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

Thursday, December 6, 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

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A P P E A R A N C E S

Board Members Present:

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

Also: Kevin Ingram (Las Vegas)
Executive Director

Harry B. Ward
Deputy Attorney General
Prosecutor/Board Counsel

Tammy Whatley
Investigator

Brandi King
Investigative Assistant

Kimberly Christensen (Las Vegas)
Investigative Assistant

Other Participants in Carson City:

Dan R. Reaser, Attorney at Law
Lionel Sawyer & Collins

Justin Gray

Other Participants in Las Vegas:

Mike Kirkman
Nevada Society of Professional Investigators

Ryan Clay
Derrick Holloway
Berryon Saunders
Armando Peredes

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1 CARSON CITY, NEVADA, THURSDAY, DECEMBER 6, 2012,

2 9:00 A.M.

3 -oOo-

4 BOARD CHAIRMAN SPENCER: Let's start the
5 meeting. This is the second day of the final quarterly
6 meeting for 2012.

7 Roll call, please.

8 MR. INGRAM: Yeah. Board Member Putnam?

9 BOARD MEMBER PUTNAM: Here.

10 MR. INGRAM: Board Member Uithoven?

11 BOARD MEMBER UITHOVEN: Here.

12 MR. INGRAM: Board Member Nadeau?

13 BOARD MEMBER NADEAU: Here.

14 MR. INGRAM: Board Member Zane?

15 BOARD MEMBER ZANE: Here.

16 MR. INGRAM: And Chairman Spencer?

17 BOARD CHAIRMAN SPENCER: Here.

18 Anyone who will give testimony today before the
19 Board is asked to rise and be sworn in.

20 MR. WARD: Please stand and raise your right
21 hands.

22 BOARD CHAIRMAN SPENCER: Wait just a second.
23 We have more just coming in the door.

24 MR. WARD: Okay.

25 (There was a moment off the record.)

1 BOARD CHAIRMAN SPENCER: Okay. Hit it.

2 MR. WARD: Please stand and raise your right
3 hands. Do you solemnly swear or affirm that you will
4 tell the truth, the whole truth and nothing but the
5 truth, so help you god?

6 (Potential witnesses were sworn.)

7 BOARD CHAIRMAN SPENCER: Thank you.

8 As we have done, we've set aside time at the
9 beginning of our meetings now and the end for any public
10 comment.

11 So is there any public comment in Carson?

12 BOARD MEMBER NADEAU: See none.

13 BOARD CHAIRMAN SPENCER: And anybody wants,
14 wish to speak to the Board about anything other than
15 what you're here for?

16 All right. First of all, I'd like to take
17 number four, National Transportation Services, Inc.

18 And --

19 MR. INGRAM: Mr. Chairman, that, they've
20 requested a postponement until the next meeting.

21 BOARD CHAIRMAN SPENCER: Oh, okay.

22 All in favor of a -- I'll need a motion to that
23 effect. Why don't you do that, Mark.

24 BOARD MEMBER ZANE: I'll move that we postpone
25 the matter, agenda item number four, National

1 Transportation Services, Inc., unlicensed activity
2 appeal hearing, to the meeting in March.

3 BOARD MEMBER UITHOVEN: Second.

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

6 BOARD MEMBER PUTNAM: Mr. Chairman?

7 BOARD CHAIRMAN SPENCER: Yes?

8 BOARD MEMBER PUTNAM: I have a question.

9 BOARD CHAIRMAN SPENCER: All right.

10 BOARD MEMBER PUTNAM: Why was this postponement
11 requested?

12 MR. INGRAM: The postponement was requested due
13 to a conflict with the attorney's schedule. This is the
14 second time this has been postponed. So in follow-up to
15 this meeting, I will be notifying them that their final
16 date will be the March meeting, and we will not extend
17 it any time beyond that.

18 BOARD MEMBER PUTNAM: Thank you.

19 BOARD CHAIRMAN SPENCER: All in favor, signify
20 by saying "aye."

21 (Board members said "aye.")

22 BOARD CHAIRMAN SPENCER: Opposed?

23 The motion carries.

24 Secondly, under Appeal of Notice of Violation,
25 US Investigations Services.

1 MR. WARD: If I may, Mr. Chair. Harry Ward,
2 for the record, Deputy Attorney General.

3 I have also another Board, I'm sorry, counsel
4 for the Board, if this Board wishes another DAG, that
5 could sit in as Board counsel. I don't know if the
6 Board wishes to have an additional counsel as Board
7 counsel. Because I will be participating in the next
8 matter.

