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

Thursday, September 13, 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  
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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  
Mark Zane (Las Vegas)  
Robert Uithoven

Also: Mechele Ray  
Executive Director (retiring)

Kevin Ingram  
Executive Director (incoming)

Harry B. Ward  
Deputy Attorney General  
Prosecutor, Board Counsel

Jeffrey D. Menicucci  
Deputy Attorney General  
Prosecutor

Tammy Whatley  
Investigator

Robbie Hight  
Investigator

Elyse Gresnick-Smith (Las Vegas)  
Investigator

Shelly Donald (Las Vegas)  
Investigator

Bob Ealey (Las Vegas)  
Investigator

Kimberly Christensen  
Investigative Assistant

1 Other Participants in Carson City:

2 Yuri Hernandez

3

4 Other Participants in Las Vegas:

5 Jay Burke

Richard Finley

6 Tony Rowley

Anthony Romano

7 David Poelking

Megan Mayhew

8 Ka Sheika Price

Jaime Torres

9 Alexander Ennis

Darayon Johnson

10 Robert W. Armstrong

Justin Stovall, Esq.

11 James Romero

Chad Krieger

12 Anthony Taylor

Jazmin Ferrigno

13 Sean Seaman

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1 CARSON CITY, NEVADA, THURSDAY, SEPTEMBER 13, 2012,

2 9:18 A.M.

3 -oOo-

4 BOARD CHAIRMAN SPENCER: This is the time and  
5 place set for the second day of the third quarterly  
6 meeting of the Nevada Private Investigators Licensing  
7 Board.

8 We need a roll call of Board members.

9 MR. INGRAM: Thank you, Mr. Chairman.

10 Board Member Zane?

11 BOARD MEMBER ZANE: Here.

12 MR. INGRAM: Board Member Uithoven?

13 BOARD MEMBER UITHOVEN: Here.

14 MR. INGRAM: Board Member Putnam?

15 BOARD MEMBER PUTNAM: Here.

16 MR. INGRAM: Board Member Nadeau?

17 BOARD MEMBER NADEAU: Here.

18 MR. INGRAM: And a Chairman Spencer?

19 BOARD CHAIRMAN SPENCER: Here.

20 All right. Anyone wishing to give testimony  
21 today or appear before the Board needs to be -- stand  
22 and be sworn.

23 MR. WARD: Good morning. Everyone who is  
24 standing, do you solemnly swear or affirm that you will  
25 tell the truth, the whole truth, and nothing but the

1 truth, so help you god?

2 (Potential witnesses were sworn/affirmed).

3 BOARD CHAIRMAN SPENCER: All right. As we have  
4 done, we'll allow public comment at this point. If  
5 there's anyone from the public that wishes to give any  
6 type of comment now rather than wait until the end of  
7 the meeting, please do.

8 Seeing and hearing none, we'll proceed.

9 Skipping number four, going to number five,  
10 unlicensed activity appeals hearing, National  
11 Transportation Services, Inc., Bertha and Allegra  
12 Steinberg.

13 MS. RAY: Mr. Chairman, we received an e-mail  
14 yesterday afternoon from their legal counsel asking for  
15 a continuance until December.

16 BOARD CHAIRMAN SPENCER: All right.

17 MS. RAY: That would be up to the Board.

18 BOARD CHAIRMAN SPENCER: This would be their  
19 first scheduled?

20 MS. RAY: Yes.

21 BOARD CHAIRMAN SPENCER: Could I have a motion.

22 BOARD MEMBER NADEAU: Move.

23 BOARD CHAIRMAN SPENCER: Second?

24 BOARD MEMBER PUTNAM: Second.

25 BOARD CHAIRMAN SPENCER: All in favor, signify

1 by saying "aye."

2 (Board members said "aye.")

3 Opposed?

4 December.

5 Number six, Global Resources & Logistics from  
6 Carson City, issued an unlicensed activity citation.

7 MS. RAY: Thank you, Mr. Chairman. I received  
8 first a phone call and then an e-mail. They indicated  
9 that they would like to make arrangements for payment.

10 BOARD CHAIRMAN SPENCER: Okay. Do you want to  
11 put this in a continuing status until next meeting or?

12 MR. MENICUCCI: Mr. Chairman, Jeff Menicucci,  
13 Deputy Attorney General. It would be my recommendation  
14 to continue the matter, given that they haven't yet made  
15 the payment. Once they've made the payment, I would  
16 consider that a resolution. But until that happens, I  
17 will prefer that the Board keep this on.

18 BOARD CHAIRMAN SPENCER: Entertain a motion.

19 BOARD MEMBER PUTNAM: So moved.

20 BOARD MEMBER NADEAU: Second.

21 BOARD CHAIRMAN SPENCER: All in favor, signify?

22 (Board members said "aye.")

23 Opposed?

24 It's continued.

25 Number seven, Board decision to assess costs



1 associated with Phoenix Security's unlicensed activity  
2 hearing and investigative costs.

3 MS. RAY: Thank you, Mr. Chairman. In March of  
4 212, the Board upheld the third unlicensed activity  
5 citation issued to Phoenix Investigations. The amount  
6 of the citation was \$10,000. And as part of that  
7 process, it was determined by the Board that fees  
8 associated with the investigation and the hearing would  
9 be imposed.

10 So I have a breakdown of those fees, which it  
11 was recommended by Board counsel that we have a specific  
12 breakdown of costs so that we could do a separate order  
13 for that.

14 MR. MENICUCCI: That would be Phoenix Security?

15 MS. RAY: Yes. Did I say "Investigations"?

16 BOARD CHAIRMAN SPENCER: Yeah.

17 MS. RAY: So, yes, for clarification, it's  
18 Phoenix Security.

19 Attorneys fees associated with the hearing in  
20 March was a total \$1,769.41. Investigative time was  
21 111.15 hours. Which, when we do our background  
22 investigations, we charge \$100 per hour. I didn't add  
23 that up.

24 BOARD MEMBER NADEAU: Is that 10,000?

25 MS. RAY: Probably. And then the hearing costs

1 associated with that would be the court reporter's fees  
2 of \$305.25.

3 BOARD CHAIRMAN SPENCER: Is that all?

4 BOARD MEMBER NADEAU: The court reporter was  
5 how many hours?

6 MS. RAY: I don't know. There were four  
7 hearings that day.

8 BOARD MEMBER NADEAU: Okay.

9 MS. RAY: So the total for that meeting was  
10 \$1,221, divided by four, is how I --

11 BOARD MEMBER NADEAU: Okay. So it's \$300,  
12 not -- \$300, not 300 hours?

13 MS. RAY: Right.

14 BOARD MEMBER NADEAU: I heard 300 hours. I'm  
15 going, that --

16 MS. RAY: Yeah. \$305.

17 BOARD MEMBER NADEAU: So we're talking  
18 approximately \$11,500?

19 MS. RAY: Yes. Let me get you a total of the  
20 investigative fees.

21 BOARD MEMBER NADEAU: Can you give me those  
22 numbers? Can you add them up?

23 MS. RAY: Yes. Let me add these, and I'll give  
24 you the breakdown on that.

25 Okay. We have \$11,125 in investigative fees,

1 \$1,769.41 in attorney's fees, and \$305.25 in hearing  
2 costs, which, essentially, is Shannon's portion.

3 BOARD MEMBER PUTNAM: What was that total,  
4 again?

5 MS. RAY: I don't have a total yet.  
6 \$13,199.66.

7 BOARD MEMBER PUTNAM: 13,199.66?

8 BOARD CHAIRMAN SPENCER: Yeah. Wow.

9 BOARD MEMBER PUTNAM: Boy.

10 BOARD CHAIRMAN SPENCER: Have you received any  
11 communication from them, Phoenix, on this matter?

12 MS. RAY: No, Mr. Chairman, we haven't. We did  
13 send the order that -- where the Board upheld the  
14 \$10,000 unlicensed activity citation. The hearing  
15 notice for this meeting today was sent and was received,  
16 but no communication. And I don't believe there's  
17 anyone present.

18 BOARD CHAIRMAN SPENCER: Is there anyone in the  
19 audience down there from Phoenix Security?

20 BOARD MEMBER ZANE: Nobody's appearing.

21 BOARD CHAIRMAN SPENCER: All right.

22 BOARD MEMBER PUTNAM: Mr. Chairman, do you need  
23 a motion?

24 BOARD CHAIRMAN SPENCER: Any, any -- yes,  
25 please, so we have some discussion.

1 BOARD MEMBER PUTNAM: Mr. Chairman, I move that  
2 Phoenix Security's unlicensed activity and hearing and  
3 investigative costs in the total amount of \$13,199.66 be  
4 assessed to Phoenix Security.

5 BOARD CHAIRMAN SPENCER: Motion. Do I have a  
6 second?

7 BOARD MEMBER UITHOVEN: Second.

8 BOARD CHAIRMAN SPENCER: Okay. Motion and a  
9 second to assess the total amount. Any discussion on  
10 the motion?

11 MR. MENICUCCI: Mr. Chairman, the total --

12 BOARD MEMBER ZANE: That's -- that's 10,000 for  
13 the fine plus the other fees and things for the process?

14 BOARD CHAIRMAN SPENCER: Yes.

15 MR. WARD: No.

16 BOARD MEMBER NADEAU: No. No.

17 MR. WARD: May it please, Mr. Chairman, the  
18 Board, I suggest that you clarify, because it seems like  
19 there is some misunderstanding.

20 My understanding is that the 10,000 fine has  
21 already been assessed. What we're discussing today in  
22 the amount of 13,199.66 is the total of the  
23 investigative fees, and I'd like to maybe put everything  
24 in there, the attorney fees in this matter for  
25 prosecution, as well as the court reporter's fees.

1           So I would suggest that Ms. Executive Director,  
2 that you give those specific fees again with the total,  
3 just so that the public knows, just to make it clearer.  
4 So we will -- we've already assessed the penalty of  
5 10,000. And this is in addition to the 10,000 penalty.  
6 Is that correct?

7           MS. RAY: Yes.

8           BOARD MEMBER PUTNAM: Okay. Well, my motion is  
9 so amended.

10          MS. RAY: And, for the record, Mr. Chairman,  
11 \$11,125 would be investigative time. \$1,769.41 would be  
12 related to attorney's fees. And \$305.25 would be the  
13 cost associated with the court reporter for the hearing  
14 in March.

15          BOARD MEMBER PUTNAM: In a total amount of  
16 \$13,199.66.

17          BOARD MEMBER NADEAU: Mr. Chair?

18          BOARD CHAIRMAN SPENCER: Yes?

19          BOARD MEMBER NADEAU: Question of the staff.  
20 Has -- thank you, Mr. Chair. Have they paid the 10,000  
21 fine?

22          MS. RAY: No, they have not.

23          BOARD MEMBER NADEAU: So that's still  
24 outstanding, also?

25          MS. RAY: Yes.

1 BOARD MEMBER NADEAU: Thank you.

2 MS. WHATLEY: Isn't the second also still  
3 outstanding?

4 MS. RAY: There is also a second unlicensed  
5 activity allegation that was entered. But this is  
6 specific to the hearing in March. And that was the only  
7 thing that the Board had in their motion for March, were  
8 the costs associated with the hearing in March.

9 BOARD CHAIRMAN SPENCER: All right. We have  
10 the motion and a second. Any discussion, further  
11 discussion on the motion? All in favor, signify by  
12 saying "aye."

13 (Board members said "aye.")

14 Opposed?

15 Hearing none, it carries.

16 Are we still sending?

17 MS. GRESNICK-SMITH: She went to check to see  
18 if we got the fax yet.

19 BOARD CHAIRMAN SPENCER: Okay. Do you want to  
20 go to the appeals?

21 MS. RAY: Sure.

22 BOARD CHAIRMAN SPENCER: All right. Let's go  
23 on down to appeal of the notice of violation, number  
24 eight. Dody Fuhrmann, qualifying agent for Nevada Quick  
25 Search, Inc., license number 1384, was issued a notice

1 of violation on January 19, 2012.

2 Is Mr. Fuhrmann there?

3 MS. RAY: Mr. Chairman, Ms. Fuhrmann is not  
4 present today.

5 BOARD CHAIRMAN SPENCER: Oh.

6 MS. RAY: And this has been a continuation, I  
7 believe, since March. And Elyse has been in contact  
8 with her, I believe. This was a violation issued by  
9 Investigator Gresnick-Smith.

10 MS. GRESNICK-SMITH: Yes. I think, she sent --  
11 I'm pretty sure that she wanted a letter that she had  
12 written, as her appeal. I don't know if you want me to  
13 put the violation and the reason for provision.

14 MS. RAY: Yes, well.

15 MS. GRESNICK-SMITH: Okay.

16 BOARD CHAIRMAN SPENCER: Yes.

17 MS. GRESNICK-SMITH: I received an application  
18 for a registration work card from a Mr. Wagner. And in  
19 processing the application, I discovered that she was  
20 currently employed by Nevada Quick Search, license  
21 number 1384. She began employment in November 18th,  
22 2011. She did not reach provisional status until  
23 January 13th, 2012, and had been working during that  
24 period of time without a work card for a provisional  
25 registration. And that is the reason for issuing the

1 violation.

2 MS. RAY: And, Mr. Chairman, to all the Board  
3 members, you do have a copy of Ms. Fuhrmann's letter  
4 dated January 25th of 2012, with her -- the reason for  
5 her appeal.

6 BOARD CHAIRMAN SPENCER: She's been notified  
7 and didn't show?

8 MS. RAY: She was unable to be here today. She  
9 did contact us and asked that her letter stand as her  
10 appeal.

11 BOARD MEMBER NADEAU: Mr. Chairman?

12 BOARD CHAIRMAN SPENCER: Yes?

13 BOARD MEMBER NADEAU: Could we ask -- I was  
14 having a hard time, and I thought there was a lot of  
15 distortion in Elyse's --

16 BOARD CHAIRMAN SPENCER: Yeah.

17 BOARD MEMBER NADEAU: Could you ask them to  
18 move the microphone a little bit closer to staff so that  
19 we could -- I think, we're getting like an echo bounce  
20 or something. Thank you.

21 BOARD MEMBER ZANE: Well, my -- we're having  
22 some cutoff on -- when Dick was making his motion, I  
23 couldn't hear a portion of it. And when Jim was just  
24 speaking, he cut off a little bit.

25 BOARD MEMBER NADEAU: So we're having problems



1 today. I'll speak up.

2 (There was a brief period off the record while  
3 the microphone in Las Vegas was repositioned.)

4 BOARD CHAIRMAN SPENCER: Okay. Any discussion  
5 on number eight as far as the appeal being in her letter  
6 she sent?

7 Yes, sir?

8 BOARD MEMBER NADEAU: Thank you, Mr. Chair. If  
9 the appeal is to be -- if the citation is upheld, is  
10 there an automatic, then, assessment of a fine for --

11 MS. RAY: (Nodded head affirmatively.)

12 BOARD MEMBER NADEAU: That's automatic?

13 MS. RAY: Right.

14 BOARD MEMBER NADEAU: Thank you.

15 MS. RAY: The fine is in the amount of \$50.

16 BOARD MEMBER NADEAU: In the amount of?

17 MS. RAY: Five zero, 50.

18 BOARD CHAIRMAN SPENCER: That's the fine?

19 MS. RAY: (Nodded head affirmatively.)

20 BOARD CHAIRMAN SPENCER: Any opinions on the  
21 appeal letter?

22 BOARD MEMBER NADEAU: Mr. Chair, if you'd  
23 accept a motion, I have one.

24 BOARD CHAIRMAN SPENCER: Yes.

25 BOARD MEMBER NADEAU: Based on -- and,

1 Mr. Chair, based on the letter, I would move that we  
2 overturn the citation.

3 MS. RAY: Violation.

4 BOARD CHAIRMAN SPENCER: Overturn the citation?

5 MS. RAY: Violation.

6 BOARD MEMBER NADEAU: That we overturn the  
7 violation.

8 BOARD CHAIRMAN SPENCER: We have a motion. Do  
9 we have a second?

10 BOARD MEMBER UITHOVEN: Second.

11 BOARD CHAIRMAN SPENCER: Motion and second.  
12 All in favor?

13 (Board members said "aye.")

14 BOARD MEMBER PUTNAM: I have a question.

15 BOARD CHAIRMAN SPENCER: You have a question?

16 BOARD MEMBER PUTNAM: Yes. Do we have any  
17 proof that this hire was as a clerical person rather  
18 than as a -- someone who was required to have a card?  
19 Has any proof been submitted to that?

20 MS. GRESNICK-SMITH: She sent an e-mail stating  
21 that this individual was working as a clerical employee.  
22 It's my understanding that her home place always had to  
23 have work cards. Which is why the violation was issued.

24 BOARD CHAIRMAN SPENCER: Any further questions?

25 MS. RAY: Mr. Chairman, if I might make a

1 comment, this kind of goes into what we talked about  
2 yesterday, with being able to identify employees that  
3 work for a licensee and if they work in different  
4 capacities other than what, you know, is a regulated,  
5 you know, security or doing private investigative work,  
6 process server, clerical.

7 BOARD MEMBER PUTNAM: Right.

8 MS. RAY: And the history was that clerical  
9 personnel that did work for licensees, they were  
10 required to have a work card, but they were not required  
11 to be registered. Now that the process is one and the  
12 same, staff's taking a position where they are required  
13 to have their work card and be registered. And it is  
14 something that may need to be addressed in the statute  
15 or the regulations. So.

16 BOARD CHAIRMAN SPENCER: Well. We have a  
17 motion and a second on the -- or, yeah, a motion and a  
18 second. We need to resolve that. One more time, any  
19 further discussion?

20 BOARD MEMBER NADEAU: Yeah. Mr. Chair, if I  
21 may, I think, you know, there is enough confusion there,  
22 and the fact that statute does say except for  
23 clerical -- except clerical personnel. I just think  
24 it's an appropriate -- that at this point, until we  
25 change the language, that this is -- that's what I'm

1 basing my motion on.

2 BOARD CHAIRMAN SPENCER: The motion is that --  
3 as you stated, then? Yeah.

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

5 (Board members said "aye.")

6 Opposed?

7 BOARD CHAIRMAN SPENCER: So be it.

8 Jay Burke, qualifying agent for Secure-Tek,  
9 Inc., license 1080, issued a notice of violation by  
10 Investigator Ealey.

11 Is Mr. Burke there?

12 MR. BURKE: Yes. Good morning, Board.

13 BOARD CHAIRMAN SPENCER: Good morning. How are  
14 you today?

15 MR. BURKE: I'm fine, thank you.

16 BOARD CHAIRMAN SPENCER: Okay. Would you like  
17 to give us your appeal?

18 MR. BURKE: Yes. If I may provide some  
19 explanation of how this occurred. And I hope that the  
20 Board reflects that I've been licensed for 12, 13 years  
21 here and 18, 19 years in California. I've never had a  
22 violation. This is my first time coming before the  
23 Board, for this violation.

24 Our company just in the last couple years  
25 entered into kind of a new arena, special events

1 security. We were -- this was resolved security work  
2 that was performed at the Electric Daisy Carnival Motor  
3 Speedway. It worked in 2011 and didn't have any  
4 problems with it, it was normal. But this year was kind  
5 of neat for us. We were -- our numbers were doubled.  
6 We were asked to bring a hundred fifty employees to that  
7 event, where it's just 75 normally. So, and normally we  
8 have an attrition factor of 10 percent or so. This  
9 time, it was horrific, and we had about a 30 percent  
10 attrition. Obviously, our client wasn't very happy when  
11 30 percent of our folks weren't there.

12           So, of course, we had a lot of people that we  
13 had relied on as alternates. So we made a lot of phone  
14 calls and tried to get -- get, hustle people down there  
15 to get this event covered and to fulfill my end of the  
16 contract.

17           In that chaos of down there with 600 security  
18 officers running around in one big tent, if you will,  
19 trying to get staff through and working -- but there was  
20 quite a few individuals that had not had an opportunity  
21 to fill out the paperwork before we talked to them. We  
22 reviewed their guard cards, just didn't have a chance to  
23 really get to the office first and be here, with the  
24 motor speedway, being, you know, Friday, Saturday,  
25 Sunday. So we kind of relied on the five-day rule to

1 get them registered.

2 Now, in the past, staff would normal give us  
3 what's called a crew sheet or a time sheet, if you will.  
4 If we miss anything in the interim of running that  
5 event, we can go back and, line by line and person by  
6 person, to see who is registered and who's not, and they  
7 kind of do a quick catch-up. They normally give you  
8 that crew sheet a couple days after the event. Which  
9 would have been Tuesday. That would have given me  
10 enough time to get everybody registered in pursuant to  
11 the rules. That didn't happen. I didn't receive it for  
12 two weeks.

13 And, so, unfortunately, most of what we got, we  
14 had about 35 folks that we -- we kind of hired on the  
15 spot, if you will, for the one weekend event. And then,  
16 apparently, there was about, you know, 10 or 13 folks  
17 that we did not. And so, rest assured, you know, as  
18 soon as we got that information, you know, my  
19 administrative person got the ASO.

20 That's how it happened. I realize that as a  
21 qualifying agent, you know, I'm ultimately responsible  
22 for that.

23 I'm asking for the Board's -- a little leniency  
24 to reflect on our record.

25 And then, you know, this is just a -- was an

1 new arena. We kind of figured out what works and what  
2 doesn't work in this special events arena, and we  
3 certainly will be coming in next year on EDC for next  
4 year with a better game plan.

5 BOARD CHAIRMAN SPENCER: All right. Any Board  
6 questions for Mr. Burke?

7 Mark, do you have anything?

8 BOARD MEMBER ZANE: Does the explanation given  
9 by Mr. Burke correspond with the complaint that we --  
10 I'd like -- I think, we did this in reverse. I'd kind  
11 of like to hear from staff as far as the issuance of the  
12 violation.

13 BOARD CHAIRMAN SPENCER: Yeah, let's do.

14 BOARD MEMBER PUTNAM: Yes.

15 BOARD CHAIRMAN SPENCER: Okay. Mr. Ealey, can  
16 you give us some input on this?

17 MR. EALEY: Certainly. We went out and did a  
18 physical check of security guards on June 6th. Or,  
19 sorry, I mean June 9, 2012. We listed over 600 people,  
20 something like that. We then went back to the office  
21 and then checked all the people in the GL Suite roster  
22 for this set of closes. That was in early June.

23 At the time, because the Electric Daisy was so  
24 chaotic, we thought it would be better to allow them a  
25 little additional time to register their people. So

1 when I went back and checked the GL Suite roster  
2 July 11th, which is well over 30 days to register all  
3 their employees, I issued the citation.

4 BOARD CHAIRMAN SPENCER: Thank you.

5 MR. BURKE: While I don't -- to respond to  
6 that, you know, again, I'm relying on my staff's  
7 information saying that everybody was registered a  
8 couple weeks afterwards, certainly not -- not -- not  
9 registered after July. Obviously, if that's happened,  
10 we have a -- we have a meltdown of checks and balances,  
11 and I'll have to go back and figure out what -- you  
12 know, how that happened and how to prevent that in the  
13 future.

14 It certainly wasn't willful and intentional.  
15 Beginning -- as the investigator commented, it was very  
16 chaotic. And it took several months just to kind of --  
17 reeling from that, coming off Coachella and Stagecoach  
18 in California as well. Which it was a lot for our  
19 company to absorb. So I would suspect that's where  
20 the -- you know, the fault lied.

21 Obviously, you know, as we continue to venture  
22 into -- into this arena and figure out what, you know,  
23 what the -- you know, the things are that we have to  
24 overcome, so we'll be better equipped next year.

25 But, again, for -- if you get reports out here,



1 for 12, 13 years, we've never had a problem. And we'd  
2 like to keep that record standing.

3 BOARD CHAIRMAN SPENCER: Any Board questions of  
4 Mr. Burke?

5 BOARD MEMBER PUTNAM: Mr. Chairman?

6 BOARD CHAIRMAN SPENCER: Yes.

7 BOARD MEMBER PUTNAM: Sir, you're saying that  
8 you did, in fact, use unregistered employees at this  
9 event; is that correct?

10 MR. BURKE: I'm sorry. Say it again.

11 BOARD MEMBER PUTNAM: Are you saying that you  
12 did, in fact, use unregistered employees at this event?

13 MR. BURKE: Yes, we -- you know, again, we had  
14 an arsenal of folks registered, ready to go. We had a  
15 30 percent, 30, yeah, 30 percent attrition rate, which  
16 is exceedingly high. We had a lot of the alternates  
17 that we had to -- you know, we had an ongoing ad and  
18 recruitment going on all the way up to the event. So,  
19 obviously, we went back to -- to our standby list. But  
20 we didn't want to -- people come down that they did work  
21 for. So it was kind of senseless to reregister them  
22 first. You know, we obviously checked the guard card at  
23 the event. Staff there also checks their guard card as  
24 well.

25 We just didn't have an opportunity

1 administratively to register there. We had no tent or  
2 no office there at the location. It was a little bit  
3 tough in that regard. So we're really working off an  
4 iPad and standing among 600 other guards, trying to make  
5 it all work and then trying to catch back up, you know,  
6 come Monday and Tuesday.

7 BOARD CHAIRMAN SPENCER: Thank you.

8 BOARD MEMBER PUTNAM: Thank you, sir.

9 BOARD CHAIRMAN SPENCER: Any further questions  
10 of the Board?

11 I'll entertain a motion.

12 BOARD MEMBER PUTNAM: Mr. Chairman, I move that  
13 citation or violation citation 1-160-12 be upheld  
14 against Jay Burke, qualifying agent for Secure-Tek,  
15 Incorporated, license number 1080.

16 BOARD CHAIRMAN SPENCER: I have a motion. Do I  
17 have a second?

18 BOARD MEMBER ZANE: Second.

19 BOARD CHAIRMAN SPENCER: Okay. Motion and a  
20 second. All in favor, signify by saying "aye."

21 (Board members said "aye.")

22 Opposed?

23 Mr. Burke, we understand that things happen.  
24 But I don't understand why they still were not happening  
25 in July.

1 MR. BURKE: I second that. So, you know, we've  
2 learned. And, like I say, it's a new arena for us. So  
3 we'll have that corrected, and it won't happen again,  
4 and we won't be here again.

5 BOARD CHAIRMAN SPENCER: Great. Thank you very  
6 much.

7 MR. BURKE: Thank you for your time.

8 BOARD CHAIRMAN SPENCER: Are we ready to go  
9 into the registration appeals, or do we go back to  
10 number four?

11 Elyse, are you still receiving that stuff?

12 MS. GRESNICK-SMITH: We have everything.

13 BOARD CHAIRMAN SPENCER: You have everything?  
14 Okay.

15 MS. GRESNICK-SMITH: Yes.

16 BOARD CHAIRMAN SPENCER: Do you want some time  
17 to review that before we get started?

18 Mark, have you seen it yet?

19 BOARD MEMBER ZANE: No.

20 BOARD MEMBER NADEAU: We haven't seen it yet.

21 MR. MENICUCCI: Mr. Chairman?

22 BOARD CHAIRMAN SPENCER: Yes?

23 MR. MENICUCCI: Jeff Menicucci, Deputy Attorney  
24 General. With the Board's permission, I'd like to  
25 proceed in this way. I have an evidence packet

1 consisting of 41 pages, and I also have one unnumbered  
2 page, which has now been all delivered to Las Vegas.  
3 I'd like to distribute that to the Board and ask the  
4 Board receive that in evidence.

5           Then I would like to call Investigator Whatley  
6 and then Executive Director Mechele Ray to verify that  
7 Mr. Clardy received notice of the proceedings here  
8 today.

9           I should probably also check with our Las Vegas  
10 office, make sure Mr. Clardy has not appeared between  
11 the time we opened the meeting and now. The meeting is  
12 notified to him was as being as at 9:00 o'clock. He has  
13 now had an additional, almost an additional hour and  
14 still has not appeared.

15           BOARD CHAIRMAN SPENCER: Okay. Any -- has  
16 Mr. Clardy showed up?

17           BOARD MEMBER ZANE: There's nobody appearing.

18           BOARD CHAIRMAN SPENCER: All right. Please  
19 proceed, counselor.

20           MR. MENICUCCI: First, I'm distributing the  
21 packet of evidence to the Board. The pages are numbered  
22 1 through 41.

23           The unnumbered page I'm submitting is a letter  
24 to Mr. Clardy dated August 21st of this year from  
25 Mechele Ray, which notifies him of the hearing occurring

1 today at this meeting.

2 And so I would ask that the Board admit those  
3 matters into evidence, there being no appearance by  
4 Mr. Clardy or objection.

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

6 BOARD CHAIRMAN SPENCER: Is there a second?

7 BOARD MEMBER NADEAU: I'll second.

8 BOARD CHAIRMAN SPENCER: All in favor, signify  
9 by saying "aye."

10 (Board members said "aye.")

11 Opposed?

12 None.

13 MR. MENICUCCI: If I may proceed, Your Honor,  
14 I'd like to call Investigator Whatley.

15

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

17 having been previously sworn/affirmed,

18 was further examined and testified as follows:

19

20 DIRECT EXAMINATION

21 BY MR. MENICUCCI:

22 Q. Could you please state your name for the Board.

23 A. Tammy Whatley.

24 Q. And you're an investigator with the Private  
25 Investigators Licensing Board, correct?

1 A. Yes, I am.

2 Q. Okay. I'm showing you a packet that's been  
3 admitted into evidence and ask you to look at pages --  
4 beginning at page four, pages four through six.

5 A. Yes.

6 Q. Is that the citation, number C-068-12, that you  
7 issued to Mr. Clardy?

8 A. Yes, it is.

9 Q. Okay. Did you serve that citation upon him?

10 A. Yes, I did via certified mail.

11 Q. Okay. To what addresses did you send it?

12 A. Each address that's listed on the citation, the  
13 13790 Southwest Rawhide Court and 7904 Chapparal Road.

14 Q. Okay. Take a look at page seven in the packet.

15 A. Yes.

16 Q. Is that certified mail receipt to Mr. Clardy at  
17 7904 Chapparal Road, 206, Scottsdale, Arizona?

18 A. Yes, it is.

19 Q. Okay. Now, did Mr. Clardy respond to the  
20 citation with any written letter to the Board?

21 A. Yes, he did.

22 Q. I draw your attention to pages one and two of  
23 the packet. Is that Mr. Clardy's letter?

24 A. Yes, it is.

25 Q. Okay. And I draw your attention to page two of

1 that letter, where Mr. Clardy has signed. What address  
2 does he give in his letter to the Board?

3 A. 7904 East Chapparal Road, 206, Scottsdale,  
4 Arizona, 85250.

5 MR. MENICUCCI: Okay. I'd like to ask  
6 Ms. Mechele Ray to testify regarding the unnumbered  
7 page, the letter of August 21st, 2012.

