- than we  
2 did the last time?

3 BOARD MEMBER NADEAU: Mr. Chairman, if I may?

4 BOARD CHAIRMAN SPENCER: Yes.

5 BOARD MEMBER NADEAU: We might want to look  
6 at -- and I know we have a motion and second for  
7 discussion. But for that discussion, maybe we go with a  
8 suspension of the license.

9 BOARD MEMBER UITHOVEN: Until the fine is paid.

10 BOARD MEMBER NADEAU: Well, or we hold -- you  
11 know, I think, we could probably suspend her license  
12 and -- how did we put that, put that in abeyance? In  
13 other words, as long as there's no additional --

14 BOARD MEMBER PUTNAM: Violations.

15 BOARD MEMBER NADEAU: Right. As long as  
16 there's no additional -- I can't even remember what my  
17 motion was earlier today. Maybe Shannon could read it  
18 back. But earlier today, we suspended, we -- I think,  
19 we suspended his license, put that in abeyance  
20 pending -- for a period of time, put that in abeyance  
21 pending any additional violations, and then assess, we  
22 can assess a fine from that perspective.

23 BOARD CHAIRMAN SPENCER: And we probably should  
24 put in there proven violations. Or how does -- does it  
25 need to have that?



1 BOARD MEMBER PUTNAM: Well, the thing is, like  
2 I say, this is the second time around. And the first  
3 time around, the license was placed in -- she was put on  
4 probation, the license was put on probation for six  
5 months, and ordered to pay a fine of a thousand dollars,  
6 which shall be paid to the Board, and pay \$2,604.55 in  
7 expenses.

8 BOARD MEMBER NADEAU: Right.

9 BOARD MEMBER PUTNAM: So I don't think we can,  
10 we could go less than that this time around, because  
11 this is the second time.

12 BOARD MEMBER NADEAU: Well, and I agree. But,  
13 obviously, the probation, she didn't commit that same  
14 infraction, but.

15 BOARD MEMBER PUTNAM: No.

16 BOARD MEMBER NADEAU: But she came before the  
17 Board, you know, within, what, five, six months after  
18 completing her original probation. That's why we don't  
19 do it with probation any longer. We deal with a  
20 suspension. So, therefore, if she had been -- we go for  
21 a much longer time. And, so, therefore, if we have any,  
22 not just this violation, but any, any violation, then  
23 her license is suspended.

24 And, again, I agree. I'm flexible as far as  
25 the fine goes, but I think it needs to be much more

1 severe than just six months probation as indicated the  
2 last time.

3 BOARD CHAIRMAN SPENCER: I do, too.

4 BOARD MEMBER NADEAU: That's why I say a  
5 suspension, I think, should be appropriate.

6 BOARD CHAIRMAN SPENCER: Suspension upon  
7 sustaining, a sustained violation.

8 BOARD MEMBER NADEAU: Yeah.

9 MR. MENICUCCI: Mr. Chairman?

10 BOARD CHAIRMAN SPENCER: Yes?

11 MR. MENICUCCI: If you make an order of  
12 suspension of the license, that order itself can be  
13 suspended. The suspension can be for not, for not more  
14 than a year. Your order can then suspend that so it  
15 doesn't take effect, provided that the --

16 BOARD CHAIRMAN SPENCER: Right.

17 MR. MENICUCCI: -- respondent does not have a  
18 sustained violation.

19 BOARD CHAIRMAN SPENCER: That's exactly what  
20 we'll do.

21 BOARD MEMBER NADEAU: And that would conclude  
22 currency of making payments toward the fine on that.  
23 That's up to the Board. Couldn't it? Or is that  
24 doubling up?

25 BOARD CHAIRMAN SPENCER: No.

1 BOARD MEMBER NADEAU: In other words, could  
2 that suspension be imposed if she failed to --

3 MR. MENICUCCI: Pay the first fine?

4 BOARD MEMBER NADEAU: No, maintain any --  
5 anything, anything that she owes the Board. In other  
6 words, she's worked out a payment scale, a payment plan.  
7 But if she fails to sustain that payment, then her  
8 license is automatically suspended. Can we do that?

9 MR. MENICUCCI: Compliance with that payment  
10 plan could be made a condition of the suspension that  
11 the Board's ordered.

12 BOARD CHAIRMAN SPENCER: Say that again.

13 BOARD MEMBER NADEAU: I guess, I'm ready to  
14 make a motion. Let's see if I can.

15 BOARD MEMBER UITHOVEN: I'll withdraw my  
16 motion.

17 BOARD MEMBER PUTNAM: And the second.

18 BOARD MEMBER NADEAU: Let me try this. Let me  
19 try this. I move that we -- that her license be  
20 suspended for one year.

21 BOARD MEMBER UITHOVEN: M-hm (affirmative).

22 BOARD MEMBER NADEAU: That's maximum statutory  
23 limitation, one year. And that the implementation of  
24 that be suspended --

25 BOARD CHAIRMAN SPENCER: Unless.

1 BOARD MEMBER NADEAU: -- unless there's an  
2 additional violation of NRS 648 or NAC 648, sustained,  
3 I'm sorry, sustained violation of NRS 648 or NAC 648,  
4 and that that suspension of that suspended license also  
5 requires that she make her payments to the Board as  
6 agreed to.

7 BOARD CHAIRMAN SPENCER: Second?

8 BOARD MEMBER PUTNAM: And you didn't mention  
9 fine.

10 BOARD MEMBER NADEAU: I'm sorry?

11 BOARD MEMBER PUTNAM: You didn't mention a  
12 fine.

13 BOARD MEMBER NADEAU: Oh, the fine. The fine  
14 is \$1500 and attorney's fees.

15 BOARD MEMBER PUTNAM: And the costs of expenses  
16 related to the investigation and hearing.

17 BOARD CHAIRMAN SPENCER: Is that clear in your  
18 head, counselor?

19 MR. MOUNTEER: Um, if I could just repeat it,  
20 so I know I heard it.

21 BOARD CHAIRMAN SPENCER: Please do.

22 MR. MOUNTEER: I believe, the Board is looking  
23 at a one-year suspension of Ms. Vu's license. That is  
24 going to, basically, be suspended for the -- for one  
25 year. If Ms. Vu continues to make current payment on

1 her prior violation, and that no other violations are  
2 brought before the Board within the time period --

3 BOARD CHAIRMAN SPENCER: Sustained violations.

4 BOARD MEMBER PUTNAM: Sustained violations.

5 MR. MOUNTEER: Sustained, yes, sustained  
6 violations within that time period. Also, there is a  
7 \$1500 fine, plus attorney's fees and hearing costs that  
8 will be added but also suspended until a violation is  
9 brought.

10 BOARD MEMBER NADEAU: No, the fine and the  
11 attorney's fees will not be suspended.

12 MR. MOUNTEER: Not be suspended.

13 BOARD MEMBER NADEAU: Those are due and  
14 payable.

15 MR. MENICUCCI: We need to determine when, on  
16 that, probably.

17 MR. MOUNTEER: May I address the Board on one  
18 issue on that? Ms. Vu currently is making her payments.  
19 She did have a thousand-dollar fine before, with the  
20 costs before they were applied for the hearing. So  
21 she's looking at over \$3,000 in fines there. I just ask  
22 the Board to please keep that in mind in that it doesn't  
23 bury my client to where she can't afford, you know, to  
24 live or feed herself and her family.

25 BOARD CHAIRMAN SPENCER: We're considering a

1 lot of that. That's why she's not suspended right now.

2 MR. MOUNTEER: I understand. Thank you.

3 BOARD MEMBER PUTNAM: And, I think, the  
4 language needs to be not expenses of the hearing and  
5 attorney's fees; it needs to be expenses relating to the  
6 investigation and hearing.

7 MS. RAY: As stated.

8 BOARD MEMBER PUTNAM: Just the way it's worded  
9 in the last one.

10 BOARD CHAIRMAN SPENCER: Okay.

11 BOARD MEMBER PUTNAM: I'll second.

12 BOARD MEMBER NADEAU: And, I guess, for  
13 discussion purposes, I, too, don't want to bury her to  
14 where she can't financially be doing it. But along the  
15 same lines, with a suspension, suspended suspension, the  
16 probation didn't get her attention last time. I just  
17 think she needs to be aware that -- on how, how she's  
18 running her business and the implications on her  
19 certification.

20 So I understand that, your counselor's  
21 argument.

22 But, I think, I think, she needs to be held  
23 responsible.

24 BOARD CHAIRMAN SPENCER: All right. Are we in  
25 agreement, then?

1 BOARD MEMBER UITHOVEN: Yeah.

2 BOARD MEMBER PUTNAM: Yeah, I would suggest,  
3 Ms. Vu, that in the future you pay a lot closer  
4 attention to what the Board tells you to do and the  
5 things that are in the law.

6 MS. VU: Absolutely. Thank you, sir.

7 BOARD MEMBER UITHOVEN: We got to vote.

8 BOARD MEMBER NADEAU: Yeah, got to vote.

9 BOARD CHAIRMAN SPENCER: All right.

10 BOARD MEMBER UITHOVEN: All in favor?

11 (Board members said "aye.")

12 BOARD CHAIRMAN SPENCER: Let him say it.

13 BOARD MEMBER NADEAU: Thank you.

14 BOARD MEMBER UITHOVEN: Be sure we get a vote.

15 BOARD MEMBER PUTNAM: Any opposed?

16 BOARD MEMBER UITHOVEN: I figured, if we didn't  
17 vote, we're going to have to go back and reexplain that.

18 BOARD MEMBER NADEAU: Okay.

19 BOARD MEMBER PUTNAM: Okay.

20 BOARD CHAIRMAN SPENCER: Let's do this. We  
21 have a motion and a second. All in favor, signify by  
22 saying "aye."

23 (Board members said "aye.")

24 BOARD CHAIRMAN SPENCER: Opposed?

25 None.

1 MR. MENICUCCI: Mr. Chairman, just for clarity,  
2 the current fine that is being imposed, that Ms. Vu  
3 could arrange with the Board Executive Officer on a  
4 payment schedule, as I understand it.

5 BOARD CHAIRMAN SPENCER: My understanding is  
6 she has one.

7 MR. MENICUCCI: Yes, but how does that --

8 BOARD MEMBER NADEAU: I'm sorry. That was,  
9 that was, I guess, just tacitly included that she needs  
10 to work the payment plan out with the Board in order to  
11 satisfy this fine and expenses.

12 MS. RAY: Board Member Nadeau, is it your  
13 intent that she make payments towards both of them, or  
14 once the first one's paid off, she continue her payments  
15 to start working towards the second one?

16 BOARD MEMBER NADEAU: I'll let you work out the  
17 details of her repayment plan, or the payment plan.

18 MS. RAY: Okay. Thank you.

19 BOARD MEMBER PUTNAM: Thank you, Ms. Vu.

20 BOARD CHAIRMAN SPENCER: Thank you, counsel.

21 MR. MOUNTEER: Thank you to the Board and  
22 counsel. Thank you.

23 MR. WARD: Thank you, counsel.

24 (There was a brief period off the record,  
25 during which time Mr. Menicucci left the meeting, and



1 Mr. Ward assumed the role of Board counsel.)

2 BOARD CHAIRMAN SPENCER: Is Justin McEwen  
3 present?

4 MR. McEWEN: Yes.

5 BOARD CHAIRMAN SPENCER: Okay. We're going to  
6 take care of Mr. McEwen, and then we're going to go down  
7 through the other appeal hearings right after that.

8 BOARD MEMBER NADEAU: What about Dody Fuhrmann?

9 MS. RAY: She's not here. We're dealing with  
10 her later.

11 BOARD MEMBER NADEAU: Okay.

12 MS. RAY: This is a violation what that is  
13 issued as a result of an audit.

14 BOARD CHAIRMAN SPENCER: Oh, okay.

15 BOARD CHAIRMAN SPENCER: Okay. Mr. McEwen, you  
16 request an appeal on the issuance of the violation,  
17 correct?

18 MR. McEWEN: Yes, sir.

19 BOARD CHAIRMAN SPENCER: Okay.

20 All right. Mr. McEwen, you're well aware, I'm  
21 sure, of the violations that were existing, correct?

22 MR. McEWEN: Yes, sir.

23 BOARD CHAIRMAN SPENCER: Okay. Do you want me  
24 to repeat those?

25 MR. McEWEN: No, I've got it here in front of

1 me.

2 BOARD CHAIRMAN SPENCER: Okay. What is your  
3 appeal?

4 MR. McEWEN: Uh, I -- first, let me, let me  
5 just state, I am representing Quentin Goins. He's the  
6 licensee. And he's unavailable. He's overseas. His  
7 license is currently in abeyance. He hasn't done any  
8 work since December of 2010.

9 This, this has gotten to a point where we have  
10 this notice of violation, mostly because he never  
11 responded. I don't know that -- if he just wasn't made  
12 aware. But he never attended a hearing. And so, upon  
13 learning all of this and coordinating with him, I  
14 have -- I'm appearing in his stead to kind of answer for  
15 some of the violations. And hence our appeal.

16 I can't speak for him on why he didn't respond,  
17 other than he has been overseas that entire time. He  
18 does a lot of work overseas in conflict areas and just  
19 has not been available.

20 MS. RAY: Mr. Chairman, if I could also make a  
21 comment.

22 BOARD CHAIRMAN SPENCER: Please.

23 MS. RAY: An audit was conducted on Praetorian  
24 Group. I believe, it was Investigator Gresnick-Smith.

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

1 MS. RAY: Okay. We were going to -- we  
2 actually did file a notice of complaint and hearing for  
3 a disciplinary matter. And due to Mr. Goins' schedule,  
4 not being available and being out of the country, we  
5 then decided to just move forward with the notice of  
6 violation. But as I stated, this violation was issued  
7 based on an audit that was conducted.

8 And at the present time, when Mr. Goins was  
9 licensed, Praetorian Group was actively licensed, and  
10 Mr. Goins was the qualified agent. Mr. McEwen, I  
11 believe, was running his office. And that was the  
12 relationship between the two.

13 And you can correct me if I've misstated that,  
14 Mr. McEwen.

15 MR. McEWEN: You're absolutely correct.

16 MS. RAY: Okay.

17 BOARD CHAIRMAN SPENCER: All right. All right.  
18 Well, you know, to appeal it, we have, number one, the  
19 first item is 24 employees working with no work cards  
20 and/or expired work cards. Correct?

21 MR. McEWEN: Yes, sir, that is correct.

22 BOARD CHAIRMAN SPENCER: 33 employees not  
23 registered or not hired through the on-line system.

24 MR. McEWEN: Correct.

25 BOARD CHAIRMAN SPENCER: All right. Four armed

1 employees working with expired firearms information.

2 MR. McEWEN: That sounds good on the violation,  
3 that's correct.

4 BOARD CHAIRMAN SPENCER: And 26 employees have  
5 not been administered the exam with an expired exam.

6 MR. McEWEN: That's correct.

7 BOARD CHAIRMAN SPENCER: Okay. What are you  
8 going to appeal?

9 MR. McEWEN: I -- I actually did a written  
10 letter. I don't know that it ever -- it ever landed on  
11 the Board's lap.

12 Part of the difficulty in this is that so much  
13 time has passed. This is -- the audit is a snapshot of  
14 what the company looked like at that exact time. And  
15 that's about -- what is that, two -- a year ago,  
16 April 18th, 2011. And really at that time, the company  
17 wasn't even doing business. It was looking at a period  
18 of time from March 2010 through December of 2010. And  
19 so we got to kind of take our perspective back to then  
20 as well.

21 And in explaining this, I want to make very  
22 clear that I offer these things by way of explanation  
23 and not by way of excuse.

24 Mechele, were you able to get that letter out?  
25 Have they seen this yet?

1 MS. RAY: I'm not -- was it e-mailed to me?

2 MR. McEWEN: It was. It was. But that's okay.  
3 If you get a chance, it's a damned fine letter. If you  
4 don't, I'll read through it and just kind of hit the  
5 bases for you.