9 But since I know where we're going with the
10 next matter, I don't think there's going to be more, any
11 kind of argument. I don't anticipate this Board needing
12 Board counsel and, thus, additional billable hours.
13 It's up to the Board.

14 BOARD CHAIRMAN SPENCER: Yeah. I think, that's
15 fine concerning what's going on.

16 Mr. Reaser, do you want to come forward.

17 MR. REASER: Good morning, Chairman.

18 BOARD CHAIRMAN SPENCER: Good morning. How are
19 you?

20 MR. REASER: I am well.

21 Chairman and members of the Board and staff,
22 Dan Reaser and Katie Hoffman, of Lionel Sawyer &
23 Collins, appearing on behalf of US Investigations
24 Services, LLC. And, also, for the record, with us today
25 is Keith Simmons, Vice President and Deputy General

1 Counsel from Virginia.

2 BOARD CHAIRMAN SPENCER: Okay. As you're
3 aware, the discussions with Board counsel have resulted
4 in a --

5 MR. WARD: If I --

6 BOARD CHAIRMAN SPENCER: -- request.

7 MR. WARD: If I may, Mr. Chair. Harry Ward,
8 Deputy Attorney General, for the record.

9 I have been provided an affidavit regarding the
10 employment of -- I think, it was Ms. --

11 MR. REASER: Merrell.

12 MR. WARD: -- Gretchen Merrell, which was --
13 who was on the agenda for today. And based on this
14 affidavit and the case law presented, it is my
15 suggestion to the Board that we dismiss the citation.
16 It is only a suggestion to the Board. And I would, for
17 protocol purposes, since this is an action item, I would
18 suggest to the Board to have a vote on it, to take
19 action on it.

20 As you well know, we cannot go on with a
21 hearing today, because based on my suggestion or my
22 understanding that we did dismiss any and all witnesses
23 that were subpoenaed in this matter. So in the event
24 that this Board does not dismiss this matter, it will
25 have to be continued because all of our witnesses have

1 been released.

2 BOARD CHAIRMAN SPENCER: All right.

3 MR. REASER: And, Chairman Spencer, if I might
4 also place some matters on the record --

5 BOARD CHAIRMAN SPENCER: Please.

6 MR. REASER: -- with your lead.

7 Pursuant to discussions with counsel, we would
8 ask that the record in this matter be composed of the
9 notice of violation, our motion to dismiss filed
10 December 3rd, and the affidavit that we've proffered
11 today, and which I will provide to your court reporter
12 to be marked next in order as an exhibit, of
13 Ms. Merrell.

14 The affidavit of Ms. Merrell proves up the fact
15 of her exclusive employment since she has come to Nevada
16 as a certificated and credentialed investigator for the
17 United States Office of Personnel Management and Federal
18 Investigative Services.

19 We believe that the motion to dismiss, together
20 with the affidavit, clearly establish the preemption
21 position that we have taken, and we would believe that
22 an appropriate resolution of the matter pursuant to NRS
23 233B.121, subsection 5, for disposition short of hearing
24 would be appropriate in this case, and we would ask for
25 that relief.

1 I'm happy to answer any questions.

2 BOARD CHAIRMAN SPENCER: Okay.

3 Is the Board familiar, familiar enough with the
4 case as to what the issue was?

5 You are, Jim?

6 BOARD MEMBER NADEAU: May we go ahead and
7 review the affidavit?

8 BOARD CHAIRMAN SPENCER: Certainly.

9 MR. WARD: I do have affidavits.

10 BOARD MEMBER PUTNAM: Thank you.

11 BOARD MEMBER NADEAU: Do you need copies down
12 there, or do you have copies there?

13 BOARD CHAIRMAN SPENCER: No, we have them. We
14 have it.

15 (There was a brief period off the record while
16 the Board members reviewed the affidavit.)

17 BOARD MEMBER NADEAU: Thank you, Mr. Chair.

18 BOARD CHAIRMAN SPENCER: Okay. For the benefit
19 of the Board members, hopefully to the benefit of them,
20 I'm familiar with this issue, having been associated
21 with that government. And clearly, from the documents
22 presented, this lady was not in violation of a -- did
23 not have a work card violation, because she is -- at the
24 time she does the investigations that she has done and
25 attested to here, is, in fact, a legitimate employee of

1 the United States government and carries credentials to
2 that effect.

3 She, as I said, provided this affidavit stating
4 that she has not worked any other cases. And by "any
5 other cases," I mean those that might be for a private
6 concern. Which she has the right to do under a license
7 that one of her cohorts has. Or I take that back. She
8 has her own license now.