8

9 M E C H E L E R A Y,  
10 having been previously duly sworn/affirmed,  
11 was examined and testified as follows:

12

13

DIRECT EXAMINATION

14 BY MR. MENICUCCI:

15 Q. Do you have that in front of you?

16 A. Yes, I do.

17 Q. Okay. Did you send that letter to Mr. Clardy?

18 A. Yes, I did.

19 Q. And it notified him that there would be a  
20 hearing on his appeal today; is that correct?

21 A. That is correct.

22 Q. At 9:00 o'clock?

23 A. Yes.

24 Q. And did you serve that upon him by certified  
25 mail?

1 A. Yes, I did.

2 Q. And superimposed on your signature is a  
3 certified mail receipt, correct?

4 A. Yes.

5 Q. And that was sent by certified mail to what  
6 address?

7 A. 7904 East Chapparal Road, number 206,  
8 Scottsdale, Arizona, 85250.

9 Q. Okay. And that's the address that Mr. Clardy  
10 used in his letter to the Board on page two of the  
11 packet, correct?

12 A. Correct.

13 Q. Have you received anything in response from  
14 Mr. Clardy, written or telephonic or e-mail responses,  
15 in response to your letter of August 21st?

16 A. No, I have not.

17 MR. MENICUCCI: Mr. Chairman, I don't believe I  
18 need to go into the merits other than the evidence  
19 packet that was submitted. Mr. Clardy, we show that he  
20 had notice not only of the citation, but also the date  
21 of this hearing. He has not appeared.

22 Just for clarification, I would ask  
23 Investigator Whatley the basis on which he was cited.  
24 And with that, I would then present this to the Board  
25 for decision.



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FURTHER EXAMINATION

BY MR. MENICUCCI:

Q. Investigator Whatley, what was the reason for citing Mr. Clardy in this violation?

A. The Private Investigators Licensing Board received a complaint of alleged unlicensed activity. I reviewed on his website -- AZDC Investigations, I believe, is the website -- that he did advertise providing private investigator services in the state of Nevada.

Q. And drawing your attention to --

A. And --

Q. -- page 14 of the packet --

A. Yes. And may I clarify? I apologize. The website is AZDC Investigations, put the actual company name is DC Investigations.

Q. Okay. And is page 14 of the packet one of those pages from his website?

A. Yes, it is.

Q. Okay. So the citation against Mr. Clardy's based on advertising, correct?

A. That is correct.

MR. MENICUCCI: Your Honor, that would be a violation of 648.060, advertising his services for purposes of investigations within the state of Nevada.

1 BOARD CHAIRMAN SPENCER: I'm sorry. I was  
2 reading that. Would you say that again, please.

3 MR. MENICUCCI: No, the violation is a  
4 violation of NRS 648.060 in that he advertised  
5 investigative services within the state of Nevada.

6 With that, I will submit this matter for the  
7 Board's decision.

8 BOARD CHAIRMAN SPENCER: All right. Any Board  
9 questions?

10 Okay. I will take a motion.

11 BOARD MEMBER PUTNAM: Mr. Chairman?

12 MR. WARD: Excuse me.

13 Mr. Chairman, he may have had a question.

14 BOARD MEMBER NADEAU: Thank you, Mr. Chairman.  
15 I just had a quick question. He indicates in his letter  
16 that this was not up and running as far as access. How  
17 did we get the -- how did we get the website?

18 MS. WHATLEY: Actually, Mr. Chairman, when we  
19 received the complaint, it had a printout, and that is  
20 page nine. And from page nine, you'll see that there is  
21 a phone number, there's a name.

22 And I did Google searches. If you will refer  
23 to page -- page 11, I simply Googled the phone number,  
24 and you can see DC Investigations does appear.  
25 Therefore, it is a searchable. In his letter, he

1 indicates it's not a searchable website. But it is. It  
2 is attached to search engines.

3 BOARD MEMBER NADEAU: And, Mr. Chair, if I --  
4 and then, subsequent to that, on page 14, 15 and such,  
5 is that your printout, or was that provided by the  
6 complainant?

7 MS. WHATLEY: That is my printout.

8 BOARD MEMBER NADEAU: Okay. So you were able  
9 to go in and do the search and find all that information  
10 based on your Google and the other website information  
11 you had?

12 MS. WHATLEY: That is correct. The only page  
13 provided to me would be, I believe, that page nine.

14 BOARD MEMBER NADEAU: Okay.

15 MS. WHATLEY: And everything else, I found via  
16 Google or some other search.

17 BY MR. MENICUCCI:

18 Q. Just for further clarification, if I may,  
19 Investigator Whatley, did you also check -- I'm  
20 referring to page 19 -- whether Mr. Clardy was using a  
21 LinkedIn site?

22 A. Yes, that is correct. I actually -- I can see  
23 on page 19, in my search I put Don Clardy, Nevada. And  
24 I was able to find a LinkedIn.

25 And on the next page, 20, is that I clicked on

1 the LinkedIn. And it shows Don Clardy, owner at DC  
2 Investigations.

3 Q. And just one more matter of clarification.  
4 Mr. Clardy's letter says he took the website down. Did  
5 you verify that that occurred?

6 A. Yes, the website is now down.

7 MR. WARD: May it please, Mr. Chairman. This  
8 is Harry Ward, Deputy Attorney General. Just for  
9 clarity sake and as a vehicle to make sure it's clear on  
10 the record, I would suggest to the Board that we do two  
11 motions. One, do a motion finding that the respondent  
12 was given proper notice. And then I would suggest the  
13 Board maybe do a second motion whether they're going to  
14 uphold it or not.

15 That would be my suggestion to the Board, for  
16 the record, the clarity in the record.

17 BOARD CHAIRMAN SPENCER: Okay. Are there any  
18 further questions from the Board?

19 I'd entertain the first motion.

20 BOARD MEMBER NADEAU: Mr. Chair, I'd move that  
21 we -- that proper notice was sent and received regarding  
22 this complaint.

23 BOARD MEMBER UITHOVEN: Second.

24 BOARD CHAIRMAN SPENCER: Motion and second.

25 All in favor?

1 (Board members said "aye.")

2 Opposed?

3 BOARD CHAIRMAN SPENCER: It passes.

4 MR. WARD: And for the record, there has -- he  
5 has not been down south, made an appearance, and he's  
6 not up here, up north, just for the record.

7 BOARD MEMBER NADEAU: Mr. Chair, I'd make  
8 another motion that we uphold the violation.

9 BOARD CHAIRMAN SPENCER: Please. Oh, you just  
10 did.

11 BOARD MEMBER UITHOVEN: Second.

12 BOARD CHAIRMAN SPENCER: I have a motion and a  
13 second to uphold the violation. All in favor, signify  
14 by "aye."

15 (Board members said "aye.")

16 Opposed?

17 The citation's upheld.

18 All right. Moving down to registration appeal  
19 hearings.

20 BOARD MEMBER NADEAU: Does Mechele need to move  
21 her car? Mr. Chair?

22 BOARD CHAIRMAN SPENCER: For the information of  
23 all those that are present in Las Vegas who are  
24 appealing, you have the ability, if you wish, to have a  
25 closed meeting. If there is something that you don't

1 want everybody in the world to hear about, except us,  
2 you can have a closed hearing. But you need to ask for  
3 that at the beginning.

4 The first individual, number 10, is Nicholas  
5 Smith.

6 Is Mr. Smith present?

7 BOARD MEMBER ZANE: Nobody's responding.

8 BOARD CHAIRMAN SPENCER: All right.

9 MS. RAY: Oh. Mr. Chairman, I'm sorry. We do  
10 need to take a break. We need to get -- we need to get,  
11 we need to call Kim over.

12 BOARD CHAIRMAN SPENCER: Okay.

13 MS. RAY: Sorry.

14 BOARD CHAIRMAN SPENCER: Prior to the  
15 proceeding, we'll have a 10-minute break.

16 MS. RAY: Thank you, Mr. Chair.

17 BOARD MEMBER SPENCER: You're welcome.

18 \* \* \* \* \*

19 (A break was taken, 10:00 to 10:25 a.m.)

20 \* \* \* \* \*

21 BOARD CHAIRMAN SPENCER: All right. We'll get  
22 back in gear here.

23 I think, the first thing we're going to do is  
24 go back and deal with the issues from yesterday, from  
25 number 33, a. and c., a. being criteria for denial of

1 registration made available on the website and to  
2 applicants and licensees.

3 MS. RAY: Mark wanted to digest it a little bit  
4 more.

5 BOARD CHAIRMAN SPENCER: Mark, do you want to  
6 take that?

7 BOARD MEMBER ZANE: Yes, sir. I had an  
8 opportunity to look at it a little bit closer.

9 And the main thrust of my position is that  
10 since these are what we would consider to be  
11 disqualifiers, that that pretty much makes them almost  
12 as absolute as we're going to get. And I was hoping to  
13 make sure that we could limit them to clear and total  
14 statutory authority and then, on the example, make sure  
15 that we could condense it to try to give the best  
16 possible example.

17 Like, I think, we talked about yesterday a  
18 disqualifier, if you were under 18 years of age, that is  
19 pretty much what's in the statute.

20 If you're not a citizen or lawfully entitled,  
21 that's pretty much stated in the law.

22 If you have ever been convicted of a felony,  
23 that, like we discussed yesterday, may need to be  
24 modified somewhat based upon what we believe might be  
25 coming down the pike and what's already in place at the

1 federal law.

2 If you currently have a felony arrest, that's  
3 pretty self-explanatory.

4 And, I think, my issue with regard to the if  
5 you've ever been convicted is the time and the issues  
6 that the courts and federal regulatory agencies are  
7 having with time and application for the title, license  
8 for registration being applied for.

9 Let's see. Whether or not we want to solidify  
10 some of the language with regard to the drug thing. Oh,  
11 here we go. If we -- if you have ever had any  
12 conviction involving the illegal use of -- illegal use  
13 or possession of a dangerous weapon. And then they go  
14 on to give some examples of this, to include  
15 brandishing, which technically is a -- it's a term used  
16 in other states, but not in Nevada, under the law. I  
17 think, "brandish" in Nevada is listed as drawing a  
18 deadly weapon in a threatening manner.

19 But some of this stuff, if we have some  
20 statutory references that we could just simply quote to,  
21 you know, it would be -- my next issue is just to make  
22 sure that if we're going to give examples of the stuff  
23 that we're referring to, to make the examples clear and  
24 make sure that they apply.

25 Going down further, there were -- I heard



1 something, and I didn't know if somebody was talking.

2 BOARD MEMBER NADEAU: No, go ahead.

3 BOARD CHAIRMAN SPENCER: No, nobody's talking.

4 BOARD MEMBER ZANE: Okay. Some of the examples  
5 that we're running down through on the issues involving  
6 moral turpitude, some of the examples given are  
7 already -- by statute can be nothing other than  
8 felonies, to begin with. So to use them as an example,  
9 it might be counterproductive. Like murder. I can't  
10 find anything in murder that would be anything other  
11 than a felony. Voluntary manslaughter, for anything  
12 other than a motor vehicle violation, that's the only  
13 misdemeanor that I'm aware of that you could apply.  
14 Kidnapping and false imprisonment, I was unable to find  
15 a gross misdemeanor or gross misdemeanor penalty for.

16 So if we could slimline these down to the point  
17 where -- especially if we are dealing with definitions  
18 and examples of moral turpitude and character, since  
19 those would be the catch-alls that aren't contained in  
20 some statute. I mean the fact that we've given the  
21 Supreme Court's analysis of moral turpitude is pretty  
22 good, except for I don't know how many people that are  
23 making work card applications are going to understand  
24 it.

25 BOARD CHAIRMAN SPENCER: What about the federal

1 laws on spousal abuse and battery; should that be in  
2 there?

3 BOARD MEMBER ZANE: Well, I think that as it  
4 pertains to firearms and anybody who is going to be --  
5 going to be associated with work, firing or carrying a  
6 firearm, because the federal law. And if they have that  
7 conviction, although it might be a misdemeanor, they  
8 wouldn't be qualified to carry the weapon.

9 BOARD CHAIRMAN SPENCER: All right.

10 BOARD MEMBER ZANE: If I'm not mistaken.

11 The other, the other issue that I thought might  
12 need some discussion was the point on the first page at  
13 the bottom, and that's within the last five years  
14 preceding your application, have you ever been convicted  
15 of any misdemeanor or gross involving. And I thought  
16 maybe we should debate the reasonableness of five years  
17 and determine how we come to that point in time, versus  
18 two, six, three.

19 BOARD MEMBER SPENCER: Okay.

20 MR. INGRAM: Mr. Chairman?

21 BOARD CHAIRMAN SPENCER: Yes?

22 MR. INGRAM: Board Member Zane and myself will  
23 be meeting on this probably starting this week, when I  
24 get down there. So we might want to entertain the idea  
25 of us hammering out the details and bring that back for

1 December's meeting.

2 BOARD CHAIRMAN SPENCER: Yes, I was just going  
3 to ask that we do something like that. I don't think  
4 there's a motion on it, but.

5 Could you hear that all right, Mark?

6 BOARD MEMBER ZANE: Yes, sir. That's fine with  
7 me.

8 BOARD CHAIRMAN SPENCER: All right. Anybody?

9 BOARD MEMBER PUTNAM: Yeah, I've got some  
10 questions.

11 BOARD CHAIRMAN SPENCER: All right.

12 BOARD MEMBER PUTNAM: One of the things that, I  
13 think, should be in there is that you can also be denied  
14 and disqualified from holding a work card for falsifying  
15 an application. I think, that should be listed.

16 BOARD CHAIRMAN SPENCER: Right.

17 BOARD MEMBER PUTNAM: I'm a little -- I'm not  
18 sure what this language means, but the very last,  
19 additional disqualifier's armed security. If you were  
20 discharged from the Armed Forces of the U.S. under --  
21 and you got "other" crossed out, and put in "less than  
22 honorable conditions." Well, I don't know of anything.  
23 I mean what is less than honorable conditions? Because  
24 there's general discharges. There's, you know, a whole  
25 bunch of other things that it could be called. So I

1 don't know whether that's an appropriate substitution of  
2 words or not. Maybe "other" is much more appropriate.

3 Also, I think, we need perhaps a general sort  
4 of disqualifier that would be, you know, other matters  
5 considered by the Board as disqualifying, any other  
6 matters.

7 Because, you know, you could have, you could  
8 have -- oh, I don't know -- say, just a history of five  
9 arrests a year for the last 15 years, and none of them  
10 happen to be felonies, or none of them happen to fit  
11 these other, you know, other whatchamacallits, and even  
12 though it may not have resulted in convictions, the fact  
13 that those arrests are there does kind of suggest  
14 something about the individual.

15 BOARD MEMBER NADEAU: That's true.

16 BOARD MEMBER PUTNAM: So, I think, we need sort  
17 you a catchall in there to -- because if you go beyond,  
18 if you get more restrictive of these, than what's in  
19 here, we could get in trouble as a board for denying the  
20 card.

21 BOARD CHAIRMAN SPENCER: On the military, less  
22 than honorable conditions, do you need to be specific  
23 about that, or are there less than honorable conditions  
24 that would not constitute a reason to deny? And I'm  
25 asking because I have no idea.

1 BOARD MEMBER PUTNAM: Frankly, I don't, either,  
2 but the -- you know, it's like, anymore, if you enlist  
3 in one of the military services, and the first 90 days  
4 you decide you don't like it, you can quit. And I don't  
5 know if that gives you an honorable discharge or if it's  
6 a general discharge.

7 BOARD CHAIRMAN SPENCER: Hm.

8 BOARD MEMBER PUTNAM: I mean, you know,  
9 there's --

10 BOARD CHAIRMAN SPENCER: What's the likelihood  
11 that we're going to, if they -- if someone were not to  
12 say that, that we're going to find out? I mean where's  
13 the record basis to tell us that?

14 BOARD MEMBER PUTNAM: Yeah. Well, no, I mean  
15 it would be on the -- down at the bottom of the form,  
16 but.

17 BOARD CHAIRMAN SPENCER: All right. But I'm --  
18 what I'm saying is that by checking NCIC or other  
19 records, you're not going to find that kind of  
20 information.

21 BOARD MEMBER PUTNAM: No. No. That would have  
22 to be through the Department of Defense.

23 BOARD CHAIRMAN SPENCER: So should we, should  
24 we make that a more palatable disqualifier by saying --  
25 I don't know what you would say.

1 BOARD MEMBER PUTNAM: Because I don't know.  
2 It's like, for instance, somebody gets discharged  
3 because of being wounded. That's a medical discharge.

4 BOARD CHAIRMAN SPENCER: But it's not  
5 dishonorable.

6 BOARD MEMBER PUTNAM: But it's a -- you know, I  
7 don't want to -- you don't want to take and -- you know,  
8 it could very well say "honorable discharge" at the top.  
9 And then for medical reasons or whatever. But I don't  
10 know, maybe "less than honorable" is appropriate.

11 BOARD CHAIRMAN SPENCER: Okay. Any other ideas  
12 from the Board members?

13 Yeah, Jim?

14 BOARD MEMBER NADEAU: Thank you. I wasn't here  
15 for the discussion yesterday. But my question is, under  
16 the disqualifiers, if you have ever been convicted of a  
17 felony, do we need some kind of a qualifying language  
18 there that if the records have been sealed, then that,  
19 then that -- do they need to disclose that? So. I  
20 don't think so. I think, because the records have been  
21 sealed, then they don't need to disclose that.

22 But then that's why I throw it out for  
23 discussion. So is there some kind of language in there?  
24 I mean a felony arrest should be a disqualifier unless  
25 it's been sealed or something, something of that nature.

1 BOARD CHAIRMAN SPENCER: What about a felony  
2 arrest that's occurred 20, 20 or plus years ago, and  
3 nothing since? I mean. And I'm just asking.

4 BOARD MEMBER NADEAU: I mean, from my  
5 perspective, I think, that's something they can appeal  
6 on.

7 BOARD MEMBER PUTNAM: Yeah.

8 BOARD MEMBER NADEAU: If they have a question.

9 BOARD CHAIRMAN SPENCER: Okay.

10 BOARD MEMBER NADEAU: But I mean if it's 30  
11 years ago, and it's murder, that takes on a different  
12 context than 15 years ago --

13 BOARD CHAIRMAN SPENCER: Burglary.

14 BOARD MEMBER NADEAU: Well, possession of  
15 marijuana or something along that line.

16 BOARD CHAIRMAN SPENCER: Right.

17 BOARD MEMBER NADEAU: You know what I'm saying?

18 BOARD CHAIRMAN SPENCER: Yeah.

19 BOARD MEMBER NADEAU: Those are the things  
20 where we can weight, W-E-I-G-H-T, or weigh the  
21 difference.

22 BOARD CHAIRMAN SPENCER: All right. Okay. Any  
23 other Board members have any input?

24 BOARD MEMBER PUTNAM: Well, just a comment in  
25 regard to what Jim just said, Mr. Chairman. We do have

1 to address this thing with sealed records. Because, you  
2 know, people are told the records are sealed, and yet  
3 when somebody checks the records, the arrest records,  
4 it's there.

5 BOARD CHAIRMAN SPENCER: Right.

6 BOARD MEMBER PUTNAM: So.

7 BOARD CHAIRMAN SPENCER: When I was still with  
8 the bureau, that was a constant problem. Because people  
9 would come through saying, "My records are sealed"; but  
10 that somebody did the checking with the FBI, and it  
11 shows. And the reason that that happens is the  
12 arresting agencies are the ones who are responsible for  
13 notification to the FBI identification division to  
14 ensure that those are sealed, not the FBI.

15 BOARD MEMBER PUTNAM: M-hm (affirmative).

16 BOARD CHAIRMAN SPENCER: So I would think that  
17 anyone who had that and wanted to appeal that, if they  
18 had some type of documentation or were able to get some  
19 documentation, that that would be a nonissue-issue.

20 Mark, are you getting all these different  
21 things?

22 BOARD MEMBER ZANE: Yes, sir.

23 BOARD CHAIRMAN SPENCER: All right. Then, are  
24 we in agreement that we'll proceed and let Mark and  
25 Kevin take care of that for our next meeting?



1 I guess, we are.

2 All right. Moving down to review --

3 BOARD MEMBER ZANE: The only thing I have,  
4 Mr. Chairman, is that we -- to -- I'm deeply confused  
5 about the military issue. So possibly if we could reach  
6 out to the military branch of the National Guard or  
7 something to give us a little assistance.

8 MR. INGRAM: I can do that.

9 BOARD CHAIRMAN SPENCER: Yeah.

10 BOARD MEMBER NADEAU: Mr. Chair? And thank  
11 you, Mr. Chair. So our discussion here is really  
12 around, when they go on line to apply, we want them to,  
13 right up front, know what the disqualifiers are. This  
14 is not addressing our application. It's only addressing  
15 advance notice to them on what the disqualifiers might  
16 be.

17 MR. INGRAM: That's correct.

18 BOARD CHAIRMAN SPENCER: Right.

19 BOARD MEMBER NADEAU: Okay.

20 MR. WARD: May it please, Mr. Chairman, Board  
21 members, I would definitely work with you guys on this.  
22 Some of my suggestions may be to specifically list the  
23 ones that are statutory, and then maybe change the  
24 language to say "usual" disqualifiers.

25 Plus, this gives the Board the opportunity to,

1 if there are exceptions to this "usual"  
2 disqualification, to come before the Board. For  
3 example, as the commissioner said, Board member said, if  
4 he's had five arrests every year, and they're  
5 misdemeanors, this gives the Board some discretion. We  
6 want the Board to have the opportunity to have  
7 discretion in regards to these possible disqualifiers.

8 But I will gladly work with the Executive  
9 Director and counsel on this.

10 BOARD CHAIRMAN SPENCER: Thank you very much.  
11 Any further discussion on this issue?

12 Then, let's go with c., the review of revised  
13 private investigator, private investigator exams.

14 Mark, you want to do those?

15 BOARD MEMBER ZANE: Mr. Chairman, I think, the  
16 burden was mine, also, to have an opportunity to give it  
17 a good look, and I was able to do that overnight. And I  
18 don't want to take one.

19 BOARD CHAIRMAN SPENCER: Okay. I think so,  
20 also. I am glad I don't have to take an exam.

21 BOARD MEMBER PUTNAM: Yeah.

22 BOARD CHAIRMAN SPENCER: Any other Board  
23 members have any comment on it? Or do we need to take  
24 action on those?

25 MS. RAY: They would like to use them.

1 BOARD MEMBER PUTNAM: Mr. Chairman, I have some  
2 comments. I don't know how valid these comments are,  
3 but.

4 There is references made in some of the  
5 questions to certain case law and what that case law  
6 says. I don't know if it might be a little more  
7 appropriate to have these questions address, as a  
8 private investigator, you can or cannot do such and  
9 such, rather than requiring that they're familiar with  
10 the case law, which says that that's what they've got to  
11 do. I mean knowing that, the case that causes this to  
12 be considered.

13 Let's see here. And some of the questions are  
14 very technical with regard to forensic sciences. For  
15 instance, you know, like question 53 on one of them is  
16 "Biometric systems serve which two purposes?" Well.  
17 You know, or "Fertilia measurements refer to?"

18 Well, and the -- I mean some of them are, I  
19 think, fairly obvious. Like "Serology deals with hairs  
20 and fibers. True or false?" That, you know, it just --  
21 it's a commonsense question. But some of the -- like I  
22 say, referring to various cases, and it's like Fry, what  
23 does Fry say? Well, for one thing, Fry, the Fry  
24 decision has been pretty much -- I can't think of the  
25 name of the decision that's come down since then, but

1 it's -- Fry no longer, basically, applies. Because if  
2 you can demonstrate to the court that a certain  
3 procedure or whatever is logical and is, in fact,  
4 accurate, then the court can accept that. It's up to  
5 the trial court.

6 So, you know, those are my only comments with  
7 regard to this. But, otherwise, I think, it's -- a  
8 really great effort went into, a whole lot of effort  
9 went into putting this thing together. And I, for one,  
10 appreciate it very, very much --

11 BOARD CHAIRMAN SPENCER: Yeah.

12 BOARD MEMBER PUTNAM: -- the fact that this  
13 thing has been put together the way it is.

14 BOARD CHAIRMAN SPENCER: Jim?

15 BOARD MEMBER NADEAU: Thank you, Mr. Chairman.  
16 For the record, I'd just want to make sure that it's  
17 understood, I will not be voting on this issue, by  
18 statute.

19 BOARD CHAIRMAN SPENCER: Okay.

20 BOARD MEMBER UITHOVEN: Nor will I, Mr. Chair.

21 BOARD CHAIRMAN SPENCER: Well, is there a  
22 motion to accept?

23 BOARD MEMBER ZANE: Mr. Chairman, I would move  
24 that we accept.

25 BOARD MEMBER PUTNAM: Second.

1 BOARD CHAIRMAN SPENCER: All in favor?

2 (Board members said "aye." Neither Board  
3 Member Nadeau nor Board Member Uithoven voted.)

4 BOARD CHAIRMAN SPENCER: It is accepted.

5 MS. RAY: Mr. Chairman, Investigator Ferrara  
6 and Yarborough will be very pleased. And they did work  
7 really hard on this.

8 BOARD CHAIRMAN SPENCER: Yes, boocoos.

9 BOARD MEMBER PUTNAM: A lot of work.

10 BOARD CHAIRMAN SPENCER: All right. Moving  
11 right along.

12 We're going to do the registration appeal  
13 hearings, but we're going to go out of order. And the  
14 first one that we're going to take is number 26, Richard  
15 Finley.

16 MS. RAY: Well, is he present? Because it's  
17 not quite 11:00 yet.

18 BOARD CHAIRMAN SPENCER: I'm sorry?

19 MS. RAY: Is he present?

20 BOARD CHAIRMAN SPENCER: Is he present?

21 BOARD MEMBER ZANE: Is Richard here?

22 BOARD CHAIRMAN SPENCER: Richard Finley?

23 BOARD MEMBER ZANE: Yes, he is.

24 BOARD CHAIRMAN SPENCER: Okay.

25 BOARD MEMBER ZANE: Mr. Chairman, I think that

1 we have other people coming in. I don't -- I doubt that  
2 many have been informed and have also not -- probably  
3 haven't heard an admonishment about the closed session.

4 BOARD CHAIRMAN SPENCER: Okay. If you request,  
5 you can have a closed session. If you have something  
6 that you want to discuss that you feel is sensitive to  
7 someone or yourself, you can request a closed session,  
8 and you will be given it, so. So just bear that in  
9 mind.

10 Mr. Finley?

11 MR. FINLEY: Yes.

12 BOARD CHAIRMAN SPENCER: Good morning, sir.

13 MR. FINLEY: Good morning.

14 BOARD CHAIRMAN SPENCER: Why was Mr. Finley  
15 denied?

16 MS. RAY: Was he sworn?

17 MR. WARD: Was he sworn?

18 BOARD CHAIRMAN SPENCER: Have you been sworn?

19 BOARD MEMBER ZANE: No, he was not.

20 BOARD CHAIRMAN SPENCER: Okay. Do you want to  
21 stand and raise right hand, please.

22 BOARD MEMBER NADEAU: Or anybody else.

23 MR. WARD: Do you solemnly swear or affirm that  
24 you will tell the truth, the whole truth, and nothing  
25 but the truth, so help you god?

1 MR. FINLEY: I do.

2 MS. CHRISTENSEN: I do.

3 (Potential witnesses were sworn/affirmed.)

4 MS. CHRISTENSEN: Okay. He was originally  
5 denied, because I was questioning his fingerprint  
6 returns for a possible felony, and he had not disclosed  
7 it. And it looks like the original charge was income  
8 tax, making false report and fraud, according to his  
9 fingerprint returns.

10 BOARD CHAIRMAN SPENCER: Okay. Were there any  
11 other issues?

12 MS. CHRISTENSEN: It looks like he may even  
13 have something similar to that again in 2001. The first  
14 one was 1998, and then 2001.

15 BOARD CHAIRMAN SPENCER: Okay.

16 MS. CHRISTENSEN: And I do believe he did serve  
17 some time in the penitentiary for that.

18 BOARD CHAIRMAN SPENCER: Okay. Mr. Finley?

19 MR. FINLEY: Yes?

20 BOARD CHAIRMAN SPENCER: Did you hear those two  
21 issues of concern?

22 MR. FINLEY: I could barely hear them, but, I  
23 think, you referred to the trial that I had.

24 BOARD CHAIRMAN SPENCER: It had to do with two  
25 separate IRS violations?

1 MR. FINLEY: Two separate IRS violations?

2 BOARD CHAIRMAN SPENCER: Right.

3 MR. FINLEY: No. The administration and the  
4 IRS is attempted bank fraud.

5 BOARD MEMBER PUTNAM: Yeah.

6 BOARD CHAIRMAN SPENCER: Okay. Were you  
7 convicted on those?

8 MR. FINLEY: I was convicted, yes.

9 BOARD CHAIRMAN SPENCER: Okay. And what is  
10 your appeal, sir?

11 MR. FINLEY: My appeal was that -- my appeal  
12 was granted. It was a reverse and remand, which means  
13 that I did not have a conviction. And then I was, 14  
14 months later, acquitted of all charges.

15 BOARD CHAIRMAN SPENCER: Okay. Do you have  
16 documentation to that?

17 MR. FINLEY: I certainly do.

18 BOARD CHAIRMAN SPENCER: Oh, good. Could you  
19 give it to the lady. She can make copies for us.

20 MR. FINLEY: If you have a set of Federal  
21 Reporter 3rd, volume 301, the appeal is there. Do you  
22 have a set of that? You're in a moot court.

23 BOARD CHAIRMAN SPENCER: Okay.

24 MR. MENICUCCI: Mr. Chairman?

25 BOARD CHAIRMAN SPENCER: Yes?



1 MR. MENICUCCI: Deputy Attorney General Jeff  
2 Menicucci. I have printed out three decisions from the  
3 federal courts that tell an extensive story on the  
4 public record regarding Mr. Finley. One of those is 301  
5 Federal 3rd Reporter, page 1000, which goes into a --

6 MR. FINLEY: Yes.

7 MR. MENICUCCI: -- great deal of detail in  
8 terms of the charges and how the court ruled and the  
9 allegations made by Mr. Finley on his appeal.

10 I also have available a couple of unreported  
11 decisions that are available through Westlaw. One of  
12 them is a decision of the Eastern District of  
13 California, United States District Court, in 2008, where  
14 Mr. Finley had requested a certificate of innocence, and  
15 the court denied giving him that. The reason he  
16 requested it was he was seeking damages for his alleged  
17 unjust and unlawful conviction in the Court of Claims.

18 And the final printout I have available for the  
19 Committee is a Court of Claims decision in 2010, again,  
20 not published in the paperbound volumes, but available  
21 on Westlaw. And that is an opinion by the Court of  
22 Claims denying his claim for damages.

23 There is an extensive history available just on  
24 the public record to show what actually occurred in this  
25 case. And I can go through that if the Committee

1 chooses to hear that.

2 BOARD CHAIRMAN SPENCER: Just out of curiosity,  
3 is there any reports to any violence or?

4 MR. MENICUCCI: No. What we have, if I may --  
5 and the place to start is the Court of Appeals decision.  
6 Mr. Finley was convicted by a jury and the U.S. District  
7 Court for the Eastern District of California. He  
8 appealed that conviction to the Ninth Circuit. The  
9 Ninth Circuit Court of Appeals did reverse and remand.  
10 And on remand, he was apparently acquitted by the trial  
11 judge without a jury.