6 MS. RAY: All right.

7 MR. McEWEN: But if we can start with the  
8 easiest one, the four armed employees working with  
9 expired cards.

10 BOARD CHAIRMAN SPENCER: Uh-huh (affirmative).

11 MR. McEWEN: Praetorian and associates did  
12 absolutely no armed work. That was -- per Mr. Goins,  
13 there was no armed work. So while they were employees  
14 who were out of qualification, they did not work armed  
15 for Praetorian Group associates.

16 BOARD CHAIRMAN SPENCER: So they were just  
17 armed from --

18 MR. McEWEN: Unarmed.

19 BOARD CHAIRMAN SPENCER: -- some time before?

20 MR. McEWEN: That's correct.

21 BOARD CHAIRMAN SPENCER: Okay. Go ahead.

22 MR. McEWEN: So that's the easy one. The  
23 second, let's go -- and the rest of them all fall  
24 together. And if you remember, at the time, this is  
25 just after the Board switched the work card situation.

1 It went from Metro to the PILB, Private Investigators  
2 Licensing Board. And through that, we had some hiccups,  
3 or I know the Board had some hiccups in making that  
4 happen. But we did, too. And this is a reflection of  
5 that.

6 While the audit didn't take place until 2011,  
7 many of those employees were employed during that time.  
8 And so a lot of this is due to some of our learning  
9 curve and getting that figured out.

10 And I've broken down in the letter how these  
11 violations occurred. So, for example, the 24 employees  
12 working with no work cards or expired work cards, these  
13 fall into a couple categories. One was just a mistake  
14 on the part of our payroll company. They misspelled an  
15 employee's name in the payroll rolls, and so it didn't  
16 line up that he was truly hired in the system, had a  
17 work card, he was fine there. But that is only one of  
18 those 24.

19 The rest fall under hired and trained. There's  
20 a period when we hired individuals to work for the  
21 company while they were in the process of getting their  
22 work cards. We did this to allow to put these  
23 individuals through our training program prior to being  
24 assigned work. We paid these individuals for this  
25 training. We later learned that even though these

1 individuals are not working as security officers in the  
2 field, they must still have work cards to be on our  
3 payroll. We learned that. That was through e-mails  
4 with Elyse. And as we learned that, we stopped.

5           But the audit will, will still reflect that.  
6 So while everyone knew that had happened, and we fixed  
7 our ways, the audit was forensic. So, again, in taking  
8 a look at that, we fixed that.

9           Working on unapproved work cards. There were  
10 some of these individuals who had current work cards  
11 that are not recognized by the PILB. Nongaming, unarmed  
12 security, for example. Again, this was a training issue  
13 on our part. We allowed these individuals to work.  
14 They should not have been able to work, because those  
15 cards were not assessable by you.

16           And then the third category that these people  
17 fell into were procedural. And this, for me, was what  
18 caused the most concern. There were several officers  
19 who had valid work cards that were not in the system.  
20 These should have been faxed to you so that you could  
21 put them in the system, because they would be old cards.  
22 And that didn't happen. They just got pushed through  
23 the process.

24           So of the 24, they fall into all these groups.

25           And then, again, by way of explanation, on the

1 33 employees, that were not hired in the system, they  
2 fall into several of those categories as well.

3 We also had some employment issues. The  
4 individual responsibility for that role did not do that  
5 role very well and was subsequently terminated from  
6 Praetorian Group. Again, not by way of excuse, but by  
7 way of explanation.

8 BOARD CHAIRMAN SPENCER: Well --

9 MR. McEWEN: And then --

10 BOARD CHAIRMAN SPENCER: Would you say,  
11 generally, you just had a lack of leadership?

12 MR. McEWEN: Generally, lack of leadership,  
13 lack of understanding. And a lack of understanding,  
14 that's where we were at. And so the audit, the audit  
15 was fantastic for Praetorian Group. It performed its  
16 function. It allowed us to see there were major holes  
17 in the system.

18 And so the remedy for that, we began to do an  
19 internal audit to see exactly where we were at. With  
20 that audit, we sent that internal audit all of our  
21 mistakes. We showed your office our underwear. Every  
22 time we made a mistake, we sent that over to Elyse, via  
23 e-mail. Once a week, we did that audit, until we got it  
24 figured out. And then, as we got better, we sent that  
25 audit over every other week. And then we got very good



1 at what we were doing. The process got down. We  
2 understood how it should be done, that we cut that down  
3 to once a month. And we continued that process all way  
4 through when Praetorian stopped doing work. And Elyse  
5 was able to take a look at that. We made those changes  
6 and fixed those problems.

7           So my appeal, in general, is we had no idea how  
8 bad we were until we had the audit. We had no idea what  
9 holes. I had no idea. I had an individual who was  
10 hired to oversee some of this that didn't do a very good  
11 job doing it and had a lot of problems. As soon as we  
12 were aware of the problem, we put procedures in place.  
13 And then we reported back to the PILB on a regular  
14 basis, religiously, how we were doing to show that we  
15 care.

16           At the end of the day, we didn't try to  
17 subvert. We weren't trying to do anything wrong. We  
18 just didn't know the mistakes we were making. When we  
19 knew, we fixed it, and we made it right.

20           And in my mind, this is how the audit should  
21 work. This is exactly -- this is a win for the Board.

22           BOARD CHAIRMAN SPENCER: So this, so what  
23 you're saying is Praetorian is 100 percent well, but  
24 it's not operating?

25           MR. McEWEN: That's right. Praetorian, they --

1 I started my own company. I left Praetorian Group.  
2 And, again, he's overseas. He does all of his stuff  
3 overseas. And there's no work going on here in Nevada.

4 BOARD CHAIRMAN SPENCER: Will there ever be?

5 MR. McEWEN: I can't speak for him in that  
6 regard. I don't, I don't know. I can read you the last  
7 portion of this paragraph in the letter, which addresses  
8 that is a little bit. He says "Additionally, I am  
9 currently not doing any work in the state of Nevada.  
10 I'm doing some security work abroad for another company  
11 and plan to do so for the near future. I stopped  
12 operations in Nevada in two thousand -- in December of  
13 2010. I decided to -- I did not put my license in  
14 abeyance because I wanted to see how I enjoy the work  
15 I'm doing overseas. Should I choose to come back to  
16 Nevada and start working again, I will have solid  
17 procedures that I believe will help me prevent any  
18 compliance issue." So it sounds like he's keeping that  
19 door open.

20 BOARD MEMBER PUTNAM: Can I?

21 BOARD CHAIRMAN SPENCER: Please.

22 BOARD MEMBER PUTNAM: Well, sir, look, to cut  
23 to the chase, you admit that these things did, in fact,  
24 happen, and this was the result of poor leadership or  
25 whatever. But regardless of why it happened, isn't your

1 firm responsible for the fact that it did happen?

2 MR. McEWEN: It's not my firm. But, yes. And  
3 I was the leader in that firm. I will tell you that --  
4 again, we're looking at it two years later. We all have  
5 problems.

6 BOARD MEMBER PUTNAM: Just a yes or a no,  
7 please.

8 MR. McEWEN: Okay. Yes, sir.

9 BOARD MEMBER PUTNAM: Thank you.

10 BOARD CHAIRMAN SPENCER: Board members,  
11 questions? Jim.

12 BOARD MEMBER NADEAU: Has Mr. Goins had any  
13 correspondence with the Board or you indicating that  
14 Mr. McEwen is here speaking on his behalf?

15 MS. RAY: Yes, I believe, we did get something.

16 BOARD MEMBER NADEAU: Okay. Secondly, when did  
17 the audit occur?

18 MS. RAY: The audit occurred --

19 MS. GRESNICK-SMITH: It was started on  
20 February 14, 2011 and completed March 16th, 2011.

21 BOARD MEMBER NADEAU: And, but our notice of  
22 violation is dated February of 2012?

23 MS. RAY: Yes. And, Board Member Nadeau, as I  
24 explained, this matter was on the agenda for September,  
25 I believe, or December, for discipline. And Mr. Goins,

1 being out of the country, wouldn't be here. So we  
2 didn't proceed with disciplinary. The license was in  
3 abeyance. So we issued a notice of violation.

4 BOARD MEMBER NADEAU: Okay.

5 MS. RAY: We just felt that it was serious  
6 enough.

7 BOARD MEMBER NADEAU: That's okay. And, then,  
8 at this time, their license is in abeyance?

9 MS. RAY: Praetorian's license is in abeyance,  
10 or Mr. Goins' license is in abeyance, yes.

11 BOARD MEMBER PUTNAM: Was it in abeyance at the  
12 time of this audit?

13 MS. RAY: I don't believe so.

14 BOARD MEMBER PUTNAM: No. Okay.

15 MS. RAY: I believe, he put his license in  
16 abeyance June of last year, if I remember correctly.

17 BOARD MEMBER NADEAU: So, Mr. McEwen, one  
18 question.

19 MR. McEWEN: Yes, sir.

20 BOARD MEMBER NADEAU: So at the time of all  
21 these violations, you were the person entrusted by  
22 Mr. Goins to run the business?

23 MR. McEWEN: That is correct.

24 BOARD CHAIRMAN SPENCER: But don't shoot the  
25 messenger.

1 BOARD MEMBER NADEAU: But he was running the  
2 business.

3 BOARD CHAIRMAN SPENCER: Well.

4 BOARD MEMBER NADEAU: Okay. Okay. I  
5 understand. But that's all I have, Mr. Chair.

6 MR. McEWEN: And I would just beg the Board to  
7 remember that it was a transition time. It's easy for  
8 us to look back now and see that. I mean the numbers  
9 are high. And I'm absolutely responsible. But, again,  
10 it was through that transition period, and the audit  
11 actually takes that into account.

12 When we were just figuring all of this out,  
13 some of these are pure ignorance. And, again, it's no  
14 excuse. But --

15 BOARD MEMBER NADEAU: Okay. You've already --

16 MR. McEWEN: -- when we were made aware --

17 BOARD MEMBER NADEAU: You've already said all  
18 this. So you don't have to keep going on. We  
19 understand.

20 MR. McEWEN: Okay.

21 BOARD MEMBER NADEAU: At least I understand.  
22 Okay.

23 BOARD CHAIRMAN SPENCER: Well, I think that you  
24 made a wise change.

25 BOARD MEMBER PUTNAM: So what do we do, uphold

1 the notice of violation?

2 BOARD CHAIRMAN SPENCER: Uphold the notice of  
3 violation and never get paid.

4 BOARD MEMBER PUTNAM: Okay. Well,  
5 Mr. Chairman, I have a motion.

6 BOARD CHAIRMAN SPENCER: All right.

7 BOARD MEMBER PUTNAM: I move that the notice of  
8 violation on February 15, 2012 against Praetorian Group,  
9 Quentin Goins, license number 1425, be upheld.

10 BOARD MEMBER UITHOVEN: Second.

11 BOARD CHAIRMAN SPENCER: I have a motion and a  
12 second. All in favor --

13 MR. McEWEN: Can I comment before the vote?

14 BOARD CHAIRMAN SPENCER: Sure.

15 MR. McEWEN: As it stands, the notice of  
16 violation still shows four armed employees working with  
17 expired firearms cards. Again, that should not be a  
18 violation. They did no armed work.

19 BOARD CHAIRMAN SPENCER: That's --

20 MR. McEWEN: So we need to eliminate that.  
21 And, then, again, there are several of these counts. We  
22 didn't go through them individually by employee. It was  
23 my intent to give you an overall understanding of where  
24 everything was at. So.

25 BOARD CHAIRMAN SPENCER: Well, you know, I look

1 at it this way. And my hat's off to you for even  
2 bothering to take the time to do it. But the guy who's  
3 responsible for this, who is responsible for this, is  
4 not here, hasn't showed up, hasn't addressed the issue.  
5 So, you know, at the time it was observed, this was the  
6 case.

7 Now, I can see doing away with the four armed  
8 employees if we don't have them down as armed. But I  
9 don't think you should be responsible for trying to  
10 explain away something that you didn't create.

11 MR. McEWEN: But I did. I was running this  
12 business. These mistakes are mine. And if the Board  
13 chooses to issue this fine, I will be paying it.

14 BOARD CHAIRMAN SPENCER: Excuse me. I  
15 misunderstood him the first time around.

16 BOARD MEMBER NADEAU: He was the guy. Goins  
17 was the qualified agent and ultimately responsible.  
18 Mr. McEwen was the guy that was running the thing.

19 BOARD CHAIRMAN SPENCER: All right. All right.

20 BOARD MEMBER NADEAU: So, in essence, it was  
21 his responsibility to be paying attention to all this.

22 MR. McEWEN: So that I understand -- go ahead.

23 BOARD CHAIRMAN SPENCER: Go ahead.

24 MR. McEWEN: Okay. So that I understand, at  
25 least the way I see it, fines imposed by the Board are

1 used as a tool to enforce compliance and to issue  
2 discipline. And in this regard, the compliance was done  
3 voluntarily before even any notice or issue came up, and  
4 so that the problem fixed itself before the Board had to  
5 step in and say, "Hey, we're going to charge you because  
6 of this."

7 So it runs the risk of the appearance of seeing  
8 these fines as a revenue stream as opposed to a tool to  
9 enforce compliance or to discipline licensees.

10 BOARD CHAIRMAN SPENCER: Well, you know, you  
11 can say that, and I have no reason to doubt that what  
12 you're saying is the truth. However, if someone who is  
13 currently in operation were to come in and say something  
14 like that, we'd say, "Fine, we'll come in and do another  
15 audit and see if you're telling the truth." We can't do  
16 that.

17 MR. MCEWEN: But we do have Elyse here, who  
18 that was reported to, all those audits, and there are  
19 several of them. Again, it was weekly and then  
20 semimonthly and then monthly. And she's here. Maybe  
21 you can ask her about did we truly do that, and what did  
22 it look like, did we get better.

23 BOARD CHAIRMAN SPENCER: Elyse, do you want to  
24 come down?

25 MS. GRESNICK-SMITH: All right. I did get



1 e-mail; I think, it was weekly, and then they went to  
2 monthly, regarding Mr. McEwen's business practices. And  
3 the issues, he had several at the beginning that he did  
4 address, and he was informing me to how well -- how he  
5 was going about doing it, and if what he was doing was  
6 the correct method. So we were able to work out the  
7 issues that had existed from the audit, so that he was  
8 now in compliance.

9 I don't remember when the last e-mail was.

10 MR. McEWEN: I will tell you that that practice  
11 continued even after Praetorian Group, and I did that  
12 with my company, just to make sure that we were doing it  
13 right when I started my company. So all the way through  
14 the end of Praetorian doing work.

15 BOARD CHAIRMAN SPENCER: Would you say that was  
16 an adequate, truthful statement, Elyse?

17 MS. GRESNICK-SMITH: Yes, I would. And, also,  
18 in the letter that was sent shortly after the audit  
19 results were mailed out to Praetorian, he did state that  
20 they didn't have any armed contracts.

21 So if it is the Board's position to remove that  
22 portion of the violation, I support that decision.

23 BOARD MEMBER PUTNAM: Mr. Chairman?

24 BOARD CHAIRMAN SPENCER: Yes?

25 BOARD MEMBER PUTNAM: Might I make a comment.

1 This notice of violation concerns activities prior to  
2 February 2012. What has happened since then has no  
3 bearing on whether or not those actions actually  
4 happened or whether the citation should be upheld.

5 BOARD CHAIRMAN SPENCER: I agree. But there is  
6 something to be said for the activities that Mr. McEwen  
7 undertook and the effort that he put out to bring these  
8 things to where they are.

9 BOARD MEMBER PUTNAM: True.

10 BOARD CHAIRMAN SPENCER: How much, I don't  
11 know.

12 BOARD MEMBER PUTNAM: I think, we have a  
13 motion.

14 BOARD CHAIRMAN SPENCER: I forgot what it was.

15 BOARD MEMBER PUTNAM: That the notice of  
16 violation of 15 February 2012 against Praetorian Group,  
17 Quentin Goins, license number 1425, be upheld.

