

PRIVATE INVESTIGATORS LICENSING BOARD

MINUTES
SPECIAL MEETING
AUGUST 15, 2012

MEMBERS PRESENT:

JIM NADEAU: BOARD MEMBER

MARK ZANE: BOARD MEMBER (LAS VEGAS)

RICHARD PUTNAM: BOARD MEMBER

ROBERT UITHOVEN: BOARD MEMBER (LAS VEGAS)

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

FINANCIAL REPORT:

Executive Director Ray provided an updated copy of the financial report. Board members had no comment or questions.

PUBLIC COMMENT:

There was no public comment.

ADMINISTRATIVE BUSINESS

Board discussion, review, and evaluation of applicants' resumes submitted for the position of Executive Director. Board discussion, review, evaluation and possible interviews of candidates for the position of Executive Director.

Ana Booker	Anthony Freiberg	Ari Levin
Deyanira Flores	Don Teti	Edgar Arnold
Elyse Gresnick-Smith	Gregory Roehm	Kevin Ingram
Jason Dietrich	Jeffrey True Brown	James Kenyon
Jo Lynn Smith	Letonia D. Thomas	LaVee T. McCrea
Linda Everhard	Rochelle McDonald	Michael McMahon
Michelle Smaltz	Paul Phillipson	John T. Silvils
Ryan Chester	Sean Crowley	Susan Graham
Tammy Whatley	Tanya Wasielewski	Terri Fullerton
Waldo Walker	Richard Walters	Nathaniel Waugh
Wendy Robertson	William Abbott	Burk Bradshaw
Bridget Bodie-Papino	William Whisenhunt	Steven McDonald
Nicholas Roble III	Louisa Ellis	Kimberly Graunke
Karen Oliver	Grey Weyland	Conrad Frederickson
Cliff Sorensen	Bradley Smith	Anthony Ruggiero
Ray East		

Chairman Spencer said that a prior meeting had been done in a closed session. He asked each Board member if they had the resumes and a copy of the previous closed meeting minutes. All stated yes. Counsel Ward suggested to Chairman Spencer that he ask each Board member if they had reviewed each resume. Board member Uithoven, Board member Zane, Board member Putnam, Board member Nadeau, Chairman Spencer all stated they had. Chairman Spencer asked each Board member to state their list of candidates to be considered. Board member Putnam had chosen Michelle Smaltz because of her twenty years' experience as an office manager with the Attorney General's Office; Susan Graham because of her involvement with new hire investigations; Tammy Whatley because she is already a employee of the Private Investigation's Licensing Board and the amount of training would be reduced. Board member Nadeau explained that he had chosen his candidates for consideration based on administrative, budget, supervision and over all experience. He said that he several candidates he would like for consideration. Board member Nadeau chose Elyse Gresnick-Smith; Kevin Ingram; Terri Fullerton; Greg Weyland; Jason Dietrich; Jo Lynn Smith; Jeffrey True Brown; Letonia D. Thomas; Gregory Roehm; Waldo Walker;

Tammy Whatley. Board member Zane candidates for consideration were Elyse Gresnick-smith, Tammy Whatley; Jeffrey True Brown; Gregory Roehm; Bradley Smith; Rochelle McDonald; Deyanira Flores; Letonia D. Thomas. Board member Uithoven stated his candidates were Elyse Gresnick-Smith; Michelle Smatz; Tammy Whatley; Jo Lynn Smith; Terri Fullerton; Bradley Smith; Sean Crowley. Chairman Spencer stated his candidates were Kevin Ingram; Sean Crowley; Tammy Whatley; Elyse Gresnick-Smith. Chairman Spencer then stated that of those candidates the list needed to be narrowed down and see who duplicates are. Counsel Ward told Board members that they would need to repeat the tally and the motions that had been done in the closed session. Chairman Spencer read for the record the list of candidates that would move forward and board member motions. Board member Putnam motioned Tammy Whatley. Board member Zane seconded the motion which passed unanimously. Board member Putnam motioned Jo Lynn Smith. Board member Zane seconded the motion which passed unanimously. Board member Putnam motioned Jeffrey Brown. Board member Zane seconded the motion which passed unanimously. Board member Putnam motioned Sean Crowley. Board member Uithoven seconded the motion which passed unanimously. Chairman Spencer motioned Kevin Ingram. Board member Nadeau seconded the motion which passed unanimously. Board member Nadeau motioned Deyanira Flores. Board member Zane seconded the motion which passed unanimously. Board counsel Ward explained that at that time, each board member should be asked if anyone wanted to add any names to the list of candidates. Chairman Spencer asked each Board member and all stated no. Board Counsel Ward explained that the Board needed to openly discuss the list of common candidates and whittle those down. Board member Zane asked if there were to go over what happened in the closed meeting. Board Counsel explained that everything that had been done in the closed session was void and the Board needed to begin all over. Discussion continued with regard to the June 15, 2012 meeting for clarification on how to proceed. Board Counsel recommended that the board openly discuss the candidates to eliminate and the ones that the board wanted to proceed to the interview. Board members discussed why they had selected the candidates to move to the interview process and why they had not supported the advancement of some of the candidates. Board member Putnam and Board member Zane stated they had concerns with anyone who had been an attorney due to the fact the Board had counsel already to assist with issues that may arise. Board Counsel Ward suggested that the Chairman ask the members if they had any other comments or suggestions and if not then proceed in open discussion the candidates that would move forward. Board member Nadeau suggested to the Board that eight candidates be