12 The basis for his appeal was that the trial  
13 court, the first trial court erred when it refused to  
14 consider testimony from a doctor that Mr. Finley had  
15 something called an atypical belief system, which the  
16 doctor said is also known as delusion, that prevented  
17 him from forming the necessary mental intent to have  
18 committed a crime when he presented certain phony  
19 financial instruments to the bank, and the other  
20 charges. The Court of Appeals said, you know, the court  
21 did make a mistake and should have considered that  
22 testimony.

23 So the matter is remanded. It appears  
24 Mr. Finley was acquitted. And after that acquittal, he  
25 sought damages in the Court of Claims. The Court of

1 Claims told him, "You better go back to the district  
2 court and get something called a certificate of  
3 innocence."

4           And when he went back to the district court,  
5 he -- the district court judge, another district court  
6 judge, found that Mr. Finley actually committed the acts  
7 that would be criminal, but that he had been found to  
8 not have the necessary mental, mens rea. And the court  
9 said, "You know, we're not going to give you that  
10 certificate of innocence, because we think that you  
11 have -- you now have the burden of showing innocence,  
12 and you have not shown it."

13           And then, on that basis, the Court of Claims  
14 denied his claim for damages.

15           That's all in the public record.

16           And one of the things that probably ought to be  
17 noted is, in the district court, when he asked for a  
18 certificate of innocence, the court essentially said  
19 that he had acted in a way that could be considered  
20 criminal, he had acted in a manner that was objectively  
21 unreasonable. But the district court, on remand, had  
22 found that the government failed to prove its case  
23 beyond a reasonable doubt with regard to the mental  
24 element of the crime.

25           BOARD CHAIRMAN SPENCER: So bottom line is that

1 the cites that were found are, in fact, null and void?

2 MR. MENICUCCI: He has no conviction. But the  
3 committee may want to consider whether his mental  
4 condition that he alleged to the court is something that  
5 would preclude him from being licensed. And then the  
6 committee may want to consider whether his actions are  
7 such that he could be precluded from being registered  
8 and getting a work card.

9 Under NRS 648.1493(3)(b)(4), one of the reasons  
10 that he could be denied is failing to meet the  
11 requirements of our statutes in terms of conduct. And  
12 if you're licensed by this Board, you can be subject to  
13 discipline for any unprofessional conduct or unfitness  
14 under NRS 648.150.

15 And so the fact that he may have done something  
16 that does not rise to the level of a federal crime might  
17 still be considered whether he did something that was  
18 unprofessional or showed him to be unfit for acting in  
19 this profession.

20 BOARD CHAIRMAN SPENCER: Okay.

21 MR. MENICUCCI: But he does have an acquittal.  
22 He does not have a conviction.

23 BOARD CHAIRMAN SPENCER: Thank you.

24 Mr. Finley, were you able to hear that all  
25 right?

1 MR. FINLEY: Yes.

2 BOARD CHAIRMAN SPENCER: Okay. Have you, or  
3 are you being treated for any kind of mental condition?

4 MR. FINLEY: No.

5 BOARD CHAIRMAN SPENCER: You are aware that you  
6 were -- you were to -- you were alleged to have had a  
7 mental problem, right?

8 MR. FINLEY: Alleged to have a mental problem.  
9 Let me say that I owned and operated America's Legal and  
10 Professional Bookstore in Sacramento, California for 27  
11 years. I don't believe I had a mental problem.

12 MR. MENICUCCI: Mr. Chairman, if the applicant  
13 made a fraud on the court, by alleging a mental  
14 condition he did not have, that would absolutely be  
15 disqualifying. And if he does have a mental condition,  
16 which he alleged to a federal court to have, whether or  
17 not he has or not is really not the committee's decision  
18 to make. We are not -- we don't have that expertise.  
19 But if he alleges that he has a mental problem in order  
20 to avoid conviction on a federal crime, then we have to  
21 take him at his word.

22 BOARD CHAIRMAN SPENCER: What do you have to  
23 say about that, Mr. Finley?

24 MR. FINLEY: So you're saying that I had to say  
25 that I'm crazy, in other words, to get a card; is that

1 right?

2 BOARD CHAIRMAN SPENCER: No. No. Did you, in  
3 fact, state that at the time that you appealed the  
4 convictions?

5 MR. FINLEY: That I had a mental condition?

6 BOARD CHAIRMAN SPENCER: That you had a mental  
7 condition.

8 MR. FINLEY: Is that, is that what you're  
9 saying?

10 BOARD CHAIRMAN SPENCER: That's what I'm  
11 asking, yes.

12 MR. FINLEY: Okay. No, I did not say that. A  
13 psychiatrist said that I had an atypical belief system.  
14 And whether that's valid or not, I don't know. But I  
15 never said that I had a mental condition.

16 BOARD CHAIRMAN SPENCER: All right. There is a  
17 difference.

18 Board questions?

19 BOARD MEMBER PUTNAM: Mr. Chairman, I have a  
20 comment.

21 BOARD CHAIRMAN SPENCER: Please.

22 BOARD MEMBER PUTNAM: This is not  
23 nickel-and-dime stuff we're talking about, when we're  
24 talking about financial instruments worth \$6,125,000.  
25 So this is a major, major allegation against Mr. Finley

1 made at the time.

2 And his defense was, of course, partially based  
3 on the -- his mental condition as defined by this doctor  
4 who was not allowed to testify at the trial.

5 MR. MENICUCCI: That was Mr. Finley's doctor.  
6 Mr. Finley chose to call that doctor to testify, present  
7 his testimony in support of his defense. The first  
8 trial court refused to hear the doctor's testimony and  
9 excluded it. And that was the error that led to the  
10 reversal of his conviction.

11 BOARD CHAIRMAN SPENCER: All right. Any Board  
12 questions?

13 Mark, do you have anything?

14 BOARD MEMBER ZANE: Mr. Finley, you indicated  
15 that you owned a -- that bookstore in Sacramento.

16 MR. FINLEY: America's Legal and Professional  
17 Bookstore.

18 BOARD MEMBER ZANE: That was the name of it?

19 MR. FINLEY: Yes. 27 years.

20 BOARD MEMBER ZANE: 27?

21 MR. FINLEY: M-hm (affirmative).

22 BOARD MEMBER ZANE: Was that your sole  
23 money-maker, that's how you made a living?

24 MR. FINLEY: Yes. I sold law books to law  
25 students, attorneys, the law libraries. I had a bar

1 review course which prepared the students to take the  
2 bar exam.

3 BOARD MEMBER ZANE: Well, have you ever, or are  
4 you a member of any bar, are you an attorney?

5 MR. FINLEY: No.

6 BOARD MEMBER ZANE: Okay. So you're  
7 self-taught as far as these books?

8 MR. FINLEY: As far as law books, yes. Because  
9 I started selling law books for the law distributors in  
10 Daly, California in 1973, opened my own book store in  
11 1983.

12 BOARD MEMBER ZANE: Based upon your life  
13 experience, do you have a theory that you have applied  
14 to the power or the structure of the government?

15 MR. FINLEY: Do I have a theory?

16 BOARD MEMBER ZANE: Yeah.

17 MR. FINLEY: I do.

18 BOARD MEMBER ZANE: Could you enlighten me on  
19 what it is.

20 MR. FINLEY: You want to know what I think  
21 about the government?

22 BOARD MEMBER ZANE: Correct, just as far as the  
23 power and authority over you as an individual.

24 MR. FINLEY: I went to court. I was convicted.  
25 I served 20 months in federal prison for something that



1 was not a crime. So let me see what I should think.  
2 I'm sorry. I -- I've thought over this for the past 13  
3 years. And I tend to get a little bit upset when I do  
4 it.

5 Let me say this. I believe, with all my heart  
6 and soul, that when I tried to do for the law students  
7 to become attorneys, to teach them to be correct  
8 attorneys, to teach them correctly and all, and not once  
9 in all those years was a certificate of innocence  
10 mentioned.

11 So if -- in my notes you'll see that I went to  
12 the State Bar of California and asked them what they did  
13 to prepare a state attorney to practice in federal  
14 court. Because I had a federal attorney who was a state  
15 attorney. And they told me, "Nothing." They said they  
16 don't give them anything. They say it was up to the  
17 court system to teach them that.

18 Now, Judge Leavy, the judge that acquitted me,  
19 according to the Act of 1938, the judge at the time of  
20 acquittal or not guilty should have issued or denied a  
21 certificate of innocence. My attorney should have asked  
22 for a certificate of innocence. Neither did their job.  
23 So what is my perception of something like that?

24 A student of mine from Michigan, who was taking  
25 the California bar, said, "Oh, you should have gotten a

1 lot of money from them, from the government for the 20  
2 months that you spent in prison." And I said, "You show  
3 me that in the law books, and I'll believe it," because  
4 that's what I had heard. He showed it to me.

5 And I sent my appeal to the federal claims  
6 court in Washington D.C. I was assigned a judge, Judge  
7 Francis Allegra. And then they assigned an assistant  
8 U.S. attorney. That was Steven Baker. Mr. Baker called  
9 me at the bookstore and said, Mr. Finley, we've received  
10 your appeal, that has been granted. We received your  
11 acquittal. But we did not receive a certificate of  
12 innocence."

13 BOARD MEMBER ZANE: Excuse me, if I could  
14 interject. Is there anything in the record that we have  
15 here before us that we can review that tells us the  
16 facts associated with his history?

17 MR. FINLEY: Yes. I gave all the papers to --

18 BOARD MEMBER ZANE: With that in mind, could I  
19 get a response directly to my question. The question  
20 was, do you have a philosophy or a theory regarding the  
21 power of government over you as an individual?

22 MR. FINLEY: Oh, I believe it has the power  
23 over me.

24 BOARD MEMBER ZANE: Thank you.

25 BOARD CHAIRMAN SPENCER: Any other, any other

1 questions from the Board?

2 BOARD MEMBER PUTNAM: Mr. Chairman, I would  
3 also like at this point to make a couple of comments.

4 The documents that we were provided, that go  
5 through all of these, these allegations, apparently,  
6 Mr. Finley attempted to deposit a \$6 million document at  
7 the Bank of America in December of '95 and, again,  
8 August of '96.

9 MR. FINLEY: That's not correct.

10 BOARD MEMBER PUTNAM: Well, it's in the  
11 documents, sir. That's what I'm quoting. Okay.

12 MR. FINLEY: I gave the documents to the bank  
13 president, who I knew personally, to put them through  
14 for special collection, not for deposit.

15 BOARD MEMBER PUTNAM: In any case, they were,  
16 the documents were returned as a fictitious check. And  
17 Mr. Finley was so advised that that was the case. But  
18 then he also tried to use these documents again, once he  
19 was aware it was a fictitious check, according to the  
20 allegations.

21 No other comments, Mr. Chairman.

22 BOARD CHAIRMAN SPENCER: Okay.

23 MR. FINLEY: Would you like me to comment to  
24 that?

25 BOARD CHAIRMAN SPENCER: Certainly.

1 MR. FINLEY: Okay. The other -- okay. Well,  
2 let's go back to the Montana Freeman. LeRoy Schweitzer  
3 was the head of the Montana Freeman. And at the time, I  
4 was looking for an investor. I found West Publishing,  
5 Aspen Publishing, the other legal publishers, and no one  
6 wanted me to open 20 bookstores across the United  
7 States.

8 So I went to Montana. Someone had told me that  
9 this gentleman, if you present your plan to him, he  
10 might invest in it. So I did. And he did give me five  
11 controller warrants, one to the Bank of America for the  
12 \$6,600,000 to open the 20 bookstores, one to the IRS,  
13 and three to different banks that had -- I owed on real  
14 estate that I had at the time.

15 The certificate to the bank, particularly to  
16 the IRS, after I had not heard back from them, I sent  
17 them a second certified copy, notarized copy. I sent  
18 them a third notarized copy. And at the time that this  
19 all started, I owed the IRS \$180,000, which I owed. And  
20 so presenting them with a check for \$360,000, not a  
21 check, controller warrant, that would have taken care of  
22 it.

23 What happened was that after I got my appeal  
24 and after I spent 14 months waiting for the second  
25 trial, I went back to the IRS office, gave them my ID

1 number and said, "Could you please tell me how much I  
2 owe now." Because it's got to be like \$500,000. And  
3 their response was, "\$57."

4 So I went back to Judge Leavy the next day, and  
5 I said, "Your Honor, I'd like to know why I only owe  
6 \$57." He asked the prosecutor to explain. She  
7 couldn't. So he gave her a date to bring in an IRS  
8 agent. That IRS agent was the one that I met in  
9 Sacramento, who had now been promoted to Washington D.C.  
10 His explanation to the court is that if you don't pay  
11 taxes for 10 years, they have a computer in Salt Lake  
12 City that just destroys them. It's done automatically.

13 And so I gave, in reality, the IRS over a  
14 million dollars in controller warrants.

15 BOARD CHAIRMAN SPENCER: I'm not familiar with  
16 the controller warrant. What's the -- what are they  
17 backed with?

18 MR. FINLEY: They're backed with common law  
19 lien on a bank. I can't remember the name of the bank  
20 now. And Mr. Schweitzer handed out a proof packet  
21 showing that these controller warrants were indeed cash,  
22 or negotiated for a special -- whatever they called them  
23 at the time.

24 Also, in my first trial and in my second trial,  
25 I asked for the judge to convene a panel of UCC experts

1 to find out if these were indeed legal. Okay. The  
2 first judge, Judge Shubb, denied it. The second judge,  
3 that acquitted me, denied it.

4 Judge Leavy is now the dean at Duke Law School.  
5 And after -- and that's the reason I now have to go to  
6 another judge for a certificate of innocence, because  
7 Judge Leavy's the one that should have done it. But he  
8 was now the dean at Duke Law School. And I wrote to  
9 him, and I said, "Gee, during your summer recess, could  
10 you have your law school present a conference on whether  
11 these were valid or not?" Well, I didn't hear back from  
12 Dean Leavy.

13 The reason I was indicted in Sacramento was, in  
14 June of nineteen ninety -- I think, it was '97 or '98,  
15 when the Montana Freeman went on trial, I was called by  
16 the defense to be a witness. And I went up there, and I  
17 was a witness, and evidently a good one, because I got  
18 them a hung jury. Well, the government, that I know has  
19 power over me, said, "Oh, we're going to reindict you."  
20 And they did.

21 Then, in November of that year, when I went up  
22 there to be a witness again, the day I was up there, one  
23 of the attorneys came to me and said, "Mr. Finley, you  
24 may not want to testify, because you've just been  
25 indicted by the grand jury in Sacramento." Now, this is

1 up in Montana.

2 So during my trial, I asked the judge to please  
3 find out how it happened that the people in Montana  
4 found out that, that day, I was indicted in Sacramento.  
5 Now, my reasoning is that the first trial, when I was  
6 asked, "Were you ever indicted?" And I said, "No."  
7 The prosecutor said, "No, you were never indicted?" No.

8 So now, all of a sudden, all of a sudden, I was  
9 indicted during the second trial.

10 Do I believe that these controller warrants are  
11 valid? Yes. To this day, I believe they are valid.

12 Now, you might ask why would I believe that.  
13 Okay. After my second trial, that I was acquitted, I  
14 put the same kind of a common law lien on Judge Shubb,  
15 the district attorney, the assistant U.S. attorney, and  
16 all of them, and I had it recorded, which was no problem  
17 at all. And, gee, the U.S. assistant district attorney  
18 comes down to my bookstore and says, "You can't do  
19 this." He says, I would -- "I want you to sign off on  
20 this." And I said, "No."

21 He came back a second time, when my wife was  
22 there, and he said, "Mr. Finley, if you don't sign off  
23 on these, you're going to go to jail again, you're going  
24 to be fined another \$500,000," or whatever it was. So  
25 my wife said, if I don't sign, that she would leave me.

1 I'd been married 50 years at that time. So I signed off  
2 on those documents.

3 Now, in the trial, John Shockley, the expert  
4 witness for the government, said that, oh, his attorneys  
5 in the office just got a judgment to take those liens  
6 off. Now, if that were true, then why did I have to  
7 sign off on the liens, and why didn't they just get a  
8 court order to expunge them? That's why I believe that  
9 they are valid.

10 BOARD CHAIRMAN SPENCER: Okay. The question, I  
11 think, is -- is there sufficient reason to deny, minus  
12 the conviction?

13 MR. MENICUCCI: Mr. Chairman, perhaps, if the  
14 Board permits, let me read from the district court  
15 opinion from 2008. This is the one where they said  
16 they're not going to give him a certificate of  
17 innocence. The district judge said, on page eight of  
18 that opinion, that "Finley has, in fact, acted in a way  
19 that could be criminal, but his act is lawful or  
20 unlawful, depending upon his accompanying state of  
21 mind."

22 And then, on the next page, page nine, the  
23 court discusses further and says "To make the record  
24 clear, the court finds on this evidentiary record that  
25 Finley's conduct was objectively unreasonable. A



1 reasonable person returning from Montana with the paper  
2 instrument given to him by Schweitzer would not believe  
3 that this piece of paper created the lawful authority to  
4 require the Bank of America to put \$6 million into his  
5 personal account."

6           So it's really that his acquittal was based on  
7 a state of mind issue, not as to what he actually did  
8 here in Nevada.

9           MR. FINLEY: May I comment?

10          BOARD CHAIRMAN SPENCER: Certainly.

11          MR. FINLEY: If you will, if you had access to  
12 Judge Leavy's acquittal, you will note that in his  
13 acquittal, the prosecution put in a final request  
14 stating that I might have had a little knowledge of  
15 maybe that these were -- were no good. And Judge Leavy,  
16 the gentleman who acquitted me, denied it.

17                Yet, when I had to go before another judge, and  
18 they brought back the assistant U.S. attorney from  
19 Fresno, because he was moved -- after he won his  
20 conviction with me, he was -- he was awarded to go to  
21 The Hague to convict war criminals. When I won my  
22 appeal, he was brought back to the United States, sent  
23 to Fresno in charge of misdemeanors. But these are the  
24 ones they brought back to Judge Jenson to oppose me on  
25 getting the certificate of innocence.

1 BOARD CHAIRMAN SPENCER: I wonder if we should  
2 have a motion and then discuss on the motion, if any  
3 Board member feels that they heard sufficient  
4 information to make a motion.

5 BOARD MEMBER PUTNAM: Well, I would like  
6 counsel to repeat what he said, the either/or situation  
7 that we're dealing with, either incompetence or lie to  
8 the court.

9 MR. MENICUCCI: I think, the question is, if  
10 Mr. Finley says he was not suffering from any sort of  
11 mental condition that prevented him from forming the  
12 criminal intent, then he could not, he could not  
13 ethically tell the federal court that error occurred in  
14 failing to consider the doctor's testimony to that  
15 effect.

16 If he was under that sort of mental condition,  
17 then, then we may accept his representation to the court  
18 that, in fact, it existed.

19 BOARD MEMBER PUTNAM: So you're saying that if  
20 he lied to the court, that's unprofessional conduct as  
21 far as --

22 MR. MENICUCCI: I think, the Board could  
23 consider that so.

24 BOARD MEMBER PUTNAM: Yeah. I'd also like to  
25 read from one of these transcripts or whatever.

1 Dr. Wicks, who was the doctor involved in this trial  
2 situation, indicated that "Finley's psychological tests  
3 were consistent with a diagnosis of a delusional  
4 disorder."

5 Mr. Chairman, I would move that the denial of  
6 registration to Richard Finley be upheld.

7 BOARD CHAIRMAN SPENCER: I have a motion. Do I  
8 hear a second?

9 BOARD MEMBER NADEAU: Mr. Chair, could I ask a  
10 question as far as the motion goes? Based on what  
11 element of our statutory ability for denial?

12 BOARD MEMBER PUTNAM: What was that?

13 BOARD MEMBER NADEAU: Why?

14 BOARD MEMBER PUTNAM: Why?

15 BOARD MEMBER NADEAU: Yes. In other words --

16 BOARD MEMBER PUTNAM: Because, as counsel says,  
17 he claims he had no mental problems at the time. But  
18 yet he used that argument in his appeal.

19 BOARD MEMBER NADEAU: So. Okay. I guess, what  
20 I'm -- I'm trying to clarify.

21 BOARD MEMBER PUTNAM: It's either one or the  
22 other, and you can't have both.

23 BOARD MEMBER NADEAU: I'm trying to clarify the  
24 motion.

25 BOARD MEMBER PUTNAM: It's unprofessional

1 conduct.

2 BOARD MEMBER NADEAU: I'm trying to clarify the  
3 motion. Because we have, as I see it, we have four  
4 elements for which we can deny, of any one of the four:  
5 Moral is moral character and temperate habits; convicted  
6 of; has not made false statements of material fact on an  
7 application; and has not violated any provision of this  
8 chapter or regulation adopted or order of the Board.

9 Those are the four reasons that we have for  
10 denial. So I'm just asking which, which one of the four  
11 are you basing your motion on?

12 BOARD CHAIRMAN SPENCER: Okay.

13 BOARD MEMBER PUTNAM: Well, I would say the  
14 lack of integrity.

15 BOARD MEMBER NADEAU: So the moral character?

16 BOARD MEMBER PUTNAM: M-hm (affirmative).

17 BOARD MEMBER ZANE: Mr. Chairman?

18 BOARD CHAIRMAN SPENCER: Yes?

19 BOARD MEMBER ZANE: Does the -- if we receive  
20 the second, does that shut out additional comment?

21 BOARD CHAIRMAN SPENCER: Oh, no.

22 BOARD MEMBER ZANE: I didn't follow your -- I  
23 didn't follow what you were talking about there.

24 BOARD CHAIRMAN SPENCER: We can have, we can  
25 certainly have comment on the discussion of the motion.

1 BOARD MEMBER ZANE: I mean, I mean additional  
2 testimony.

3 MR. WARD: May it please, Mr. Chairman, Board  
4 members, I don't think we have had a second for the  
5 motion that's on the floor as of yet.

6 BOARD CHAIRMAN SPENCER: Okay.

7 MR. WARD: So I don't think we can have  
8 discussion on it.

9 BOARD CHAIRMAN SPENCER: Yeah, we haven't had a  
10 second on the motion.

11 BOARD MEMBER NADEAU: I'll second the motion  
12 for discussion purposes.

13 BOARD CHAIRMAN SPENCER: All right. Go ahead.

14 BOARD MEMBER ZANE: Mark, did you have  
15 something? We're on --

16 BOARD MEMBER ZANE: Well, I was thinking about  
17 inquiring further of the -- of the applicant, and I just  
18 didn't foreclose, have that foreclosed.

19 BOARD CHAIRMAN SPENCER: Go right ahead.

20 BOARD MEMBER ZANE: Once, once the motion is  
21 made and seconded, does that keep it in with just the  
22 Board?

23 MR. WARD: Is your question that once the  
24 motion has been seconded, do you have the authority or  
25 the right to question the applicant in this matter?

1 BOARD MEMBER ZANE: Correct.

2 MR. WARD: I don't see that being a problem.

3 BOARD CHAIRMAN SPENCER: The answer to that is  
4 kind of yes.

5 BOARD MEMBER ZANE: All right. Did you  
6 participate with your defense counsel in this trial?

7 MR. FINLEY: Yes.

8 BOARD MEMBER ZANE: And you adequately -- did  
9 you feel that you adequately participated?

10 MR. FINLEY: Are we talking about the first  
11 trial or second trial?

12 BOARD MEMBER ZANE: The first trial.

13 MR. FINLEY: He didn't do exactly as I asked,  
14 no.

15 BOARD MEMBER ZANE: Okay. When you appealed,  
16 was any portion of your appeal based upon his  
17 ineffective assistance of counsel?

18 MR. FINLEY: No.

19 BOARD MEMBER ZANE: None whatsoever?

20 MR. FINLEY: No.

21 BOARD MEMBER ZANE: Okay. Thank you.

22 MR. FINLEY: But I do have a complaint now to  
23 the State Bar of California against the attorney that  
24 did not ask for the -- for the certificate of innocence.  
25 And, also, ethically, the information that the Board has

1 here was in an FBI file. And I have since asked for the  
2 FBI file. Because if that is true, that means that the  
3 attorney, when I was acquitted of all charges, should  
4 have given the court order to the federal marshals to  
5 have that expunged.

6 BOARD MEMBER NADEAU: Mr. Chair, I have another  
7 question. He's already provided his -- I just have a  
8 question for him.

9 BOARD CHAIRMAN SPENCER: Go ahead.

10 BOARD MEMBER NADEAU: You were very -- you were  
11 very clarifying in that. Did you participate in your  
12 defense in the second trial?

13 MR. FINLEY: Did I participate? Yes. I asked  
14 about the IRS, yeah.

15 BOARD MEMBER NADEAU: Okay. So you did  
16 participate in the second trial. Did you -- did  
17 Dr. Wicks testify in the second trial?

18 MR. FINLEY: Yes.

19 BOARD MEMBER NADEAU: So, therefore, you  
20 participated, and then Dr. Wicks testified on your  
21 behalf; is that correct? Yes or no?

22 MR. FINLEY: Yes.

23 BOARD MEMBER NADEAU: All right. Thank you,  
24 Mr. Chair.

25 BOARD CHAIRMAN SPENCER: You bet.

1 Any other questions?

2 BOARD MEMBER ZANE: No, sir.

3 BOARD CHAIRMAN SPENCER: Call for the vote,  
4 then. All in favor of the motion, signify by saying  
5 "aye."

6 (Board members said "aye.")

7 Opposed?

8 Mr. Finley, you're denied.

9 Okay. Nicholas Smith, is he present?

10 BOARD MEMBER ZANE: Nichols Smith? Nobody  
11 here.

12 (There was a brief conversation off the  
13 record.)

14 BOARD CHAIRMAN SPENCER: Okay. Yes, do you  
15 have the sign-in sheet, that people sign-in? How many  
16 do you have there that we can't see?

17 BOARD MEMBER ZANE: Quite a few.

18 (There was a brief conversation off the  
19 record.)

20 BOARD MEMBER ZANE: Do you want me to read  
21 these to you, Mr. Chairman?

22 BOARD CHAIRMAN SPENCER: Yes, please.

23 BOARD MEMBER ZANE: Linda Mohen. Michael  
24 Yepco. Tony Rowley.

25 MR. WARD: Would you slow down, because we're



1 checking off on the agenda, please.

2 BOARD CHAIRMAN SPENCER: Yeah.

3 MS. RAY: Not everyone's on the agenda.

4 BOARD CHAIRMAN SPENCER: So not everybody's on  
5 the agenda?

6 MS. RAY: Well, we've got public.

7 BOARD MEMBER ZANE: Again, that's Linda Mohen,  
8 Michael Yepco, Tony Rowley. Ready?

9 MS. RAY: Yes.

10 BOARD CHAIRMAN SPENCER: Yes.

11 BOARD MEMBER ZANE: Justin Stovall. Robert  
12 Armstrong. Jay Burke.

13 BOARD CHAIRMAN SPENCER: Burke.

14 MS. RAY: I already did him. Already done.

15 BOARD MEMBER ZANE: Is it?

16 BOARD MEMBER ZANE: Robert Peters. James  
17 Romero.

18 BOARD CHAIRMAN SPENCER: 27.

19 BOARD MEMBER ZANE: Darayon Johnson.

20 MS. RAY: 22.

21 BOARD MEMBER ZANE: Chad --

22 MS. RAY: Krieger, 28.

23 BOARD MEMBER ZANE: -- Krieger. Krieger.

24 BOARD CHAIRMAN SPENCER: Okay.

25 BOARD MEMBER ZANE: Andy Macita (phonetic).

1 Oh, he's just here as a spectator. Jamie Torres.

2 MS. RAY: 19.

3 BOARD CHAIRMAN SPENCER: 19.

4 BOARD MEMBER NADEAU: 19.

5 BOARD MEMBER ZANE: Richard Finley.

6 BOARD CHAIRMAN SPENCER: We already got him.

7 BOARD MEMBER ZANE: Ka Sheika Price.

8 MS. RAY: 18.

9 BOARD MEMBER ZANE: Alexander Ennis. And the  
10 last one on the list is Jazmin Ferrigno.

11 MS. RAY: Okay. And up here we have 30, Yuri  
12 Hernandez.

13 BOARD MEMBER ZANE: And, also, we have David  
14 Poelking.

15 MS. RAY: 17.

16 BOARD CHAIRMAN SPENCER: All right.

17 MS. RAY: Or 16 and 17 for Mr. Poelking.

18 BOARD CHAIRMAN SPENCER: All right. We're  
19 going to start with the ones that we have. And that's  
20 it. Everybody else is late.

21 All right. We'll start with Tony Rowley.

22 Actually, have all those people that were just  
23 named, have they been sworn in?

24 MS. GRESNICK-SMITH: No.

25 BOARD MEMBER ZANE: One more, Mr. Chair.

1 BOARD CHAIRMAN SPENCER: Yeah.

2 BOARD MEMBER ZANE: Anthony Romano, number 11.

3 BOARD CHAIRMAN SPENCER: Okay.

4 MR. WARD: May it please, Mr. Chairman, Board,  
5 may I ask everybody that has not been sworn in to stand  
6 and raise your right hand if you are going to testify  
7 before the Board.

8 Please stand and raise your right hand.

9 Do you solemnly swear or affirm that you will  
10 tell the truth, the whole truth, and nothing but the  
11 truth, so help you god?

12 (Potential witnesses were sworn.)

13 BOARD CHAIRMAN SPENCER: All right.

14 Mr. Rowley. Or -- you're there, right?

15 MR. ROWLEY: Yes.

16 BOARD CHAIRMAN SPENCER: Okay. Do you know why  
17 you were denied?

18 MR. ROWLEY: Yes, sir.

19 BOARD CHAIRMAN SPENCER: Why is that?

20 MR. ROWLEY: It's because of a restraining  
21 order that was back in 2001. And the Board had denied  
22 me because of that. I've never been denied an armed  
23 guard card in Arizona or anywhere or been denied my  
24 being a registered bounty hunter or any of that.

25 And, so, my daughter was in a very bad car

1 accident right after our meeting here. I went back to  
2 Colorado. And my ex-wife wanted to drop that a long  
3 time ago. And she told me that we had a court hearing  
4 that morning as soon as I got into Colorado. And she  
5 wanted it dropped. And our focus has been to try to  
6 heal my daughter up from that very bad accident that she  
7 was in, my 24-year-old daughter. So.

8 BOARD CHAIRMAN SPENCER: Okay. Who, who denied  
9 this?

10 MS. RAY: Mr. Chairman?

11 MS. GRESNICK-SMITH: She is my applicant,  
12 Mr. Chairman.

13 MS. RAY: Mr. Chairman, may I make a comment?

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

15 MS. RAY: Mr. Rowley has previously appeared in  
16 front of the Board, and he was denied. So the Board  
17 needs to make a motion as to whether or not they want to  
18 re-hear his appeal for the next item, 14.a.