9 MR. REASER: Correct, Mr. Chairman.

10 BOARD CHAIRMAN SPENCER: And, therefore, is not
11 in violation of the -- of the matter that was cited.

12 Any questions from the Board?

13 BOARD MEMBER PUTNAM: I have none,
14 Mr. Chairman.

15 BOARD CHAIRMAN SPENCER: I'd take a motion.

16 BOARD MEMBER ZANE: Mr. Chairman, I'd move that
17 the appeal of notice of violation of Shannon Brigger,
18 item number five on today's agenda, that this matter be
19 dismissed according to the record made here.

20 BOARD CHAIRMAN SPENCER: Do I have a second?

21 BOARD MEMBER UITHOVEN: Second.

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

24 (Board members said "aye.")

25 BOARD CHAIRMAN SPENCER: Opposed?

1 Okay, counselor.

2 MR. REASER: Thank you very much, Mr. Chairman.
3 Thank you, members of the Board.

4 BOARD CHAIRMAN SPENCER: Thank you.

5 All right. Request for registration exemption.
6 Number six, Mr. Ryan Clay. Is he present?

7 MR. INGRAM: Mr. Chairman, I do not see
8 Mr. Ryan Clay present.

9 BOARD CHAIRMAN SPENCER: All right.

10 MR. INGRAM: Can we trail it?

11 BOARD CHAIRMAN SPENCER: Yeah, let's trail it
12 for a while and see if he shows up.

13 Number seven, Justin Gray.

14 MR. GRAY: Yes, I'm here.

15 BOARD CHAIRMAN SPENCER: Okay. Good morning,
16 Mr. Gray.

17 MR. GRAY: Good morning, sir.

18 BOARD CHAIRMAN SPENCER: Can you explain,
19 explain to the Board what your request is?

20 MR. GRAY: My request is to have an exemption
21 so I can become a reserve deputy in Lyon County.
22 Currently, I'm not in an active status. I'm in a
23 reserve status, not a reserve status, but inactive
24 status. I hold a Cat. I and a Cat. III in the state of
25 Nevada, working for Andrews International Security at

1 Amazon.

2 I would like to do the reserve -- it's a
3 volunteer position, nonpaid -- to keep my certifications
4 valid, so somewhere down in the future I can go back and
5 become a street officer.

6 BOARD CHAIRMAN SPENCER: All right. Does the
7 Board have any questions of Mr. Gray?

8 BOARD MEMBER PUTNAM: I have one question.

9 BOARD MEMBER ZANE: Mr. Chairman, I have a
10 disclosure that I know Mr. Gray and am personally
11 familiar with him.

12 BOARD CHAIRMAN SPENCER: All right.

13 BOARD MEMBER ZANE: But I have no conflicts in
14 the matter.

15 BOARD CHAIRMAN SPENCER: All right.

16 BOARD MEMBER ZANE: The second issue is, as I
17 recollect, we went through this issue regarding a couple
18 of folks up in Carlin.

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

20 BOARD MEMBER ZANE: That were in a volunteer
21 capacity. And based upon the action in that particular
22 Board meeting, I was kind of, I was a little bit
23 surprised to see this on here inasmuch as I thought that
24 the Board took a position that if you're not in an
25 employment capacity, that the exemption is not

1 necessarily required.

2 BOARD CHAIRMAN SPENCER: Say that again.

3 BOARD MEMBER ZANE: I thought, in the case of
4 the -- the last time we heard a similar situation, if
5 you're not formally employed, the Board took the
6 position that the regulation that requires the exemption
7 didn't apply. Because the regulation requires that if
8 you are an employee or become employed by a law
9 enforcement agency or participate in the Public
10 Employees Retirement System, then you would need to seek
11 exemption. And that was the holding that the Board
12 voted to take in that case regarding the two people that
13 wanted the exemption in Carlin up in Elko County.

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

15 BOARD MEMBER ZANE: I believe, my vote was in
16 opposition, but with the understanding that the
17 regulation applied to employment and the lack of any
18 definition that the volunteer nature of the job
19 description fundamentally exempted that employment
20 definition.

21 BOARD CHAIRMAN SPENCER: Oh, I see. Yeah.
22 Okay.

23 BOARD MEMBER ZANE: I recall, in that
24 situation, we talked about powers and duties. And the
25 only, the only issue that was brought up, and I believe

1 rightfully under the regulation, was Member Putnam
2 indicating that employment had to be an element.

3 And I, as one, one vote, still have an issue
4 with regard to someone having Category I Peace Officer
5 powers, whether or not that power be reserve or paid,
6 being considered for exemption, due to what that person
7 is allowed independently by statute to do.