18 BOARD CHAIRMAN SPENCER: Yes, this is an open  
19 meeting. All in favor, signify by saying "aye."

20 BOARD MEMBER NADEAU: Do we have a second?

21 BOARD CHAIRMAN SPENCER: Yes, we had a second.

22 BOARD MEMBER NADEAU: We did?

23 BOARD MEMBER UITHOVEN: I made the motion.  
24 Didn't I make the motion?

25 MR. MENICUCCI: No, I think, you seconded.

1 BOARD MEMBER UITHOVEN: Oh, you did, and I  
2 seconded. Okay. All right.

3 BOARD MEMBER NADEAU: All right. Additional  
4 discussion on the motion?

5 BOARD CHAIRMAN SPENCER: Yes. I think, you got  
6 to scratch the four employees working with the expired  
7 firearms cards.

8 BOARD MEMBER UITHOVEN: Yeah.

9 BOARD MEMBER NADEAU: That's up to the maker of  
10 the motion. And I -- I'm struggling with this. Okay.  
11 Because, I guess, I'm looking at it a little bit  
12 obtusely. I acknowledge that. But Mr. McEwen was the  
13 manager of the business.

14 BOARD CHAIRMAN SPENCER: Yes.

15 BOARD MEMBER NADEAU: For Mr. Goins. Mr. Goins  
16 is the qualified agent. But, and so what we're doing is  
17 we're finding -- we're finding an issue with Mr. Goins  
18 inasmuch as he's responsible for the overall company.  
19 And so, therefore, he's going to be fined. Mr. McEwen,  
20 who is the actual perpetrator of this, indicates that  
21 he's going to be the one to pay the fine. But from any  
22 kind of a legal perspective, he's not the one.

23 BOARD CHAIRMAN SPENCER: No.

24 BOARD MEMBER NADEAU: And the other side of  
25 this is Mr. McEwen, I guess -- I'm going to ask staff on

1 this, but it sounds to me like he's the QA of an  
2 existing business. And have we looked at his business  
3 practices in light of what was obvious the last year and  
4 over a year and a half ago when he was actually running  
5 the other business?

6           These are all things that are really concerning  
7 me. We're fining a guy that had left, left it in the  
8 hands of Mr. McEwen. And we can't, we can't fine  
9 Mr. McEwen. And his testimony is under oath, I'm  
10 assuming, that he's the guy that's going to pay the  
11 fine.

12           BOARD CHAIRMAN SPENCER: No.

13           BOARD MEMBER NADEAU: But it's going to be --  
14 it goes against Mr. Goins. Okay. That said, I still  
15 think --

16           MR. McEWEN: May I offer a suggestion?

17           BOARD MEMBER NADEAU: Not to me, you can't.  
18 But if the Chairman wants to allow you.

19           That's my position. But. And so I don't know  
20 if Dick wants to remove the four armed guards out of it  
21 or not.

22           BOARD MEMBER PUTNAM: Well, I'll take the four  
23 armed guards out.

24           BOARD CHAIRMAN SPENCER: Elyse said it was in  
25 here.

1 BOARD MEMBER NADEAU: Yeah, but that wasn't  
2 part of the motion.

3 BOARD MEMBER PUTNAM: But that still leaves us  
4 with 30 some unregistered and 40 some --

5 BOARD MEMBER NADEAU: It's still \$3,000.

6 MR. McEWEN: Yeah.

7 BOARD MEMBER NADEAU: It would still be a  
8 \$3,000 fine. Okay.

9 MR. McEWEN: Sure.

10 BOARD MEMBER PUTNAM: 3,000?

11 BOARD MEMBER NADEAU: Yeah, because it's 4,000  
12 now. And if you remove the armed guards, that removes a  
13 thousand.

14 BOARD MEMBER PUTNAM: Oh.

15 BOARD MEMBER NADEAU: So now it's a \$3,000  
16 violation. Am I -- is that correct, Mechele?

17 MS. RAY: Yes.

18 BOARD MEMBER UITHOVEN: So how are we doing  
19 this?

20 BOARD MEMBER NADEAU: Well, you're going to  
21 have to second the amendment to remove the armed guards.

22 BOARD MEMBER UITHOVEN: I second the amendment  
23 to remove the armed guards.

24 BOARD CHAIRMAN SPENCER: We got a motion and a  
25 second to the amended motion. All in favor, signify by

1 saying "aye."

2 (Board members said "aye.")

3 Opposed?

4 Hearing none.

5 The fine, as dictated at the time was a  
6 thousand dollars per violation. Taking away the issue  
7 with the expired firearms cards, we're down to 3,000.

8 And can you give us an address where we can  
9 notify Mr. Goins?

10 MS. RAY: Mr. Chairman, I believe, we have  
11 that.

12 BOARD CHAIRMAN SPENCER: You have that? Okay.  
13 Great.

14 MR. McEWEN: Okay.

15 BOARD CHAIRMAN SPENCER: You know, while you  
16 may have been responsible, you know, you weren't  
17 licensed at the time, were you?

18 MR. McEWEN: No, sir.

19 BOARD CHAIRMAN SPENCER: All right. And you  
20 weren't exactly required to know what had to be done,  
21 were you?

22 MR. McEWEN: No, sir, but I should have, given  
23 my position.

24 BOARD CHAIRMAN SPENCER: All right. Do you  
25 have any questions?

1 MR. McEWEN: I was hoping to have shown that we  
2 in good faith did whatever we could to make that right  
3 and, as a result, have gotten better. And, again, that,  
4 hopefully, alleviated some of the concerns of the Board  
5 with my current company, in opening those books up.  
6 And, you know, whether you want to do that audit or you  
7 want me to send that information over, we will do that.

8 And again, since I'm going to be paying that  
9 fine, if that looks good, if my audit looked good, we,  
10 we, from the violation all the way through till today,  
11 again, Justin McEwen, everything looked good, and maybe  
12 we could do something with that violation or suspend it.

13 But, again, at the end of the day, I'll be  
14 financially responsible for that.

15 BOARD CHAIRMAN SPENCER: I just don't see that,  
16 why you should be responsible and, furthermore, whether  
17 we ought to accept it from you. That's the way I feel.

18 BOARD MEMBER PUTNAM: I believe, the notice of  
19 violation was issued to Praetorian Group, Quentin Goins,  
20 not to you.

21 MR. McEWEN: Yes, sir.

22 BOARD CHAIRMAN SPENCER: The guy who runs it,  
23 you know, has got a responsibility to let everybody who  
24 he leaves in charge know what he's supposed to be doing.  
25 Hindsight's 20/20. Yeah, you could have done all that.

1 You know, you probably should have. But you didn't.

2 And you weren't required to.

3 MR. McEWEN: All right.

4 BOARD CHAIRMAN SPENCER: Nice speaking with  
5 you.

6 MR. McEWEN: Thank you.

7 BOARD CHAIRMAN SPENCER: Okay.

8 All right. How many people do we have waiting  
9 down there, eight or nine?

10 MS. GRESNICK-SMITH: Nine.

11 BOARD CHAIRMAN SPENCER: Okay. It'll save us  
12 all a lot of time if the following doesn't happen. Not  
13 saying that you can't do it. But if you want a closed  
14 hearing, where it's just between you and us, you can  
15 have that if you ask for it. If you don't, then we will  
16 just zip through these. So -- what's that?

17 Yeah, anybody requesting a closed hearing  
18 should wait towards the end.

19 Okay. Let's see.

20 BOARD CHAIRMAN SPENCER: Laquan Blalock?

21 MS. GRESNICK-SMITH: He's coming.

22 BOARD CHAIRMAN SPENCER: He is? Oh, that's  
23 good.

24 MS. GRESNICK-SMITH: Yes.

25 BOARD CHAIRMAN SPENCER: Hello, sir.



1 MR. BLALOCK: How are you doing?

2 BOARD CHAIRMAN SPENCER: Fine. How are you?

3 MR. BLALOCK: Good.

4 MS. GRESNICK-SMITH: That's mine.

5 BOARD CHAIRMAN SPENCER: Okay.

6 MS. GRESNICK-SMITH: Okay. Mr. Blalock was  
7 originally -- oh. For the record, Elyse Gresnick-Smith,  
8 Investigator.

9 He was originally Investigator Roble's  
10 applicant. His fingerprints came in, and I ended up  
11 working on it. He was originally denied back in  
12 December, and it was because of his recent violation of  
13 probation for his arrests.

14 I don't know if you -- did you want this open?

15 MR. BLALOCK: Yes. I don't have any arrests  
16 right now.

17 MS. GRESNICK-SMITH: He has -- well, there are  
18 several felony charges back in 2010 that he's on  
19 probation for. I don't have the dispositions. I don't  
20 know what he ended up being convicted of. But he did  
21 violate his probation in August and was remanded in  
22 September.

23 BOARD CHAIRMAN SPENCER: Okay. How many felony  
24 convictions do you have, sir?

25 MR. BLALOCK: I have no felonies right now.

1 They just dropped it to a gross misdemeanor, sir.

2 MS. GRESNICK-SMITH: Gross. I'm sorry.

3 (There was minute off the record to relocate  
4 the microphone in Las Vegas.)

5 MR. BLALOCK: I said they dropped my felony  
6 down to gross misdemeanor, sir. So I have one gross  
7 misdemeanor.

8 BOARD CHAIRMAN SPENCER: All right. Questions  
9 from the Board?

10 MR. BLALOCK: You said do I have any questions  
11 for the Board?

12 BOARD CHAIRMAN SPENCER: No, I'm asking Board  
13 members if they have any questions for you.

14 BOARD MEMBER PUTNAM: I have a question.

15 BOARD CHAIRMAN SPENCER: Okay.

16 BOARD MEMBER PUTNAM: Mr. Blalock, you violated  
17 probation, or was it --

18 MR. BLALOCK: Yes, sir.

19 BOARD MEMBER PUTNAM: And when was that?

20 MR. BLALOCK: It was August 10th.

21 BOARD MEMBER PUTNAM: Of last year?

22 MR. BLALOCK: Yes, sir.

23 BOARD MEMBER PUTNAM: Okay. So that's about 10  
24 months ago, something like that?

25 MR. BLALOCK: Yeah.

1 BOARD MEMBER PUTNAM: What happened when you  
2 violated?

3 MR. BLALOCK: Well, it was pertaining to an  
4 address.

5 BOARD MEMBER PUTNAM: No, I mean what happened  
6 to you because you were violated?

7 MR. BLALOCK: Oh. My P.O. just told me to just  
8 do five months to clear it all up so I wouldn't have to  
9 be on probation or anything, because it was on account  
10 of my suspended sentence.

11 BOARD MEMBER PUTNAM: So did you serve time in  
12 jail?

13 MR. BLALOCK: Yes, sir.

14 BOARD MEMBER PUTNAM: How long?

15 MR. BLALOCK: I did four months.

16 BOARD MEMBER PUTNAM: Four months?

17 MR. BLALOCK: Yes, sir.

18 BOARD MEMBER PUTNAM: So you were just released  
19 from jail about six months ago, right?

20 MR. BLALOCK: At the end, November 28th.

21 BOARD MEMBER PUTNAM: Okay. Thank you.

22 BOARD CHAIRMAN SPENCER: Any further questions  
23 or a motion?

24 BOARD MEMBER PUTNAM: Mr. Chairman, I move that  
25 the denial of the application for registration for

1 Laquan Blalock be upheld.

2 BOARD CHAIRMAN SPENCER: Do I have a second?

3 BOARD MEMBER UITHOVEN: Second.

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

6 (Board members said "aye.")

7 I'm sorry, Mr. Blalock, but you have about a  
8 year, you can reapply.

9 MR. BLALOCK: So I have to wait a year from  
10 when?

11 MR. WARD: Today.

12 BOARD CHAIRMAN SPENCER: Today.

13 MR. BLALOCK: Can I ask why?

14 BOARD CHAIRMAN SPENCER: You can apply again.  
15 You can go for getting a job, like that.

16 MR. BLALOCK: I didn't understand. Can I ask  
17 why my guard card is still on denial? Because my boss  
18 told me not to come back if I don't get my guard card  
19 back.

20 BOARD CHAIRMAN SPENCER: What is he saying?

21 BOARD MEMBER PUTNAM: Well, sir, my reasoning  
22 behind that motion is simply that really not enough time  
23 has gone by since you got out of the jail for you to be  
24 considered favorably for this card. Okay?

25 MR. BLALOCK: Sir, I've been looking for a job

1 since I've been out, and I recently talked to my boss,  
2 and he told me he will consider taking me back if I get  
3 my guard card back.

4 BOARD MEMBER PUTNAM: Well, I'm sorry, sir,  
5 but, apparently, it's the opinion of the Board that  
6 you're going to have to wait a little longer.

7 MR. BLALOCK: All right.

8 BOARD CHAIRMAN SPENCER: Thank you,  
9 Mr. Blalock.

10 MR. BLALOCK: All right. Thank you.

11 BOARD CHAIRMAN SPENCER: Wash BG Holmes.  
12 Mr. Holmes?

13 MS. GRESNICK-SMITH: Not present.

14 BOARD CHAIRMAN SPENCER: All right. Walter  
15 Willis?

16 MS. GRESNICK-SMITH: Walter Willis?  
17 Not present.

18 BOARD CHAIRMAN SPENCER: Zachary Robertson?

19 MS. GRESNICK-SMITH: Zachary Robertson?  
20 Not present.

21 BOARD CHAIRMAN SPENCER: Alfonso Alvarez?

22 MS. GRESNICK-SMITH: Alfonso?  
23 Not present.

24 BOARD CHAIRMAN SPENCER: Michael Brice?

25 MS. GRESNICK-SMITH: Present.

1 BOARD CHAIRMAN SPENCER: All right.

2 Good afternoon, Mr. Brice.

3 MR. BRICE: Good afternoon.

4 BOARD CHAIRMAN SPENCER: Can you -- well, I'll  
5 let you go ahead, Elyse.

6 MS. GRESNICK-SMITH: Oh, this one's not mine.

7 BOARD CHAIRMAN SPENCER: Oh, okay.

8 MS. CHRISTENSEN: It's mine, Kimberly  
9 Christensen.

10 Okay. He was originally denied for  
11 undisclosed. He did have an active warrant at the time.  
12 He has since had that cleared. He just -- he had  
13 several nondisclosed. And I was questioning the types  
14 of charges that he had had. Several domestic battery,  
15 which he pled guilty in. Also -- and he had three pages  
16 of SCOPE, ranging from kidnapping, discharge firearm,  
17 domestic violence, just a handful of stuff.

18 BOARD CHAIRMAN SPENCER: Mr. Brice, when is the  
19 last time you were arrested?

20 MR. BRICE: Uh, 2005, probably 2005.

21 BOARD CHAIRMAN SPENCER: 2005. What was this  
22 warrant you had out for you recently? Wasn't that  
23 recent?

24 MS. CHRISTENSEN: (Nodded head affirmatively.)

25 MR. BRICE: I didn't -- what happened, when I

1 filed for this, I didn't know I had this, because for  
2 some reason, they had me with a California associate  
3 green card. But I'm from Las Vegas, and I don't -- I  
4 didn't even know about it until you guys denied me. But  
5 then, right when I got the denial, I went down there,  
6 and they told me -- I believe it was, I think it was  
7 like I owed like \$450 for me and my baby, my daughter's  
8 mother had an altercation. And I didn't know I had it.  
9 So I took care of it.