chosen to proceed to the interview process from the open discussion and deliberation on the selected candidates to move forward. He recommended Tammy Whatley, Elyse Gresnick-Smith, John Sivils, Jeffrey Brown, Kevin Ingram, Jo Lynn Smith, Deyanira Flores, and Sean Crowley. Board member Putnam seconded the motion which passed unanimously. Chairman Spencer asked the board members if they had any other names they wished to add and none did. Board member Putnam asked if there had been anyone on the list that withdrew their application or had not done an interview. Executive Director Ray told the Board that John Sivils had withdrawn his application. Chairman Spencer asked if there was any public comment. Peter Maheu asked if backgrounds had been done on all eight candidates and if consideration had been made for the location of the Executive Director position. He also commented that his members felt there could be a conflict of interest with the Attorney General's office. Chairman Spencer stated backgrounds had been done and some of the applicants resided in Carson City and some resided in Las Vegas so the location of the position had not been established yet. Board member Nadeau motioned for the recommendation of Jo Lynn Smith, Kevin Ingram and Tammy Whatley from the interviews that had previously been held in the open forum. Board Member Uithoven seconded the motion which passed unanimously. Board members Nadeau and Zane and Chairman Spencer stated that they had all had discussion with Mr. Maheu with regard to the conflict with the Attorney General's Office. Board member Nadeau felt he did not have a conflict of interest due to the fact the Board members are appointed by the governor and the Executive Director was appointed by the Board and worked for the Board not the Attorney General. Board member Zane stated for the record that the Board members had requested the guidance of Gregory Smith, Chief of Staff for the Attorney General's office with regard to the process of evaluating the applicants. Mr. Maheu stated that the Attorney General's husband was a licensed Private Investigator.

Board discussion, review, evaluation and possible selection of Executive Director and discussion regarding terms and conditions of employment.

Board discussed how the applicant would be picked and offered the Executive Director position along with the salary and benefits package. Board member Zane motioned to make the process of consideration by ranking of one, two, and three. Board member Nadeau seconded the motion which passed unanimously. Discussion continued on how to rank the applicants. Board member Nadeau motioned that each Board member list their choice of candidates with one, two or three. The most with the number one would be offered the position first, if declined, then

move to the number two, then if need be move to the number three candidate. Board member Zane seconded the motion which passed unanimously. Board member Nadeau reconsidered his motion and Board member Putnam seconded the motion which passed unanimously. Board member Nadeau motioned to poll on the number one choice, then number two and the majority applicant would be offered the position. Board member Putnam seconded which passed unanimously. Board member Putnam clarified that the number one position must have majority votes and then would be candidate number one and so on. Board member Uithoven ranked the applicants in order of Kevin Ingram, Tammy Whatley and Jo Lynn Smith. Board member Zane ranked in order of Kevin Ingram, Tammy Whatley and Jo Lynn Smith. Board member Putnam ranked in order of Tammy Whatley, Kevin Ingram and Jo Lynn Smith. Board member Nadeau ranked in order of Jo Lynn Smith, Kevin Ingram and Tammy Whatley. Chairman Spencer ranked in order of Kevin Ingram, Tammy Whatley, and Jo Lynn Smith. Kevin Ingram received the majority of the votes. The Board members were poled for the second and third position. Tammy Whatley received the second and Jo Lynn Smith third. Board Members thanked all the applicants for staying with the long process and that it had not been an easy choice. Chairman Spencer asked if the terms, conditions and salary also had to be presented in open meeting. Counsel Ward stated yes. Executive Director Ray explained that the new Executive Director would come to the PILB with all the same benefits such as sick leave, annual, insurance, retirement because he was a current state employee. She further stated that the salary would be determined by the Board and that the Executive Director position was a non-classified position. Ashley Kopp, Personnel Analyst I with the Attorney General's Office was asked to appear before the Board to answer any personnel questions they had with regard to Mr. Ingram's benefit package. Board member Nadeau asked Mr. Ingram what his plan would be for both offices and where he would be located. Mr. Ingram asked the Board to remain in Las Vegas and he had twelve year's experience with the State of Nevada running offices statewide from Las Vegas and he felt there would not be a concern. Mr. Ingram informed the Board he would gladly travel between the Las Vegas and Carson City offices. Board member Nadeau requested that if there were any staff changes and administrative changes with the Carson City office, that the Board be notified immediately. Discussion continued with regard to training, meeting the staff and Mr. Ingram's start date. Board member Nadeau asked Ms. Kopp for clarification on the benefit package. Ms. Kopp told the Board members that as long as there was no break in service, Mr. Ingram's annual, sick, employer paid retirement, years of service, and insurance would carry over to the Executive Director position. Board discussion continued with regard to his start date, salary and benefits.