19 In my recollection, he did not have a document  
20 that he would have needed in order for you to consider  
21 overturning his original denial. And since that  
22 meeting, he has obtained that document and is requesting  
23 you to reconsider his appeal.

24 BOARD CHAIRMAN SPENCER: All right.

25 MS. RAY: But, I think, we need to, A, make a

1 decision if you want to re-hear it; and, then, if you  
2 do, then hear the matter.

3 BOARD CHAIRMAN SPENCER: Okay. Make a motion  
4 for re-hearing?

5 MR. WARD: That's fine.

6 BOARD MEMBER PUTNAM: So moved.

7 BOARD MEMBER NADEAU: I'll second.

8 BOARD CHAIRMAN SPENCER: All in favor?

9 (Board members said "aye.")

10 All right. Opposed?

11 All right. We're going to re-hear it.

12 Okay. Do you have the documentation that you  
13 lacked last time, Mr. Rowley?

14 MR. ROWLEY: I don't have it with me. I had  
15 submitted it to the --

16 MS. GRESNICK-SMITH: Mr. Chairman and Board  
17 members, Mr. Rowley did provide documents showing that  
18 his appeal order had been lifted. And I contacted them  
19 to see if they got that, and they said it is not  
20 currently active.

21 BOARD CHAIRMAN SPENCER: So there's actually --  
22 there is no objection at this point to his registration?

23 MS. GRESNICK-SMITH: No, I do not have one.

24 BOARD CHAIRMAN SPENCER: All right. Entertain  
25 a motion.

1 BOARD MEMBER ZANE: Mr. Chairman, I'd move we  
2 overturn the denial.

3 BOARD MEMBER NADEAU: Second.

4 BOARD CHAIRMAN SPENCER: All in favor, signify  
5 by saying "aye."

6 (Board members said "aye.")

7 Opposed?

8 There you go, Mr. Rowley. It's over -- your  
9 denial is overturned.

10 MR. ROWLEY: Thank you, Mr. Chairman and Board  
11 members. I really appreciate it. It will help me  
12 generate some income that will help to heal my daughter.  
13 I really appreciate it.

14 BOARD CHAIRMAN SPENCER: No problem. Have a  
15 good day.

16 MR. ROWLEY: Thank you. You, too.

17 BOARD CHAIRMAN SPENCER: Nicholas Smith? Oh,  
18 I'm sorry. Anthony Romano?

19 Good morning, Mr. Romano.

20 MR. ROMANO: Good morning.

21 BOARD CHAIRMAN SPENCER: Why were you denied?

22 MR. ROMANO: I have a restraining order in  
23 Ohio.

24 BOARD CHAIRMAN SPENCER: Okay. How long has  
25 that been in effect?

1 MR. ROMANO: It will be over in 2014. I work  
2 for the State of Nevada right now. I've been in  
3 Las Vegas since 1995. I don't have no criminal record  
4 at all, whatsoever. I'm a taxicab driver for the State  
5 of Nevada. And they asked me the same thing when I  
6 applied for my TA card, that there's a restraining  
7 order. I said yes. And they asked me if it's over here  
8 in Nevada. I said, no, it's in Ohio. And I was trying  
9 to tell them what it was and, you know, the situation.  
10 But I would be more than happy to tell you what it is.

11 BOARD CHAIRMAN SPENCER: Okay.

12 MR. ROMANO: My mother and I don't get along.  
13 My mother filed custody on my two daughters behind my  
14 back. So I went back to Cleveland, Ohio, to fight for  
15 my daughters. But my wife, my ex-wife left us, and I  
16 was taking care of my two daughters. The one was eight  
17 months at the time, and one was four years old at the  
18 time. And I was all by myself. I worked for Prudential  
19 Overall Supply. And I had my friend baby-sitting,  
20 because I don't trust very much black people in  
21 Las Vegas.

22 So I asked my mother to help me out. And she  
23 said, yes, to come out to Cleveland and drop the kids  
24 off in Cleveland. And I had to go back. I also had  
25 family business, also.

1           So I work two jobs. So I had -- I dropped the  
2 kids off in Ohio. I -- we flew down there, all three of  
3 us. Then I went back to Vegas to sell my machine, my  
4 vending machines, which I -- it took too much of a long  
5 time. So I just got rid of it. Then I went back to  
6 Ohio May 6th of 2006. And then it was a battle between  
7 my mother and I for the kids.

8           To cut the story, cut the story short, my  
9 mother is a bully. Okay. Her and I are bullheaded.  
10 We're -- it's both of our faults, me with my mouth and  
11 her with her controlling. So that don't match. So she  
12 decided to get a restraining order. But it was a  
13 restraining order against her. It was not a restraining  
14 order against my two children, because the court  
15 wouldn't buy it.

16           So now, today's date -- I came back to Vegas in  
17 19 -- I came back to Vegas 2009, on Thanksgiving Day.  
18 I've been driving a cab now, ever since 2009 to today's  
19 date.

20           The court order was supposed to be -- I was  
21 supposed to be talking to my two daughters every  
22 Wednesday and Sunday. Which that's not going very well  
23 at all. I haven't talked to them for almost -- for  
24 about a year. And I'm supposed to be traveling to  
25 Cleveland every year to visit my daughters for 20 days.



1 Well, that's not going very well, either. So I have  
2 been just dropping it and leaving that alone and just go  
3 on with my life. So. Because it's a lost battle. So.

4 BOARD CHAIRMAN SPENCER: How old are your  
5 children now?

6 MR. ROMANO: Right now, right now, they're  
7 seven and 11. Jeanne is seven, and Sabrina is 11. They  
8 go to private school. I pay child support, 400, \$410 a  
9 month.

10 BOARD CHAIRMAN SPENCER: Are you current on  
11 that child support?

12 MR. ROMANO: What? I can't --

13 BOARD CHAIRMAN SPENCER: Are you current on  
14 your child support?

15 MR. ROMANO: No, I'm just going to -- I lost  
16 my -- I lost my job on November 7th of -- November 7th  
17 of last year. I was driving taxi. I had an accident.  
18 A cab just rehired me June 7th. So I am behind from  
19 December, January, February, March, April, May, June,  
20 seven months behind right now.

21 BOARD CHAIRMAN SPENCER: Okay.

22 MR. ROMANO: I've been paying child support  
23 since 2007.

24 BOARD CHAIRMAN SPENCER: Okay. You say you  
25 have no criminal record?

1 MR. ROMANO: Excuse me?

2 BOARD CHAIRMAN SPENCER: No criminal record?

3 MR. ROMANO: Oh. If you're -- my childhood, I  
4 have no criminal record. I -- to this day, I have no  
5 criminal record. I am a very law-abiding citizen. I  
6 used to be a lieutenant. When I was in Cleveland for  
7 three years, I was a lieutenant supervisor for a  
8 security firm. I did carry a firearm. I mean I'm a  
9 law-abiding citizen. It's just that my mother and I  
10 just do not get along.

11 BOARD CHAIRMAN SPENCER: Okay.

12 MR. ROMANO: And I do apologize for, you  
13 know -- and, you know, it's my fault, too, you know.  
14 But I am a cab driver, and I -- if we can't handle  
15 people in 13 minutes of a ride, that's not made for you.

16 BOARD CHAIRMAN SPENCER: Okay. Any Board  
17 questions?

18 MR. ROMANO: Sir?

19 BOARD MEMBER ZANE: Did you ever hear from the  
20 investigators?

21 MS. GRESNICK-SMITH: Elyse Gresnick-Smith, for  
22 the record. The original denial was meant for the  
23 active protection order, which does state the reason for  
24 issuance. And, subsequently, I received Mr. Romano's  
25 fingerprints, which did come back positive. He does

1 have some arrests that he did not disclose, including  
2 two aggravated assault arrests, one felony -- well,  
3 actually, both of them are felony charges. One was  
4 dismissed. And the disposition of the second charge is  
5 unknown. So I do not know if he was convicted of that  
6 charge. It was from 1979. So it has been a while.  
7 However, the failure to disclose.

8 BOARD CHAIRMAN SPENCER: What about those,  
9 Mr. Romano?

10 MR. ROMANO: I have never been charged for any  
11 aggravated assault. I don't know where this is coming  
12 from.

13 BOARD CHAIRMAN SPENCER: What city is that in?

14 MR. ROMANO: I've never been in jail, and I've  
15 never been in prison.

16 BOARD MEMBER ZANE: What was the jurisdiction?

17 MS. GRESNICK-SMITH: One for the aggravated  
18 assault and the --

19 MR. ROMANO: Oh, okay. Okay. This was when I  
20 was 19 years old.

21 BOARD CHAIRMAN SPENCER: We're having a problem  
22 here. Let's go back to -- start with -- Elyse, give us  
23 the violations, and then I'll go to Mr. Romano. So can  
24 you start over again? The -- we're having trouble  
25 hearing you with everybody talking.

1 MR. ROMANO: Yes, I'm deaf in this ear.

2 MS. GRESNICK-SMITH: Okay. Here's a '75  
3 arrest --

4 MR. ROMANO: Yes.

5 MS. GRESNICK-SMITH: -- in Ohio. And then  
6 there are two aggravated assault arrests, both from  
7 1979, which he wasn't mentioning at the time. One of  
8 them was dismissed. The other one, I do not know the  
9 disposition. But both of them were felonies.

10 MR. ROMANO: Wow. This is the first I ever  
11 heard of them.

12 BOARD CHAIRMAN SPENCER: Does it list --

13 MR. ROMANO: That I had a record.

14 BOARD CHAIRMAN SPENCER: Does it list any  
15 conviction or time served or anything?

16 MR. ROMANO: No.

17 MS. GRESNICK-SMITH: It's disposition unknown.  
18 So there's -- in the fingerprint, there's no record of  
19 what actually came about.

20 BOARD CHAIRMAN SPENCER: Okay.

21 MR. ROMANO: Wow.

22 BOARD CHAIRMAN SPENCER: Do you recall those  
23 two? Do you recall those two arrests?

24 MR. ROMANO: One.

25 BOARD CHAIRMAN SPENCER: One.

1 MR. ROMANO: I was 19 years old. I was working  
2 with my stepfather -- that's my mother's boyfriend -- in  
3 St. Petersburg, Florida. That's where it's at, that one  
4 there, in St. Petersburg, Florida. His name was Ello  
5 Taysha (phonetic). And we were carpet layers. And he  
6 came up and punched me in the ear, in my left ear. Then  
7 he went back in the truck and sat there. And I picked  
8 up a carpet knife, and I threw it at him.

9 BOARD CHAIRMAN SPENCER: Okay. Now --

10 MR. ROMANO: That was it.

11 BOARD CHAIRMAN SPENCER: Did you ever go to  
12 trial?

13 MR. ROMANO: Never. What happened, what  
14 happened, Rosemary came -- went to Florida from Ohio to  
15 talk to -- talk -- I was sitting, I was sitting in some  
16 hallway. And Rosemary and Ello and, I guess, a private  
17 judge or something or in-chambers judge. And that's all  
18 I knew, that I was back out, you know, no charges, no  
19 court, no nothing. The charges were dropped.

20 BOARD CHAIRMAN SPENCER: Okay.

21 MR. ROMANO: Because, number one, he provoked  
22 it. That was it. I was never in jail or handcuffed or  
23 nothing. And fingerprinted, I was never fingerprinted.  
24 I don't know how this came about. I really don't  
25 remember all this.

1 BOARD CHAIRMAN SPENCER: Well, that's a couple  
2 years ago.

3 MR. ROMANO: Excuse me?

4 BOARD CHAIRMAN SPENCER: I say that was a  
5 couple years ago.

6 MR. ROMANO: I'm 51 right now. This happened  
7 when I was 19.

8 BOARD CHAIRMAN SPENCER: That's what I was  
9 saying.

10 Any other questions from the Board?

11 MR. ROMANO: Do you want to hear about the  
12 petty theft?

13 BOARD CHAIRMAN SPENCER: Oh, we have a petty  
14 theft, too? Okay.

15 MR. ROMANO: Yes, I had a petty theft, and that  
16 was in 1987. Or '94. '94 or '97.

17 Yes, either '94 or -- '94.

18 MS. GRESNICK-SMITH: It was in '80.

19 MR. ROMANO: Huh?

20 MS. GRESNICK-SMITH: It was in '80.

21 MR. ROMANO: '80s. It was in '80. So I was  
22 working for Richmond Mall. That's in Ohio. And I was  
23 working at Richmond Mall. I was working as a  
24 maintenance. Well, my boss decided not to pay me my  
25 overtime, and they were denying me my money. I stole

1 three packs of cigarettes and two packs out of  
2 Woolworth's Mall.

3 BOARD CHAIRMAN SPENCER: Okay.

4 MR. ROMANO: And I was charged with petty  
5 theft.

6 BOARD CHAIRMAN SPENCER: Okay. What was the  
7 outcome of that charge?

8 MR. ROMANO: \$250 fine. That was it.

9 BOARD CHAIRMAN SPENCER: Okay. So in the  
10 future, when someone asks you if you've ever been  
11 arrested for anything, you'll remember those, right?

12 MR. ROMANO: Oh. Yes. Yes.

13 BOARD CHAIRMAN SPENCER: Okay. Mark, do you  
14 have any questions?

15 BOARD MEMBER ZANE: No, sir.

16 BOARD CHAIRMAN SPENCER: Anybody?

17 I'll entertain a motion.

18 BOARD MEMBER NADEAU: Mr. Chair, I have one  
19 question.

20 BOARD CHAIRMAN SPENCER: Yes.

21 BOARD MEMBER NADEAU: As far as the child  
22 support, we don't have any court order or anything like  
23 that as far as the child support goes; is that correct?

24 MS. GRESNICK-SMITH: Correct.

25 MR. ROMANO: What did he say?

1 MS. GRESNICK-SMITH: The only thing we have  
2 outstanding right now is the protection order active  
3 until 2014.

4 MR. ROMANO: Right.

5 BOARD MEMBER NADEAU: Okay. Thank you.

6 Thank you, Mr. Chair.

7 BOARD CHAIRMAN SPENCER: All right. I'll  
8 entertain a motion.

9 BOARD MEMBER ZANE: Mr. Chairman, I'd move that  
10 we overturn the denial.

11 BOARD CHAIRMAN SPENCER: All right. Do I have  
12 a second?

13 BOARD MEMBER NADEAU: I'll second that.

14 BOARD CHAIRMAN SPENCER: Okay. We have a  
15 motion and a second to overturn. All in favor, signify  
16 by saying "aye."

17 (Board members said "aye.")

18 BOARD CHAIRMAN SPENCER: Opposed?

19 BOARD MEMBER PUTNAM: Nay.

20 BOARD CHAIRMAN SPENCER: Okay. Your citation  
21 is overturned, sir.

22 MR. ROMANO: What's that mean?

23 BOARD MEMBER ZANE: You can get a guard card.

24 MR. ROMANO: Thank you very much.

25 BOARD CHAIRMAN SPENCER: All right. David



1 Poelking.

2 MS. RAY: This is similar to number 14.

3 BOARD CHAIRMAN SPENCER: All right. This is  
4 one like we had last time. I'll take a motion to hear  
5 the second appeal.

6 BOARD MEMBER ZANE: I'm sorry, Mr. Chairman.  
7 Which one is this?

8 MS. RAY: Mr. Chairman, the reasons for it,  
9 Mr. Poelking was not properly notified.

10 BOARD MEMBER PUTNAM: So moved.

11 BOARD CHAIRMAN SPENCER: Do I have a second?

12 BOARD MEMBER UITHOVEN: Second.

13 BOARD CHAIRMAN SPENCER: All in favor?

14 (Board members said "aye.")

15 Opposed?

16 Okay.

17 MR. WARD: Mr. Chairman, Board members, just in  
18 case you guys didn't hear down south, a motion was made  
19 to go ahead with the re-hearing. So that was taken care  
20 of, item number 16. So we're moving on to number 17.

21 Is that correct?

22 BOARD CHAIRMAN SPENCER: That's correct.

23 MR. WARD: So they voted to re-hear it, so it  
24 is open, in this open meeting law, number 17. Please  
25 proceed.

1 BOARD CHAIRMAN SPENCER: Mr. Poelking, how are  
2 you today?

3 MR. POELKING: Fine. And you?

4 BOARD CHAIRMAN SPENCER: I'm pretty good.

5 MR. POELKING: Great.

6 BOARD CHAIRMAN SPENCER: Can you tell me why  
7 you were denied?

8 MR. POELKING: No. I think, it's because of  
9 this SOP program. I don't know. I don't know nothing.  
10 Mr. Ferrari told me, my case manager. This is my other  
11 case manager right here, Ms. Mayhew (phonetic).

12 BOARD CHAIRMAN SPENCER: All right. Who denied  
13 this?

14 MS. GRESNICK-SMITH: Mr. Chairman, this is one  
15 of my applicants as well. The reason Mr. Poelking was  
16 denied is he is currently enrolled in a felony DUI  
17 program. According to the information that he provided,  
18 he began it in September of 2011 and is not set to  
19 complete it until September of 2014.

20 My understanding of the program, if he does  
21 complete it successfully, then the felony is -- he's not  
22 convicted of the felony. However, if he fails to  
23 complete it successfully, I believe that the felony  
24 conviction stands, or they find a conviction of --

25 You can probably give more information on that.

1           However, with there being so much time between  
2 when he can complete this program and the submission of  
3 the application, I thought that it needed to be a Board  
4 decision.

5           BOARD CHAIRMAN SPENCER: All right. Ma'am, who  
6 are you?

7           MS. MAYHEW: My name is Megan Mayhew  
8 (phonetic), and I'm one of the coordinators for felony  
9 DUI court program and Mr. Poelking's case manager.

10          BOARD CHAIRMAN SPENCER: All right. So what do  
11 you want to tell me about him?

12          MS. MAYHEW: I have brought a copy of the  
13 guilty plea that Mr. Poelking signed for the felony DUI  
14 court program. And on page six, it states that if he's  
15 accepted, proceedings in this case will be suspended,  
16 and no entry of guilt will be entered. And then the  
17 investigator's correct, once he successfully completes  
18 the program, he will be reduced down to a misdemeanor.

19                 So as it stands right now, he has not been  
20 charged with a felony. Mr. Poelking is doing very well  
21 in our program. He just advanced to level two. The  
22 only thing that he's struggling with is fees. And  
23 because he is unable to obtain his card, he is not able  
24 to secure employment.

25          BOARD CHAIRMAN SPENCER: All right. So there

1 is no violation now, at this point?

2 MS. MAYHEW: At this point, no, sir.

3 BOARD CHAIRMAN SPENCER: Okay. Jim?

4 BOARD MEMBER NADEAU: Thank you, Mr. Chairman.

5 So my understanding is that he was -- he was  
6 charged with a felony, signed a guilty plea to it.  
7 Based on that plea, then, he is going through a program  
8 that will last three years. If he completes the  
9 program, then it will be reduced to a misdemeanor. Is  
10 that correct?

11 MS. MAYHEW: Yes, sir.

12 BOARD MEMBER NADEAU: Okay. But as it stands  
13 right now, because if he doesn't complete the program  
14 and doesn't follow through, then the felony conviction  
15 will stand, correct?

16 MS. MAYHEW: Yes.

17 BOARD MEMBER NADEAU: Okay. So, right now, he  
18 is under felony conviction pending completion of the  
19 program?

20 MS. MAYHEW: He has not been convicted  
21 according to the guilty plea.

22 BOARD MEMBER NADEAU: Okay. Thank you.  
23 Currently, he is, he is in the court system for a felony  
24 until he completes the program. At this point, is  
25 that -- am I right there?

1 MS. MAYHEW: Yes.

2 BOARD MEMBER NADEAU: Okay. Thank you.

3 BOARD CHAIRMAN SPENCER: Any further questions  
4 from the Board?

5 How about a motion?

6 BOARD MEMBER ZANE: Yes, Mr. Chairman.

7 BOARD CHAIRMAN SPENCER: Go ahead.

8 BOARD MEMBER ZANE: How long have you been in  
9 the program?

10 MR. POELKING: Since September 13th. Except  
11 that I've --

12 (The Reporter indicated having trouble hearing  
13 Las Vegas.)

14 MR. POELKING: And I quit drinking. I don't  
15 drink anything anymore.

16 BOARD MEMBER ZANE: Okay. Keep up the good  
17 work.

18 MR. POELKING: Thank you.

19 BOARD MEMBER ZANE: What was the circumstances  
20 behind the precipitory arrest of your drinking?

21 MR. POELKING: I had three of them that year.

22 BOARD MEMBER ZANE: Three of them in one year?

23 MR. POELKING: M-hm (affirmative). That's why  
24 I don't drink. I never was in an accident. I was just  
25 sleeping. Or something like that.

1 BOARD MEMBER ZANE: So there was no -- no  
2 accident?

3 MR. POELKING: No. I fell asleep in the car.  
4 And I didn't want to drive in this heat.

5 BOARD MEMBER ZANE: What do you -- what did you  
6 attribute, or what have you attributed your drinking to?  
7 What, what caused you to drink?

8 MR. POELKING: I just started drinking. I  
9 don't know.

10 BOARD MEMBER ZANE: You just started drinking?

11 MR. POELKING: And then I started drinking  
12 vodka and a lot of it. And I had to have it, or I would  
13 be real screwed up. But now, thanks to Ms. Mayhew and  
14 this program, I'm all done with it. And my liver's  
15 good. I'm clean.

16 BOARD MEMBER ZANE: That's all I have,  
17 Mr. Chairman.

18 BOARD CHAIRMAN SPENCER: I'll entertain a  
19 motion.

20 BOARD MEMBER PUTNAM: Mr. Chairman, I move that  
21 the denial of registration for David Poelking be upheld.

22 BOARD MEMBER NADEAU: Mr. Chairman, I'll second  
23 that. And can we have discussion on the motion?

24 BOARD CHAIRMAN SPENCER: All right.

25 BOARD MEMBER PUTNAM: May I, first of all,

1 state my reason for the motion?

2 BOARD CHAIRMAN SPENCER: Absolutely.

3 BOARD MEMBER PUTNAM: If you'll look through  
4 the document we've been talking about as far as  
5 publishing, one of the reasons for -- or one of the  
6 disqualifiers, and I'll quote this, "If you are on  
7 parole, community supervision or work furlough, house  
8 arrest or release on any other basis." I think, he  
9 qualifies for that disqualifier.

10 BOARD CHAIRMAN SPENCER: Is there any  
11 discussion on that? I'm the only one who's talking, so  
12 I'll let somebody else talk a while.

13 BOARD MEMBER NADEAU: Mr. Chair? I think it's  
14 commendable that he's in the program, he's abiding by  
15 the program and that. But I think it would be  
16 irresponsible for us to allow someone who has a current  
17 felony charge to act in that, act in that manner, to act  
18 as a security, security person.

19 If the -- as far as I'm concerned, the charges  
20 is pending, pending his completion of the program. And  
21 I just don't think we can proceed to allow him to work  
22 in this industry. And that's my -- my justification.

23 BOARD CHAIRMAN SPENCER: I can understand that.  
24 But. Am I correct to understand -- and, ma'am, I'm  
25 sorry. I don't remember your name, and I apologize for

1 that.

2 MS. MAYHEW: That's okay. It's Megan Mayhew or  
3 Megan Stacey (phonetic).

4 BOARD CHAIRMAN SPENCER: He is -- according to  
5 the courts, is he -- has that charge been -- what's the  
6 status on the charge?

7 MS. MAYHEW: The status is that that is pending  
8 right now. According to NRS, which is where our program  
9 stems from, it's not going to turn into a judgment. So  
10 it's almost like it's just hanging there. And it's  
11 really waiting for him to determine how he is going to  
12 do, if he is going to successfully complete and if he's  
13 not. The reason that they enter a guilty plea of the  
14 felony is that if they do not successfully complete,  
15 then they go and serve their prison sentence.

16 As I stated before, Mr. Poelking is doing very  
17 well in our program. He has not relaxed. He attends  
18 treatment support group meetings. He comes to court and  
19 has excellent check-ins. And he is doing very well.

20 BOARD CHAIRMAN SPENCER: All right. We have  
21 a -- any other discussion on the motion?

22 We have a motion.

23 BOARD MEMBER ZANE: It's my -- Mr. Chairman,  
24 it's understanding the program is three years.

25 MS. MAYHEW: Yes, sir.



1 BOARD MEMBER ZANE: So he would be one year  
2 into the three years?

3 MS. MAYHEW: Yes, sir.

4 BOARD MEMBER ZANE: Okay. Thank you.

5 BOARD CHAIRMAN SPENCER: We have a motion and a  
6 second. All in favor signify by saying "aye."

7 (Board members said "aye.")

8 Opposed? Nay.

9 MS. RAY: You opposed?

10 BOARD CHAIRMAN SPENCER: I oppose. It's hard  
11 to do that, though.

12 BOARD MEMBER NADEAU: What? What did he say?

13 BOARD CHAIRMAN SPENCER: I'm sorry,  
14 Mr. Poelking. The -- your registration is still upheld.  
15 We can't overturn it at this point. I understand the  
16 problems getting a job. I apologize for that. But the  
17 reasons for the denial are solid. And come back to us  
18 again in a year.

19 MR. POELKING: Yes, sir. In one year?

20 BOARD MEMBER ZANE: Are you aware that --

21 BOARD CHAIRMAN SPENCER: Yes.

22 MR. POELKING: I was aware, when I got in this  
23 program, I have a pending felony. I'm not a felon. Am  
24 I mistaken?

25 BOARD MEMBER ZANE: Your current charge is

1 pending, sir.

2 MR. POELKING: Yes.

3 BOARD MEMBER ZANE: That's --

4 MR. POELKING: A pending felony.

5 MS. MAYHEW: Okay. That's --

6 MR. POELKING: Does that mean I'm a felon?

7 MS. MAYHEW: No. They're considered --

8 BOARD MEMBER ZANE: No. We're not turning you  
9 down because you're a felon. We're turning you down  
10 because you have pending felony charges.

11 MR. POELKING: Okay. I --

12 BOARD CHAIRMAN SPENCER: I wholeheartedly --  
13 your turn.

14 MR. POELKING: No, go ahead.

15 BOARD CHAIRMAN SPENCER: I wholeheartedly  
16 support you in your efforts and hope that you continue  
17 to be just the way the lady tells me you are.

18 MR. POELKING: Thank you.

19 BOARD CHAIRMAN SPENCER: And we just can't, we  
20 just can't do it right now.

21 MR. POELKING: Okay.

22 BOARD MEMBER ZANE: Are you aware that you may  
23 be eligible for hire by a proprietary security firm?

24 MR. POELKING: I don't know.

25 BOARD MEMBER ZANE: That means a company, an

1 employee with their own security force that protects  
2 their own property, you don't have to be licensed there.

3 MR. POELKING: Oh.

4 BOARD MEMBER ZANE: We license people who are  
5 going to work with the public and the public licensees.

6 MR. POELKING: That's -- okay.

7 BOARD MEMBER ZANE: And if you can find a job  
8 for ABC Housewares protecting ABC Housewares' property,  
9 they can hire you.

10 MR. POELKING: Okay.

11 BOARD CHAIRMAN SPENCER: The casinos.

12 MR. POELKING: Thank you.

13 MS. MAYHEW: Thank you for that, sir.

14 BOARD CHAIRMAN SPENCER: Ma'am, thank you for  
15 thinking enough to come.

16 MR. POELKING: Thanks.

17 BOARD CHAIRMAN SPENCER: Ka Sheika Price?

18 BOARD MEMBER ZANE: She's here.

19 BOARD CHAIRMAN SPENCER: Good morning,  
20 Mr. Price. How are you today?

21 MS. PRICE: Okay.

22 BOARD CHAIRMAN SPENCER: Okay. Can you tell us  
23 why you were denied?

24 MS. PRICE: I believe, it's because of the  
25 arrest I failed to disclose of.

1 BOARD CHAIRMAN SPENCER: And what type of an  
2 arrest was that?

3 MS. PRICE: Domestic violence. And I have a  
4 reason why I didn't put that on there.

5 BOARD CHAIRMAN SPENCER: Say that again.

6 MS. PRICE: I have a reason for why I hadn't  
7 listed that.

8 BOARD CHAIRMAN SPENCER: And what was that?

9 MS. PRICE: I never had to go to court. I had  
10 a court date. And I never seen a judge on it. The case  
11 was dismissed. I had two priors, but this one is  
12 dismissed. Dismissed. So I didn't put that on there.  
13 I've never seen a judge for this or anything.

14 BOARD CHAIRMAN SPENCER: Who denied her?

15 MS. WHATLEY: Mr. Chairman, if I may, I  
16 considered that, and I did not hold that against  
17 Ms. Price. The reason that Ms. Price is here today is  
18 temperate habits.

19 Ms. Price has had -- has been arrested for  
20 domestic violence in April of '03, May of '04 and March  
21 of '08. So there are three domestic violence arrests.  
22 And so I wanted her to appear before -- you know, if she  
23 wished, if she wanted to appeal, to appear before the  
24 Board, for the Board to determine the temperate habits.

25 BOARD CHAIRMAN SPENCER: All right. Questions

1 from the Board?

2 BOARD MEMBER ZANE: Ms. Price, would you -- why  
3 do you think that you have these domestic violence  
4 issues in your past?

5 MS. PRICE: The first one was probably because  
6 of my daughter's father. We got into an argument on the  
7 street, and whatever, and he put his hands on me. I  
8 tried to get away. I was in my vehicle and tried to get  
9 away, and he slashed my tires, and I couldn't go  
10 anywhere or anything.

11 The second time, that was dismissed because he  
12 came home drunk, and we got into it. I ended up being  
13 arrested. That was dismissed. The second one was  
14 dismissed.

15 And on the third one, my daughter's father cut  
16 my daughter's -- cut -- well, cut my son's hair. And I  
17 was really upset about that. So I felt like he really  
18 tried to provoke me by cutting my son's hair off.

19 And it's been a while since I was arrested.  
20 This happened in '07, and I was arrested in '08. And  
21 it's been like five years, a little over five years  
22 since I had domestic charges. And I've been working on  
23 my job like 12 years right now. I'm part-time. So I  
24 don't feel -- I don't have any problems there. And I  
25 would like you to consider that I have held my job that

1 long.

2 BOARD MEMBER ZANE: What kind of job were you  
3 looking to get when you applied for this registration?

4 MS. PRICE: For security.

5 BOARD MEMBER ZANE: Security?

6 MS. PRICE: Yes.

7 BOARD MEMBER ZANE: Can you imagine why the  
8 investigator thought there might be an issue with  
9 regards to your handling of issues that are  
10 confrontational?

11 MS. PRICE: Yes. Yes.

12 BOARD MEMBER ZANE: Do you -- have you found a  
13 different way to handle confrontation since 2008?

14 MS. PRICE: Yes, I have.

15 BOARD MEMBER ZANE: And how do you handle that,  
16 what are those tools?

17 MS. PRICE: I walk away. And I try not to get  
18 involved with any kind of issue I don't know how to walk  
19 away from. If I get involved, then if I do, I try not  
20 to get angry.