10 BOARD CHAIRMAN SPENCER: Okay.

11 MS. CHRISTENSEN: The warrant was for failure  
12 to appear on a battery domestic violence violation.

13 BOARD CHAIRMAN SPENCER: Okay

14 MS. CHRISTENSEN: Stemming back to '09.

15 BOARD CHAIRMAN SPENCER: Okay. So you haven't  
16 been in trouble for how -- since 2005?

17 MR. BRICE: I believe, that is the last time,  
18 yeah.

19 MS. WHATLEY: But, actually, that incident was  
20 2009 that he needed to appear for, that he didn't, and  
21 he ended up being --

22 MR. BRICE: Yeah.

23 MS. WHATLEY: That they cleared his warrant  
24 for. So 2009 is the last time he's documented in  
25 trouble.

1 BOARD CHAIRMAN SPENCER: Okay. Board members?

2 BOARD MEMBER PUTNAM: How many times would you  
3 say you've been arrested, sir?

4 MR. BRICE: Quite a few times. I'm not --  
5 honestly, I'm not sure. I did a lot of things when I  
6 was younger that I regret. But I'm not sure exactly.

7 BOARD MEMBER PUTNAM: Well, over the age of 18,  
8 how many times?

9 MR. BRICE: Maybe six or seven.

10 BOARD MEMBER PUTNAM: Six or seven. And did  
11 you put down all of those arrests on your application?

12 MR. BRICE: I put down all I knew, but I don't  
13 know, I didn't know the dates. And that's part of what,  
14 you know, I'm assuming, I was being denied for, because  
15 I don't know the dates.

16 BOARD CHAIRMAN SPENCER: What did he put down?

17 MS. CHRISTENSEN: He put down four; four  
18 domestic violence charges is what he disclosed on his  
19 original app.

20 MR. BRICE: I only pled guilty to two of them.  
21 Because the other ones were I took the trial, and they  
22 dismissed them.

23 BOARD CHAIRMAN SPENCER: All right.

24 MR. BRICE: Because my very first one, when I  
25 was like 19 years old.



1 BOARD CHAIRMAN SPENCER: Okay. How old are you  
2 now?

3 MR. BRICE: I'm 32.

4 BOARD CHAIRMAN SPENCER: 32. Oh. Okay. Board  
5 members have questions or a motion?

6 BOARD MEMBER PUTNAM: Mr. Chairman?

7 BOARD CHAIRMAN SPENCER: Yes?

8 BOARD MEMBER PUTNAM: I move that the  
9 registration applied for by Mr. Walter Willis be upheld,  
10 the denial, upheld.

11 BOARD MEMBER UITHOVEN: Second.

12 BOARD CHAIRMAN SPENCER: We have a motion and a  
13 second. All in favor --

14 MR. BRICE: I'm not -- sir, I'm not Willis.

15 BOARD MEMBER PUTNAM: Yeah, Michael Brice.  
16 Pardon me, sir.

17 I move that the denial of registration for  
18 Michael Brice be upheld.

19 BOARD MEMBER UITHOVEN: Second.

20 BOARD CHAIRMAN SPENCER: Motion and a second.  
21 All in favor?

22 (Board members said "aye.")

23 I'm sorry, Mr. Brice. You'll have to wait a  
24 year to apply and possibly get your card then.

25 MR. BRICE: That's okay. I was just here

1 because I paid for it. Thank you.

2 BOARD CHAIRMAN SPENCER: Thank you.

3 BOARD CHAIRMAN SPENCER: Sonny Alderson?

4 MR. ALDERSON: Good evening, Chairman.

5 BOARD CHAIRMAN SPENCER: How are you?

6 MR. ALDERSON: I'm pretty good. On my  
7 application, I forgot to put down that I've been  
8 arrested because I didn't know the dates.

9 BOARD CHAIRMAN SPENCER: That you what?

10 MR. ALDERSON: And it says it was 9-6-2011.  
11 It's a letter from the district attorney, and it says  
12 "Formal charges against you at this time" -- that  
13 they're not going to press charges on that one. And I  
14 got another one on 4-12-2011. So I was just pointing  
15 out, Mr. Chairman, that "Formal charges against you"  
16 were not -- against are not at this time.

17 So two, two letters from the district attorney  
18 saying that they're not filing charges. I forgot to put  
19 it on my application.

20 (Interruption by cell phone noise.) I'm sorry  
21 about that.

22 I forgot to put it on my application because I  
23 didn't know the dates on this, but I do have the dates  
24 of when I was arrested. But I forgot to put down on my  
25 application because I didn't know the dates when I was

1 arrested, Mr. Chairman.

2 BOARD CHAIRMAN SPENCER: What do you got on  
3 this?

4 MR. ALDERSON: I have the papers right here.

5 MS. CHRISTENSEN: He has four pages of SCOPE,  
6 did not list any on his SCOPE, which, I'm guessing, is  
7 what he's referring to on the court documents. I did  
8 not get those.

9 Some of the charges, he was arrested May '11,  
10 or May 2011, possession of dangerous drug, denied.  
11 Then, February 2011, those were traffic, denied.  
12 February 2011, also, DUI with substance, fined.

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

14 BOARD MEMBER NADEAU: None of these, none of  
15 these were included?

16 MS. CHRISTENSEN: Correct.

17 BOARD MEMBER NADEAU: None of those arrests  
18 were included on his application?

19 MS. CHRISTENSEN: Correct.

20 BOARD MEMBER UITHOVEN: Mr. Chairman, I have a  
21 motion.

22 MS. RAY: Mr. Chairman.

23 Elyse, you faxed, faxed something to us this  
24 morning that never came through. Do you still have a  
25 copy?

1 MS. GRESNICK-SMITH: Oh, okay. Well, he's got  
2 them here. Okay.

3 MS. CHRISTENSEN: I did ask him to provide  
4 those to me, but I never received them. So I don't  
5 know.

6 MS. GRESNICK-SMITH: Okay. So you've got a  
7 September 6th, 2011 arrest for the possession of  
8 dangerous drugs without prescription. They didn't file  
9 charges. And then we've got April 5th, 2011, possession  
10 of dangerous drugs without prescription. They did not  
11 file charges.

12 Is that what you were --

13 BOARD CHAIRMAN SPENCER: Okay.

14 BOARD MEMBER NADEAU: What's the farthest back?  
15 What's -- besides the 2011 charges and 2012, what else  
16 is there?

17 MS. CHRISTENSEN: We had a possession of a  
18 stolen vehicle 2009, pled down in March of 2010 to  
19 disorderly conduct, amended from a felony to a  
20 misdemeanor.

21 BOARD MEMBER NADEAU: And that wasn't included  
22 on there?

23 MS. CHRISTENSEN: No, it was not.

24 BOARD MEMBER NADEAU: Thank you.

25 BOARD CHAIRMAN SPENCER: Okay. I'll entertain

1 a motion.

2 BOARD MEMBER UITHOVEN: Mr. Chairman, I have a  
3 motion that the denial for Mr. Alderson be upheld.

4 BOARD MEMBER PUTNAM: Second.

5 BOARD CHAIRMAN SPENCER: Motion and a second.

6 All in favor?

7 (Board members said "aye.")

8 Opposed?

9 Hearing none.

10 Mr. Alderson, you're going to have to wait a  
11 year to apply again.

12 MR. ALDERSON: Have a good one. Thanks. Thank  
13 you for your time.

14 BOARD CHAIRMAN SPENCER: All right. Thank you.  
15 Nicholas Silveira?

16 MS. CHRISTENSEN: That is also mine. He called  
17 just a little bit ago. He's having car problems, and he  
18 had to drive an hour to get to the meeting, he would not  
19 be attending. He asked if he could come back, could go  
20 in September.

21 BOARD CHAIRMAN SPENCER: Sure.

22 BOARD MEMBER NADEAU: Are we going to have room  
23 on the June?

24 MS. CHRISTENSEN: This is June.

25 BOARD MEMBER NADEAU: June 26th?

1 MS. RAY: Possibly. It depends how much we  
2 want to do. I suspect we're going to have a lot of  
3 administrative stuff that day, too.

4 BOARD MEMBER NADEAU: Never mind.

5 BOARD CHAIRMAN SPENCER: Okay.

6 BOARD MEMBER NADEAU: Let's move that item  
7 number 16 be -- that the appeal be -- because he's  
8 denied till the appeal.

9 MS. RAY: We can try. We'll just see how it  
10 looks.

11 BOARD MEMBER NADEAU: Well, let's just put it  
12 on in September.

13 MS. RAY: Okay.

14 BOARD MEMBER NADEAU: The motion is to move  
15 item 16 to the September agenda.

16 BOARD MEMBER UITHOVEN: Second.

17 BOARD CHAIRMAN SPENCER: All in favor, signify  
18 by saying "aye."

19 (Board members said "aye.")

20 Opposed? None.

21 MS. RAY: Who seconded?

22 MS. CHRISTENSEN: Robert seconded.

23 BOARD CHAIRMAN SPENCER: That was Nicholas  
24 Silveira.

25 Richard Parkin?

1 MS. GRESNICK-SMITH: Not present.

2 BOARD CHAIRMAN SPENCER: Jesse Smith Askew?

3 MS. RAY: That one's been taken care of and  
4 removed.

5 BOARD CHAIRMAN SPENCER: Okay. David Poelking?  
6 Jacqueline Thomas?

7 MS. GRESNICK-SMITH: Not --

8 BOARD CHAIRMAN SPENCER: Woops. I'm sorry.

9 MS. GRESNICK-SMITH: Yes, she is here.

10 BOARD CHAIRMAN SPENCER: Okay. Poelking --

11 MS. GRESNICK-SMITH: Jacqueline is here. David  
12 is not.

13 BOARD CHAIRMAN SPENCER: Okay. Good afternoon,  
14 Ms. Thomas. How are you?

15 MS. THOMAS: Hello.

16 BOARD CHAIRMAN SPENCER: Who is this?

17 MS. KING: Okay. Brandi King, Investigative  
18 Assistant.

19 Jacqueline Thomas disclosed four arrests on her  
20 application. And when I ran SCOPE, it revealed 10  
21 arrests just in the last 10 years. There were more  
22 before that, mostly traffic related. I asked her to  
23 disclose the information and request an appeal. She  
24 did. She didn't list all of her arrests, but she  
25 included court documentation for some arrests and then

1 included court documentation for some older arrests that  
2 I didn't ask about.

3 BOARD CHAIRMAN SPENCER: So she went the extra  
4 mile?

5 MS. KING: Yeah.

6 BOARD CHAIRMAN SPENCER: What's she got?

7 MS. KING: She's got a battery domestic  
8 violence in 2004. She did disclose this one. But she  
9 was arrested, or should I say rearrested twice on the  
10 same charge, for failure to appear both times. She's  
11 got mostly failing to appear on traffic citations. So  
12 several bench warrants were issued. And she was  
13 remanded to court and received a contempt of court  
14 charge.

15 I still don't have all the information from  
16 her, but that's where we're at.

17 BOARD CHAIRMAN SPENCER: Okay. And the last  
18 arrest was when, you say?

19 MS. KING: It was January of 2010. She had a  
20 DUI, which she did disclose, and failure to appear on  
21 traffic citations.

22 BOARD CHAIRMAN SPENCER: Okay. Board?

23 BOARD MEMBER PUTNAM: Does she have any  
24 comments?

25 BOARD MEMBER NADEAU: Yeah.



1 MS. THOMAS: I can say something?

2 BOARD CHAIRMAN SPENCER: Absolutely.

3 MS. THOMAS: Oh. When I disclosed the arrests  
4 on the application, or renewing it, I was not aware that  
5 I had that many, I was arrested that many times for  
6 traffic violations. Some of them occurred because I  
7 didn't have the money, you know, to pay for the traffic  
8 tickets. But I did turn myself in to -- not having the  
9 money.

10 BOARD CHAIRMAN SPENCER: Okay.

11 BOARD MEMBER NADEAU: What's the worst?  
12 They're all misdemeanors and predominantly failure to  
13 appears.

14 MS. KING: Yes. Her worst charges are battery  
15 domestic violence and DUIs, liquor.

16 MS. THOMAS: May I say something?

17 BOARD MEMBER NADEAU: On the DV, it was guilty,  
18 domestic violence?

19 MS. KING: Yes, guilty.

20 BOARD CHAIRMAN SPENCER: Go ahead.

21 BOARD MEMBER NADEAU: Okay. And when was that?

22 MS. KING: That was 2004.

23 MS. THOMAS: When I got that, when -- the  
24 domestic violence was back in 2004. I have that. You  
25 guys had awarded me my guard card at that time, in 2007,

1 and I did disclose that.

2 BOARD MEMBER NADEAU: Okay.

3 BOARD CHAIRMAN SPENCER: She did a pretty good  
4 job.

5 BOARD MEMBER NADEAU: That wasn't my question.  
6 It was just --

7 MS. THOMAS: Okay.

8 BOARD MEMBER NADEAU: Okay. All right. Thank  
9 you, though. Thanks for the explanation.

10 MS. THOMAS: You're welcome.

11 MS. KING: And we didn't issue the cards back  
12 then. That was issued by the county.

13 BOARD MEMBER NADEAU: Are you ready for a  
14 motion?

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

16 BOARD MEMBER NADEAU: Mr. Chair, I'd move that  
17 Jacqueline Thomas be granted her registration or granted  
18 her -- or that are the denial be overturned. How that?

19 BOARD CHAIRMAN SPENCER: Do I have a second?

20 Second.

21 Motion and a second. All in favor, signify by  
22 saying "aye."

23 (Board members said "aye.")

24 Opposed?

25 BOARD MEMBER PUTNAM: Nay.

1 BOARD CHAIRMAN SPENCER: Okay. Motion carries,  
2 You can get it.

3 MS. THOMAS: Oh, thank you.

4 BOARD CHAIRMAN SPENCER: You're welcome.

5 MS. THOMAS: Do I have to pick it up?

6 BOARD MEMBER NADEAU: What did she ask?

7 BOARD CHAIRMAN SPENCER: She's doing it right  
8 now.

9 MS. RAY: I'm doing it right now.

10 MS. THOMAS: Okay. Thank you.

11 BOARD CHAIRMAN SPENCER: Orlando Pridgen?

12 MS. GRESNICK-SMITH: He is present, and he has  
13 requested a closed hearing.

14 BOARD CHAIRMAN SPENCER: Okay. That means that  
15 everybody else in the room will have to go outside, and  
16 we'll call you back in.

17 \* \* \* \* \*

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

21 \* \* \* \* \*

22 BOARD MEMBER NADEAU: Mr. Chairman, I'd move we  
23 uphold the denial.

24 BOARD MEMBER PUTNAM: Second.

25 BOARD CHAIRMAN SPENCER: All right. We have a

1 motion and a second. All in favor, signify by saying  
2 "aye."

3 (Board members said "aye.")

4 BOARD MEMBER NADEAU: May I comment just a  
5 moment?

6 BOARD CHAIRMAN SPENCER: Absolutely.

7 BOARD MEMBER NADEAU: Mr. Pridgen, you've got a  
8 lot of work to do to make sure that the record is  
9 accurate and appropriate. So that's the reason for my  
10 motion.

11 BOARD CHAIRMAN SPENCER: Yeah. We'll get this  
12 information to you. And then you can go to DPS and have  
13 them check it out for you. And if it's not right, and  
14 you -- like I said, only you know if it's not right.  
15 Then get it cleared up, because it's got you going to  
16 prison.

17 MR. PRIDGEN: Okay.

18 BOARD CHAIRMAN SPENCER: All right. And then  
19 come back in a year, and we'll give it a whirl, or when  
20 you get --

21 MR. PRIDGEN: All right. Thanks.

22 BOARD CHAIRMAN SPENCER: All right. Thank you.  
23 All right. Did we vote? No, I guess, we  
24 didn't.

25 Motion and a second. All in favor?

1 (Board members said "aye.")

