

PRIVATE INVESTIGATORS LICENSING BOARD

MINUTES  
SPECIAL MEETING  
JULY 30, 2012

MEMBERS PRESENT:

JIM NADEAU: BOARD MEMBER

MARK ZANE: BOARD MEMBER (CARSON CITY)

RICHARD PUTNAM: BOARD MEMBER

ROBERT UITHOVEN: BOARD MEMBER

BOARD CHAIRMAN DAVID SPENCER

OTHERS:

MECHELE RAY: EXECUTIVE DIRECTOR

HARRY WARD: BOARD COUNSEL

ROBBIE HIGHT: INVESTIGATOR

KIMBERLY CHRISTENSEN: ADMINISTRATIVE ASSISTANT

SWEARING IN:

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

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

APPROVAL OF MINUTES:

Board member Nadeau moved to place the approval of March 7th and 8<sup>th</sup> meeting on the September 2012 agenda. Board member Zane seconded the motion which passed unanimously.

FINANCIAL REPORT:

Executive Director Ray provided a copy of the financial statement as of July 27, 2012 for FY2012 and FY2013.

PUBLIC COMMENT:

There was no public comment.

**CHANGE IN LICENSING STATUS**

ADT Security Services Inc., license #1338 requested a change in licensing status. ADT Holding Inc., from Delaware applied for a corporate Private Patrolman license. Alan Reza requested that his qualifying agent status be transferred from ADT Security Services Inc., to ADT Holdings Inc. Corporate officers and directors to be approved are Mark Edoff, Naren Gursahaney, and Nelson Bleisch. Mr. Reza told the Board that he held license #1338, he was the qualifying agent, would be performing the same job duties with ADT Holdings Inc. Board member Zane motioned to approve the name change for the corporate Private Patrolman license from ADT Security Services Inc., license #1338 to ADT Holdings Inc., and that Alan Reza be approved to transfer his qualifying agent status to ADT Holdings Inc. Corporate officers and directors approved were Mark Edoff, Naren Gursahaney and Nelson Bleisch. Board member Putnam seconded the motion which passed unanimously.

**ADMINISTRATIVE BUSINESS**

Discussion, review, evaluation, and possible interview of candidates for the position of Executive Director.

- a. Tammy Whatley
- b. Jo Lynn Smith
- c. Kevin Ingram

Board Counsel Ward told the Board members that he had received Friday afternoon July 27, 2012 a letter concerning a possible open meeting law violation on agenda item number three of the June 15, 2012 meeting of the Private Investigator's Licensing Board. He told the Board that based on the letter and some background on the meeting of June 15, 2012 he recommended that the Board pull agenda items seven and eight from the current meeting. Chairman Spencer asked if it needed to be a motion item to remove from the July 30, 2012 meeting. Counsel Ward recommended that a motion be made to move agenda items seven and eight to another special meeting. Board member Putnam motioned for items seven and eight be moved to another special meeting. Board member Nadeau seconded the motion which passed unanimously. Board member Nadeau

asked when the discussion to schedule another meeting would be done. The Board moved to agenda number ten with regard to scheduling the next special meeting.

Board comment and future agenda items.

Chairman Spencer asked if it could be held at the next regular scheduled board meeting. Discussion continued on available dates, times and the availability of the facilities. Peter Maheu told Board members that the purpose of the letter was to have an open meeting with regard to the candidates as regulated by statute. Chairman Spencer asked what specifically was being requested. Mr. Maheu told the Board they wanted to know how the selection went from 38 or so candidates reduced down to seven or eight in an hour and half meeting. He said there was not an issue with the previous meeting that was open. Executive Director Ray told the Board that her last day would be September 14.

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

- a. Clarification from Board with regard to litigation information and/or history and in what situations should this information be requested  
Initial application;  
Corporate officer requests/changes;  
Changes in licensing status applications;  
Former Corporation/LLC;  
Other

Executive Director Ray told the Board that these items had been requested by Board member Zane and that staff needed some direction on how to proceed. Board member Zane stated that he had concerns with litigation with regard to corporations and that he would like to come to some term about an updated process that would accommodate a schedule for corporations to list their litigation every 3 or 5 years instead of when there was a corporate officer change. Executive Director Ray suggested to the Board that the licensees could be required at the time of renewal to submit a litigation report and status for other licenses in other jurisdiction with regard to complains and discipline actions. Discussion continued with regard to how the Board would be notified of litigation, what other states are the licensees licensed in, and the time frame for the corporations to submit litigation information. Discussion continued whether this was a regulation change or statute change. Board Counsel Ward told the Board he would look into the matter and give Executive Director some direction.

b. Discussion and direction from Board with regard to the licensing requirements; the need for licensing; testing; amendments to NRS and NAC.