21 BOARD MEMBER ZANE: On the three occasions when  
22 you were arrested, were all three of those from the same  
23 individual; was that the same man we're talking about?

24 MS. PRICE: The first two was.

25 BOARD MEMBER ZANE: The first two?

1 MS. PRICE: Yes.

2 BOARD MEMBER ZANE: Okay. And then the last  
3 one was a different individual?

4 MS. PRICE: Yes.

5 BOARD MEMBER ZANE: Okay.

6 MS. PRICE: All the kids' father.

7 BOARD MEMBER ZANE: All the kids' father?

8 MS. PRICE: Yes.

9 BOARD MEMBER ZANE: Okay.

10 MS. PRICE: Like I said, the second one was  
11 dismissed, though. I was -- I mean that's why I didn't  
12 put that down. It was dismissed. I never went to court  
13 to see a judge or anything. It was just dismissed. So  
14 I was there on only two domestics.

15 BOARD MEMBER ZANE: Thank you.

16 That's all I have, Mr. Chairman.

17 BOARD CHAIRMAN SPENCER: The charges that you  
18 say were dismissed do not appear to be that way. Do you  
19 have any kind of documentation that shows that?

20 MS. PRICE: No, I don't have any documentation.  
21 Just the case is closed. The case is closed is what  
22 comes up on my -- when I go on line and look it up.  
23 Like I say, I've never seen the judge on this.

24 BOARD CHAIRMAN SPENCER: Okay.

25 MS. PRICE: Nothing.

1 MS. WHATLEY: Mr. Chairman, if I may, there are  
2 no dispositions on record, the paperwork that I have,  
3 the fingerprints or the SCOPE printout.

4 BOARD MEMBER PUTNAM: Mr. Chairman, if I may?

5 BOARD CHAIRMAN SPENCER: Yeah.

6 BOARD MEMBER PUTNAM: Just, once again, I'd  
7 like to point out that these things we intend to  
8 publish, "within the last five years preceding your  
9 application, you have been convicted of any misdemeanor  
10 or gross misdemeanor involving." And one of those is  
11 domestic violence. According to her letter requesting  
12 appeal, the last mis was in 2008. So that, that  
13 five-year block doesn't apply to that particular  
14 situation.

15 And I don't know what the records would  
16 reflect. But, obviously, she was held at fault in these  
17 matters, because she had to do community service and pay  
18 a fine and go to classes. So.

19 BOARD MEMBER ZANE: Is the item that the --  
20 someone was reading from, the draft, provided on the  
21 website?

22 BOARD CHAIRMAN SPENCER: I'm sorry. What was  
23 the question?

24 BOARD MEMBER NADEAU: Yeah.

25 BOARD CHAIRMAN SPENCER: Mark, could you repeat



1 that, please.

2 BOARD MEMBER ZANE: The text that you're  
3 quoting from, is that draft proposal from the website?

4 BOARD CHAIRMAN SPENCER: Yeah.

5 BOARD MEMBER ZANE: Okay. Thank you.

6 MS. PRICE: Could I say something?

7 BOARD CHAIRMAN SPENCER: Let me just kind of  
8 poll and talk to the Board.

9 Would she be eligible for an overturn of the  
10 denial if it were shown that those last two cases were,  
11 in fact, dismissed? Because the other one was in 2004,  
12 correct?

13 BOARD MEMBER PUTNAM: 2003, 2008, according to  
14 her.

15 MS. PRICE: Can I say something?

16 BOARD CHAIRMAN SPENCER: No, what do you think,  
17 Jim?

18 BOARD MEMBER NADEAU: 2008, we don't have a  
19 disposition.

20 MS. WHATLEY: No, I do not have a disposition  
21 on any of the three.

22 BOARD MEMBER NADEAU: Any of the three.

23 BOARD MEMBER PUTNAM: Pardon me, sir. But if  
24 you'll look at her request for this hearing, arrested  
25 twice for domestic violence in 2003, 2008, "Both times,

1 I completed what was expected of me with the courts. I  
2 completed six months of anger management classes and had  
3 to pay a fine, which I did community service both  
4 times."

5 So by her own statements, I don't think we can  
6 call that a dismissal, if, in fact, the courts required  
7 her to do certain things to subsequently wipe the  
8 charges away or whatever.

9 BOARD CHAIRMAN SPENCER: Did you hear that,  
10 Ms. Price?

11 MS. PRICE: Yes. I wasn't denying the  
12 domestic, the charges. I never denied that. What  
13 happened, I was convicted in '07. Well, the incident  
14 happened in '07 and in '08, when I was arrested in March  
15 '08. But the incident occurred in '07, June '07.

16 BOARD CHAIRMAN SPENCER: Okay.

17 MS. PRICE: But I wasn't denying. I was  
18 charged. That's why I wrote it down. I was charged  
19 with two domestics prior.

20 BOARD CHAIRMAN SPENCER: So the '08 was not  
21 dismissed?

22 MS. PRICE: Nothing happened in '08. That's  
23 when I was arrested for the incident that took place in  
24 '07.

25 BOARD CHAIRMAN SPENCER: Okay.

1 MS. PRICE: I haven't been in any trouble since  
2 '07, June '07.

3 BOARD CHAIRMAN SPENCER: Okay. I'll take a  
4 motion.

5 A motion, anybody?

6 BOARD MEMBER NADEAU: Before -- I'm probably  
7 ready to make a motion, but I just -- all these numbers  
8 are running together. Okay. So I just want to be  
9 clear. In two thousand -- the incident that took place  
10 in 2007 was litigated in the 2008, and there were no  
11 charges. Or we have no disposition.

12 MS. WHATLEY: That's true.

13 BOARD MEMBER NADEAU: And your testimony is  
14 that the charges were dismissed; is that correct?

15 MS. PRICE: No, not dismissed in '08. With  
16 what happened in '07, when I was arrested in '08 for  
17 what happened in '07, I plead guilty to that.

18 BOARD MEMBER NADEAU: Okay. So two thousand --

19 MS. PRICE: What happened in '04 --

20 BOARD MEMBER NADEAU: Okay. So. So 2004 and  
21 2007, in both those cases you pled guilty?

22 MS. PRICE: No. In '03 I pled guilty. In '08  
23 I pled guilty for the incident that occurred in '07.  
24 But what happened in '04, when I was arrested, that was  
25 dismissed.

1 BOARD CHAIRMAN SPENCER: Oh.

2 MS. PRICE: The second one was dismissed.

3 BOARD CHAIRMAN SPENCER: So you have -- two of  
4 the three, you say have been dismissed?

5 MS. PRICE: Yes.

6 BOARD CHAIRMAN SPENCER: Okay.

7 BOARD MEMBER NADEAU: Okay. Mr. Chair, I'd  
8 move that we overturn the denial.

9 BOARD CHAIRMAN SPENCER: Is there a second?

10 BOARD MEMBER UITHOVEN: Second.

11 BOARD CHAIRMAN SPENCER: A motion and a second  
12 to overturn the denial. All in favor, signify by saying  
13 "aye."

14 (Board members said "aye.")

15 Opposed?

16 BOARD MEMBER PUTNAM: Nay.

17 BOARD CHAIRMAN SPENCER: Okay.

18 BOARD MEMBER NADEAU: And, Mr. Chair?

19 BOARD CHAIRMAN SPENCER: Yes?

20 BOARD MEMBER NADEAU: She is aware that with  
21 these convictions, with one conviction, she's not  
22 eligible to be armed security, only unarmed security.

23 BOARD CHAIRMAN SPENCER: Right.

24 BOARD MEMBER NADEAU: Ms. Price, is that  
25 correct, you understand that?

1 MS. PRICE: Yes, I do.

2 BOARD MEMBER NADEAU: Thank you.

3 BOARD CHAIRMAN SPENCER: All right. Well, your  
4 denial's been overturned. So you can go to work.

5 MS. PRICE: Thank you. Thank you.

6 BOARD CHAIRMAN SPENCER: You bet.

7 Jaime Torres.

8 BOARD MEMBER ZANE: Who was that?

9 BOARD CHAIRMAN SPENCER: Jaime ("JAYM-EE")  
10 Torres.

11 MS. RAY: Probably HYME-EE.

12 BOARD CHAIRMAN SPENCER: HYME-EE?

13 MR. WARD: Number 19.

14 BOARD CHAIRMAN SPENCER: Hello, Mr. Torres.

15 MR. TORRES: Good.

16 BOARD CHAIRMAN SPENCER: Good. All right. Can  
17 you tell us why you were denied?

18 MR. TORRES: I was denied because I was  
19 delinquent on my child support. And right now, I'm  
20 okay. I'm working. And that's the only reason, I  
21 think, I was denied for. And I went to court and got  
22 hearings on my case. So I got hearings to get my  
23 license back, too. I already have it.

24 BOARD CHAIRMAN SPENCER: All right.

25 MR. TORRES: And I don't see the reason why

1 we're here, I'm going to lose it.

2 BOARD CHAIRMAN SPENCER: Who denied this?

3 MS. WHATLEY: Mr. Chairman, if I may. Again,  
4 this is for child support but also for temperate habits.

5 Mr. Torres was arrested May of '09 for contempt  
6 of court for child support. He was arrested February  
7 2010 for contempt of court for child support. And he  
8 was arrested April 2012 for contempt of court for child  
9 support.

10 BOARD CHAIRMAN SPENCER: Why were you arrested  
11 three times for the same thing?

12 MR. TORRES: I was not working at that time.  
13 That's why I couldn't be paying, you know, the child  
14 support.

15 BOARD CHAIRMAN SPENCER: I see.

16 MR. TORRES: And so when I went to work, I was,  
17 I was supposed to take like \$500, which -- and I  
18 couldn't take it. And so they put me in jail.

19 BOARD CHAIRMAN SPENCER: Yeah.

20 MR. TORRES: And after that, I haven't been  
21 arrested for anything. I don't know if you have my  
22 records. It's good. I've never been in jail for  
23 nothing else.

24 BOARD CHAIRMAN SPENCER: Okay. And you can't  
25 pay child support as long as you're not working. Is

1 that right?

2 MR. TORRES: Well, I think, yes.

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

5 BOARD MEMBER ZANE: How many kids do you have?

6 MR. TORRES: Five.

7 BOARD MEMBER ZANE: Five?

8 MR. TORRES: Yes.

9 BOARD MEMBER ZANE: And with the same mother?

10 MR. TORRES: No, I got four with one and one  
11 with another.

12 BOARD MEMBER ZANE: How old are they?

13 MR. TORRES: The first one is 21. The second  
14 one is 18. The third one is like 13, around 14. The  
15 fourth one is like nine. And the fifth one is six.

16 BOARD MEMBER ZANE: Where do they live?

17 MR. TORRES: One lives here. And the other  
18 four, they live in Miami.

19 BOARD MEMBER ZANE: They live where?

20 MR. TORRES: Miami, Florida.

21 BOARD MEMBER ZANE: Miami, Florida?

22 MR. TORRES: I used to live there for 11 years.

23 BOARD MEMBER ZANE: Okay. So you have child  
24 support obligations for all of them?

25 MR. TORRES: Well, so far, yes. The one that's

1 21, it's kind of like minimum, because she turned 21.

2 But then I go back to court in December. I  
3 just went like a month ago. And, you know, they gave me  
4 clearance on my license. And I was okay. Because I  
5 started working, so I started paying my child support.  
6 So why am I being -- you know, I'm doing good. I mean I  
7 never been -- I never been in jail for nothing else. My  
8 record is clean.

9 BOARD MEMBER ZANE: What kind of work do you  
10 do?

11 MR. TORRES: I work in a casino. I work as a  
12 kitchen cleaner.

13 BOARD MEMBER PUTNAM: Mr. Chairman, I have a  
14 question for this applicant.

15 BOARD CHAIRMAN SPENCER: Okay.

16 BOARD MEMBER PUTNAM: Mr. Torres, when was the  
17 last time you made child support payments?

18 MR. TORRES: Last month, they took that out of  
19 my -- I got paid last week. I get paid every two weeks.  
20 So they take that out.

21 BOARD MEMBER PUTNAM: Okay. So now it's being  
22 taken out by the court?

23 MR. TORRES: Yes.

24 BOARD MEMBER PUTNAM: But prior to that, when  
25 did you stop -- when did you start getting in trouble



1 for this?

2 MR. TORRES: Like once the state started like  
3 the -- well, it was the first time they threw me in  
4 jail. Because I was not working.

5 BOARD MEMBER PUTNAM: All right.

6 MR. TORRES: So I had to go to court. I went  
7 to court.

8 BOARD MEMBER PUTNAM: You, obviously, had to  
9 stop making those child support payments before they put  
10 you in jail. How much before had you stopped making  
11 those payments?

12 MR. TORRES: I don't really -- I don't really  
13 remember this, you know. I just -- I remember being --  
14 being away from staples for like three or four years.  
15 You know what I mean? I'm working day labor, so.

16 BOARD MEMBER PUTNAM: Well --

17 MR. TORRES: I mean, and we get paid like every  
18 month, you know, a check, until now, like in three  
19 months since I've been, you know, working at this  
20 casino. And since that time, I've been doing -- you  
21 know, they take it out of the checks. I don't have a  
22 problem, they take. It's just, you know, man, it's  
23 really hard. You know, it's --

24 BOARD MEMBER PUTNAM: Mr. Torres, how far  
25 behind are you in your child support payments, how many

1 months or years, and how much do you owe in back child  
2 support?

3 MR. TORRES: Well, years. Well, so far, from  
4 what I know, the last time that I went to court, I was  
5 behind like 36, 37 thousand. And it's like, I think,  
6 four or five years.

7 BOARD MEMBER PUTNAM: And you're saying that  
8 you've been unemployed for the last four or five years?

9 MR. TORRES: Yeah. Well, I've been working  
10 like day labor. If I could only try to get another, for  
11 my family, so I can pay the child support. And I'm  
12 together with my family. So then I started getting --  
13 taking care of myself. And I really like to get a place  
14 to rent and, you know, like pay it every month.

15 BOARD CHAIRMAN SPENCER: So you want to get a  
16 second job, then?

17 MR. TORRES: Yes. I would like to get it, so  
18 that way, I can get it and start paying more for the  
19 child support so I can pay it, you know.

20 BOARD CHAIRMAN SPENCER: Any further Board  
21 questions?

22 Entertain a motion.

23 BOARD MEMBER PUTNAM: Mr. Chairman, I move that  
24 the denial of registration of Mr. Jaime Torres be  
25 upheld.

1 BOARD CHAIRMAN SPENCER: Okay. I have a  
2 motion.

3 BOARD MEMBER NADEAU: I'll second.

4 BOARD CHAIRMAN SPENCER: Any discussion on the  
5 motion?

6 Well, here I go again. He's currently in  
7 compliance with what he's supposed to be doing. He says  
8 that he wants to get a job to be able to pay back  
9 payments that are due. I think, I understand that that,  
10 that would be pretty impossible, unless he has a second  
11 job. That's just the way I look at it.

12 Any further comment?

13 All right. Motion and a second. All in favor,  
14 signify by saying "aye."

15 (Board members said "aye.")

16 Opposed?

17 BOARD MEMBER UITHOVEN: No.

18 BOARD MEMBER NADEAU: Did Mark say "aye"?

19 BOARD MEMBER ZANE: I said "aye."

20 BOARD CHAIRMAN SPENCER: Mark, you said "aye"?

21 BOARD MEMBER ZANE: Yes.

22 BOARD MEMBER NADEAU: Okay. So it's three to  
23 two.

24 MR. WARD: May it please, Mr. Chairman, Board  
25 members, for clarity for the record, it was three ayes

1 and two nays; is that correct?

2 MS. RAY: Yes.

3 MR. INGRAM: Yes.

4 MR. WARD: That's correct. It's been denied,  
5 sir.

6 BOARD CHAIRMAN SPENCER: I'm sorry, Mr. Torres,  
7 but you've been denied at this point. You can reapply  
8 in a year.

9 MR. TORRES: Thank you.

10 BOARD CHAIRMAN SPENCER: Alexander Ennis.  
11 Good morning, Mr. Ennis.

12 MR. ENNIS: Good morning. How are you?

13 BOARD CHAIRMAN SPENCER: Can you tell us why  
14 you were denied?

15 MR. ENNIS: They told me I was denied due to my  
16 arrests for a DUI.

17 BOARD CHAIRMAN SPENCER: To a DUI?

18 MR. ENNIS: Due to because I had multiple  
19 arrests for a DUI.

20 BOARD CHAIRMAN SPENCER: Oh, multiple arrests.

21 MS. WHATLEY: Yes, Mr. Chairman. I have denied  
22 this registration. And I apologize. He has not  
23 physically received his letter, but we have talked on  
24 the phone, and there's been some e-mail communication  
25 back and forth.

1           He has a March '08 marijuana citation that was  
2 dismissed. He has a September '08 DUI with accident  
3 conviction; a January '09 drug paraphernalia conviction;  
4 a January '10 defrauding an innkeeper, dismissed; a May  
5 of 2010 second DUI, dismissed; 11-2010 DUI, no dispo;  
6 and an August 2012 DUI, no dispo.

7           So he actually has four DUI arrests with --  
8 let's see -- with two, two -- one dismissed and two no  
9 dispo. And the one was very recent, just a month ago,  
10 or less than a month ago.

11           BOARD CHAIRMAN SPENCER: So one conviction on  
12 the DUIs?

13           MS. WHATLEY: We know for sure one conviction.

14           BOARD CHAIRMAN SPENCER: Okay. And then --

15           MR. ENNIS: That is correct.

16           BOARD CHAIRMAN SPENCER: What about the drug  
17 charges?

18           MS. WHATLEY: The paraphernalia citation in '09  
19 was a conviction. Oh. Yes, it was drug, slash,  
20 paraphernalia conviction. So there is one drug  
21 conviction. It is a misdemeanor.

22           BOARD CHAIRMAN SPENCER: Okay.

23           MS. WHATLEY: So from '08 to '12, so in four  
24 years time, he has had four DUI arrests, a drug arrest,  
25 and a couple of citations. And some of those were

1 dismissed.

2 BOARD CHAIRMAN SPENCER: Why do you keep  
3 getting these DUI arrests?

4 MR. ENNIS: The DUI arrests, well, because of  
5 the conviction on one DUI, if they pull you over, and  
6 they suspect anything is wrong, so you're under the  
7 influence of anything, they automatically charge you  
8 without giving you field sobriety or anything of that  
9 nature, for that.

10 But with that said, I only have one conviction  
11 of that, one, of those arrests. Two of those were  
12 completely dismissed. One of them was completely  
13 dismissed because they had no case with that one.

14 And then, for the -- going back to the drug  
15 charges, those are from when I was 18. Other than that  
16 and everything, I was driving the car, where I share it  
17 with my family, to go get my other car. At that time,  
18 it wasn't mine. I came to the court and said -- because  
19 I couldn't afford the proper legal representation, I  
20 just went ahead with a plea bargain and bargained it  
21 down, so then I could just have the case dismissed and  
22 closed out, so I could move forward and move on with my  
23 life.

24 BOARD CHAIRMAN SPENCER: Okay. So applicable  
25 is for denial, the misdemeanors on there?

1 MS. WHATLEY: Well, it's --

2 BOARD CHAIRMAN SPENCER: No, I'm just asking.

3 MS. WHATLEY: No, Mr. Chairman, it was for  
4 temperate habits, but.

5 BOARD CHAIRMAN SPENCER: Oh, I see.

6 MS. WHATLEY: I'm really -- this DUI that's  
7 less than a month ago --

8 BOARD CHAIRMAN SPENCER: Right.

9 MS. WHATLEY: -- because we have -- I have no  
10 dispo on the previous one, if that is truly a third,  
11 it's a felony. And, but I don't have any fingerprints  
12 back yet. And I don't know if that, the one that is  
13 very recent, is a misdemeanor or a felony.

14 BOARD CHAIRMAN SPENCER: We're not talking  
15 about --

16 MR. ENNIS: That is a misdemeanor for the one  
17 that is very recent. When I talked about the pleas, it  
18 went down as a misdemeanor from their records. And the  
19 court, I believe -- I'm told that will be dismissed.  
20 Because that one was due to an accident. I was --  
21 somebody rear-ended me, and so, and which made my car  
22 slide and go into the pole. So that's actually, when  
23 the police came, because of my record and prior history,  
24 they just automatically charged me with a DUI.

25 BOARD CHAIRMAN SPENCER: Okay.

1 MR. ENNIS: Because, at that time, the other  
2 car had, basically, did a hit-and-run. They weren't  
3 there at the time. And all I remember is I had a little  
4 bump in the back. My head hit the steering wheel. I  
5 blacked out and woke up in the hospital.

6 However, with that said, I only have one  
7 conviction. I don't have any felonies. All of my  
8 arrests were misdemeanors, which is including this last  
9 DUI.

10 BOARD CHAIRMAN SPENCER: My recommendation  
11 would -- for discussion would be that he remain denied  
12 as he is, but that he come back to see us in December.

13 And with you, you would bring court documents  
14 attesting to the fact that these charges have been  
15 dropped. Do you understand?

16 MR. ENNIS: For, attesting to which charges?

17 BOARD CHAIRMAN SPENCER: The DUIs.

18 MR. ENNIS: Oh, the DUI that I have most  
19 recently, that one, I don't even go back to court until  
20 February of next year --

21 BOARD CHAIRMAN SPENCER: Oh.

22 MR. ENNIS: -- for that one. I'm just trying  
23 to get my life better. So I work now, and I'm trying to  
24 get a second job, so that I can afford proper legal  
25 representation for that one.



1           But the one that happened in Boulder City, that  
2 one was dismissed. I wound up -- I pled down. I did  
3 everything. I'm going to give it to the court. I want  
4 that dismissed for all my DUIs. So that was nolo. And  
5 then I took the bargain, so it would get dismissed,  
6 because I don't have representation like that. I can't  
7 afford a \$30,000 lawyer. Because I do take care of my  
8 disabled mother, who is completely disabled from the  
9 waist down. And I do have one dependent, which is my  
10 nephew, because I have custody of him.

11           BOARD CHAIRMAN SPENCER: Okay. Well, I'll  
12 throw it open to the Board for questions.

13           BOARD MEMBER ZANE: Mr. Ennis, did you take  
14 the -- a test at each one of the DUIs?

15           MS. RAY: Yes.

16           BOARD MEMBER ZANE: Do you recall what the --  
17 what the readings were on those tests?

18           MR. ENNIS: For which one?

19           BOARD MEMBER ZANE: Just --

20           MR. ENNIS: For -- for the one I had the -- the  
21 first DUI, the one that I was convicted of, I was under  
22 age, and I did have alcohol, so that one was automatic  
23 because the statute is if you're a point or two over.  
24 For the second DUI, that one, it was overturned. The  
25 court overturned that one. I was a little, like a

1 point -- .0 or a .10. That one, that was completely  
2 dismissed. I have the records here for that one. That  
3 one was in Boulder City.

4 The third one, they thought I was under the  
5 influence of marijuana. But I wasn't at that time. So  
6 that one wound up, ended up getting dismissed at the  
7 time.

8 BOARD MEMBER ZANE: Well, my question, again,  
9 is what were the test results at each time?

10 MR. ENNIS: There was only one time, and that  
11 was the one that I was convicted of. And that one, I  
12 believe, I recall it was a 1.2. I was about two over  
13 the legal limit.

14 This last one, they did bloodwork, because I  
15 was in the hospital. I had multiple lacerations. I  
16 still have this car from a friend. And since the car  
17 drove off, and with my history, the police, they didn't  
18 even put down that there was another car there, that hit  
19 me. So the dent in the back of my car was unexplained  
20 for.

21 BOARD MEMBER ZANE: Do you know the results of  
22 the blood --

23 MR. ENNIS: Well, the bloodwork, well, I don't  
24 even go back to court until February. The bloodwork for  
25 the court normally takes about like three to four

1 months. So October, so like five months. That's why.  
2 I talked to the public defender that handled my last DUI  
3 case. He said it'll probably be about five months  
4 before they even get the bloodwork back, just because  
5 they're so backed up on it. So with that one, I do  
6 believe that one will be dismissed. And even with that  
7 one, it was also charged as a misdemeanor. I've never  
8 been charged with any gross or anything, to a felony, or  
9 felony charges or anything like that, of that nature.

10 BOARD MEMBER ZANE: How old is your nephew?

11 MR. ENNIS: My nephew is three.

12 MS. MAYHEW: Three?

13 MR. ENNIS: Yes. He'll be turning four on  
14 March 9th.

15 MS. MAYHEW: Do you have legal custody?

16 MR. ENNIS: It's not legal custody. I just  
17 take care of him, since she can't afford to right now.  
18 So I get the legal work next week through processing  
19 agents. Because I want to still get the -- have her  
20 son. Because she also tries to board with her -- with  
21 the son's father. So if I try to get legal custody,  
22 then I'll wind up having to fight with him. But right  
23 now, I'm just taking care of him. But I am the  
24 caretaker, or me and my mother. She is disabled. So I  
25 am full-time taking care of her as much as I can.

1           So this is the whole point that I'm trying to  
2 get the guard card. If I can get a second job, that'll  
3 probably -- and I can help her, her help me, and along  
4 with my nephew as well.

5           BOARD MEMBER ZANE: Who took care of them when  
6 you're in jail?

7           MR. ENNIS: Sir, she pretty much doesn't even  
8 know I'm there. So at that time, that's why I'm trying  
9 to stay on the -- a clear path. The whole time this  
10 past year, since the last DUI that I had, I've had no  
11 interaction with the police, anything of that nature. I  
12 probably wouldn't have had any interaction if I wouldn't  
13 have got hit by the other car. But with that said, I  
14 may -- I did have alcohol. I did have a couple drinks.  
15 I don't believe I was over the limit, to my  
16 understanding. I did -- with everything, with my prior  
17 record and everything, it just looked like my car, I  
18 just drove my car a few minutes over the curb. Which is  
19 pretty much impossible because of where the accident, my  
20 car would have had to do a complete 90-degree turn from  
21 a standing point, which is completely impossible for a  
22 car to do.

23           BOARD MEMBER ZANE: That would be your  
24 technical advantage.

25           MR. ENNIS: No, I mean I'm saying, technically,

1 like it's completely impossible for a car to do a  
2 complete 90-degree turn while stopped.

3 BOARD MEMBER ZANE: All right. Thank you.

4 That's all I have, Mr. Chairman.

5 MR. ENNIS: I mean the fault's on the behalf of  
6 the car that hit me. But with my record, the police did  
7 cite me and wrote the paperwork up.

8 BOARD CHAIRMAN SPENCER: All right. Any  
9 further Board questions?

10 All entertain a motion.

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

13 BOARD MEMBER UITHOVEN: Second.

14 BOARD MEMBER NADEAU: Second.

15 BOARD CHAIRMAN SPENCER: Motion and two seconds  
16 to uphold. All in favor, signify by saying "aye."

17 (Board members said "aye.")

18 Opposed?

19 All right. Mr. Ennis, we have to deny it at  
20 this time. I would suggest that when you make an appeal  
21 or come back, that you bring the documentation that  
22 shows that these different charges have been dismissed.  
23 And what I mean by that is you got to go to the courts  
24 or to the -- I don't know who.

25 MR. WARD: Clerk of court.

1 BOARD CHAIRMAN SPENCER: Clerk of court, I  
2 guess, and get -- tell them what you want, that you want  
3 a copy of the dismissals on any charges that you have.  
4 And bring those with you.

5 MR. ENNIS: For the one, I have it me today.  
6 The other one, I did not bring, as I stated previously,  
7 before.

8 BOARD MEMBER NADEAU: Mr. Chairman? Because of  
9 this denial, he cannot reapply for a year.

10 MR. WARD: Right.

11 BOARD MEMBER NADEAU: So. Okay.

12 BOARD CHAIRMAN SPENCER: Yeah.

13 BOARD MEMBER NADEAU: And, Mr. Ennis, I just  
14 want to make sure that you understand you cannot apply,  
15 reapply for a year, which will give you time to get all  
16 of the paperwork and the adjudication of the existing  
17 DUI and all of that other stuff out of the way. And if  
18 you choose to reapply, you can't reapply for a year.

19 MR. ENNIS: Okay. For one year. But just for  
20 the record, I have the other one here with me, for the  
21 one that that happened in Boulder City, as I stated  
22 before, previously. It's just the one, that third one,  
23 the last one, that got dismissed after I did everything  
24 the court wanted me to do. This recent one, that one  
25 won't be handled until probably about another year or

1 two years, by the time it gets handled and done.

2 BOARD MEMBER ZANE: Have you thought about the  
3 consequences about drinking?

4 MR. ENNIS: Yes, I have. I don't, I don't  
5 drink. I did the AA classes. I did the complete  
6 program. I did all that stuff. The reason why I won  
7 the DUI is because I did lose my grandmother, who was  
8 very dear to me, and also because of my mother's health  
9 issues. She almost went into the hospital. And she  
10 passed away at that time.

11 BOARD MEMBER ZANE: When you say --

12 MR. ENNIS: And that went on for three months.

13 BOARD MEMBER ZANE: Do you have that  
14 information with you?

15 MR. ENNIS: I don't have that information with  
16 me. I apologize. But I did the program.

17 BOARD MEMBER ZANE: Okay.

18 BOARD CHAIRMAN SPENCER: Let me, let me ask a  
19 question. Maybe I'm -- I'm, obviously, uninformed. We  
20 just heard two appeals to denials. What was the time  
21 frame on those appeals, or on the initial denials?

22 MS. RAY: In the first instance, it was, I  
23 believe, June. Well, they both were from June.  
24 Mr. Rowley, in the June meeting, you were discussing the  
25 document that he did not have, and thought that you

1 could make another decision if you had it, and told him  
2 if he obtained it, he could come back.

3           You don't have to hear them. That's why  
4 there's two agenda items. If you don't want to hear  
5 them, then you don't have to. And if you want to direct  
6 staff, once it's been denied, to not even consider these  
7 kinds of situations, then we can certainly do that.

8           The second case, Mr. Poelking, there was a  
9 question as to whether or not he had been appropriately  
10 notified of the June meeting, which is why he was  
11 brought back.

12           BOARD CHAIRMAN SPENCER: So --

13           BOARD MEMBER NADEAU: Would it -- Mr. Chair,  
14 would it be appropriate for us to -- in the future, when  
15 we have a situation like that, that we have  
16 reconsideration, that we have a motion for  
17 reconsideration, and then act on that, and then we can  
18 reconsider, rather than --

19           MS. RAY: And that's what you did today.

20           BOARD MEMBER NADEAU: Okay.

21           MS. RAY: In those two cases.

22           BOARD MEMBER NADEAU: So it's a motion for  
23 reconsideration of previous action.

24           MS. RAY: And then what I would suggest, and  
25 you can give staff direction, is, for me personally, I



1 kind of weigh that, depending on what happened at the  
2 June meeting. It appeared to me in the one case where  
3 you were willing to consider that document. And so I  
4 allowed him to put forth another request to come before  
5 you.