2 BOARD CHAIRMAN SPENCER: Howard Hornsby?

3 MS. GRESNICK-SMITH: Present, and he's  
4 requested a closed hearing as well.

5 BOARD CHAIRMAN SPENCER: Okay. Tell him to  
6 hang on for a minute.

7 Chad Hardy?

8 MR. HARDY: Good afternoon.

9 BOARD CHAIRMAN SPENCER: How are you?

10 MR. HARDY: Good. How are you?

11 BOARD CHAIRMAN SPENCER: Great.

12 MS. RAY: It's an exemption.

13 BOARD CHAIRMAN SPENCER: What?

14 MS. RAY: It's an exemption, and it was sent to  
15 you in an e-mail separately from the rest of your Board  
16 materials.

17 (There was a period off the record while copies  
18 were made.)

19 BOARD CHAIRMAN SPENCER: People say nice things  
20 about you.

21 MR. HARDY: That's good to hear.

22 BOARD CHAIRMAN SPENCER: What is it you are  
23 requesting, sir?

24 MR. HARDY: According to Nevada law, a peace  
25 officer is not able to obtain a security license.

1 BOARD CHAIRMAN SPENCER: Right.

2 MR. HARDY: What I'm asking for is an exemption  
3 to that due to the fact that I'm a reserve officer in  
4 Scott County, Iowa. The only time I have any kind of  
5 police powers is at the direction of the sheriff, so  
6 being on duty. When I go home at night from  
7 volunteering -- it's totally nonpay -- I am just a  
8 regular citizen.

9 BOARD CHAIRMAN SPENCER: Okay. You don't have  
10 any sworn responsibilities?

11 MR. HARDY: Off duty, no.

12 BOARD CHAIRMAN SPENCER: Well --

13 MR. HARDY: On duty, I do.

14 BOARD CHAIRMAN SPENCER: Okay. Are you a sworn  
15 person, then?

16 MR. HARDY: I would have to say yes.

17 BOARD CHAIRMAN SPENCER: Okay. Jim, anything  
18 on this?

19 BOARD MEMBER NADEAU: How large a department is  
20 the Scott County sheriff's office?

21 MR. HARDY: I'm going to take a wild guess. I  
22 believe, there's 50 deputies total. It's a county of  
23 probably 200,000 people.

24 BOARD MEMBER NADEAU: Do you act as a seasonal  
25 park patrol also?

1 MR. HARDY: Yes, I do, sir.

2 BOARD MEMBER NADEAU: And are you compensated  
3 in that regard?

4 MR. HARDY: Yes, I am. Yes, I am compensated  
5 in that.

6 BOARD MEMBER NADEAU: Is that part of your  
7 duties as a deputy sheriff?

8 MR. HARDY: It's a county agency. It's  
9 separate from the sheriff's Office. However, the  
10 sheriff allows me to work there, is basically how it is.

11 BOARD MEMBER NADEAU: In that position, do you  
12 have peace officer powers under -- I guess, it's Iowa.  
13 Is that correct?

14 MR. HARDY: Yes, sir. Again, only when I'm in  
15 the park.

16 BOARD MEMBER NADEAU: Okay.

17 MR. HARDY: And on duty. Conservation. It's  
18 kind of a different animal altogether.

19 BOARD MEMBER NADEAU: Do you have access to  
20 NCIC registration and all those kinds of things?

21 MR. HARDY: Yes, sir. Yes, sir, I do. Yes,  
22 sir, I do.

23 BOARD MEMBER NADEAU: I need to ask this  
24 question. Is Staff Pro licensed with us?

25 MS. RAY: Staff Pro is licensed with us, yes.

1 Cory Meredith is the qualifying agent.

2 BOARD MEMBER NADEAU: Okay. Where do you live,  
3 sir?

4 MR. HARDY: Scott -- or Davenport, Iowa.

5 BOARD MEMBER NADEAU: Okay. And how often  
6 would you be working for Staff Pro in Nevada?

7 MR. HARDY: Honestly, sir, I can't say. I know  
8 I'm going to be here for ADC this weekend, in an armed  
9 guard card position, of course. And he's got one in  
10 December he'd like to have me out here. So I would say  
11 maybe a handful of times a year.

12 BOARD MEMBER NADEAU: Mr. Chair, doesn't the  
13 request for security services come from the qualifying  
14 agent; isn't that normally who comes before to us  
15 request exemptions in that regard?

16 BOARD CHAIRMAN SPENCER: But his is a little  
17 different. But it could be, could be thrown into that  
18 same situation.

19 BOARD MEMBER NADEAU: I mean I don't see, I  
20 don't see anything from the qualified agent. And I  
21 don't see anything from the sheriff who runs the county.  
22 I see something from the training sergeant, but nothing  
23 from the sheriff himself, Sheriff Conrad, as far as his  
24 understanding, except of these duties. I would -- and I  
25 think that our normal procedure is to have the qualified



1 agent come before us, the company come before us and  
2 outline the specific parameters in which that individual  
3 will be here.

4 BOARD CHAIRMAN SPENCER: Numbers.

5 BOARD MEMBER NADEAU: The numbers that we need,  
6 all of those other things. This is outside the norm.  
7 So I'd have difficulty in support this. I'm just going  
8 to say that right off.

9 BOARD CHAIRMAN SPENCER: Yes. Normally, like  
10 Jim said, normally, the company head comes and requests  
11 extra staffing for a given situation.

12 BOARD MEMBER NADEAU: This isn't -- like this  
13 would be a blanket approval for him to be able to work  
14 security anywhere any time in the state of Nevada and  
15 not under our work card. I just, I think we typically  
16 look for much -- a more restrained or much more  
17 identified period of time.

18 BOARD MEMBER PUTNAM: Yeah.

19 BOARD MEMBER NADEAU: I mean I'm just one Board  
20 member, so.

21 BOARD CHAIRMAN SPENCER: Yes.

22 BOARD MEMBER UITHOVEN: No, I agree.

23 MR. HARDY: Could I say something?

24 BOARD CHAIRMAN SPENCER: Certainly.

25 MR. HARDY: What my intention is, I just

1 started with Staff Pro here a couple months ago. John,  
2 I think, wrote that letter and has been a friend for  
3 years. And my intention is, as he grows this company  
4 and gets more events, he's going to be bringing me out  
5 more. And when I can get that consistency, things like  
6 the park are going to be gone, because, obviously, I'm  
7 going to be working for Staff Pro.

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

9 MR. HARDY: So that would take that out next.  
10 And who's to say at the time, if I'm so busy I cannot  
11 attend the reserves anymore and volunteer my time, then  
12 I would not give that up, also. But it depends on how  
13 business goes as the company grows.

14 BOARD CHAIRMAN SPENCER: Well, when do they  
15 want you to start working?

16 MR. HARDY: I would have to honestly get with  
17 John on that. He did mention something in December of  
18 this year. And like I said, I'll be at ADC but in an  
19 armed guard card position.

20 BOARD CHAIRMAN SPENCER: What I would suggest  
21 is that the qualifying agent -- that's probably the head  
22 or owner of the company, you know --

23 MR. HARDY: Yes, sir.

24 BOARD CHAIRMAN SPENCER: -- appear before us in  
25 September.

1 MR. HARDY: Okay.

2 BOARD CHAIRMAN SPENCER: And request you  
3 specifically or by number.

4 MR. HARDY: Okay.

5 BOARD CHAIRMAN SPENCER: And outline what it is  
6 that he's going to have you do. It's not uncommon that  
7 we've done it in the past. But it's odd getting it from  
8 yourself. No offense, you know --

9 MR. HARDY: Yes, sir.

10 BOARD CHAIRMAN SPENCER: -- meant to you, and  
11 not from the qualifying agent who has got the company.

12 MR. HARDY: Yes, sir, I understand.

13 BOARD CHAIRMAN SPENCER: And like you said,  
14 we'd have a hard time approving that at this point.

15 MR. HARDY: Okay.

16 BOARD CHAIRMAN SPENCER: If he has any  
17 question, have him call the licensing board, and they'll  
18 tell him exactly what to do. Because I don't think he  
19 has appeared before us before.

20 MS. RAY: He has not. And I did suggest that  
21 the request come from the qualifying agent.

22 BOARD CHAIRMAN SPENCER: Yeah.

23 MS. RAY: But Mr. Lafferty and the operations  
24 manager. So.

25 BOARD CHAIRMAN SPENCER: But, and I couldn't

1 tell you, I couldn't promise you, but I wouldn't think  
2 it would be a lot of problem.

3 MR. HARDY: I appreciate that, sir. Thank you.

4 BOARD CHAIRMAN SPENCER: Okay. I'm sorry.

5 MR. HARDY: Okay. Thank you. Have a good  
6 afternoon.

7 BOARD MEMBER UITHOVEN: Mr. Chairman, I have a  
8 motion.

9 BOARD CHAIRMAN SPENCER: What was that?

10 BOARD MEMBER UITHOVEN: I have a motion to --

11 BOARD CHAIRMAN SPENCER: Yeah.

12 BOARD MEMBER UITHOVEN: -- to uphold the  
13 denial.

14 MS. RAY: To not grant it.

15 BOARD MEMBER UITHOVEN: I mean to not grant it.

16 BOARD MEMBER NADEAU: Second.

17 BOARD CHAIRMAN SPENCER: All in favor, signify  
18 by saying "aye."

19 (Board members said "aye.")

20 Opposed?

21 Hearing none, we'll go on.

22 Kenny Lambert?

23 MS. GRESNICK-SMITH: Present.

24 BOARD CHAIRMAN SPENCER: How are you,  
25 Mr. Lambert?

1 MR. LAMBERT: All right. And how are you?

2 BOARD CHAIRMAN SPENCER: Good.

3 Who has this, do you know who's got this one?

4 MS. RAY: I don't.

5 MS. GRESNICK-SMITH: I believe, it's Brandi.

6 MR. LAMBERT: Yes, Ms. Brandi.

7 MR. WHATLEY: She left.

8 BOARD CHAIRMAN SPENCER: Mr. Lambert, can we  
9 have you step aside a minute? We've got to have the  
10 person who's got the paperwork to come in. And we'll go  
11 ahead with somebody else.

12 Tony Rowley?

13 He's not there?

14 MS. GRESNICK-SMITH: No. Present. Sorry.

15 BOARD CHAIRMAN SPENCER: Oh, there he is, right  
16 there.

17 Mr. Rowley, how are you?

18 MR. ROWLEY: I'm good. How are you, sir?

19 BOARD CHAIRMAN SPENCER: I'm pretty good.

20 Who's got this?

21 BOARD CHAIRMAN SPENCER: Elyse.

22 MS. GRESNICK-SMITH: This one's, this one's  
23 mine.

24 BOARD CHAIRMAN SPENCER: Okay.

25 MS. GRESNICK-SMITH: I denied Mr. Rowley due to

1 his current active protection order, and it's a  
2 nonexpiring order.

3 BOARD CHAIRMAN SPENCER: Okay. And that's with  
4 his wife?

5 MS. GRESNICK-SMITH: I don't know who this  
6 individual is.

7 MR. ROWLEY: Yes, sir. It's my ex-wife. Yeah,  
8 she lives in Colorado.

9 BOARD CHAIRMAN SPENCER: Oh, she lives in  
10 Colorado?

11 MR. ROWLEY: Yes.

12 BOARD CHAIRMAN SPENCER: Thank you.

13 MR. ROWLEY: Yes. That, that was in 2001. I  
14 don't know if you have a copy of my letter --

15 BOARD CHAIRMAN SPENCER: No, I don't.

16 MR. ROWLEY: -- that I had sent. Oh. Okay.  
17 Should I read it to them or --

18 MS. GRESNICK-SMITH: Where did you send it?  
19 Because I don't have a copy.

20 MR. ROWLEY: I sent it in with all my  
21 paperwork, with all my certificates and --

22 BOARD MEMBER NADEAU: We got it.

23 MR. ROWLEY: I mailed it in.

24 BOARD CHAIRMAN SPENCER: Yes, here it is.

25 MR. ROWLEY: Okay.

1 (There was a period off the record.)

2 BOARD CHAIRMAN SPENCER: Any questions, guys?

3 BOARD MEMBER NADEAU: Sir, do you currently  
4 hold a security guard card from Arizona?

5 MR. ROWLEY: It expired a few months ago. I've  
6 been busy organizing bulk force throughout the world.  
7 When I go back there, I got -- my bounty hunter license  
8 through the insurance, Department of Insurance, just  
9 lapsed on the 5th. So when I get time to get back to  
10 Arizona, I got to renew my bounty hunter license and  
11 also my guard cards. I held an unarmed and armed guard  
12 card through DPS in Arizona. I am still -- still have  
13 no restrictions on that. I can still get that easily  
14 there.

15 BOARD MEMBER NADEAU: When were you --

16 MR. ROWLEY: I just had a meeting yesterday at  
17 8:00 a.m. with Captain Noahr of the North Las Vegas  
18 Police Department and other captains here in Las Vegas  
19 to set protocol for all my people to go out and fight  
20 crime, one of the nation's first.

21 BOARD MEMBER NADEAU: When were you --

22 MR. ROWLEY: Excuse me?

23 BOARD MEMBER NADEAU: When was your last  
24 Arizona guard card issued?

25 MR. ROWLEY: I sent copies of all my cards and

1 certifications to you, including my -- all my police  
2 academy stuff, everything. My armed guard card, my  
3 armed guard card expired four of 2011. My blue, I sent  
4 a copy of my blue card for my weapons registered here in  
5 Nevada through Metro. And all of my other certificates.  
6 I also sent a copy of my bill recovery agent paperwork  
7 from -- that I'm up for renewal on that.

8           And like I said, yesterday at 8:00 a.m., I had  
9 a meeting with the big brass from the local law  
10 enforcement agencies, Metro, North Las Vegas. And we  
11 sat in the conference room, set protocol for my people.  
12 And I work closely with law enforcement agencies in  
13 Phoenix, here, and wherever we are, and currently in  
14 South Africa, too, Durbin.

15           So I go out and I enforce the laws. I've  
16 always been one to serve the people in this country  
17 and -- and I continue to do that.

18           Since, since that restraining order in 2001, me  
19 and my ex-wife have met. I lived in Phoenix. She lived  
20 in Colorado. We always met in the middle, exchanged the  
21 kids throughout all them years. Nothing. Everything's  
22 been fine. She's happy. She has a good life. I'm  
23 happy. I'm over here. Now my children are grown. So I  
24 just -- I haven't communicated with her in many years.  
25 I think, the last time was like four years ago, when my



1 daughter lived with me. She had called. She had called  
2 a few times.

3 But like I said, that all stemmed over -- now  
4 I -- over originally calling the U.S. postal inspectors,  
5 and she accused me of trying to get her fired, but.

6 BOARD MEMBER PUTNAM: Mr. Chairman?

7 BOARD CHAIRMAN SPENCER: Yes?

8 BOARD MEMBER PUTNAM: I have a question. Did  
9 he list this protective order on his application for  
10 work card?

11 MS. GRESNICK-SMITH: Yeah, he did. The only  
12 reason that he was denied is because it's an active  
13 protection order. The fingerprint results on him, and  
14 nothing came back on his preliminary background. He did  
15 disclose an arrest back from 19 -- or -- yeah, 1986, and  
16 then he also disclosed this protection order. Like I  
17 said, it was just because there is an active order.

18 MR. ROWLEY: And I've since been a reserve  
19 police officer, you know, a captain on the fire  
20 department. I, you know, served five years there, many  
21 certifications, you know. Still, up until the 5th, you  
22 know, I got to renew my -- like I said, I'm a bill  
23 recovery agent. So, you know, I still uphold the law  
24 and try to be a good role model in the communities that  
25 I'm in.

1 BOARD MEMBER NADEAU: Do you -- to do your job  
2 as a -- whatever it is, do you need to have a security  
3 guard card?

4 MR. ROWLEY: Um, no, I don't. We're unpaid  
5 volunteers, what we do.

6 BOARD MEMBER NADEAU: Okay.

7 MR. ROWLEY: Bulk force and unpaid volunteers.

8 BOARD MEMBER NADEAU: Got you.

9 MR. ROWLEY: But, but I would like to have it  
10 so when I'm here -- I come here seasonally. I got a  
11 seasonal ID here in Nevada. When I come here, I'd like  
12 to work in security. And I have friends on Metro Police  
13 Department. I also have friends in high -- that are  
14 supervisors for hotels and casinos here that are my  
15 friends.