Board member Nadeau motioned Mr. Ingram's start date on or before September 4, 2012, salary of \$74,061.36, he maintained all existing benefits including sick and annual to be carried over to his position with the Private Investigator's Licensing Board. Board member Putnam seconded the motion which carried unanimously. Mr. Kevin Ingram accepted the position as Executive Director of the Private Investigator's Licensing Board.

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

- a. Discussion and direction from Board with regard to the Canine Handler licensing requirements; the need for licensing; testing; amendments to NRS and NAC.

Executive Director Ray told the Board that Investigator Hight had previously present information with regard to the Canine Handler licensing and that the Board may want to look at a possible repeal. Board member Zane told the board that his first thought would be to deregulate and let someone within the industry take this to the next level. He stated that a canine is a tool and there would be more injury coming from a dog that a firearm. Board member Zane felt that the private enterprises using canines probably should have the training, certification and the liability. Board member Putnam told the board that the board did not get involved in licensing a dog but licensed the handler and he felt there would be a great deal of liability that the Board could not be responsible for. Investigator Hight told the board that there were two current applicants that were going two different avenues. One wanted guard dogs without a handler and one wanted a patrol dog with a handler. He felt either aspect of licensing these types would be very in depth to regulate and the liability. Chairman Spencer stated that he agreed that the police type dogs should be regulated and the guard dogs not. Investigator Hight told the board his opinion would be to repeal the canine handler section. Counsel Ward suggested to the board that the legislatures be contacted and get it done that way. Executive Director Ray told the board that a document would be forthcoming to amend NRS 648 and that the Canine Handlers would be part of that document. Board member Nadeau motioned to remove the dog handler section of 648. Board member Zane seconded the motion which passed unanimously.

b. Discussion and direction from the Board with regard to possible amendments to NRS or NAC concerning the following:

1. Increase of insurance requirement;

Executive Director Ray told the board that a work shop was held in April 2012 and there had been a couple of issues raised by Board member Zane. Board member Zane told the board he felt a more appropriate insurance amount would be \$500,000.00 and that should be included in the legislature.

2. Increase Process Server hours to 10,000 hours;

Board member Zane told the board that with the turmoil in Clark County with regard to criminal prosecution he thought it might help if the required hours were increased to 10,000. He felt if the hours required were the same as the licenses, it might cut down on disciplinary actions and/or issues with process serving.

3. Require a bond as part of the initial application process;

Board member Zane told the board that he would like to see a required surety bond of \$50,000.00 with an expiration date of thirty six months as part of the initial application process; however the bond would not be required until the board had approved a license and before the active license was issued. He said that the requirement would not be necessary for those in abeyance. Board member Zane stated that with all the bankruptcies that are being filed, the economic situation, and the amount of applicants that the board dealt with he thought this might help to protect the public. He also stated that the PILB is one of the few licensures that do not require a bond. Discussion continued with the requirements of a 50,000.00 bond and company's financial ability, assets and the amount of premiums for the bonds. Board member Putnam asked what the advantage would be for the protection of the public to have an increased insurance policy and a surety bond other than the errors and omissions. Board member Zane stated that insurance companies have come up with quite a few reasons not to write insurance coverage and that there are many areas not covered by the insurance policies. Board member Putnam verified with Executive Director Ray the general liability is a requirement with error and omissions. Executive Director told the board members that error and omissions are not required; however some of the licensees do carry error and omissions. Board member Nadeau asked Board member Zane if the required hours for the Process Servers were raised, would that deal with the current situations in Clark County. Discussion continued with the increase of Process Servers hours. Chairman Spencer asked how many hours a Process Server could obtain in one year. Executive Director Ray stated 2,000 hours. Board

member Nadeau felt 10,000 hours was too many hours and years. He was more comfortable with three years and 6,000 hours. Chairman Spencer agreed with the increased hours. Board Nadeau also agreed with a bond of \$50,000.00 and the insurance policy increased to 500,000.00 from 200,000.00. Board member Zane motioned to amend statute 648.135 to increase the insurance requirement to 500,000.00 from 200,000.00; Process Servers hours increased to 6,000 with three years' experience; require a surety bond of \$50,000.00, not to be part of the licensing process, but to have prior to activation of the license and maintained for thirty six months with good performance. Board member Nadeau seconded the motion which passed unanimously. Board member Putnam had left at 11:40 pm and had not voted.

Board comment and future agenda items.

Executive Director Ray asked if the members would be available for a Special Meeting between September and December for items that would not be able to be placed on the December meetings. Chairman Spencer stated whatever would be needed so that items could be addressed. Board member thanked Executive Director Ray for everything she had done over the years for the members and for the staff.

There was no public comment.

Meeting adjourned.