6 So, I think, it might be helpful to staff if  
7 you -- and you oftentimes will say, "We'll see you in a  
8 year."

9 BOARD MEMBER NADEAU: Mr. Chair?

10 BOARD CHAIRMAN SPENCER: Yes?

11 BOARD MEMBER NADEAU: I think, for an  
12 appropriate reconsideration, I think, it has to be at  
13 the next, at the next meeting. And I don't know if  
14 that -- if it's the next regular meeting or if it's the  
15 next meeting. So it just seemed to us that maybe from a  
16 time perspective, that we might, you know, get  
17 clarification on that.

18 The other side of it is, you know, heretofore,  
19 I thought that once we denied, it was an automatic one  
20 year. So this is -- I think, this was like my first  
21 experience in having a reconsideration. I don't know.

22 MS. RAY: There's been a couple meetings where  
23 we've had them. And I think that might be something  
24 that can be addressed in the rules of practice perhaps  
25 that you guys are doing. Kevin is going to meet with

1 Board Member Zane.

2 BOARD MEMBER NADEAU: Right.

3 MS. RAY: And have a document. It seems to me,  
4 it was reasonable to me, that that might fall within  
5 that, that process.

6 BOARD MEMBER NADEAU: You know, from my  
7 opinion, if there's -- if there's a question on whether  
8 or not they were appropriately given notice, that takes  
9 on a different roll. And if we have a question on  
10 documents, of whether or not they can provide  
11 documentation, maybe it's best for us to just continue  
12 it instead of bringing it back for reconsideration.

13 BOARD CHAIRMAN SPENCER: I was just wondering,  
14 on this last young man, if what he -- I'm asking. If  
15 what he says is true, minus the last arrest, would we  
16 have overturned the denial?

17 BOARD MEMBER NADEAU: I'd have had to give  
18 consideration. My opinion, I had to give consideration  
19 to the fact that he has a pending -- he has pending  
20 litigation.

21 BOARD MEMBER PUTNAM: Yeah.

22 MR. WARD: Pending charges.

23 BOARD MEMBER NADEAU: Okay. Pending charges  
24 that are not -- and any time that we -- we have to  
25 consider that. So.

1 BOARD CHAIRMAN SPENCER: Yes.

2 BOARD MEMBER NADEAU: From my perspective, it  
3 was the pending charges that were --

4 BOARD CHAIRMAN SPENCER: Let me throw one of my  
5 classic liberal things at you, which is we're innocent  
6 until proven guilty.

7 BOARD MEMBER NADEAU: Understood. Understood.  
8 But along the same lines, he still is under -- has an  
9 arrest pending. And I don't know. And, you know, I'm  
10 just one Board member. But in my sense, if he has  
11 charges pending, we can't -- I can't move forward. I  
12 can't support someone getting a license when they  
13 have -- when they have a pending.

14 BOARD CHAIRMAN SPENCER: Well, if he --

15 BOARD MEMBER UITHOVEN: When they have a  
16 pending DUI with other, multiple DUIs previous.

17 BOARD MEMBER NADEAU: Yeah.

18 BOARD CHAIRMAN SPENCER: If he came through  
19 with the dismissals on the last two DUIs, prior to this  
20 same agency, I had to start scratching my head. And,  
21 again, it's just my opinion. That's all.

22 BOARD MEMBER NADEAU: And, again, I weigh it  
23 based on the rationale we're here. And I understand  
24 there are a ton of people out there that need jobs and  
25 need work. But I also understand our responsibility is

1 to --

2 BOARD MEMBER PUTNAM: Protect the public.

3 BOARD MEMBER NADEAU: -- the public that we  
4 serve.

5 BOARD CHAIRMAN SPENCER: That's true.

6 BOARD MEMBER NADEAU: And so that, that's how I  
7 have to weigh my decision. I think, heretofore, I've  
8 always supported not -- I've always voted that if  
9 someone has charges pending, then they have to wait and  
10 get those charges taken care of before.

11 BOARD CHAIRMAN SPENCER: Yeah.

12 BOARD MEMBER NADEAU: And we're licensure.  
13 This isn't -- you don't have a right to this, to this.

14 BOARD CHAIRMAN SPENCER: Right.

15 MR. WARD: May I, Mr. Chair, Board members.  
16 That's why I would like to be involved, and I'm sure I  
17 will be involved in the draft of the disqualifiers. And  
18 that's why I would recommend that, definitely that we  
19 have disqualifiers as noted in the statute, and probably  
20 the language "probably disqualifies."

21 You, being the Board, are here to protect the  
22 public. But you also have the right to -- if it is not  
23 a statutory requirement, to give deference to the, I  
24 guess, respective licensee or the applicant's excuses.  
25 For example, if someone is under a diversion program,

1 has two or three months to finish, has gone through two  
2 and a half, almost two years now, I believe this Board  
3 would have the discretion to say that, yes, you have a  
4 DUI, but it's not -- you're not convicted of it, you're  
5 in a diversionary program, you have two or three months  
6 to go, you have someone supporting you from the court  
7 saying they're almost there.

8           You have that discretion.

9           And that's why I would work with you guys in  
10 regards to what language you want to be posted up there  
11 in regards to "probably disqualifies." And that might  
12 cut down on the people that are going to do the appeal.

13           BOARD CHAIRMAN SPENCER: You know, I wonder if  
14 we should also say something about, you know, if the  
15 charges have been dismissed, if the charges that are  
16 being denied have been dismissed, have been dismissed,  
17 the burden is proved, you know.

18           BOARD MEMBER NADEAU: And I don't know that we  
19 are agendized for this, but -- I mean, but the other  
20 side of it is this. Maybe we do develop some criteria  
21 that we provide them upon appeal. When they request an  
22 appeal, we say, "Okay. If you're going to appeal" --

23           BOARD CHAIRMAN SPENCER: Yes.

24           BOARD MEMBER NADEAU: -- "then you need to  
25 bring documentation." And, I think, we say that to a

1 certain extent.

2 BOARD CHAIRMAN SPENCER: Yeah.

3 BOARD MEMBER NADEAU: But make it clear that  
4 you need to bring documentation that, therefore, would  
5 set aside the -- or, you know, would change the criteria  
6 or whatever. But maybe we need to develop that along  
7 that line.

8 MS. RAY: Mr. Chairman, I think, that's where  
9 Board Member Zane is coming from in his suggestions.

10 BOARD MEMBER NADEAU: But just as Mr. Ward  
11 said, you know, I think, it was in our June meeting, we  
12 did, we had someone who was on a diversion program. But  
13 they weren't at the beginning of the diversion program.  
14 They were -- they had been very exemplary. And the time  
15 line, it was what we were -- and, I think, we even  
16 indicated that he could be issued upon appropriate  
17 completion of the program. I don't think we just did  
18 it. Did we? Or -- okay.

19 MS. RAY: There's two examples. And you were  
20 right on the one. There was one that you granted upon  
21 completion of some program. And then there was one that  
22 you actually did not approve.

23 BOARD MEMBER NADEAU: But it's all time and  
24 distance.

25 MS. RAY: Right.

1 BOARD MEMBER NADEAU: I mean, you know, they're  
2 proving that they're going through the process and that  
3 they're -- they've made substantial progress. A year  
4 into it or a less than a year into it, I don't know that  
5 that's substantial or not.

6 BOARD CHAIRMAN SPENCER: Okay. Well, let's  
7 move on, then.

8 BOARD MEMBER ZANE: Mr. Chairman, if I could  
9 comment.

10 BOARD CHAIRMAN SPENCER: Please.

11 BOARD MEMBER ZANE: I'm probably, I'm probably  
12 next to you with that liberal nature. However, I have  
13 the benefit of the eye to eye. And I'm close on  
14 changing my vote.

15 BOARD CHAIRMAN SPENCER: All right. I  
16 appreciate that.

17 All right. Let's go to Darayon Johnson.

18 BOARD MEMBER ZANE: He may have stepped  
19 outside, probably.

20 BOARD CHAIRMAN SPENCER: All right. Let's take  
21 a 10-minute break.

22 \* \* \* \* \*

23 (A break was taken, 12:44 to 12:57 p.m.)

24 \* \* \* \* \*

25 BOARD CHAIRMAN SPENCER: Okay. Let's get 'er

1 on again, with Darayon Johnson.

2 MR. JOHNSON: Present in Las Vegas.

3 BOARD CHAIRMAN SPENCER: Hello, Mr. Johnson.

4 MR. JOHNSON: How are you doing?

5 BOARD CHAIRMAN SPENCER: Good. How are you?

6 MR. JOHNSON: I'm all right.

7 BOARD CHAIRMAN SPENCER: Good. Can you tell me  
8 why you were denied?

9 MR. JOHNSON: I believe, it was for things that  
10 I -- that wasn't, that wasn't disclosed.

11 BOARD CHAIRMAN SPENCER: Okay. Who had that  
12 appeal? Okay.

13 MS. WHATLEY: Mr. Chairman, if I may, again, I  
14 apologize. He did not get his physical letter in the  
15 mail. We've had communication via telephone and email.  
16 And the undisclosed was taken care of. It is for  
17 temperate habits.

18 He was arrested January '09 for possession of  
19 marijuana. He was arrested July 2010 for marijuana.  
20 And he was arrested June '11 for marijuana.

21 BOARD CHAIRMAN SPENCER: June 11th of this  
22 year?

23 MS. WHATLEY: I'm sorry. Those are the years.  
24 January 2009 --

25 BOARD CHAIRMAN SPENCER: Oh, I'm sorry.



1 BOARD MEMBER ZANE: -- July 2010 and June 2011.  
2 2011.

3 BOARD CHAIRMAN SPENCER: Okay. Were those  
4 convictions?

5 MS. WHATLEY: One moment. No disposition on --  
6 I do not have dispositions.

7 BOARD CHAIRMAN SPENCER: Okay. Mr. Johnson, on  
8 those three arrests for marijuana, were you convicted on  
9 those charges?

10 MR. JOHNSON: Yes, sir.

11 BOARD CHAIRMAN SPENCER: On all three of them?

12 MR. JOHNSON: Yes, sir.

13 BOARD CHAIRMAN SPENCER: Okay. Thank you for  
14 being honest.

15 Board members, questions?

16 BOARD MEMBER ZANE: What was the circumstances  
17 behind your arrests?

18 MR. JOHNSON: The first two, the first two, I  
19 was hanging around with the wrong people. It was wasn't  
20 either mine or theirs. But I was with them, so it was  
21 kind of. And the last one was mine, so.

22 BOARD MEMBER ZANE: Were you --

23 MR. JOHNSON: Yes, sir.

24 MR. JOHNSON: It was a -- it was a single bag.  
25 I don't know whether it was a person, like \$5.

1           And I mean, the biggest mistake that I had  
2 made. And I understand that I need to take care of my  
3 family now. And I don't want to go to jail.

4           BOARD MEMBER ZANE: All three of these were  
5 enough or not enough to be admitted into interstate  
6 commerce, so dropped the misdemeanor?

7           MR. JOHNSON: Right.

8           BOARD MEMBER ZANE: What was the outcome?

9           MR. JOHNSON: Generally, time served. And then  
10 I had -- I was paying a fine. I was paying a fine.  
11 That was it.

12          BOARD MEMBER ZANE: Do you know how much time  
13 was served?

14          MR. JOHNSON: 13 days. It was the longest time  
15 I've ever been in jail. So. I think, the first time  
16 was like six days. The second time was -- no, the first  
17 one, I was O.R.'d. The second time was like six days.  
18 And the last time was like 13 days.

19          BOARD MEMBER ZANE: Do you how much fines?

20          MR. JOHNSON: I paid a thousand dollars in  
21 fines for my second time. The only thing I paid for,  
22 the second, the second one that I had, I think. And  
23 everything else was just time served.

24          BOARD MEMBER ZANE: That's all I have,  
25 Mr. Chairman.

1 BOARD CHAIRMAN SPENCER: Any further questions  
2 from the Board?

3 Hearing no further questions, I'll entertain a  
4 motion.

5 BOARD MEMBER PUTNAM: Mr. Chairman, I move that  
6 the denial of registration to Darayon Johnson be upheld.

7 BOARD CHAIRMAN SPENCER: I have a motion.

8 BOARD MEMBER UITHOVEN: Second.

9 BOARD CHAIRMAN SPENCER: Motion and a second.  
10 Any discussion on the motion?

11 Hearing none, I have a motion and a second.  
12 All in favor, signify by saying "aye."

13 (Board members said "aye.")

14 Opposed?

15 Mr. Johnson, the denial stands. But you can  
16 reapply.

17 MR. JOHNSON: Okay. Thank you very much.

18 BOARD CHAIRMAN SPENCER: Thank you.

19 Robert Armstrong.

20 Mr. Armstrong, how are you?

21 MR. ARMSTRONG: Okay.

22 MR. STOVALL: Good morning, Mr. Chairman and  
23 the Board. I'm Justin Stovall. I'm here on behalf of  
24 Mr. Armstrong.

25 BOARD CHAIRMAN SPENCER: I'm sorry. Could you

1 say that again, slower.

2 MR. STOVALL: Good morning, Mr. Chair and the  
3 Board. My name is Mr. Justin Stovall. I'm an attorney  
4 here in town. I'm appearing on behalf of Mr. Armstrong.

5 BOARD CHAIRMAN SPENCER: All right. Thank you.

6 Mr. Armstrong, can you tell my why you were  
7 denied?

8 MR. ARMSTRONG: Because --

9 MR. STOVALL: I'm here, Mr. Armstrong.

10 The notice we got, Mr. Chairman, is that he had  
11 misrepresented a material fact on his application.  
12 It -- that had to do with an outstanding warrant and  
13 a -- and two DUI charges.

14 I've got some explanation for those, if you'll  
15 give me an opportunity, but I'd like to hear some facts.

16 BOARD CHAIRMAN SPENCER: Just a minute.

17 Who has this?

18 MS. CHRISTENSEN: I do.

19 BOARD CHAIRMAN SPENCER: Okay. Can you give me  
20 some input?

21 MS. CHRISTENSEN: He was denied due to an  
22 active warrant on a DUI that he failed to disclose. He  
23 has, according to his SCOPE -- and the other question  
24 that I had was it looks like, in his SCOPE, he had an  
25 arrest for a DUI December 2nd, 2011. And then December

1 24th, 2011. Two separate case numbers. And then, like  
2 I said, an active warrant due to the December 24th, for  
3 failure to appear.

4 BOARD CHAIRMAN SPENCER: Oh. Okay.

5 MS. CHRISTENSEN: And then he had a DUI in 2004  
6 with an accident. He only disclosed one DUI. No.

7 BOARD CHAIRMAN SPENCER: And he disclosed the  
8 2004 DUI?

9 MS. CHRISTENSEN: No, he disclosed the December  
10 24th, 2011.

11 BOARD CHAIRMAN SPENCER: Okay. He disclosed  
12 that. And that's what the warrant was for?

13 MS. CHRISTENSEN: Correct.

14 BOARD CHAIRMAN SPENCER: All right. All right.  
15 Counselor, whoever's going to speak, speak.

16 MR. STOVALL: Yes. If I could explain, at  
17 least to the warrant, that was one of my concerns, and  
18 that was one of the reasons we appealed.

19 Mr. Armstrong's son, who's also an attorney  
20 here in town, had referred Mr. Armstrong over to me to  
21 handle the two pending DUI charges. And those are both  
22 pending in Las Vegas Justice Court here in Clark County.

23 Just to give you a little bit of background of  
24 how it works when somebody's charged with a DUI, when  
25 they're released from jail, they're given a slip that

1 tells them when they have an initial appearance date and  
2 whatever court they expect the charges to be filed in.

3           Generally, if -- and I know, in the Las Vegas  
4 Justice Court, if a person is represented by counsel,  
5 they're not expected to appear at those. So my office,  
6 I appeared at one of them, and someone else from my  
7 office appeared at the other one.

8           And what often happens is the District  
9 Attorney's Office and justice court have not gotten  
10 around to screening the DUI questions. And so there's  
11 not a complaint filed. In that case, the clerk will  
12 tell you to keep checking. And there's a form that  
13 attorneys are supposed to sent in an e-mail to the clerk  
14 in justice court. I failed to do that. Instead of  
15 doing that, I had asked my secretaries, my staff to  
16 contact the court and ask them to let us know when --  
17 when a complaint had been filed.

18           Now, that hadn't been done. The court, even  
19 though we appeared in court on the initial appearance  
20 dates, had issued the -- had issued bench warrants after  
21 the complaints were filed when nobody appeared on that.

22           Now, I wasn't aware of that until after  
23 Mr. Armstrong informed me of the decision letter that  
24 you, that the Board provided to him. And since I was  
25 unaware of it, Mr. Armstrong was most certainly wasn't

1 aware of it.

2 And as to the misrepresentations regarding  
3 those facts, Mr. Armstrong could not have known about  
4 the warrants, because I didn't know about them.

5 As far as the DUI, I'll let him, I'll let him  
6 speak to that. Well, and, apparently, there's some  
7 issue with the online -- with the online application  
8 form allowing him to put in information that he didn't  
9 know the specific information on. And according to him,  
10 that that's what happened there. So.

11 You know, we hope that you consider this an  
12 honest mistake on his part when it came to -- when it  
13 gave the information to put into the online application  
14 form. And, therefore, you know, consider him not to  
15 misrepresent any facts.

16 So if you have any questions, you know, I'd ask  
17 you to answer them as far as the inputting information  
18 into the program.

19 BOARD CHAIRMAN SPENCER: It's my understanding  
20 that the December 22nd arrest for DUI was not listed by  
21 him on the application. Is that right?

22 MR. ARMSTRONG: Well, with that information  
23 online, if you didn't know the exact date, you know, it  
24 wouldn't let us put it in, where the computer would not  
25 accept it unless I had the exact date on it.

1 BOARD CHAIRMAN SPENCER: Exact date on the  
2 arrest?

3 MR. ARMSTRONG: Yes.

4 MR. STOVALL: And I can't, I can't verify that.  
5 But, you know, obviously, the people are very tech savvy  
6 here.

7 MS. RAY: Mr. Chairman, the requirement is a  
8 date.

9 BOARD CHAIRMAN SPENCER: A date.

10 MS. RAY: If he doesn't know the date, then he  
11 could make a notation or let staff know that it was an  
12 approximate date. But it is a date required field.

13 BOARD CHAIRMAN SPENCER: Okay.

14 MS. RAY: He couldn't just put the month and  
15 the year. There has to be a date.

16 BOARD CHAIRMAN SPENCER: A date. Okay. Is it  
17 specified that you have to put a date?

18 MS. RAY: What that field requires is an arrest  
19 date, the city of the arrest, state, agency, offense,  
20 disposition and comments. And if you don't know -- the  
21 state is a -- you know, obviously, would be an  
22 abbreviation, and you can just select the state. City,  
23 you can put the city. If you didn't know, I would  
24 imagine it would let you put "unknown." There are text  
25 fields.



1 BOARD CHAIRMAN SPENCER: Okay. Questions from  
2 the Board?

3 MR. STOVALL: And if I could add, if I could  
4 add one more thing. I had asked for a copy of his  
5 application, per statute. I believe, staff did do their  
6 best to get that to me. But, you know, for the purposes  
7 of the record, I wasn't able to tell, from what I was  
8 given -- and I don't know that staff has more  
9 information than that -- as to what particularly was  
10 asked and what an applicant would be confined to in  
11 terms of -- in terms of inputting that kind of  
12 information.

13 MS. RAY: I can.

14 BOARD CHAIRMAN SPENCER: Yes, please.

15 MS. RAY: Mr. Chairman, as I recall, yes,  
16 Mr. Stovall did ask for a copy of the application. And  
17 Kimberly and I went through the online application and  
18 printed the pages, because it's an electronic file. He  
19 submitted an electron application. And that was what we  
20 provided to Mr. Stovall.

21 BOARD CHAIRMAN SPENCER: So that's an accurate  
22 representation of what's there?

23 MS. RAY: Yes.

24 BOARD CHAIRMAN SPENCER: Okay. Do you agree  
25 with that, Mr. Stovall?

1 MR. STOVALL: Yes. I mean even what they gave  
2 me, there's no -- there's no actual answers from  
3 Mr. Armstrong. All it says -- it looks like it has a  
4 note from staff that says, under Comments, date of  
5 arrest is 12-24-11. He now -- A-C-T-W-R-T for this  
6 warrant, for this arrest. It sounds like active  
7 warrant. But.

8 You know, are these, is this correspondence,  
9 that is going back and forth, in the record? I've been  
10 trying not to be too -- too argumentative here so far.

11 So that would be, that would be attached to the  
12 August 14th, 2012 letter from Ms. Kimberly Christensen.

13 BOARD CHAIRMAN SPENCER: We're checking.

14 MS. RAY: Well, you should have -- are you  
15 asking if the Board was provided a copy of the  
16 application that you were provided?

17 MR. STOVALL: No. I -- my first question was  
18 whether or not this correspondence between staff and  
19 myself is actually in the record here.

20 MS. RAY: Yes, it is.

21 MR. STOVALL: And it appears that it is. And  
22 my second question was whether or not the Board actually  
23 had a copy of the application.

24 BOARD CHAIRMAN SPENCER: Let me check.

25 MS. RAY: Mr. Chairman, if I might answer.

1 They do not.

2 BOARD CHAIRMAN SPENCER: Was there another one  
3 that was left out?

4 MS. CHRISTENSEN: Correct. He reported the  
5 December 24th.

6 BOARD CHAIRMAN SPENCER: Right.

7 MS. CHRISTENSEN: And he put 2012 when it  
8 should have been 2011 arrest.

9 BOARD CHAIRMAN SPENCER: Okay.

10 MS. CHRISTENSEN: He had -- according to his  
11 SCOPE, there was one December 2nd, 2011. There was also  
12 one September 29th of '04 that was not on his online  
13 application.

14 BOARD CHAIRMAN SPENCER: Okay.

15 MS. CHRISTENSEN: There were others that date  
16 clear back to 1985 through 1996.

17 BOARD CHAIRMAN SPENCER: Was it they weren't on  
18 the --

19 MS. CHRISTENSEN: Correct. And they were DUIs.

20 BOARD CHAIRMAN SPENCER: Counsel, it looks like  
21 Mr. Armstrong failed to list a number of things on his  
22 application.

23 MR. STOVALL: Yeah. And I don't want to make  
24 any misrepresentations, but I'm looking at what they  
25 provided to me, and I'm having trouble telling what was

1 actually Mr. Armstrong's input and what was there  
2 before.

3           As far as him not putting any -- the DUI  
4 information in there, I do not believe that we're  
5 denying that. In fact, I'd say we're not denying that  
6 he left out at least one DUI, pending, that I was aware  
7 of.

8           The real question that I am -- I guess, I'm  
9 raising is whether or not he actually, you know,  
10 misrepresented material facts to the Board,  
11 affirmatively misrepresented them. And the reason I'm  
12 raising that issue is because I'm looking through the  
13 application here, and I can't tell, from what I was  
14 provided, whether or not he was able to put that in.  
15 And he's testifying that he was having difficulty  
16 putting that information. If I understand his testimony  
17 correctly, he's testified that he was having trouble  
18 getting that in correctly.

19           And so we're asking you to consider it a  
20 mistake as opposed it a misrepresentation.

21           BOARD CHAIRMAN SPENCER: Have we ever had  
22 anybody say that they didn't understand?

23           MS. RAY: Usually they call us, and they say.

24           BOARD CHAIRMAN SPENCER: Yes, like the -- as of  
25 today, this former Executive Director, usually when

1 someone doesn't understand something, they call and  
2 check.

3 I've never heard that defense since we started  
4 this. So.

5 Questions from the Board?

6 BOARD MEMBER PUTNAM: I have a question of the  
7 investigator, Mr. Chairman.

8 BOARD CHAIRMAN SPENCER: Yes.

9 BOARD MEMBER PUTNAM: How many DUIs did he fail  
10 to list?

11 MS. CHRISTENSEN: According to his SCOPE -- and  
12 I do not have his fingerprints. So I've only got, you  
13 know, just Clark County for SCOPE. There was one in  
14 1985, dismissed; another one June of '85; one in 1991;  
15 one in 1994; one in 1995, and it does say "DUI liquor  
16 second offense."

17 BOARD CHAIRMAN SPENCER: Those are all DUIs?

18 MS. CHRISTENSEN: Correct. And I'm still --  
19 I'm having to look, because a couple of them were  
20 driving on revoked license.

21 September of '04, DUI with accident. December  
22 2nd, 2011, DUI liquor. December 24th, 2011, DUI liquor.

23 BOARD MEMBER PUTNAM: And all of these, these  
24 eight DUIs, were not listed on the application?

25 MS. CHRISTENSEN: Only one.

1 BOARD MEMBER PUTNAM: Only one.

2 MS. CHRISTENSEN: December 24th, 2011 was  
3 listed, he disclosed.

4 BOARD CHAIRMAN SPENCER: Counsel, do you have  
5 an explanation for that?

6 MR. STOVALL: No, I don't. I don't have an  
7 explanation for that. All I can say is that I was not  
8 notified by the Board that his denial was based on  
9 these, what I can tell, one, two, three, four, five,  
10 six. There's six DUIs that I wasn't informed of prior  
11 to coming in here. So I really don't have a response to  
12 that.

13 You know, I can take a moment to speak with  
14 Mr. Armstrong about that, if you want to recall this.  
15 But this was not brought to my attention prior to this  
16 hearing.

17 BOARD CHAIRMAN SPENCER: If you need to talk to  
18 him, go ahead.

19 MR. STOVALL: So we can trail this for another  
20 matter, too?

21 BOARD CHAIRMAN SPENCER: What's that?

22 MR. STOVALL: Do you want -- are we going to  
23 stay, we can stay on here, and I'll speak out here, or  
24 do you want to trail it for another matter?

25 BOARD CHAIRMAN SPENCER: No, just go confer,

1 and then come back, or whatever you want.

2 MR. STOVALL: I appreciate that.

3 BOARD MEMBER NADEAU: Why don't we trail it,  
4 just let them come back, and we can go ahead and handle  
5 some others in the interim?

6 BOARD CHAIRMAN SPENCER: Okay. Do you have an  
7 appointment for anything?

8 MS. HERNANDEZ: Yes.

9 BOARD CHAIRMAN SPENCER: What's that?

10 MS. HERNANDEZ: It said 11:00 or thereafter.

11 MS. WHATLEY: She's number 30.

12 BOARD CHAIRMAN SPENCER: Okay. No, you have  
13 another appointment you have to go to from here?

14 MS. HERNANDEZ: M-hm (negative).

15 BOARD CHAIRMAN SPENCER: Oh.

16 MS. HERNANDEZ: Not from here.

17 BOARD CHAIRMAN SPENCER: All right.

18 MS. HERNANDEZ: Do you want me to step outside?

19 BOARD CHAIRMAN SPENCER: Oh, no. No, no. No,  
20 no. Not at all. I just -- never mind. I'm just seeing  
21 things.

22 (There was a brief period off the record.)

23 BOARD MEMBER ZANE: They're back.

24 BOARD CHAIRMAN SPENCER: Go ahead.

25 BOARD MEMBER ZANE: Hold on.

1 MR. STOVALL: I'd like to let Mr. Armstrong do  
2 a little bit of speaking, but let me clarify just ahead  
3 of time.

4 Mr. Armstrong, I do believe -- and he can say  
5 this for himself -- is denying this record that you guys  
6 are bringing up. I think, the issue, right just from  
7 how I'm interpreting it, is that Mr. Armstrong has had a  
8 guard card for, I believe, about six years. Right? And  
9 he had understood that you guys have already been  
10 through the past, the past DUIs. So.

11 I'll let them say that for himself. But I --  
12 his testimony should be that there's some ambiguity as  
13 to the question. He didn't, he didn't realize he had to  
14 put things that were prior to that application.

15 Right, is that what you're saying?

16 MR. ARMSTRONG: Right.

17 MR. STOVALL: Why don't you tell them that.

18 MR. ARMSTRONG: About six years ago, I signed  
19 up with Wackenhut. And they did this questionnaire  
20 thing on me, and they were aware of my DUIs at that  
21 time. But I was not denied a guard card.

22 Then, also, as far as I'm aware of the law,  
23 your DUI only stays on your record for seven years.  
24 You're going back more than seven years.

25 BOARD CHAIRMAN SPENCER: Okay.



1 MR. STOVALL: I think, a DUI does, obviously,  
2 stay on your record for more than seven years. But, I  
3 think, that illustrates his confusion with all this.

4 BOARD CHAIRMAN SPENCER: Okay. Board  
5 questions?

6 BOARD MEMBER ZANE: Do we have a record of the  
7 issuance of a prior card?

8 MS. RAY: Mr. Chairman.

9 Board Member Zane, yes, we do. It expired  
10 August 8th of 2012. It appears that he did a renewal  
11 application, and then when we did the background of him,  
12 he was denied. And that's why we are where we are  
13 today.

14 BOARD MEMBER ZANE: So that would have been a  
15 Metro-issued card?

16 MS. RAY: Yes, it was. It was issued, it looks  
17 like, on August 21st of 2007. And he alleges that he  
18 was employed with two licensees and recently let go.

19 MR. STOVALL: And he was let go because he was  
20 denied his -- he was denied his guard card.

21 MS. RAY: Yes.

22 MR. STOVALL: Also, for the -- for the Board's  
23 knowledge, apparently, he's been -- according to the  
24 letter I saw, he's been denied unemployment because he  
25 was fired for cause because of this. So, you know, if

1 you guys would let him, consider that.

2 BOARD CHAIRMAN SPENCER: Any further Board  
3 questions?

4 BOARD MEMBER ZANE: Just to clarify, how many  
5 DUIs has there been since '07, since '07?

6 MR. ARMSTRONG: Both in '11.

7 MS. CHRISTENSEN: And one -- oh, yes. That's  
8 correct, two of them.

9 MR. STOVALL: And those, there's been no  
10 convictions. The trial dates are set somewhere in the  
11 middle of November and in the middle of December. It's  
12 our plan to move the one in November out a little bit  
13 for scheduling reasons. But he has not been convicted  
14 of those. And it was my fault. I hope you guys  
15 understand that. It wasn't his fault.

16 BOARD CHAIRMAN SPENCER: Do you have anything  
17 further, counsel?

18 MR. STOVALL: No, I don't.

19 BOARD CHAIRMAN SPENCER: Okay. I'll entertain  
20 a motion, or if there are no more questions from the  
21 Board.

22 BOARD MEMBER PUTNAM: Mr. Chairman, I have a  
23 motion.

24 BOARD CHAIRMAN SPENCER: Okay.

25 BOARD MEMBER PUTNAM: I move that the denial of

1 registration for Mr. Robert W. Armstrong be upheld.

2 BOARD MEMBER UITHOVEN: Second.

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

5 (Board members said "aye.")

6 Opposed?

7 Hearing none. Mr. Armstrong's registration  
8 was -- is still denied.

9 MR. STOVALL: Just so we're clear, all the  
10 correspondence was -- was in the record, correct?

11 BOARD CHAIRMAN SPENCER: All the correspondence  
12 was what?

13 MR. STOVALL: Because I didn't move to admit  
14 anything. I asked staff if the correspondence between  
15 myself and the Board was in the record, if there's a  
16 record of that.