16 And like I said, I'd like to work with law  
17 enforcement here, not just as leader of bulk force  
18 fighting crime in the streets, organized crime like  
19 gangs and stuff. We get into it with gangs and  
20 everything. And I have to know the laws, because I have  
21 to train my volunteers in the law. So when we go out in  
22 the streets armed in full body armor, they have to know  
23 what they're doing. And so I have to know Nevada law.

24 So. And that's why I work with law enforcement  
25 agencies. They know where we're at, when we're out

1 there, what times. So it's something new. And that's  
2 why I had a meeting. That's why Captain Noahr of North  
3 Las Vegas Police Department called a meeting with all  
4 the big brass yesterday in the conference room and so  
5 that we could get protocols. And they're going to go  
6 ahead, and any new members I get in Nevada, they're  
7 going to run, run the new members for me to make sure  
8 they come back clean, so that I have good people.

9 BOARD MEMBER NADEAU: Mechele or one of the  
10 investigators, help me out here. Is there a federal  
11 preclusion as far as folks with active restraining  
12 orders associated with domestic violence having weapons?

13 MS. RAY: I believe, there is.

14 MR. HIGHT: Yes, there is.

15 BOARD MEMBER NADEAU: I thought there was, but  
16 I was thinking maybe I'm misunderstanding.

17 MR. ROWLEY: Okay. There was --

18 BOARD MEMBER NADEAU: Okay.

19 MR. ROWLEY: In my restraining -- I'm sorry.

20 BOARD MEMBER NADEAU: No, no.

21 MR. ROWLEY: I'm sorry.

22 BOARD MEMBER NADEAU: I just -- in our  
23 deliberation, I've just got to say that I don't know  
24 that I'm comfortable at this point issuing a work card  
25 when there's an active restraining order.

1           BOARD CHAIRMAN SPENCER: You know what I would  
2 do, Mr. Rowley, is I would have your wife -- if you're  
3 getting along with her now, explain to her what's going  
4 on as far as you being able to work or not work.

5           BOARD MEMBER NADEAU: Or his attorney.

6           BOARD CHAIRMAN SPENCER: Or your attorney. And  
7 get that, that thing lifted in Colorado. Because --

8           MR. ROWLEY: Yes, but --

9           BOARD CHAIRMAN SPENCER: Under the law, we  
10 can't give you the right to work as an armed guard  
11 because of federal law.

12          MR. ROWLEY: Yeah. The problem with that is I  
13 will not talk to her, and I can't talk to her, and I  
14 haven't contacted her in years. The only time I have  
15 contact is when we exchanged kids, or when she called me  
16 when my daughter was living with me in Phoenix, to, you  
17 know, talk about things.

18          So if I contact her, that's a violation. And I  
19 do not want to do that. And I haven't. It's never been  
20 a problem and -- and, and honestly, I don't have the  
21 money to pay a lawyer to try to get it dropped. But  
22 it's -- like I said, it's never been a -- never been  
23 a -- never been a problem for me getting an armed guard  
24 card in Nevada, being a bounty hunter registered through  
25 the Department of Insurance. And like I said, I now

1 currently am here in Nevada, in the streets, fighting  
2 organized crime, armed, as a volunteer. And I'm leading  
3 these people.

4 BOARD CHAIRMAN SPENCER: Yeah.

5 MR. ROWLEY: And, and setting protocol with the  
6 law enforcement agency.

7 So either, either way, you know, I -- I'm  
8 just -- I fight crime, and I'm still a model citizen. I  
9 have no intentions of doing any harm to anybody.

10 BOARD CHAIRMAN SPENCER: And I'm glad you're  
11 doing it for us. But we're handicapped by federal law,  
12 and I'm afraid we're going to have to deny you at this  
13 point.

14 MR. ROWLEY: Okay.

15 BOARD MEMBER NADEAU: Move, move for -- to  
16 sustain the denial.

17 BOARD MEMBER PUTNAM: Second.

18 BOARD CHAIRMAN SPENCER: All in favor, signify  
19 by saying "aye."

20 (Board members said "aye.")

21 MR. ROWLEY: Would that, would that federal  
22 law, would that have applied to Arizona, too, then,  
23 though?

24 BOARD CHAIRMAN SPENCER: Yes, it should.

25 MR. ROWLEY: Because if they grant me, they

1 grant me an armed guard card, that's the question I  
2 have.

3 BOARD MEMBER NADEAU: And they're bound by  
4 their own rules. We have to abide by ours.

5 MR. ROWLEY: Okay.

6 BOARD CHAIRMAN SPENCER: I'm very sorry. I  
7 really am.

8 MR. ROWLEY: Oh. I thank you for your time. I  
9 really appreciate it. Because you guys do a lot of hard  
10 work there. So.

11 BOARD MEMBER PUTNAM: Well, thank you. We  
12 appreciate your interest, sir.

13 BOARD CHAIRMAN SPENCER: Okay. I think, unless  
14 there's a Mr. Mohammad Russa --

15 MS. GRESNICK-SMITH: Present.

16 BOARD CHAIRMAN SPENCER: What's that?

17 MS. GRESNICK-SMITH: Present.

18 BOARD CHAIRMAN SPENCER: Okay. Oh, wait a  
19 minute. Wait a minute. The other -- no, not you, sir.  
20 The gentleman in the back there.

21 MS. RAY: That's Hornsby.

22 BOARD CHAIRMAN SPENCER: Mr. Hornsby?

23 MR. HORNSBY: Yes.

24 BOARD CHAIRMAN SPENCER: Come on forward, sir.  
25 I put you off. I'm sorry.

1 MS. GRESNICK-SMITH: Oh. No. You're talking  
2 about Brandi's applicant?

3 MS. RAY: Yes.

4 BOARD CHAIRMAN SPENCER: Yes.

5 MS. GRESNICK-SMITH: Brandi's applicant?

6 BOARD CHAIRMAN SPENCER: Yeah.

7 MS. GRESNICK-SMITH: Yes.

8 MR. HORNSBY: Good afternoon again.

9 BOARD CHAIRMAN SPENCER: Good afternoon again,  
10 sir.

11 BOARD MEMBER NADEAU: Move for a closed  
12 session.

13 BOARD CHAIRMAN SPENCER: He wants a closed  
14 session.

15 BOARD MEMBER NADEAU: That's why we delayed it.

16 BOARD CHAIRMAN SPENCER: No. No. That's  
17 Mr. Hornsby.

18 BOARD MEMBER NADEAU: Oh, that's right. Okay.  
19 I'm sorry. My mistake.

20 (Board Member Uithoven left the meeting.)

21 MS. KING: Hi, Mr. Lambert.

22 MR. LAMBERT: How are you?

23 MS. KING: I'm good. How are you?

24 MR. LAMBERT: Doing all right.

25 MS. KING: Did you bring any documents with

1 you?

2 MR. LAMBERT: As far as what?

3 MS. KING: A record of your arrest history or  
4 anything.

5 MR. LAMBERT: Yes. I also sent it to Carson  
6 City, too.

7 MS. RAY: When?

8 MS. KING: When did you send those, sir?

9 MR. LAMBERT: To be exact, I faxed them from  
10 the UPS store on -- the date's four the 11th. Yes,  
11 March 11th. No. April 11th.

12 MS. KING: April 11th.

13 MS. RAY: Oh, it was denied from last one  
14 maybe.

15 MR. LAMBERT: And I faxed it from the UPS  
16 store.

17 MS. KING: Okay. I denied this applicant for  
18 nondisclosure of his arrest history and because of his  
19 temperate habits. Unfortunately, I don't have any  
20 documents with me. I didn't know I had another appeal  
21 on this. So I made a mistake. And of all the  
22 hundreds --

23 MR. LAMBERT: That's all right.

24 MS. KING: -- of applicants I have, I made a  
25 mistake on this one. And I do apologize.



1 MR. LAMBERT: That's all right.

2 MS. KING: You'll probably be glad for that. I  
3 honestly do not remember what your arrest history is,  
4 because I work with too many applicants.

5 MR. LAMBERT: I can tell you. I can tell you  
6 that most of my arrests are like traffic tickets. I  
7 have no gross misdemeanors, no felonies, nothing,  
8 nothing bad. Gross misdemeanors and, I believe,  
9 trespassing and obstruction of an officer was like eight  
10 years ago. Nothing violent, no violent crimes at all.

11 MS. KING: Okay. Do you know when your last  
12 arrest was? Do you have a copy of your record?

13 MR. LAMBERT: Yes. I was arrested in 2010, I  
14 believe, for trespassing. And that was at my -- the  
15 mother of my child. They were doing some type of sting  
16 operation where if you stood on the porch, and you  
17 wasn't actually on the lease of the apartment, it was  
18 trespassing. So I was trespassing. I had to go over  
19 there and pick up my wife, or my mother, my baby's  
20 mother and take her to work.

21 MS. KING: Okay.

22 MR. LAMBERT: So that kind of was like, you  
23 know, something small. And that has been resolved,  
24 also, too.

25 MS. KING: Okay. So you said you have a copy

1 of your arrest record?

2 MR. LAMBERT: Yes.

3 MS. GRESNICK-SMITH: It looks like it's North  
4 Las Vegas, basically like a SCOPE, but for North  
5 Las Vegas. Okay.

6 MR. LAMBERT: And Metro, too.

7 MS. KING: Do you happen to know how many times  
8 you've been arrested?

9 MR. LAMBERT: I'm thinking, probably six, six  
10 or seven, probably six or seven.

11 MS. KING: Okay.

12 MS. GRESNICK-SMITH: These are all trespassing  
13 and doing business without a license.

14 MR. LAMBERT: And all those arrests, actually,  
15 I was working for this company that distributes and  
16 sells like perfumes and colognes, like department store.  
17 So what happened was, we started a spot where, you know,  
18 more money was made. And I would get trespassing at  
19 this spot. But you, basically, go there, because, like  
20 I said, that's where the most money was made. And, you  
21 know, I was doing business without my license.

22 MS. KING: Okay.

23 MR. LAMBERT: But the person I was working for  
24 informed me that I didn't need no license because they  
25 had a license. Which was totally incorrect, come to

1 find out. But I would go back to the same hot spot and  
2 get trespass. And it was like an all day thing. It was  
3 selling perfume and cologne. And that was like seven  
4 years ago.

5 MS. KING: Okay. And were you fined for that?

6 MR. LAMBERT: Fined for what, the trespass?

7 MS. KING: Well, for the doing business without  
8 a license.

9 MR. LAMBERT: Yes. But, actually, I paid a  
10 couple of them, of doing business without a license. I  
11 paid a couple of them.

12 MS. KING: Okay.

13 MR. LAMBERT: But some of them turned into  
14 failure to appears because I didn't go to court.

15 MS. KING: Okay. And that's probably why I was  
16 denying you, based on by failing to take care of your  
17 responsibilities.

18 MR. LAMBERT: And that was many years ago.

19 MS. KING: Okay.

20 BOARD MEMBER NADEAU: Mr. Chair?

21 BOARD CHAIRMAN SPENCER: Yes?

22 BOARD MEMBER NADEAU: Would you accept a  
23 motion?

24 BOARD CHAIRMAN SPENCER: I would.

25 BOARD MEMBER NADEAU: I would move that we

1 overturn the denial pending staff being able to go back  
2 and check this individual's record and that -- that  
3 procedure. And then, if something pops up that has not  
4 been disclosed to us today, then, then the denial would  
5 be sustained or brought to us again at the next meeting.

6 MS. RAY: Okay.

7 BOARD MEMBER NADEAU: Is that an appropriate  
8 motion?

9 MS. KING: Yes. I will review it as well.

10 BOARD MEMBER NADEAU: Did you hear what I said?

11 MR. LAMBERT: Yes, sir. Thank you, Ms. Brandi.

12 BOARD CHAIRMAN SPENCER: Second. All in favor?

13 (Board members said "aye.")

14 MS. KING: So I will be in contact with you.

15 MR. LAMBERT: Yes, ma'am. Did you actually  
16 receive the packet I faxed you? I faxed it over there,  
17 and I put one in the mail, also.

18 MS. KING: I honestly don't know.

19 MR. LAMBERT: All right.

20 MS. KING: So I will check on that when I get  
21 back to the office.

22 MR. LAMBERT: Will you contact me by phone?

23 MS. KING: What's the best way to get ahold of  
24 you, phone or e-mail?

25 MR. LAMBERT: Please call me.

1 MS. KING: Okay.

2 MR. LAMBERT: Call me. Do you have the number?

3 MS. KING: If it's in your file, I believe I  
4 do.

5 BOARD MEMBER NADEAU: Give it to the  
6 investigator right there. And the other thing, you --

7 MR. LAMBERT: All right.

8 BOARD MEMBER NADEAU: You realize that we're --  
9 you can't go to work until you make sure all of this is  
10 cleared up with the investigators?

11 MR. LAMBERT: Absolutely.

12 BOARD MEMBER NADEAU: You understand that?

13 MR. LAMBERT: Yes, sir.

14 BOARD MEMBER NADEAU: Okay.

15 BOARD CHAIRMAN SPENCER: All right.

16 MS. KING: Is your home --

17 MR. LAMBERT: Free to go?

18 MS. KING: -- or your cell phone better?

19 MR. LAMBERT: The cell phone.

20 MS. KING: Okay. I will call you by cell.

21 MR. LAMBERT: All right. Thank you,

22 Ms. Brandi.

23 MS. KING: All right. Thank you.

24 BOARD CHAIRMAN SPENCER: Thank you.

25 MR. LAMBERT: Have a good day.

1 BOARD CHAIRMAN SPENCER: You, too.

2 MS. KING: You, too.

3 MS. GRESNICK-SMITH: I'll make sure she gets  
4 that.

5 BOARD CHAIRMAN SPENCER: Mohammad Russa?

6 MS. GRESNICK-SMITH: Yes.

7 BOARD CHAIRMAN SPENCER: Good afternoon, sir.  
8 How are you?

9 MR. RUSSA: Good, thank you.

10 MS. WHATLEY: Mr. Russa was denied due to  
11 undisclosed arrest history and temperate habits. He did  
12 not disclose arrest history. But on 1-24-09, he was  
13 arrested for burglary. It was dismissed, but then  
14 charged. It was a plea agreement apparently. He was  
15 charged with petty, convicted on petty larceny. So  
16 burglary, dismissed, charged with petty larceny.

17 3-3-09, solicitation of prostitution. That was  
18 dismissed. 5-24-11, he was arrested on seven felonies,  
19 obtaining credit card without consent, burglary without  
20 intent to commit felony, three counts of grand -- three  
21 counts of attempt grand larceny and two counts of grand  
22 larceny.

23 The paperwork he's providing, I believe, talks  
24 to the last arrest. Well, maybe all of them. Let's  
25 see.

1           Okay. I believe, if you look at page two, what  
2 I am seeing here, if I'm reading it correctly, is that  
3 the first count was amended to misdemeanor theft, with a  
4 six-month jail sentence, suspended, and he had to pay  
5 restitution to his victim. And then counts two through  
6 seven were dismissed per negotiations.

7           BOARD CHAIRMAN SPENCER: That's all he has.

8           MS. WHATLEY: Well, that was the last -- that  
9 was 5-24-11, the seven felonies.

10          BOARD CHAIRMAN SPENCER: Oh, seven.

11          MS. WHATLEY: There were originally seven  
12 felonies. And it looks like they convicted him on  
13 count -- on one count of misdemeanor theft and then gave  
14 him a six-month suspended jail sentence and then  
15 dismissed the -- per negotiations, dismissed counts two  
16 through seven.