Executive Director Ray told the Board that the question had come up with regard to whether or not Canine Handlers should be removed from the statute. Investigator Robbie Hight was tasked with taking over the testing. He told the Board that for the first time, there is a person who wanted to provide guard dogs for property and not a handler with that dog. The current test does not pertain to this type of job. Investigator Hight explained to the Board that changes had taken place in 1983 and 1985 with the legislature and that the standards were very broad. He explained that in most states canine and the handlers were regulated by other agencies similar to animal control or city ordinances and he had not found states that regulated dog teams. Investigator Hight told the Board that California had removed their canine handler license in 1993 and his recommendation would be to repeal ours at the next legislature session otherwise a new set of standards would need to be established. Chairman Spencer asked who regulated law enforcement dogs. Investigator Hight told the board that it was mainly case law and the department. Discussion continued on dog handlers and canines and that we may test with one dog however that does not mean that would be the dog working with that handler. He said that in law enforcement every dog is tested with that handler over and over. Board member Zane asked what the emphasis was at the very beginning when the statute said they needed to be licensed. Investigator Hight told the board that in 1971 it appeared they were after regulating the guard dogs. He said that he had found some insurance companies who recommended not doing it because of the litigation. Chairman Spencer asked if there were some type of problem memorandum to present to the legislatures on something that they had passed and had now changed. Chairman Spencer said that he had a concern that if the standards had been there all this time and now they were repealed and something went wrong that the Board would be liable. Board member Zane said that if it were to create oversight for staff and the board and we were not able to fulfill that obligation, the board would not have a liability to the public then he felt that getting rid of that portion of the regulation and let the private industry and insurance companies handle it. Board member Uithoven agreed. Board member Putnam said that a guard dog would be similar to having a loaded shotgun wired behind the fence. He questioned the legality of the dogs being allowed. Executive Director told the board that the purpose was to have one working document to present to the legislatures for statutory changes and she was just trying to keep this moving forward. Chairman Spencer stated that with the lack of requirements the board

was wasting their time. Board member Nadeau suggested taking out the term supplies and training and get back to the original ideal of a dog handler who worked security, on patrol. He asked if there were some type of a dog training certification program or a national certificate. Board member Nadeau felt that if the board were regulating the industry then the board had the ability to say how the certification would be done. He had a concern that a security guard worked a post with a dog without having some type of training. Board member Putnam agreed. Investigator Hight told the board that SB199 in 1983, the language had changed and removed the authority of the Private Investigator's Licensing Board to license trainers of watch dogs and then in 1985 it was changed to what we have now and he could not find any discussion of why the change. Investigator Hight said that if the board wanted to do dog handler as a team then Mr. Schneider's proposal was pretty close to what the board needed to look at. Discussion continued with regard to licensing as a team or the handlers and the liability of the handler to control that dog. Board member Nadeau stated that if this were to be amended then he suggested removing suppliers and trainers. Board member Zane asked for clarification that the dog handler would be a registered employee of a licensee or the licensee themselves. He suggested maybe move away from licensure do some sort of endorsement under his registration in the regulations process similar to certified firearms. Board member Nadeau asked if it were to be like the certified firearms with regard to the board required the employee to be certified and provide proof but the staff would not do the certification. Board member Putnam had no objection to leaving the regulation as it was but maybe take out the supplier and trainer. Chairman Spencer asked what Executive Director Ray wanted accomplished today and she stated that they needed to know if they would be moving forward with an amendment to the statute. Board member Putnam suggested an exemption similar to that of the polygraph examiners. Discussion continued on whether each employee that handled dogs needed to be licensed or a registered employee. Executive Director Ray told the board that she needed direction and Board member Zane asked if this could be moved to the next special meeting. It was decided to continue the discussion to the August 15, 2012 special meeting.

Chairman Spencer asked that Executive Director Ray state for the record, when and where the next special meeting will take place. She stated the date would be August 15, 2012, 9:00 am -1:00 pm.

- c. Discussion and direction from the Board regarding proctoring of the Polygraph Examiner written exam and the possible amendments to the existing exam.

Board member Putnam told the board that there had been two typos on the exam and those errors had been fixed. Executive Director Ray asked for clarification if the person needed to take both sections of the exam and what the passing score should be. Board member Putnam stated that both sections should be taken with a passing score of 80%.

There was no public comment.

Meeting adjourned.