17 BOARD MEMBER ZANE: I would assume that you  
18 need to address that with Board counsel.

19 MR. WARD: May it please, Mr. Chairman, I  
20 guess, the question is, counsel, you want to know if the  
21 correspondence between you and the Division is in the  
22 record, so that you would have it on appeal?

23 MR. STOVALL: Yes, that is exactly my question.

24 MR. WARD: I have not looked at the record, so  
25 I don't know what would be. But if I will be

1 representing the Board on the appeal, I wouldn't have  
2 any objection to you putting that in the record saying  
3 that you sent it, but I would have to get confirmation  
4 that they received it.

5 MR. STOVALL: All right.

6 MR. WARD: Why don't I -- for the record, we  
7 will go right now. The Executive Director will let you  
8 know what's in the record right now.

9 MS. RAY: Mr. Stovall, the Board was provided  
10 the letter sent to you on August 20th, 2012. Which, I  
11 believe, was returned to us. It was sent certified.  
12 The certified letter was returned to us. However, the  
13 one sent regular mail did not get returned to us.

14 MR. STOVALL: Okay.

15 MS. RAY: The letter from you to us dated  
16 August 10th, 2012.

17 MR. STOVALL: That's correct. That's all I was  
18 asking for.

19 BOARD CHAIRMAN SPENCER: Okay. Thank you.

20 MR. STOVALL: Thank you very much.

21 MS. RAY: The letter that was sent.

22 BOARD CHAIRMAN SPENCER: James Romero.

23 BOARD MEMBER ZANE: He's coming.

24 Good afternoon, Mr. Romero.

25 MR. ROMERO: How are you doing, sir?

1 BOARD CHAIRMAN SPENCER: Good. How are you?

2 MR. ROMERO: I've been better.

3 BOARD CHAIRMAN SPENCER: Can you tell me why  
4 you were denied?

5 MR. ROMERO: Well, yeah, I was being a bad boy  
6 and not telling the truth on the application.

7 BOARD CHAIRMAN SPENCER: That will do it. What  
8 didn't you tell the truth about?

9 MR. ROMERO: Oh, several things.

10 BOARD CHAIRMAN SPENCER: What's your appeal?

11 MR. ROMERO: I don't know. I don't know  
12 anybody. I just moved here from Florida eight months  
13 ago. Okay. And, you know, Tampa, Florida, yeah. And I  
14 moved here. And I was looking for a job for about five  
15 months. I finally got a job. And I -- I didn't tell  
16 the truth. So I'm going to leave it up to you guys.

17 BOARD CHAIRMAN SPENCER: Who has this?

18 MS. CHRISTENSEN: I do.

19 BOARD CHAIRMAN SPENCER: Can you tell me what  
20 he didn't tell you about?

21 MS. CHRISTENSEN: Well, according to his  
22 fingerprints, that he did not disclose. He disclosed --  
23 he disclosed one arrest. According to his fingerprints,  
24 there's roughly 10 arrests dating back to 1988,  
25 trespassing and larceny. And it goes on in 1991, he had

1 a disorderly conduct arrest. 1991, he had a resisting  
2 officer without violence. They're, basically, all of  
3 arresting -- resisting arrest.

4 And then, in 1993, he had criminal mischief,  
5 damaged property. 1999, he had a DUI. And then we get  
6 to 2006, and we had another DUI. And battery, touch or  
7 strike. 2010, we had trespassing, failure to appear. I  
8 mean, then, in 2011, we had battery, larceny, petty  
9 theft, first degree.

10 BOARD CHAIRMAN SPENCER: None of this was  
11 reported?

12 MS. CHRISTENSEN: Correct. And on several of  
13 these, they do show convicted, confinement 20 days.  
14 Excuse me.

15 Correct. None of that was disclosed.

16 BOARD CHAIRMAN SPENCER: All right. Any Board  
17 questions and/or a hearing, or and/or a motion?

18 BOARD MEMBER UITHOVEN: Mr. Chair, I move to  
19 uphold the denial for Mr. Romero.

20 BOARD MEMBER NADEAU: Second.

21 BOARD CHAIRMAN SPENCER: Motion and second to  
22 uphold the denial. All in favor, signify by saying  
23 "aye."

24 (Board members said "aye.")

25 Opposed?

1           Hearing none.

2           Next time, you need to put it down. He's gone.

3           All right. Chad Krieger.

4           MS. RAY: Mr. Chairman, if I could just make a  
5 comment. The next four are registration, individuals  
6 who hold a current registration but have done something  
7 that needs to be looked at by the Board so that they can  
8 be accountable for their actions. So they're not your  
9 typical denial of the registration.

10           BOARD CHAIRMAN SPENCER: Okay. Mr. Krieger,  
11 how are you today?

12           MR. KRIEGER: Pretty good. And yourself?

13           BOARD CHAIRMAN SPENCER: Not too bad. Do you  
14 have something to tell us?

15           MR. KRIEGER: No, just that I had changed a  
16 letter on a -- a number on a document that was for you  
17 guys.

18           BOARD CHAIRMAN SPENCER: You did what?

19           MR. KRIEGER: When I applied for my guard card,  
20 I didn't have enough funds. I thought I couldn't have  
21 it quick enough. And the dates -- I just didn't have  
22 it. So I changed the date on it to make it coexist with  
23 the date I was going to do it.

24           MS. RAY: He altered a date on a document, yes.

25           BOARD MEMBER PUTNAM: Yeah. I see it right

1 here.

2 MS. RAY: Mr. Chairman, I do believe that his  
3 employer is present in the audience.

4 BOARD CHAIRMAN SPENCER: Okay. Is your  
5 employer there?

6 MR. KRIEGER: My employer is here, yes.

7 BOARD CHAIRMAN SPENCER: Does he wish to make a  
8 statement?

9 MR. KRIEGER: I'm sorry?

10 BOARD CHAIRMAN SPENCER: Does he wish to make a  
11 statement on your behalf?

12 MR. KRIEGER: Yes. He's on his way up.

13 BOARD MEMBER NADEAU: Mr. Chair?

14 BOARD CHAIRMAN SPENCER: Yeah?

15 BOARD MEMBER NADEAU: I'm confused. What, what  
16 date did he change? What document did he change?  
17 What -- okay. I'm getting mixed messages here. I'm  
18 trying to figure out what we're talking about.

19 MS. RAY: Okay. In your documents --

20 BOARD MEMBER NADEAU: I'm sorry. I don't have  
21 those. I apologize. I left my stick.

22 MR. WARD: Sir, have you been sworn?

23 MR. TAYLOR: No.

24 MR. WARD: Please stand up and raise your right  
25 hand. Do you solemnly swear to tell the truth, the



1 whole truth, and nothing but the truth, so help you god?

2 MR. TAYLOR: I do.

3 MR. WARD: Thank you.

4 BOARD CHAIRMAN SPENCER: And why did you do  
5 this, again?

6 MR. KRIEGER: I changed the date on it because  
7 I didn't have enough funds to get my card the date that  
8 the date was set. So I had to wait to get it, I had to  
9 wait to get some money in. Once I got the money in, I  
10 noticed the date wasn't the same. It was 6-22, and I  
11 changed it to 7-22. And I didn't know, when I changed  
12 it, it was in offense to you guys. And I apologize for  
13 doing it.

14 BOARD MEMBER PUTNAM: Sir, I have a question.

15 MR. KRIEGER: Yes, sir.

16 BOARD MEMBER PUTNAM: Did you also change the  
17 date from the year 2011 to 2012?

18 MR. KRIEGER: No, sir.

19 BOARD MEMBER PUTNAM: Because those also look  
20 changed.

21 MR. KRIEGER: I did not touch that. All is I  
22 touched was the seven, made it a seven instead of a six.

23 BOARD CHAIRMAN SPENCER: Okay. Sir, he works  
24 for you?

25 MR. TAYLOR: Yes, he does.

1 BOARD CHAIRMAN SPENCER: Do you want to speak  
2 in behalf, on his behalf?

3 MR. WARD: For the record --

4 MR. TAYLOR: Yes. My name's Anthony --

5 MR. WARD: Please state your name for the  
6 record.

7 MR. TAYLOR: Anthony Taylor (phonetic). I work  
8 with All Purpose Security, LLC. We did give him the  
9 application in June. I didn't know that he changed the  
10 date. He was not -- I guess, he didn't know that he had  
11 five days from the date of the -- you know. He did tell  
12 me afterwards. And I reprimanded him for that.

13 BOARD CHAIRMAN SPENCER: All right. Is he a  
14 good employee?

15 MR. TAYLOR: Yes, he is. He's a very reliable,  
16 responsible employee. This is one of the ones I don't  
17 have to worry about.

18 BOARD CHAIRMAN SPENCER: All right.

19 MR. TAYLOR: Very few in Las Vegas.

20 BOARD MEMBER PUTNAM: But you did, in fact,  
21 change the date, Mr. Krieger; is that correct?

22 MR. KRIEGER: Yes, sir.

23 BOARD MEMBER PUTNAM: You falsified a document  
24 that went along with your application; is that correct?

25 MR. KRIEGER: Yes. Yes, sir. I did not know

1 that I could not change the date on that. I've never  
2 done anything like this. This is the first time I've  
3 ever done it.

4 BOARD MEMBER PUTNAM: Pardon me, sir. You  
5 didn't know you couldn't change the date?

6 MR. KRIEGER: No, I did not know. This was all  
7 brand-new to me, doing this stuff.

8 BOARD MEMBER PUTNAM: Changing --

9 BOARD CHAIRMAN SPENCER: He hasn't done this  
10 one before. He's never done it.

11 BOARD MEMBER PUTNAM: Do you ever change the  
12 amount of a check that you received? I mean, come on.

13 MR. KRIEGER: No, sir.

14 BOARD MEMBER PUTNAM: This is an official  
15 document that you're submitting with your application.  
16 You changed the date. And you didn't know that was  
17 wrong?

18 MR. KRIEGER: I didn't know it was an official  
19 document, sir. I'm sorry.

20 BOARD MEMBER PUTNAM: What else would you call  
21 it besides an official document?

22 MR. KRIEGER: I thought it was just a piece of  
23 paper to turn in to you guys to get it, to get my card.  
24 I didn't know it was an official document.

25 BOARD MEMBER PUTNAM: All right.

1 BOARD CHAIRMAN SPENCER: Any Board questions?

2 MR. KRIEGER: Now, I've done -- I've done  
3 everything that you guys have asked me, asked me to do.  
4 I went and got the security portion of the card redone,  
5 redone my card, and have my card.

6 BOARD CHAIRMAN SPENCER: No questions. Do I  
7 hear a motion?

8 BOARD MEMBER PUTNAM: Mr. Chairman, I move that  
9 the denial of registration for Mr. Chad Krieger be  
10 upheld.

11 BOARD CHAIRMAN SPENCER: Is that what it is?

12 MS. RAY: It would be a revocation.

13 BOARD CHAIRMAN SPENCER: Yeah, it would be a  
14 revocation.

15 BOARD MEMBER PUTNAM: Or be revoked or  
16 whatever.

17 BOARD CHAIRMAN SPENCER: Do we have a second?

18 BOARD MEMBER UITHOVEN: Second.

19 BOARD CHAIRMAN SPENCER: All right. I have a  
20 motion and a second. Any discussion on the motion?

21 BOARD MEMBER NADEAU: Mr. Chair?

22 BOARD CHAIRMAN SPENCER: Yes?

23 BOARD MEMBER NADEAU: I'm not going to support  
24 the motion. And I certainly don't condone Mr. Krieger's  
25 actions, but he completed the required stuff to get his

1 license. So, I guess, regardless of his changing the  
2 date -- and if I'm incorrect, Mechele or Kevin, for all  
3 intents and purposes, no harm no foul, because he  
4 completed the required training.

5 I guess, I'm struggling in this, because  
6 there's no excuse for changing the date, but it's still  
7 he complied with the requirements. So.

8 BOARD CHAIRMAN SPENCER: I, too, am struggling  
9 with it. Thinking back to my youth, which is any time  
10 but yesterday, I'm wondering whether or not I ever  
11 changed anything that I did.

12 BOARD MEMBER PUTNAM: Well, Mr. Chairman, I  
13 would ask that the Board members take a good hard look  
14 at this particular document that we're talking about.  
15 It was in the file that we were sent. And you will see  
16 not only a very vivid change on the month, but on the  
17 first date, which now reads 7-22-12, it looks like the  
18 22 may have been changed, and it looks very much to me  
19 like the year was changed from 2011 to 2012. If you  
20 look down at the second date, where his signature  
21 appears, it also looks like the year was changed from 11  
22 to 12.

23 I ask you to take a close look at that.  
24 Because, to me, that is very significant.

25 BOARD MEMBER NADEAU: Mr. Chairman, can I ask?

1 I got the impression -- maybe I missed something. I got  
2 the impression that we verified this class, this, these  
3 class dates. Is that true?

4 MS. RAY: Investigator Whatley has it.

5 MS. WHATLEY: I apologize.

6 BOARD MEMBER NADEAU: In other words, we, our  
7 records show that he did, in fact, attend the class on  
8 six -- in June of this year, correct, or was it June of  
9 '11?

10 MS. WHATLEY: Mr. Chairman, if I may, I  
11 actually contacted his employer, and they provided me  
12 with a copy of the original form. And I didn't know  
13 what was provided to you guys. And, now, if you want to  
14 pass it down. And I apologize that Board Member Zane  
15 does not have a copy of that, unless it was included.  
16 Was it in the packet? Oh, it is.

17 BOARD MEMBER NADEAU: This appears to be the  
18 same document.

19 MS. WHATLEY: This was provided from the  
20 employer.

21 BOARD MEMBER NADEAU: Okay.

22 MS. WHATLEY: That filled out the form  
23 originally. So this 6-22 and 6-26 of '12 is what the  
24 employer is saying is correct.

25 BOARD MEMBER NADEAU: And you're -- and, sir,

1 were you sworn in?

2 MR. TAYLOR: Yes, I was.

3 MR. WARD: Yes.

4 BOARD MEMBER NADEAU: Okay. So you're  
5 testifying under oath that these dates are correct, that  
6 all of this was -- that all of this happened this year?

7 MR. TAYLOR: Yes, it did. I didn't know Chad  
8 Krieger before that.

9 BOARD MEMBER NADEAU: Anyway, so, I guess, I  
10 stand by that I still can't, I can't support the motion.  
11 And understanding your concerns. So.

12 BOARD MEMBER ZANE: Just so I'm clear, we're  
13 talking about the bottom signature is the one that was  
14 changed, where it was -- my copy, I'm having a tough  
15 time seeing it, but the six was changed to the seven?

16 BOARD CHAIRMAN SPENCER: Yes.

17 BOARD MEMBER ZANE: And --

18 BOARD MEMBER PUTNAM: And this is, this is on  
19 the Private Investigators Licensing Board Verification  
20 of Employment for Armed Security, and it has a stamp at  
21 the head of it for August 14, 2012, attorney general,  
22 and private investigators. Apparently, it was received  
23 on August 14th, 2012.

24 BOARD MEMBER ZANE: So there's two documents in  
25 there that bear -- the signature block that we're

1 discussing would be the one to the right of the  
2 applicant's name?

3 BOARD CHAIRMAN SPENCER: Yes.

4 BOARD MEMBER ZANE: And that would have been a  
5 date that he had placed in there originally?

6 MR. TAYLOR: We placed the original date. He  
7 changed it to a month later.

8 BOARD MEMBER ZANE: Okay.

9 MR. KRIEGER: Yes, it was just -- it was before  
10 six. I changed to it seven. Because I didn't have the  
11 money to go back. So I changed it to seven, to go back  
12 that day to go apply for my guard card.

13 MR. TAYLOR: He still followed procedures.  
14 It's just he --

15 MR. KRIEGER: Once I applied --

16 BOARD CHAIRMAN SPENCER: I wonder if justice  
17 would be best served if we could maybe put him on  
18 probation for a while.

19 BOARD MEMBER PUTNAM: And if I understand  
20 correctly, sir, you're saying that the only thing that  
21 was changed on those two dates was the month?

22 MR. KRIEGER: Yes, sir. It was -- used to be a  
23 six, and I changed it to a seven. Yes, sir. And I am  
24 verifying that.

25 BOARD CHAIRMAN SPENCER: Mark, do you have any



1 input on the motion?

2 BOARD MEMBER ZANE: As it stands, I agree with  
3 member Nadeau.

4 BOARD CHAIRMAN SPENCER: Okay. All right.

5 BOARD MEMBER NADEAU: Mr. Chair, let me be  
6 clear. I think staff did absolutely the correct thing  
7 in bringing this forward.

8 BOARD CHAIRMAN SPENCER: Oh, absolutely.  
9 Can I see that document?

10 BOARD MEMBER ZANE: Mr. Chairman, and had the  
11 employer not been sitting here, I wouldn't have the same  
12 opinion.

13 BOARD CHAIRMAN SPENCER: And the document that  
14 was submitted originally from All Purpose Security had a  
15 six on it, of '12. Okay.

16 So I'm going to go ahead and take a run at  
17 this. We have a motion and a second. Excuse me? Oh.  
18 Motion and a second for a vote. All in favor, signify  
19 by saying "aye."

20 (Board members said "aye.")

21 Opposed? Aye.

22 BOARD MEMBER NADEAU: No.

23 BOARD MEMBER ZANE: No.

24 BOARD CHAIRMAN SPENCER: The motion is denied.  
25 I think, I will hear another motion.

1 Do I have another motion?

2 BOARD MEMBER PUTNAM: Why do we have two copies  
3 of that document, one dated received on August 16th, and  
4 the other dated August 14th?

5 MS. WHATLEY: Mr. Chair, may I answer that?

6 BOARD CHAIRMAN SPENCER: Yeah.

7 MS. WHATLEY: One was probably received in our  
8 Las Vegas office, and the other was received in our  
9 Carson City office when it was brought to my attention.  
10 And if I'm not mistaken, Shelly Donald was the one that  
11 received it originally on the August 14th.

12 BOARD MEMBER PUTNAM: Who has the original?

13 MS. WHATLEY: I now have it. It was sent to  
14 me.

15 BOARD MEMBER PUTNAM: Okay. You have the  
16 original, not a copy?

17 MS. WHATLEY: I believe, I have the original.

18 BOARD MEMBER PUTNAM: Of the one dated --

19 MS. WHATLEY: Yeah, I do, right here.

20 BOARD MEMBER NADEAU: Mr. Chair, I can take a  
21 stab at a motion, it you'd like.

22 BOARD CHAIRMAN SPENCER: All right.

23 BOARD MEMBER NADEAU: I would move that the  
24 suspension be upheld, but -- and I'm going to need help  
25 from counsel -- that we -- is there a way of upholding

1 the suspension but allowing him to go to work,  
2 suspending the suspension, if you understand where I'm  
3 trying to go with this? Do we --

4 MS. RAY: No.

5 MR. WARD: May it please -- yes. May it  
6 please, Mr. Chairman and the Board, I believe, as long  
7 as it's not prohibited under the statute, you can do a  
8 stay and then what we call continued or -- there are  
9 vehicles to do it, whatever this Board would like, as  
10 long as it's not prohibited by statute. So my comment  
11 to you is, yes, there is a way.

12 BOARD MEMBER NADEAU: Then, I would, I would  
13 make the motion that we uphold the suspension and stay  
14 the implementation for one year, pending any, any issues  
15 that may arise, if that's a viable motion.

16 BOARD CHAIRMAN SPENCER: Do I have a second?

17 BOARD MEMBER PUTNAM: No. Well, I'll second it  
18 for purposes of discussion only.

19 BOARD CHAIRMAN SPENCER: Okay.

20 BOARD MEMBER PUTNAM: I would suggest it might  
21 be a little more appropriate, since we have two  
22 gentlemen down there under oath who claim that the year  
23 on those documents was not altered, that we take that  
24 original document and make it available to the Washoe  
25 County Crime Lab and let them decide whether that it was

1 altered. And if it was, in fact, altered, that, you  
2 know, we deny this application.

3 And the employer, who is sitting down there, I  
4 mean he needs to take a hard look at whether he needs to  
5 keep his license or not, if, in fact, those dates were  
6 altered. And I don't mean -- by dates, I mean the year  
7 dates.

8 I would suggests that might be a little bit  
9 more appropriate, so that we know for sure where we're  
10 coming from. Because if we have two gentlemen down  
11 there, sitting, perjuring themselves, neither one of  
12 them deserve to hold a license in this state. Because  
13 they are the rules.

14 BOARD MEMBER NADEAU: Well, I --

15 BOARD MEMBER ZANE: Mr. Chairman?

16 BOARD MEMBER NADEAU: I won't accept that as an  
17 amendment to my motion.

18 BOARD MEMBER PUTNAM: No.

19 BOARD MEMBER NADEAU: But, I think, we could  
20 probably direct staff to verify, verify the dates on  
21 those in some fashion other than just from an employer.  
22 If that's what you're --

23 BOARD MEMBER PUTNAM: That's what I'd like to  
24 see done, yes.

25 BOARD MEMBER NADEAU: But I won't accept an

1 amendment to my motion. Okay. But I --

2 BOARD MEMBER PUTNAM: Will you take the  
3 amendment that the staff do this?

4 BOARD MEMBER NADEAU: So what I'm saying is I  
5 won't accept an amendment to my motion. But whether the  
6 motion passes or not, direction to staff would be, could  
7 be appropriate, but not as part of the motion.

8 BOARD MEMBER PUTNAM: Okay.

9 MR. WARD: May it please, Mr. Chairman, I  
10 think, what the Board is, basically, saying, or from I  
11 what I can understand, two motions might be appropriate  
12 in this matter. And, I guess, that would be my  
13 suggestion. If a motion is made to approve or not  
14 approve and suspend, that would be one motion. But then  
15 I'll recommend to the Board, no matter what the outcome,  
16 if a member wants to make a motion directing staff to  
17 look further into it, the Board can make that motion,  
18 also.

19 So that way, you will clearly have two  
20 different motions that could be enacted on by the Board.

21 BOARD MEMBER NADEAU: And, I guess, my question  
22 for staff, aside from going to a fingerprint -- or  
23 excuse me -- signature analysis or that type of thing,  
24 is there any way of verifying any of these dates?

25 MS. RAY: And, Mr. Chairman, I believe,

1 Investigator Whatley has verified that information based  
2 on the date the class was taken.

3 MS. WHATLEY: Mr. Chairman, if I may. So the  
4 date on the white card is consistent with the date being  
5 12, not 11. We initially had not received the  
6 information from the certified firearms instructor at  
7 the time this came through our office, but we have since  
8 received her paperwork as well.

9 So I feel confident that the 12 is correct.  
10 Now, it could have been an old form that they used  
11 and -- but I don't feel it was used for this particular  
12 person. Because it looks like perhaps that could be a  
13 different date. But I don't think there's -- with this  
14 particular person, Mr. Krieger, that there is an issue  
15 with it being 2011.

16 BOARD MEMBER NADEAU: Because you've been able  
17 to verify that he attended the training from the  
18 training, from the firearms trainer?

19 MS. WHATLEY: Yes.

20 BOARD MEMBER NADEAU: That's --

21 BOARD MEMBER PUTNAM: Okay. Well, that takes  
22 cares of it, then.

23 MS. WHATLEY: Okay.

24 BOARD CHAIRMAN SPENCER: Mr. --

25 MR. TAYLOR: Yes?

1 BOARD MEMBER PUTNAM: Then, I'll apologize to  
2 you gentlemen for saying that.

3 MR. TAYLOR: Thank you.

4 BOARD MEMBER PUTNAM: It's been verified that  
5 the training did occur when it was supposed to occur.  
6 And that's fine.

7 MR. TAYLOR: Yes, sir. But I'm sure I never  
8 met him in 2011.

9 BOARD CHAIRMAN SPENCER: Okay.

10 BOARD MEMBER NADEAU: Okay. So I'll repeat my  
11 motion. My motion is that we sustain the suspension but  
12 stay it for one year, at which time, if there's no  
13 additional issue, then the suspension will be removed.  
14 Or the -- yeah, I think.

15 BOARD MEMBER PUTNAM: Second.

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

18 (Board members said "aye.")

19 Carries. Opposed?

20 No. All right. Do you understand that,  
21 Mr. Krieger?

22 MR. KRIEGER: Yes, sir. Thank you very much.

23 BOARD CHAIRMAN SPENCER: Go to work.

24 MR. KRIEGER: I am. Thank you, guys.

25 BOARD CHAIRMAN SPENCER: All right. Jazmin

1 Ferrigno.

2 MS. FERRIGNO: Good afternoon, gentlemen.

3 BOARD CHAIRMAN SPENCER: Good afternoon. How  
4 are you?

5 MS. FERRIGNO: I'm good, sir. And yourself?

6 BOARD CHAIRMAN SPENCER: Not too bad. Not too  
7 bad.

8 MS. FERRIGNO: Yeah.

9 BOARD CHAIRMAN SPENCER: Just old.

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

11 MS. RAY: Mr. Chairman, this is another  
12 situation where Ms. Ferrigno -- we were provided  
13 paperwork from the Las Vegas Visitors and Convention  
14 Authority with a permanent trespass order against  
15 Mrs. Ferrigno for, I believe, grand larceny.

16 BOARD CHAIRMAN SPENCER: All right.  
17 Ms. Ferrigno?

18 MS. FERRIGNO: Yes, sir?

19 BOARD CHAIRMAN SPENCER: What was it that you  
20 were accused of taking?

21 MS. FERRIGNO: A laptop, sir.

22 BOARD CHAIRMAN SPENCER: A laptop?

23 MS. FERRIGNO: \$600, yes. I bought it from  
24 someone, but it was stolen.

25 BOARD CHAIRMAN SPENCER: Oh, you bought it from



1 someone else?

2 MS. FERRIGNO: I bought it from someone else,  
3 and it was stolen.

4 BOARD CHAIRMAN SPENCER: Where did you buy it?

5 MS. FERRIGNO: Inside the convention center.

6 BOARD CHAIRMAN SPENCER: Was it somebody who  
7 works there?

8 MS. FERRIGNO: Yes, it was one of the workers.

9 BOARD CHAIRMAN SPENCER: How much did you pay  
10 for it?

11 MS. FERRIGNO: \$50.

12 BOARD CHAIRMAN SPENCER: Oh. \$50 bucks for one  
13 of those. Such a low price didn't give you a clue that  
14 it might be stolen?

15 MS. FERRIGNO: Yes, sir, I thought about it.

16 BOARD CHAIRMAN SPENCER: Okay. Board  
17 questions?

18 BOARD MEMBER NADEAU: Were there any criminal  
19 charges? I didn't see that in here.

20 MS. RAY: It doesn't look like it.

21 BOARD MEMBER NADEAU: I didn't see it.

22 BOARD MEMBER PUTNAM: I have a question.

23 Ma'am, did -- do you know the name of the person who  
24 sold it to you?

25 MS. FERRIGNO: Yes; Mr. Ramirez.

1 BOARD MEMBER PUTNAM: And you reported this to  
2 the people who made the complaint against you?

3 MS. FERRIGNO: Yes, sir.

4 BOARD MEMBER PUTNAM: Has anything happened to  
5 him?

6 MS. FERRIGNO: No, sir. They couldn't find  
7 him. He's a day worker.

8 BOARD MEMBER PUTNAM: So you bought it from the  
9 day worker. Again, it's worth, what, how much, \$4,000,  
10 and you bought it?

11 MS. FERRIGNO: No, sir. No, sir. It was only  
12 690.

13 BOARD MEMBER PUTNAM: I'm sorry?

14 MS. FERRIGNO: It was 690.

15 BOARD MEMBER PUTNAM: Okay. 690. You bought  
16 it for \$50 from a day worker?

17 MS. FERRIGNO: Yes, sir.

18 BOARD MEMBER PUTNAM: Did you do more than just  
19 think about the fact that it might have been stolen?

20 MS. FERRIGNO: No, sir, I didn't.

21 BOARD CHAIRMAN SPENCER: Did you also have  
22 something to do with a lighting mixture, mixer console?

23 MS. FERRIGNO: Yes, that was in the same thing  
24 where the computer was. I returned that.

25 BOARD CHAIRMAN SPENCER: Before or after they

1 got you?

2 MS. FERRIGNO: Before.

3 BOARD CHAIRMAN SPENCER: Board questions?

4 Anybody have any questions? Robert?

5 MR. UITHOVEN: No.

6 BOARD MEMBER NADEAU: No.

7 BOARD CHAIRMAN SPENCER: Mark, do you have any  
8 questions?

9 BOARD MEMBER ZANE: Can I have a minute,  
10 please?

11 BOARD CHAIRMAN SPENCER: Certainly.

12 BOARD MEMBER PUTNAM: Ma'am, I have another  
13 question. We have a report here --

14 MS. FERRIGNO: Yes, sir.

15 BOARD MEMBER PUTNAM: -- that says you admitted  
16 taking the bag. Is that true?

17 MS. FERRIGNO: Yes, sir.

18 BOARD MEMBER PUTNAM: You admitted taking it?

19 MS. FERRIGNO: Yes, sir, from the gentleman  
20 that sold it to me.

21 BOARD MEMBER PUTNAM: And then you went on to  
22 say that you -- she met a man in a red car and passed  
23 the bag to him. And the bag, in fact, was retrieved  
24 from your home. Is that correct?

25 MS. FERRIGNO: That is correct.

1 BOARD MEMBER PUTNAM: Uh-huh (affirmative).

2 But you did, in fact, take the bag yourself, correct?

3 MS. FERRIGNO: Right.

4 BOARD MEMBER PUTNAM: Well, how -- I'm having  
5 trouble putting that together with saying that you paid  
6 somebody for it, but you're the one that took it. I  
7 mean --

8 MS. FERRIGNO: Yes, sir, I paid for -- go  
9 ahead.

10 BOARD MEMBER PUTNAM: No, I mean because either  
11 you paid somebody for it, or you took it. And which,  
12 which do we go with here?

13 MS. FERRIGNO: No, I paid somebody, and then I  
14 took it out, and that's when I came up on video.

15 BOARD MEMBER PUTNAM: So the person that sold  
16 it to you didn't hand you this but just told you where  
17 to go get it?

18 MS. FERRIGNO: Yes, sir.

19 BOARD MEMBER PUTNAM: Okay. What happened to  
20 this as far as the police are concerned; were you ever  
21 charged with --

22 MS. FERRIGNO: Excuse?

23 BOARD MEMBER PUTNAM: Were you ever charged  
24 with stealing it?

25 MS. FERRIGNO: I was charged with a misdemeanor

1 theft.

2 BOARD MEMBER PUTNAM: And what happened to  
3 those charges; were you convicted?

4 MS. FERRIGNO: They -- I have to go back to  
5 court in February.

6 BOARD MEMBER PUTNAM: So it's still pending?

7 MS. FERRIGNO: It's still pending.

8 BOARD MEMBER PUTNAM: Thank you.

9 MS. FERRIGNO: Thank you.

10 BOARD CHAIRMAN SPENCER: I'll entertain a  
11 motion.

12 BOARD MEMBER UITHOVEN: Mr. Chair, I move that  
13 the Board upholds the suspended -- the suspension for  
14 Ms. Ferrigno.