17          BOARD MEMBER NADEAU: When was that?

18          MS. WHATLEY: Well, he was arrested on 5-24-11.  
19 This looks like it was July 7th, '11.

20          BOARD MEMBER NADEAU: Okay. Thank you.

21          BOARD MEMBER PUTNAM: I also noted here that  
22 this letter he has says that on 7-23-11, he had been  
23 preselected to go with the U.S. military in Afghanistan  
24 to work as a translator. Do you think that might have  
25 something to do with the fact that he --

1 BOARD CHAIRMAN SPENCER: Yes.

2 MS. WHATLEY: It says per, it says per  
3 negotiations.

4 BOARD MEMBER PUTNAM: Mr. Russa?

5 MR. RUSSA: Yes?

6 BOARD MEMBER PUTNAM: I have a question for  
7 you, sir.

8 MR. RUSSA: Yes.

9 BOARD MEMBER PUTNAM: This letter says that you  
10 were preselected to start your work for the U.S.  
11 military in Afghanistan starting on July 23rd, 2011.  
12 Did you go to Afghanistan?

13 MR. RUSSA: Yes, sir. Actually, I was in  
14 Baltimore for a period, and that time when they -- I had  
15 to take the CIA screen test. At that time, I had a  
16 problem with my family there. I had the last of the --  
17 the last of the case I had. Because she was my  
18 girlfriend. When she knew I went to Afghanistan, she  
19 did -- like I used her credit card. Then my mom called  
20 me back. And I was in Baltimore. The case all  
21 dismissed. I was in Baltimore. My mom had a surgery.  
22 I came back. Then I can't go to -- back. But it's in  
23 the process, the case is process. They told me whenever  
24 you've got the time, we wanted to go to -- back to  
25 Afghanistan. They called me. I will, maybe in 2012.



1 Or 2013.

2 BOARD MEMBER PUTNAM: So you haven't gone to  
3 Afghanistan yet, but you will be in the future?

4 MR. RUSSA: No. No. I never been in  
5 Afghanistan back. Because I have -- I had a problem.  
6 My mom had a surgery. I come back because of her.

7 BOARD MEMBER NADEAU: Mr. Chair?

8 BOARD CHAIRMAN SPENCER: Yes?

9 BOARD MEMBER NADEAU: Tammy, but the reason for  
10 denial was failure to disclose?

11 MS. WHATLEY: He did not disclose any of the  
12 arrests. And then the recency of the seven. And at  
13 that time, I did not have any disposition on the seven  
14 felonies.

15 BOARD MEMBER NADEAU: But in spite of the fact  
16 that they happened the last year, he didn't disclose  
17 those in his application?

18 MS. WHATLEY: No.

19 BOARD MEMBER NADEAU: Okay. Thank you.

20 BOARD CHAIRMAN SPENCER: Maybe he didn't  
21 understand it.

22 BOARD MEMBER NADEAU: Thank you.

23 BOARD MEMBER PUTNAM: Well, Mr. Chairman, if  
24 you're ready, I'll make a motion.

25 BOARD CHAIRMAN SPENCER: Okey-dokey.

1 BOARD MEMBER PUTNAM: Mr. Chairman, I would  
2 like to move that the denial of registration for  
3 Mohammad Russa be upheld because of his failure to list.

4 MS. RAY: Woops, we just got disconnected.

5 (The videoconference connection with Las Vegas  
6 was lost, then reestablished.)

7 BOARD CHAIRMAN SPENCER: Do you think in your  
8 mind that he knew what he was supposed to have done?

9 MS. WHATLEY: You know, the application, I  
10 think, is clear about arrest history.

11 BOARD CHAIRMAN SPENCER: That's what I'm  
12 asking, do you think he would know?

13 MS. WHATLEY: I do believe he's an Afghan  
14 citizen, or at least he was born there, or something  
15 that he -- so that where --

16 BOARD MEMBER PUTNAM: Something got him, it  
17 came to somebody's attention because he's Afghani?

18 MS. WHATLEY: And that may be where his  
19 confusion is about whether he's been over there or not  
20 for the military.

21 BOARD MEMBER PUTNAM: Well, he hasn't been  
22 there yet.

23 MS. WHATLEY: Just the fact that he has a petty  
24 larceny in '09 and burglary, you know, grand larceny or  
25 burglary.

1 MS. RAY: Okay.

2 BOARD MEMBER PUTNAM: So the people were in  
3 that picture, you know, have --

4 BOARD CHAIRMAN SPENCER. Okay. Did we finish  
5 the vote?

6 BOARD MEMBER NADEAU: No. We have a motion and  
7 a second.

8 BOARD CHAIRMAN SPENCER: All in favor, signify  
9 by saying "aye."

10 (Board members said "aye.")

11 Mr. Russa, we're going to have to deny you  
12 right now. You can appear for it again in one year.

13 MR. RUSSA: Okay.

14 BOARD CHAIRMAN SPENCER: To get, you know, the  
15 armed guard card. But you may be, you may be working at  
16 that time, by that time. If not, apply in a year, and  
17 we'll see what happens. I think, it'll be better for  
18 you.

19 MR. RUSSA: Okay. Thank you, sir.

20 BOARD CHAIRMAN SPENCER: Stay out of trouble.

21 BOARD MEMBER NADEAU: And disclose on the  
22 application.

23 BOARD CHAIRMAN SPENCER: And when they ask you  
24 for information, write it down.

25 MR. RUSSA: Okay. Okay. Thank you. Thank you

1 for your time.

2 BOARD CHAIRMAN SPENCER: All right. Anyone  
3 else?

4 MS. GRESNICK-SMITH: We've got Mr. Hornsby, and  
5 he requested a closed meeting.

6 BOARD CHAIRMAN SPENCER: Okay. Well, have him  
7 close the door.

8 MS. RAY: Is there anyone else in the audience,  
9 Elyse?

10 MS. GRESNICK-SMITH: Yeah, Mr. Eakins.

11 MS. RAY: Mr. Eakins is there. Okay.

12 MS. GRESNICK-SMITH: Yeah.

13 MS. RAY: Then, have a seat, Mr. Hornsby.

14 \* \* \* \* \*

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

18 \* \* \* \* \*

19 BOARD MEMBER NADEAU: I move that we overturn  
20 the denial.

21 BOARD MEMBER PUTNAM: Second.

22 BOARD CHAIRMAN SPENCER: All right. I'll ask  
23 the question here in a minute, as soon as they open the  
24 door.

25 BOARD MEMBER NADEAU: Once we make the motion,

1 we can do whatever we want --

2 BOARD CHAIRMAN SPENCER: All in favor, signify  
3 by saying "aye."

4 (Board members said "aye.")

5 Opposed? None.

6 Okay. Your denial has been overturned, sir.

7 MR. HORNSBY: Thank you, ladies and gentlemen.

8 I'm being good.

9 BOARD CHAIRMAN SPENCER: Okay.

10 MR. HORNSBY: What do I do, Ms. Elyse?

11 MS. GRESNICK-SMITH: Yes. Mechele, could you  
12 mark him as complete, because his fingerprints are  
13 received, and it's all -- everything matches.

14 MS. RAY: I just did provisional. So now I'll  
15 do active.

16 MS. GRESNICK-SMITH: Okay. So you should get a  
17 card in a couple weeks.

18 MR. HORNSBY: Thanks. God bless you.

19 MS. GRESNICK-SMITH: Have a good day.

20 BOARD CHAIRMAN SPENCER: Mr. Eakins?

21 MR. EAKINS: Yes?

22 BOARD CHAIRMAN SPENCER: Are you still awake?

23 MR. EAKINS: Oh, you betcha, yes, sir.

24 MS. RAY: You should have it on your card.

25 BOARD MEMBER PUTNAM: Yeah, I've got it on

1 there.

2 MS. RAY: Okay. And there's an e-mail that  
3 came in. Do you have this? It should be somewhere in  
4 your stack of stuff.

5 BOARD MEMBER PUTNAM: Yeah, it's in there.

6 (There was a period off the record.)

7 BOARD CHAIRMAN SPENCER: Mr. Eakins, what is it  
8 that you wish to do?

9 MR. EAKINS: Oh.

10 BOARD CHAIRMAN SPENCER: I've read this. But  
11 give us a little something about what it is you want.

12 MR. EAKINS: Well, I think, the request of the  
13 order was to provide the clarification on the use of  
14 volunteering. Because, in the past, there's been  
15 various interpretations of whether you can or cannot use  
16 volunteers, and the determination as to whether or not  
17 they're paid employees.

18 And so the purpose was to get something  
19 concrete for everybody to use and say you need us, we  
20 can't have volunteers, even though they're not being  
21 compensated under the law. Either we can or we cannot,  
22 one way or the another. It would make it a lot easier  
23 to operate, operate our business.

24 BOARD CHAIRMAN SPENCER: Yes, Jim?

25 BOARD MEMBER NADEAU: Do you use your personnel

1 for security purposes, your volunteers?

2 MR. EAKINS: Yes.

3 BOARD MEMBER NADEAU: Your volunteers --

4 MR. EAKINS: Yes.

5 BOARD MEMBER NADEAU: -- are used for security  
6 purposes?

7 MR. EAKINS: Yeah.

8 BOARD MEMBER NADEAU: Define what that means --

9 MR. EAKINS: Yes.

10 BOARD MEMBER NADEAU: Define what that means to  
11 you.

12 MR. EAKINS: Okay. As far as what I do at the  
13 speedway, very little security. Because we do not write  
14 reports. We don't carry weapons of any type, handcuffs  
15 or anything. We're more in a guest relations role. And  
16 we do control access. But if there's a situation, we  
17 have to call their command post, and then their  
18 permanent personnels come out and take care of the  
19 situation.

20 I mean the money that I pay volunteers go to  
21 their organization.

22 BOARD MEMBER NADEAU: Right. Not to the  
23 individuals, yeah.

24 Mechele, how do we handle Hot August Nights?

25 MS. RAY: We have determined, and it's been

1 some years ago, that any compensation, whether it's to  
2 the military officers ball fund or the soccer team or  
3 the cheerleaders team, there is compensation. It may  
4 not be going to the volunteers, but they're performing a  
5 security function, and they needed to be work-carded and  
6 registered and, now that it's one and the same, that  
7 they have a background, and they have to have their PILB  
8 card.

9           There was a period of time where, you know, we  
10 stumbled upon this.

11           BOARD MEMBER NADEAU: I remember very vaguely,  
12 remember that discussion. Don't recall the -- our  
13 determination at the time, because I vaguely remember  
14 the discussion that evolved around the Nellis military  
15 guys that were coming in and volunteering, and that type  
16 of thing.

17           MS. RAY: And it is vague. There isn't a lot  
18 out there. And, I think, you know, having it on the  
19 record and having a definitive answer is a good thing.  
20 But our position is, is that they're out there, they're  
21 performing security functions. They're not allowing  
22 access.

23           BOARD MEMBER NADEAU: And I can't remember, but  
24 do we define ticket takers as security function? Or  
25 because --



1 MS. RAY: Not necessarily.

2 BOARD MEMBER NADEAU: Because I remember that  
3 discussion.

4 MS. RAY: Right. And it kind of boiled down if  
5 they had security personnel also included with that  
6 group of people, that the ticket takers themselves  
7 weren't -- that was not necessarily a security function.

8 BOARD MEMBER NADEAU: Okay. How eminent is a  
9 decision on this? When I say that, there's only three  
10 of the five Board members here, and I'd certainly like  
11 to get input from both Mark and Robert on this. So is  
12 this a decision that has to be made today?

13 MS. RAY: Well --

14 BOARD MEMBER NADEAU: Or can we put it off to  
15 our next meeting?

16 MS. RAY: Well, I think, you can, if that's  
17 what you'd like to do. We proceed with telling  
18 everybody that they have to be registered. And that's  
19 how staff has been proceeding with this issue.

20 So if Mr. Eakins doesn't mind waiting till  
21 September. We do have several events that come up  
22 throughout the summer. But I don't see a lot of  
23 interest in this, either.

24 BOARD MEMBER NADEAU: That could fall within  
25 that qualification.

1 MS. RAY: Right. We could maybe put this off  
2 for the June meeting, the June 25th meeting.

3 MR. EAKINS: I'd like to add in there, if I  
4 could, when it goes before another meeting, that a past  
5 member of the Board's -- which I included in the note,  
6 that since they're not being compensated as individuals,  
7 as defined by the state, then they're not governed by  
8 the Board. And I included that in there. Which is the  
9 last thing I could find on file, in reference, that's  
10 been very helpful.

11 MS. RAY: And, Mr. Eakins, I was at that  
12 meeting, and I think it was determined at that meeting  
13 that compensation, if compensation was paid to an  
14 organization, then it was considered compensation,  
15 whether or not it was paid to the individual person or  
16 not.

17 MR. EAKINS: No, that's fine. I'll accept what  
18 the Board said. I just wanted, you know, to make the --  
19 I felt that needed some clarification. It would be a  
20 lot easier to have it defined.

21 MS. RAY: I agree.

22 BOARD MEMBER NADEAU: Well, and I personally  
23 think we should probably revisit it. But. So. And, I  
24 think, I was at that meeting, also, sir.

25 BOARD CHAIRMAN SPENCER: Yes, you were.

1 BOARD MEMBER NADEAU: Where Dan made those  
2 things. So, you know, I understand what you're saying.  
3 And I'd just have to go back and remind myself of the  
4 conversation and the discussion at the time.

5 But if you're up for it, I'd be making a -- I'd  
6 be willing to make a motion that we table this until our  
7 next meeting.

8 BOARD MEMBER PUTNAM: Next meeting this month?

9 BOARD MEMBER NADEAU: Yeah.

10 BOARD CHAIRMAN SPENCER: We've had two, two  
11 casualties already today, our Board members. And  
12 something like this, to make any drastic changes, we'd  
13 like to have all of them, all of the Board members  
14 present.

15 MR. EAKINS: Oh, yes, sir. I totally agree,  
16 100 percent.

17 BOARD CHAIRMAN SPENCER: Do you want to do it  
18 then, or do you want to do it in September?

19 MS. RAY: June is full.

20 BOARD CHAIRMAN SPENCER: Okay. We'll do it  
21 next meeting, in September. And --

22 BOARD MEMBER NADEAU: In September or June?  
23 September?

24 BOARD CHAIRMAN SPENCER: We're jammed in June.

25 BOARD MEMBER NADEAU: Okay. No, I'm good.

1 BOARD CHAIRMAN SPENCER: Longer than today.

2 BOARD MEMBER NADEAU: Okay. Well, then, I will  
3 amend my motion to September.

4 BOARD CHAIRMAN SPENCER: Motion and second.

5 BOARD MEMBER PUTNAM: Okay. Second.

6 BOARD CHAIRMAN SPENCER: All in favor?

7 (Board members said "aye.")

8 Opposed?

9 It passes.

10 MS. RAY: Thanks, Mr. Eakins.

11 MR. EAKINS: Thank you.

12 BOARD MEMBER NADEAU: Thanks for waiting.

13 MR. EAKINS: It's really nice that I didn't  
14 have to come in until 1:00 o'clock this afternoon. Have  
15 a good day.

16 MS. GRESNICK-SMITH: You, too.

17 BOARD CHAIRMAN SPENCER: Board comment and  
18 discussion.

19 MS. GRESNICK-SMITH: Oh, we still have Dody  
20 Fuhrmann not discussed.

21 MS. RAY: We have a couple we have to go back  
22 to, yes.

23 BOARD CHAIRMAN SPENCER: Oh, okay.

24 MR. WARD: I'll take one of mine real quick. I  
25 would move item number four, Don Clardy, continue that

1 to September. He was a no-show. He is from California.

2 I anticipate he'll be a no-show in September.

3 BOARD MEMBER NADEAU: I'd move that number  
4 four -- you're saying, suggesting that we move it to the  
5 September meeting?

6 MR. WARD: Correct.

7 BOARD MEMBER NADEAU: So moved.

8 BOARD MEMBER PUTNAM: Second.

9 BOARD CHAIRMAN SPENCER: All in favor, signify  
10 by saying "aye."

11 (Board members said "aye.")

12 Opposed?

13 None. It passes.

14 How about Dody Fuhrmann?

15 MS. RAY: Mr. Chairman, she did send Elyse an  
16 e-mail stating that she is short-staffed, and she would  
17 not be able to attend today, and that she would like her  
18 letter of appeal to stand as her appeal. It's a \$50  
19 notice of violation.

20 BOARD MEMBER NADEAU: And what was the  
21 violation? I can pull it up.

22 MS. GRESNICK-SMITH: It's for an employee  
23 working without a work card or a provisional  
24 registration and not being registered.

25 BOARD CHAIRMAN SPENCER: An oversight.

1 MS. RAY: Well, yes, she -- I think, in her  
2 letter, just to kind of summarize, I think, she felt she  
3 should have had a warning. Does that sum it up?

4 MS. GRESNICK-SMITH: Yeah. I think, this was  
5 an individual that they were made aware of, and then a  
6 violation was issued.

7 BOARD MEMBER NADEAU: Did we just get that  
8 letter, or was that from the Board?

9 MS. RAY: She was on the previous meeting and  
10 wasn't given sufficient notice, and so it was continued  
11 to this meeting.

12 BOARD MEMBER NADEAU: Okay. Do we have a copy  
13 of the letter?

14 MS. RAY: You do, yes. You should. If not, I  
15 have it. She's number seven. I will try to find that.

16 BOARD MEMBER NADEAU: Can we go ahead and put  
17 that one on hold, and I'll make a motion on some other  
18 stuff?

19 MS. RAY: Okay.

20 BOARD MEMBER NADEAU: If you're willing,  
21 Mr. Chair?

22 BOARD CHAIRMAN SPENCER: Sure.

23 BOARD MEMBER NADEAU: I'd move that number 10,  
24 Wash Holmes -- these are all registration appeal  
25 hearings.

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

2 BOARD MEMBER NADEAU: I'd move that number 10,  
3 Wash Holmes; number 11, Walter Willis; number 12,  
4 Zachary Robertson; number 19, David Poelking, all, that  
5 the denials be affirmed.

6 BOARD MEMBER PUTNAM: Second.

7 BOARD CHAIRMAN SPENCER: All in favor?

8 (Board members said "aye.")

9 BOARD MEMBER NADEAU: I would move that item  
10 number 13, Alfonso Alavarez -- Alvarez -- excuse me --  
11 that his exemption be denied.

12 BOARD MEMBER PUTNAM: Second.

13 MS. RAY: Which number was that, Jim?

14 BOARD MEMBER NADEAU: 13.

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

17 (Board members said "aye.")

18 Pass.

19 BOARD MEMBER NADEAU: And did we ever deal with  
20 16? I'm sorry. The names are all running together.

21 MS. RAY: He's continued. You made the motion  
22 to continue him.

23 BOARD MEMBER NADEAU: Okay. Thank you.

24 MS. RAY: 17, this is an exemption request.

25 BOARD MEMBER NADEAU: Yeah, I'd move on number

1 17, Richard Parkin, that the exemption be denied.

2 BOARD MEMBER PUTNAM: Second.

3 BOARD CHAIRMAN SPENCER: All in favor, signify  
4 by saying "aye."

5 (Board members said "aye.")

6 That carries.

7 BOARD MEMBER NADEAU: And other than number  
8 seven, then --

9 MS. RAY: 19.

10 BOARD MEMBER NADEAU: 19. We already did that.

11 MS. RAY: You did Blalock. Okay.

12 BOARD MEMBER NADEAU: So that pretty well  
13 clears the agenda, if I'm correct.

14 BOARD CHAIRMAN SPENCER: Yes.

15 MS. RAY: Yep.

16 BOARD MEMBER NADEAU: Other than number seven.

17 MS. RAY: I do not have a copy of her letter.  
18 It is probably in my paper file from the March meeting.

19 Do you have a copy of her letter, Elyse?

20 MS. GRESNICK-SMITH: No, I never received it.

21 BOARD CHAIRMAN SPENCER: That one, that one we  
22 could do on the 26th. That would be quick.

23 BOARD MEMBER NADEAU: Yeah, move that we -- I  
24 move item number seven, Dody Fuhrmann, to the 26th  
25 meeting.



1 BOARD MEMBER PUTNAM: Second.

2 BOARD CHAIRMAN SPENCER: All in favor?

3 (Board members said "aye.")

4 We'll do it.

5 MS. RAY: And then, Mr. Chairman, if I could,  
6 we do have some matters that we continued from  
7 yesterday. And I have no problem continuing those to  
8 the June meeting.

9 BOARD CHAIRMAN SPENCER: I second that.

10 BOARD MEMBER PUTNAM: Second.

11 MS. RAY: However, there is one item that we do  
12 need a little bit of direction on, and that has to do  
13 with the canine. And since Harry is here.

14 And it's not so much the amendment to the  
15 statute in repealing the canine. We have a particular  
16 applicant that's kind of stuck in the middle. And we  
17 briefly discussed them yesterday. They were in front of  
18 you to appeal their citation that was issued from the  
19 last meeting. It was dismissed.

20 However, the type of business that they want to  
21 start up falls within the definition of dog handler.  
22 However, our current field examination is not one that  
23 we can administer to them based on the type of activity  
24 that they want to do.

25 BOARD CHAIRMAN SPENCER: What do we want to do?

1 BOARD MEMBER NADEAU: Is that the Pahrump dog  
2 company?

3 MS. RAY: Yes, where they simply put the  
4 dogs -- it's just junkyard dogs.

5 And you can elaborate on this, Rob.

6 Robbie went to the facility. He's played with  
7 dogs.

8 MR. HIGHT: Yeah, I've been there, and I've  
9 talked with them over and over. And the problem is that  
10 our current test is designed for patrol dogs or, you  
11 know, where the handler is with the dog all the time.  
12 They don't train their dogs for that. They don't want  
13 to train their dogs for that. They want to do just  
14 watch dogs and guard dogs. And we currently don't have  
15 a test that I can administer to them.

16 So we're kind of in a dilemma, because I can't  
17 give them the guard dog test that we currently have,  
18 patrol dog test, protection dog test that we currently  
19 have, because they don't train their dogs to do that.

20 So on one side, they fall under dog handler  
21 definition, because they are going to be providing dogs  
22 for the protection of property. But at the same time,  
23 we don't have any way of testing, testing them and  
24 granting them a license per se. And yet, I mean, I  
25 don't -- I feel for them. I understand what they're

1 trying to do. But at the same time, I don't know that,  
2 you know, we're ready to --

3 BOARD CHAIRMAN SPENCER: Do you think Humane  
4 Society would be better off going and checking out what  
5 they're doing?

6 MR. HIGHT: They already have. They actually  
7 have a kennel license. And they were checked out by  
8 animal control, Humane Society and other. But I mean  
9 they're going to take their dogs, if they can find  
10 people that will hire them, and put two or three dogs,  
11 one dog, at a location at night and leave it there and  
12 let them guard the place, and then come pick it up in  
13 the morning. I don't think we're ready to go out and --

14 BOARD MEMBER NADEAU: Mr. Chairman? They're  
15 the ones that they have their dog -- they had their  
16 business license, they had all of their licensure, but  
17 got wrapped in the fact that they didn't have a license  
18 from us. That was the appeal hearing that we --

19 MS. RAY: The Russians.

20 BOARD MEMBER PUTNAM: The Russians.

21 BOARD MEMBER NADEAU: Remember, they had all of  
22 their licenses and everything?

23 BOARD CHAIRMAN SPENCER: Oh, the Russians?

24 BOARD MEMBER NADEAU: Yeah.

25 MS. RAY: Yes.

1 BOARD MEMBER NADEAU: Remember that? That's  
2 what we're dealing with here.

3 BOARD MEMBER PUTNAM: I said -- asked them if  
4 they were raised in the old Soviet Union, and they said  
5 yes.

6 MR. HIGHT: And they are. Mr. -- what's the  
7 name?

8 MS. RAY: Mr. Vasili Platunov.

9 MR. HIGHT: Yeah. And extensive experience,  
10 plus an army. I mean there's tons of experience in  
11 handing and training dogs. But for doing the kind of  
12 work that he wants to do, he hasn't trained the dogs to  
13 the minimum standard that we have set, because our  
14 standards don't cover what he wants to do.

15 So I went there, and I visited. And he has  
16 probably 45 dogs at his place. And he does, like you  
17 said, have all licenses, the business license, the  
18 kennel license, all those kinds of things.

19 BOARD CHAIRMAN SPENCER: If we don't cover  
20 them, we don't cover them.

21 MR. WARD: We license him, but we just don't  
22 have the training protocol for his type experience.

23 BOARD MEMBER NADEAU: We don't have the ability  
24 to do the appropriate testing to validate their  
25 licensure, correct?

1 MS. RAY: Not with what we heard on that.

2 MR. HIGHT: Correct.

3 MR. WARD: They will not be the same as the  
4 other type of dog training.

5 MR. HIGHT: So we don't have a test for that.  
6 We don't have any way to certify that type of dog.

7 BOARD CHAIRMAN SPENCER: What's that Russian  
8 breed they have?

9 MR. HIGHT: Say that again.

10 BOARD CHAIRMAN SPENCER: What's that Russian  
11 breed, the dog?

12 MR. HIGHT: Caucasian -- I think, it's a  
13 Caucasian mountain dog or --

14 MR. WARD: Big dog.

15 MR. HIGHT: That's the Russian name. They  
16 weigh somewhere around 150 to 180 pounds.

17 BOARD MEMBER PUTNAM: Yeah, double the size of  
18 a German shepherd.

19 MR. HIGHT: And they're about this tall. Their  
20 head is about the size of a lion's.

21 BOARD CHAIRMAN SPENCER: Wow.

22 BOARD MEMBER NADEAU: Is there any way that we  
23 could contract with someone that would be able to --  
24 Well, but we don't have the guidelines, though.

25 MR. HIGHT: No, we don't have the guidelines.

1 BOARD MEMBER NADEAU: So we can't, we couldn't  
2 even contract with someone to do the appropriate --

3 MR. HIGHT: We wouldn't be able to. If we had  
4 a standard for that, then I could do that.

5 BOARD MEMBER NADEAU: Right.

6 MR. HIGHT: They want to go to work. They're,  
7 you know, asking me almost daily, "What are we going to  
8 do? What can we do? We want to start working."

9 BOARD CHAIRMAN SPENCER: Well, if we don't have  
10 the laws to control them, until we do, I think, they  
11 ought to do what they've been doing.

12 MS. RAY: But what they're going to do falls  
13 under the definition.

14 MR. WARD: Put the regs in and regulate it.

15 MS. WHATLEY: You would have to uphold their  
16 citation if they continue doing what they are doing.

17 MS. RAY: No, when they started doing what  
18 they're doing now.

19 BOARD MEMBER NADEAU: If they started doing  
20 what they want to do, then we'd have to cite them.

21 MS. RAY: That was advertising.

22 MR. HIGHT: Well, the cite was for advertising,  
23 yes.

24 BOARD MEMBER PUTNAM: Boy.

25 BOARD MEMBER NADEAU: Is there -- Mr. Chair,

1 does staff have any recommendations? I think, it falls  
2 to the Board.

3 BOARD CHAIRMAN SPENCER: How about counsel?

4 MS. RAY: We're in between a rock, and they're  
5 in between a rock and a hard place.

6 MR. WARD: My only suggestion would be, since  
7 we can't test these dogs as per, because we don't have  
8 any protocol to, we can't do anything.

9 MS. RAY: The problem is we wouldn't test all  
10 the dogs, because under our current way it's done, the  
11 handler just has to demonstrate that he can handle the  
12 dog.

13 MR. HIGHT: Correct. And the dog has to do a  
14 specific set of things.

15 MS. RAY: Right. I mean it's not all 45 dogs.  
16 He could train one. But, but do we want to go there,  
17 you know?

18 BOARD MEMBER PUTNAM: Yes. Well, is there  
19 anything that says -- because it seems to me that's  
20 pretty close to illegal, just turning a dog loose inside  
21 a fence all by himself with no control.

22 BOARD CHAIRMAN SPENCER: Somebody could --

23 BOARD MEMBER PUTNAM: Somebody's going to get  
24 killed.

25 MR. HIGHT: I don't think it's illegal. I mean

1 there are -- I have -- and I didn't bring them with me,  
2 but statutes and ordinances.

3 BOARD MEMBER PUTNAM: You can't bring a shotgun  
4 to your front door. That's, basically, what you're  
5 doing with that dog running out.

6 MR. HIGHT: But there are states that do  
7 license people to do that, but they're --

8 BOARD MEMBER PUTNAM: Yes, they're tag dogs.

9 BOARD MEMBER NADEAU: Counsel, is there any  
10 provision within Nevada statute, and what type of  
11 liability would we be assuming if we provide provisional  
12 license pending development of regulation?

13 MR. WARD: I wish I could give you an immediate  
14 response. I always say there's potential for liability,  
15 right.

16 BOARD MEMBER NADEAU: You don't have to give us  
17 an answer. Because if you're willing to, you know, see  
18 if -- maybe bring that back to the Board, I'd be willing  
19 to table this until our 26th meeting, that's fast  
20 filling up.

21 MS. RAY: Yes, it is.

22 MR. WARD: Provisional licensing.

23 BOARD MEMBER PUTNAM: Yeah, it is.

24 BOARD MEMBER NADEAU: We do have statutory  
25 authority on security guards to issue a provisional



1 license. I don't know how far that carries.

2 MS. RAY: It's not a license.

3 BOARD MEMBER NADEAU: Huh?

4 MS. RAY: It's not a license.

5 BOARD MEMBER NADEAU: I'm sorry. Provisional,  
6 provisional registration, or whatever.

7 MR. WARD: And what is the time for that, how  
8 long?

9 BOARD MEMBER NADEAU: Thank you for correcting  
10 that.

11 MS. RAY: 90 days, with an exemption from me  
12 for good cause.

13 BOARD MEMBER PUTNAM: I'll second your motion.

14 MS. RAY: Okay. June 26th.

15 BOARD MEMBER PUTNAM: Call for the vote.

16 BOARD CHAIRMAN SPENCER: What's the motion?

17 BOARD MEMBER NADEAU: That we table this until  
18 June 26th, and where counsel maybe, if he can find  
19 something, maybe be able to provide us some guidance.

20 BOARD CHAIRMAN SPENCER: All right. All in  
21 favor, signify.

22 (Board members said "aye.")

23 BOARD CHAIRMAN SPENCER: Passed.

24 BOARD MEMBER NADEAU: Public comment?

25 BOARD MEMBER PUTNAM: Yeah.

1 MS. RAY: Public comment.

2 BOARD MEMBER NADEAU: Anybody there?

3 MS. GRESNICK-SMITH: No, just me.

4 BOARD MEMBER NADEAU: Move for adjournment.

5 MS. RAY: Thank you so much, Elyse. Good job  
6 today.

7 MS. GRESNICK: Thanks.

8 MS. RAY: Thanks for holding down the fort.

9 BOARD MEMBER PUTNAM: Second the motion?

10 BOARD MEMBER NADEAU: We already had a motion.  
11 I did it.

12 BOARD CHAIRMAN SPENCER: All right.

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14 (The meeting adjourned at 5:35 p.m.)

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REPORTER'S CERTIFICATE

I, SHANNON L. TAYLOR, a Nevada Certified Court Reporter, Nevada CCR #322, do hereby certify:

That I was present at the Office of the Attorney General, 100 North Carson Street, Mock Court Room, Carson City, Nevada, on Thursday, June 7, 2012, at 9:00 a.m., and commencing at 9:23 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 314, is a full, true, and correct transcription of said stenotype notes of the open meeting 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 21st day of August, 2012.

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SHANNON L. TAYLOR  
Nevada CCR #322, RMR