15 BOARD MEMBER PUTNAM: Second.

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

18 (Board members said "aye.")

19 Opposed?

20 We're going to maintain the suspension, Mr. --  
21 Ms. Jazmin, because, you know, it's still pending in the  
22 court system and --

23 MS. FERRIGNO: Yes, sir.

24 BOARD CHAIRMAN SPENCER: And if you're cleared  
25 in that action, then you want to come back and see us.

1 MS. FERRIGNO: Okay. Thank you, sir.

2 BOARD CHAIRMAN SPENCER: Thank you.

3 MS. FERRIGNO: Bye-bye now.

4 BOARD CHAIRMAN SPENCER: Sean Seaman.

5 MS. RAY: No, Yuri Hernandez.

6 BOARD CHAIRMAN SPENCER: Oh, I didn't see that  
7 one marked.

8 MS. RAY: She's right here.

9 BOARD CHAIRMAN SPENCER: Oh. Okay. Yuri  
10 Hernandez.

11 MS. HERNANDEZ: Yes, sir.

12 BOARD CHAIRMAN SPENCER: Yuri -- oh, you're  
13 Yuri.

14 MS. HERNANDEZ: Yes.

15 BOARD CHAIRMAN SPENCER: Oh, excuse me. Come  
16 on up.

17 Okay. Are you aware of why you were -- or wait  
18 a minute. Why were you suspended?

19 MS. HERNANDEZ: Because I got arrested, and I  
20 notified my employer, and my employer notified you guys  
21 about my arrest. I was facing felony charges, but they  
22 were dropped. And now it's a misdemeanor. No, I'm  
23 sorry. I'm facing a gross misdemeanor for insulting a  
24 police officer.

25 BOARD CHAIRMAN SPENCER: For assaulting a

1 police officer?

2 MS. HERNANDEZ: I cursed at her. I was out at  
3 the bar with a friend. I was going through a divorce.  
4 And I had a little too much to drink. And I cursed at a  
5 police officer.

6 BOARD CHAIRMAN SPENCER: That's what you're  
7 being charged with?

8 MS. HERNANDEZ: They're looking at it as  
9 intimidation to a peace officer.

10 BOARD MEMBER PUTNAM: And these charges are  
11 still pending?

12 MS. HERNANDEZ: Yes, sir.

13 BOARD MEMBER NADEAU: And they're in Mineral  
14 County?

15 BOARD MEMBER PUTNAM: Do you have a trial date?

16 MS. HERNANDEZ: The next trial is September  
17 19th, next week.

18 BOARD MEMBER NADEAU: And it's in Mineral  
19 County?

20 MS. HERNANDEZ: Yes.

21 BOARD CHAIRMAN SPENCER: Would we be best  
22 served if we postpone this until the next meeting? Now,  
23 but you live here?

24 MS. HERNANDEZ: Do I live here?

25 BOARD CHAIRMAN SPENCER: I mean you live in

1 Mineral County?

2 MS. HERNANDEZ: Yes. I live in Hawthorne.

3 BOARD CHAIRMAN SPENCER: Okay. I don't know.

4 Board questions?

5 Again, what are the charges against you?

6 MS. HERNANDEZ: It's a gross misdemeanor right  
7 now. And my public defender is trying to work on a  
8 gross -- I mean a misdemeanor, just drunk and  
9 disorderly, and do some AA meetings, because I was  
10 arrested while drinking. So it won't -- I won't know  
11 until next week, September 19th, the outcome of it.

12 BOARD CHAIRMAN SPENCER: Have you ever been  
13 arrested before?

14 MS. HERNANDEZ: Yes, in Havasu, 2005. And  
15 another time, I'm not sure what it was.

16 BOARD CHAIRMAN SPENCER: What's the Board's  
17 flavor?

18 MS. HERNANDEZ: Excuse me?

19 BOARD CHAIRMAN SPENCER: Oh, I'm just --

20 MS. HERNANDEZ: Okay.

21 BOARD CHAIRMAN SPENCER: -- asking if the Board  
22 has any questions.

23 Mark, do you have any questions?

24 BOARD MEMBER ZANE: The arrest was a felony,  
25 correct?



1 MS. HERNANDEZ: It was a felony. The felony  
2 was dropped. It's a gross, a gross misdemeanor now.  
3 And they're trying to -- my public defender is trying to  
4 work on getting it a drunk and disorderly and AA  
5 classes, because I was arrested while drinking. But I  
6 won't know the outcome, whether it will be a gross or  
7 whether it will be a disorderly conduct misdemeanor,  
8 until next week, September 19th.

9 BOARD MEMBER PUTNAM: Was there -- pardon me.  
10 Was there a weapon involved in this assault?

11 MS. HERNANDEZ: Well, the felony, they said I  
12 had a beer bottle. But they didn't have any proof of  
13 that. Which I was arrested outside of the bar, because  
14 there was a fight. So they arrested me and another  
15 coworker of mine.

16 MR. WARD: Mr. Chairman, Board members, I do  
17 believe you have an investigator with an investigative  
18 report. Sometimes I feel at liberty to also remind her,  
19 that you tell the applicant that you still -- what you  
20 say is being recorded.

21 MS. HERNANDEZ: Uh-huh (affirmative).

22 MR. WARD: So what you say today can be used,  
23 theoretically, in your prosecution of your trial.

24 MS. HERNANDEZ: Okay.

25 MR. WARD: So if you had counsel, your counsel

1 may say you have the Fifth Amendment not to answer some  
2 of these questions --

3 MS. HERNANDEZ: M-hm (affirmative).

4 MR. WARD: -- concerning exactly what happened.  
5 But, anyway, I think, there is an investigator in this  
6 matter that has a report, that might be able to answer  
7 questions from the Board without, say, threatening or  
8 worrying about her Fifth Amendment right. And this way,  
9 we can get some information through the investigator and  
10 the applicant, or she can just be quiet. This way, we  
11 get some direct answers, if the Board would like to do  
12 that.

13 BOARD CHAIRMAN SPENCER: I was about to -- go  
14 ahead.

15 MS. WHATLEY: Thank you, Mr. Chairman. If I  
16 may, the original arrest was felony assault,  
17 intimidating a public -- felony assault, intimidating a  
18 public officer, a gross misdemeanor, and disorderly  
19 conduct, misdemeanor.

20 I have been in contact with the court, the  
21 district attorney's office and the court. The felony  
22 assault has been dropped. The two remaining, the two  
23 other charges are remaining, they're pending. And the  
24 next court date is September 19th.

25 BOARD CHAIRMAN SPENCER: And the two remaining

1 charges are?

2 MS. WHATLEY: Intimidating a public officer,  
3 gross misdemeanor; disorderly conduct, misdemeanor.

4 BOARD CHAIRMAN SPENCER: Okay.

5 MS. WHATLEY: And, if I may, sir. Also, we do  
6 have a copy of the criminal complaint that has been  
7 filed.

8 BOARD CHAIRMAN SPENCER: All right. Any Board  
9 questions?

10 Again, we have another situation where we have  
11 a pending case.

12 MS. WHATLEY: Mr. Chair, if I may. It should  
13 also be noted that Ms. Hernandez is an armed guard in  
14 her position.

15 BOARD CHAIRMAN SPENCER: Okay.

16 MR. WARD: May it please, Mr. Chairman, Board  
17 members, since these are not per se denial cases,  
18 they're suspensions, I believe that this Board, as long  
19 as it's not prohibited by statute, could do a  
20 suspension, stay pending outcome, or something of that  
21 nature.

22 Once again, it is up to the Board. The Board  
23 has a wide discretion on what vehicle they want to use  
24 to regulate their licensees. And as such, that's  
25 something that can be done by this Board, because it

1 does have that discretion.

2 BOARD CHAIRMAN SPENCER: Okay.

3 BOARD MEMBER PUTNAM: All right. Well,  
4 Mr. Chairman, I would like to make a motion.

5 BOARD CHAIRMAN SPENCER: Okay.

6 BOARD MEMBER PUTNAM: That the suspension of  
7 Yuri Hernandez be continued until the next regularly  
8 scheduled Board meeting, at which time the results of  
9 the hearing will be made available.

10 BOARD CHAIRMAN SPENCER: When's our next  
11 meeting?

12 MS. RAY: December. We do have a special  
13 meeting scheduled for October 31st.

14 BOARD MEMBER PUTNAM: Okay. October 31st is  
15 fine with me. Is that okay with you, October 31st, to  
16 come back after the court thing?

17 MS. HERNANDEZ: M-hm (affirmative).

18 BOARD MEMBER NADEAU: I'd second that motion.

19 BOARD CHAIRMAN SPENCER: All right. Motion and  
20 second. All in favor, signify by saying "aye."

21 (Board members said "aye.")

22 Opposed?

23 Hearing none, it carries.

24 What that means is that we're going to wait.

25 And when you finish your trial, let the Board know about

1 the outcome.

2 MS. HERNANDEZ: Okay.

3 BOARD CHAIRMAN SPENCER: And then we will  
4 notify you about the next meeting, which will be October  
5 31st.

6 MS. HERNANDEZ: Okay.

7 MR. WARD: May it please, Mr. Chair and the  
8 Board. I'd recommend that after the trial, if it's  
9 favorable to you, I would get a certified copy from the  
10 clerk and bring it to the investigators.

11 MS. HERNANDEZ: Okay.

12 MR. WARD: That's the best we can do.

13 MS. HERNANDEZ: Okay. All righty. Thank you.  
14 Thank you.

15 BOARD CHAIRMAN SPENCER: All right. Number 31,  
16 Sean Seaman.

17 Sorry about the wait there.

18 MR. SEAMAN: Not a problem. I expected it.

19 BOARD CHAIRMAN SPENCER: You've been working  
20 with an armed -- or working armed, with an unarmed work  
21 card.

22 MR. SEAMAN: Yes, I have.

23 BOARD CHAIRMAN SPENCER: Why is that?

24 MR. SEAMAN: When I finished, when I finished  
25 my initial class, I asked the instructor if I needed to

1 get anymore documentation, if -- or if I had worded it  
2 wrong, or if he misunderstood what I said. But he said  
3 I was good, and I could go to work. So I went to my  
4 job. I submitted my white card to them. And I began  
5 working at -- working my job.

6 Six months passed, and I went to go requalify.  
7 There wasn't a problem. I got requalified, submitted my  
8 white card again to my employer.

9 Another six months passed. The same thing  
10 happened. I went and requalified, got my white card  
11 again, submitted it to my employer. This, on this  
12 requalification, I went to my employer, and they had  
13 submitted some new -- new ways of paperwork. And they  
14 told me, when I went in, that I had the wrong card.  
15 They told me then and there. They directed me to go and  
16 get the proper card, go and pay my \$20 fee, get the  
17 proper card issued to me. Which that was the first time  
18 I heard that I needed to go get a new card.

19 So I immediately left my office, went there,  
20 did that, went to the Durango office here for the  
21 investigators, paid my \$20, which I have a receipt on  
22 the -- for that, on the 30th. And I got the card. And  
23 I have a new card on me now.

24 And, well, when I went to Discount Firearms to  
25 qualify, that's when the Board was notified that I

1 didn't have the proper card, because they also brought  
2 up that I didn't have the right card on me. But I --  
3 that was before. I had already gone and paid my \$20 and  
4 got my new card ordered for me.

5 I firmly -- and they also got the okay to  
6 qualify me. So I have a new white card, new  
7 qualification white card on me as well.

8 BOARD CHAIRMAN SPENCER: So you submitted your  
9 card to your employer two times, and for the third time,  
10 they got it?

11 MR. SEAMAN: Yes. I submitted a white  
12 qualification card.

13 BOARD CHAIRMAN SPENCER: Okay. Have you met  
14 all the qualifications?

15 MR. SEAMAN: Yes, I have. I did all the  
16 classes and the 12 qualifications.

17 BOARD CHAIRMAN SPENCER: Okay. Board comment,  
18 questions?

19 BOARD MEMBER PUTNAM: So I have a question or a  
20 comment.

21 BOARD CHAIRMAN SPENCER: Sure.

22 BOARD MEMBER PUTNAM: Mr. Seaman, you -- you  
23 have met all of the qualifications necessary to have an  
24 armed card, but you didn't have the card. Is that  
25 correct?

1 MR. SEAMAN: That is correct, I didn't have the  
2 actual hard card on me.

3 BOARD MEMBER PUTNAM: Right. Okay. And you  
4 thought you were doing everything you needed to do when  
5 you presented the white card to your employer on three  
6 past occasions?

7 MR. SEAMAN: Yes. Every -- every time I went  
8 and qualified as well, the -- where I went to qualify,  
9 they never asked me for an armed card. I showed them my  
10 armed card, and they went -- they never brought --  
11 nobody ever brought it to my attention. I didn't know I  
12 was in the wrong.

13 BOARD MEMBER PUTNAM: Thank you.

14 BOARD CHAIRMAN SPENCER: Any further questions?  
15 Jim?

16 BOARD MEMBER NADEAU: Mr. Chair, does staff  
17 have any comments on this as far as, I guess -- so we've  
18 been able to verify that he has been -- gone back, what,  
19 two years, if not longer, that he's qualified?

20 MS. RAY: Mr. Chair, I was under the impression  
21 that he did know and just didn't take the steps  
22 necessary to get the armed card. But it sounds like I  
23 might have not had the correct information, so.

24 BOARD MEMBER NADEAU: And does any -- is there  
25 a -- some responsibility of his employer to ensure that



1 he has the appropriate card for the appropriate  
2 assignment?

3 MS. RAY: Yes. And we talked about that. But  
4 I can't remember.

5 Tammy, do you remember who the employer was?

6 MS. WHATLEY: I spoke to the employer. One  
7 moment.

8 MS. RAY: It was a slip through the cracks.  
9 That's what it was. Oh, yes, now I remember.

10 MS. WHATLEY: Okay.

11 MS. RAY: They are fully aware of it. And it's  
12 been corrected on everyone's end. But, like I said --

13 BOARD MEMBER NADEAU: Okay.

14 MS. RAY: -- it probably wouldn't even be here,  
15 except that I was under the impression that it was just  
16 something that was ignored.

17 BOARD MEMBER NADEAU: That it was intentional,  
18 it was intention and not ignored?

19 MS. RAY: Yes, and it does not appear to be the  
20 case.

21 BOARD MEMBER NADEAU: Thank you.

22 Thank you, Mr. Chair.

23 BOARD CHAIRMAN SPENCER: I'll entertain a  
24 motion.

25 BOARD MEMBER PUTNAM: Mr. Chairman, I have a

1 motion. It's my motion that the -- Mr. Seaman be  
2 allowed to keep registration and move on with an armed  
3 registration card, and that suspension be suspended.

4 MS. RAY: Lifted.

5 BOARD CHAIRMAN SPENCER: Do I have a second?

6 BOARD MEMBER NADEAU: I'll second.

7 BOARD CHAIRMAN SPENCER: I have a motion and a  
8 second. Any discussion on the motion?

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

10 (Board members said "aye.")

11 Opposed?

12 You got the go-ahead. So go ahead.

13 MR. SEAMAN: I'm good?

14 BOARD MEMBER ZANE: You're good.

15 MR. SEAMAN: Thank you. You have a nice day.

16 Thank you.

17 BOARD MEMBER NADEAU: Mr. Chair, would you  
18 accept another motion?

19 BOARD CHAIRMAN SPENCER: Certainly.

20 BOARD MEMBER NADEAU: I would move that --

21 MS. RAY: The -- can I interrupt. If you're  
22 going to go through the agenda, can we verify that  
23 proper --

24 BOARD MEMBER NADEAU: Notification?

25 MS. RAY: Yes.

1 BOARD MEMBER ZANE: Well, if you're going to,  
2 if you're going to run through all of those, I'd have --  
3 I have one particular item on one particular agenda.

4 MS. RAY: I have a couple of -- do you want to  
5 go first, Board Member Zane?

6 BOARD MEMBER ZANE: It doesn't matter. I just  
7 didn't want to leave the room without. I need, I need  
8 to make a public disclosure of a conflict of interest on  
9 item number 15.

10 BOARD MEMBER NADEAU: I was going to just make  
11 a motion that we continue that to our next scheduled  
12 Board meeting.

13 MS. RAY: On all of them?

14 BOARD MEMBER NADEAU: No, on item number 15.

15 MS. RAY: Oh, okay. Okay. Perfect.

16 BOARD MEMBER NADEAU: Because, because of the  
17 letter from counsel, I thought it would be appropriate  
18 to for us to go ahead and continue that one until our  
19 December meeting.

20 BOARD MEMBER PUTNAM: Yes.

21 MS. RAY: Okay. I was -- I thought you were  
22 going to go through and --

23 BOARD MEMBER NADEAU: Well, I was, that, too.  
24 I was going to do that.

25 BOARD MEMBER PUTNAM: I second your motion.

1 MS. RAY: Okay.

2 BOARD CHAIRMAN SPENCER: All in favor, signify  
3 by?

4 (Board members said "aye.")

5 Opposed?

6 BOARD MEMBER PUTNAM: Does that take care of  
7 your disclosure, Mark?

8 BOARD MEMBER ZANE: No. I think, by statute, I  
9 have to make it grander, I believe. I think, it would  
10 be a good, counsel, that -- my reading of the ethics  
11 statute says that I have to make it and disclose the  
12 reasons behind the conflict.

13 MR. WARD: May it please, Mr. Chairman, Board  
14 members. That is correct, but I don't think you have to  
15 make that right now just to vote for a continuance. I  
16 don't even know if you did vote for the continuance.

17 But my recommendation would be, when it is  
18 brought up, and action is taken, through action, that  
19 you make that disclosure. And if you want to, you can  
20 make the disclosure now and then, once again, when the  
21 action is brought up in open meeting.

22 BOARD MEMBER ZANE: Whatever you think is the  
23 best and most appropriate so that the ethics commission  
24 doesn't slam me.

25 MR. WARD: What would be most appropriate would

1 be when it is brought up for action in a hearing or a  
2 decision on the itemized matter. Because, right now, it  
3 has only been continued till December. So my  
4 recommendation would be, in December, to once again take  
5 that, or to make your -- make everything in the record,  
6 put everything in the record, your disclosure.

7 BOARD MEMBER ZANE: Thank you.

8 MR. WARD: You're welcome.

9 BOARD CHAIRMAN SPENCER: Is there any further  
10 Board comment?

11 MS. RAY: Mr. Chairman, Board, I mean item  
12 number 24, if it can also be continued. We received an  
13 e-mail from his spouse that he had a health -- a very  
14 serious health issue last night. So.

15 BOARD MEMBER PUTNAM: So moved.

16 BOARD MEMBER UITHOVEN: Second.

17 BOARD CHAIRMAN SPENCER: All in favor, signify  
18 by saying "aye."

19 (Board members said "aye.")

20 Opposed?

21 It happened.

22 Anything else?

23 MS. RAY: Let me just verify notification on --  
24 let's see. Item number 10, his return receipt is signed  
25 and received.

1 Item number 12, we have the return receipt.

2 Item number 13, we have the return receipt.

3 We do not have a return receipt on item number

4 20. We have proof of mailing, but not the actual --

5 BOARD MEMBER NADEAU: Move to continue.

6 BOARD MEMBER UITHOVEN: Second.

7 BOARD CHAIRMAN SPENCER: Motion and second to

8 continue. All in favor?

9 (Board members said "aye.")

10 Passed. Opposed?

11 MR. WARD: And just for the record,

12 Mr. Chairman, that's number 20 that we continued till

13 December?

14 MS. RAY: Yes.

15 Item number 23, we have proof of mailing but  
16 not proof of service.

17 BOARD MEMBER PUTNAM: I move that item 23 be  
18 continued till the next meeting.

19 BOARD MEMBER UITHOVEN: Second.

20 BOARD CHAIRMAN SPENCER: All in favor, signify.

21 (Board members said "aye.")

22 Opposed?

23 MS. RAY: I believe, that covers -- and, I  
24 believe, that covers all of them.

25 BOARD MEMBER NADEAU: 24?

1 MS. RAY: You already moved to continue due to  
2 a health issue.

3 BOARD MEMBER NADEAU: Got you. 27?

4 MS. RAY: I thought you took action on it.

5 BOARD CHAIRMAN SPENCER: We did.

6 BOARD MEMBER PUTNAM: We upheld it.

7 BOARD MEMBER NADEAU: Oh, okay.

8 MS. RAY: I believe, he walked without when I  
9 was reading his criminal history. He just walked out.

10 BOARD MEMBER UITHOVEN: So we upheld the  
11 suspension on 27.

12 BOARD MEMBER NADEAU: Okay. Then, we also --  
13 what did we do on 11?

14 MS. RAY: 11, we have -- oh, you overturned it.

15 BOARD MEMBER NADEAU: Got you. Thank you.

16 MS. RAY: So 10, 12 and 13 that we do have  
17 proof of service.

18 BOARD MEMBER NADEAU: Mr. Chair, I'd move that  
19 we uphold the denials on number 10, Nicholas Smith;  
20 number 12, Marian Williams; number 13, Mr. Bil Woodson.

21 BOARD MEMBER UITHOVEN: Second.

22 BOARD CHAIRMAN SPENCER: Motion and a second to  
23 uphold. All in favor, signify by saying "aye."

24 (Board members said "aye.")

25 Opposed?

1           Hearing none, it carries.

2           Do we have anything else?

3           Future agenda items.

4           BOARD MEMBER PUTNAM: No, Board comments and  
5 discussion.

6           BOARD CHAIRMAN SPENCER: Oh, Board comments and  
7 discussion, yeah.

8           BOARD MEMBER NADEAU: Mr. Chair, under item 32.

9           BOARD CHAIRMAN SPENCER: Yeah.

10          BOARD MEMBER NADEAU: Mechele, thank you. It's  
11 been fun.

12          MS. RAY: It has.

13          BOARD MEMBER NADEAU: It's been a great ride.

14          BOARD CHAIRMAN SPENCER: Thank you.

15          BOARD MEMBER NADEAU: We -- just enjoy  
16 retirement.

17          MS. RAY: Thank you.

18          (A gift was given to Ms. Ray.)

19          BOARD CHAIRMAN SPENCER: Don't drink any wine.

20          MS. RAY: I won't drink from the bottle.

21          MR. WARD: Just for the record, I think, she  
22 was -- she was sworn in today. Just for the record.  
23 Thank you.

24          MS. RAY: Thank you. No, thank you all for all  
25 your support. And I couldn't have done this job without



1 all of you and everybody in the office. And it's just  
2 been -- it's been a great ride.

3 I received an e-mail from a licensee that says  
4 it's been a pleasure watching me grow up. So that  
5 means, gosh, I really have been here a long time. So.

6 BOARD CHAIRMAN SPENCER: How many years?

7 MS. RAY: 21.

8 BOARD MEMBER NADEAU: But 30 in the system?

9 MS. RAY: Yes. Thank you. Thank you all.

10 BOARD MEMBER PUTNAM: Well, I have a question  
11 for staff. When are we finally going to get reimbursed  
12 for all of the past meetings and expenses?

13 MS. RAY: If you have not received it, then  
14 there's a problem. Because you should have. You should  
15 have received a large check maybe a month ago.

16 BOARD MEMBER PUTNAM: I got a check for 425  
17 bucks.

18 MS. RAY: Okay.

19 BOARD MEMBER PUTNAM: Period.

20 MS. RAY: Okay. Does it tell you which  
21 meetings?

22 BOARD MEMBER PUTNAM: No.

23 BOARD MEMBER UITHOVEN: Could we get a  
24 breakdown of that; maybe just send it to us so we could  
25 just look at that? I did get the check as well, but

1 it's difficult for me to go back and see what exactly  
2 that applied to. So.

3 MS. RAY: And if you're absent, you don't  
4 get --

5 BOARD MEMBER UITHOVEN: Right.

6 MS. RAY: Okay. I'll go back a year and make  
7 copies of those and provide them to you so you can kind  
8 of see them.

9 BOARD MEMBER PUTNAM: Because I also haven't  
10 gotten a claim for mileage and this kind of thing for at  
11 lest a month, two months maybe.

12 MS. CHRISTENSEN: That's --

13 MS. RAY: Okay. Okay. We've been busy.

14 BOARD MEMBER PUTNAM: Oh, I know.

15 MS. CHRISTENSEN: And that, that is completely  
16 my fault. I just -- I just haven't done it.

17 MS. RAY: So you'll get -- you should be  
18 getting a travel expense for whatever, the last few  
19 meetings, for your mileage.

20 MS. CHRISTENSEN: And I meant to bring them  
21 today so I could get you guys's signatures, and I just  
22 plain ran out of time and didn't get them all typed.

23 BOARD MEMBER PUTNAM: A check for 900.

24 MS. RAY: Well, you should -- well, I -- you  
25 should have had March and June. Okay. That, you should

1 have already got March and June. And then whatever  
2 special meetings we've had beginning July 1, you  
3 probably haven't gotten anything for. And that is  
4 something that we're going to do before I leave  
5 tomorrow. So.

6 BOARD MEMBER PUTNAM: Okay.

7 MS. RAY: And that would be, what, July 30th,  
8 August 15th, yesterday and today, I think. But I'll  
9 double-check the dates.

10 BOARD MEMBER NADEAU: And if you give them an  
11 electronic signature, it goes really quick.

12 MS. RAY: Yes. If Kim has a form on file for  
13 you, then you wouldn't be waiting. She would just take  
14 care of it and submit it. So something to consider.

15 BOARD MEMBER PUTNAM: All right. I don't know  
16 how to do them.

17 BOARD MEMBER ZANE: I pay my wife to do that.

18 BOARD CHAIRMAN SPENCER: Future agenda items?  
19 Public comment?

20 MS. RAY: Mr. Chairman?

21 BOARD MEMBER ZANE: Nobody here.

22 MS. RAY: Could I just ask a question? The  
23 last four items that we had on the agenda -- and I  
24 appreciate the comment of Board Member Nadeau. Because  
25 we've struggled with this. We do receive information on

1 our registration, or registered employees. And, you  
2 know, because we've changed the system, and this is  
3 their credentials, it kind of makes them a little bit  
4 more accountable when there's -- they've done something,  
5 and come before you, and, you know, kind of talk about  
6 it, and make a determination if it's something that, you  
7 know, should prevent them from working in the industry.

8           And I just -- that's -- would you prefer we do  
9 a written reprimand first, or depending on the nature,  
10 kind of, we have discretion, if you thought this was a  
11 good idea or -- and, I think, you know, we've talked  
12 about heading in a direction where there's perhaps a  
13 hearings officer. I know Board Member Zane has raised  
14 that previously.

15           And I did do some research, Mark, on that  
16 issue. But the agency that -- the Nevada agency that  
17 does that, it's specific to only a couple of state  
18 agencies; I think, workers' comp and -- I can't remember  
19 the other one. But I thought it was an agency that  
20 other state agencies could go to and utilize a hearings  
21 officer for matters to hear; and then, if that was  
22 appealed -- if the individual wanted to appeal it one  
23 step further, then it would come to the Board. But that  
24 option is not available. That agency isn't for that  
25 purpose.

1           And Harry is going to look into our statute and  
2 advise you at a future meeting what our options are in  
3 order to do that. So that maybe your time doesn't need  
4 to be spent here listening to all of those and just  
5 simply the ones that come for an appeal.

6           But, anyway, I kind of segue that in two  
7 questions. First of all, the last four that you heard  
8 today, and then the appeal issues overall. And what, do  
9 you want an appeals officer, if we do have the authority  
10 to do that or name somebody? I mean it could be one of  
11 you, just, you know, one member of the Board to be the  
12 first level of appeal. At least when I read it. Harry  
13 might disagree with me.

14           MR. WARD: I will look into it. I think, other  
15 boards have something similar where they have someone.  
16 Naturally, that person would not -- if it is appealed,  
17 they would have to recuse themselves from the second  
18 level, because they've already made the determination in  
19 the first level.

20           But I will definitely look into that. It might  
21 help alleviate the big, long agenda items that consume a  
22 lot of time. As well as the idea about putting stuff,  
23 more information on the website as far as what could be  
24 possible disqualifiers under the statute or the definite  
25 disqualifiers in regards to licensure.

1           And, I guess, going back to the last four on  
2 the docket, I think, I've had a few questions from the  
3 Executive Director. And I would continue to recommend  
4 to them, to staff, if you have a question about  
5 something, because the Board is here to protect the  
6 public, you let the Board make that determination.

7           BOARD MEMBER NADEAU: I thought, I thought  
8 the -- those, those items were appropriate for our  
9 consideration.

10          BOARD MEMBER PUTNAM: Yeah.

11          BOARD MEMBER NADEAU: Yeah, I thought they were  
12 appropriate.

13          MS. RAY: And that will help, you know, give  
14 Kevin some direction in the future.

15          BOARD MEMBER NADEAU: I guess, the only  
16 suggestion I would make is that we -- that when it's  
17 similar, like number 31, where the employer has a  
18 certain responsibility, it would seem to me that the  
19 employer should be -- should also have to explain why  
20 they didn't -- they didn't catch it. And I would  
21 like -- that would have helped me, that explanation  
22 would have helped me make that determination.

23                 But the ultimate responsibility, in my, you  
24 know -- without hearing their side, was that they should  
25 have -- you know, they should have been there to help

1 him out, because he was kind of hitting out there on  
2 the -- but, regardless.

3 MS. RAY: Potentially, we could have had both  
4 of them on the agenda. And we did talk about that.

5 MS. WHATLEY: Yeah.

6 BOARD MEMBER NADEAU: I think, there's other  
7 Board staff required when -- when an individual is  
8 working for a company, that the equivalent to our  
9 qualified agent, qualified agent has to, has to come in  
10 and testify to what their piece of the responsibility  
11 was.

12 MR. WARD: Mr. Chairman, Board members, you are  
13 correct. When I represent the real estate board, or  
14 when I prosecute before the real estate, usually the  
15 broker comes in if the salesperson is in trouble, and  
16 they're required to come in, who would be the supervisor  
17 of that person.

18 BOARD MEMBER NADEAU: Sure.

19 MR. WARD: So that is not unusual for other  
20 boards to require that.

21 BOARD MEMBER PUTNAM: M-hm (affirmative).

22 BOARD MEMBER NADEAU: But that might be  
23 something that we require. You might have to change  
24 regs in order to implement that kind of a piece.

25 BOARD CHAIRMAN SPENCER: Entertain a motion.

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BOARD MEMBER NADEAU: Move to adjourn.

BOARD MEMBER UITHOVEN: Second.

BOARD MEMBER PUTNAM: Second.

BOARD CHAIRMAN SPENCER: All in favor?

(Board members said "aye.")

\* \* \* \* \*

(The meeting adjourned at 2:34 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, September 13, 2012, at 9:00 a.m., and commencing at 9:18 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 217, 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 8th day of November, 2012.

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SHANNON L. TAYLOR  
Nevada CCR #322, RMR