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

9 BOARD MEMBER ZANE: But the regulation that
10 they're applying for the exemption for seems to --
11 clearly that employment must be the issue.

12 So that's a concern that I have.

13 BOARD CHAIRMAN SPENCER: All right. Any more
14 questions or comments?

15 Mike.

16 MR. KIRKMAN: Mr. Chairman, Mike Kirkman,
17 Las Vegas Detectives and Nevada Society of Professional
18 Investigators.

19 We object and will continue to object to anyone
20 who is a peace officer being granted any kind of a work
21 card or license by this Board. We think there's a
22 definite conflict. And I don't know how you can, how
23 you can run away from it. It's there.

24 BOARD CHAIRMAN SPENCER: Thank you.

25 MR. KIRKMAN: It's either/or.

1 BOARD CHAIRMAN SPENCER: Any questions, further
2 comments from the Board?

3 Richard, do you have anything?

4 BOARD MEMBER PUTNAM: None here, Mr. Chairman.

5 BOARD CHAIRMAN SPENCER: Jim?

6 BOARD MEMBER NADEAU: No, I have no questions.

7 BOARD CHAIRMAN SPENCER: Okay. I, too, am
8 uncomfortable with the issue of granting the exemption
9 for fear that -- and this is not judging the -- well,
10 for fear that we're opening the floodgates to a lot of
11 different people who we have had in the past or who were
12 denied, and may have in the future. I think, it's
13 clearly in violation of our practices and what we've
14 done in the past, with that exception. I'm sorry I
15 don't recall that one.

16 Counsel, do you have any feeling on this?

17 MR. WARD: You have a question from the Board,
18 but I can speak. May it please, Harry Ward, Deputy
19 Attorney General, for the record.

20 Once again, it is up to this Board to make that
21 decision to -- on a case-by-case basis in regards to the
22 exception and restrictions in regard to NAC 648.338.

23 Once again, your duty is to protect the public.
24 I think, you have to keep that in mind. But just with
25 keeping that in mind, once again, as long as this Board

1 justifies what they do in regards to any kind of an
2 exemption, I don't see any problem with this Board
3 making these determinations on a case-by-case matter.

4 BOARD MEMBER ZANE: If I might, can I ask the
5 applicant a question?

6 BOARD CHAIRMAN SPENCER: Yes.

7 BOARD MEMBER ZANE: Mr. Gray, the -- under,
8 under NAC 289, how long do you have to being put back
9 into a category where POST does not suspend or revoke
10 your certification?

11 MR. GRAY: After one year of unemployment with
12 the police department, your certificate goes into an
13 inactive status. And then, three to four more years
14 after that, your category status gets suspended, and
15 then you have to go back through an actual academy to
16 obtain at that POST certificate.

17 POST requires that you have 24 hours a year of
18 continuous training to maintain that, such as defensive
19 tactics, use of force, like blood-born pathogens, stuff
20 like that, as long as you have 24 hours, but it has to
21 do with some type of law enforcement.

22 I've been a reserve officer before. I worked
23 at the Nevada Test Site as a security officer out there.
24 Most departments require a reserve officer to act as not
25 only a reserve officer, but an actual police officer, to

1 act as a witness in their off time. I was a highway
2 patrol here in Nevada, and that's what that department's
3 policy was.

4 The only time, like I say, the only time, only
5 if what I wanted to do is just be able to maintain the
6 training hours, I still have to pass all the backgrounds
7 and physical fitness tests and stuff like that, with
8 mine. I haven't even submitted an application, because
9 I want to do things right the first time, instead of
10 submit and say, "Oh, I can't do it now," to maintain
11 those hours.

12 There's some -- something happened, several
13 complaints with me through Highway Patrol. And I'm
14 trying to get -- let those complaints subside and
15 maintain a steady work environment, employment for a
16 couple of years before I even start looking at another
17 peace officer position full-time. I'd just like to keep
18 those hours up and keep the training going, so it would
19 be less of a -- so it's not a headache for me three or
20 four, five years down the road when I actually want to
21 go back to law enforcement.

22 BOARD CHAIRMAN SPENCER: Okay. Mr. Zane, did
23 you hear that?

24 BOARD MEMBER ZANE: Yeah.

25 Do you have anything from Peace Officer

1 Standards and Training that indicates due dates for loss
2 of certification?

3 MR. GRAY: Not at this time. My -- I resigned
4 my position with the Nevada Department of Corrections on
5 July 17th of this year.

6 So from that time forward, I have about four or
7 five years. I've heard three years. I've heard five
8 years. What I've been able to find in the statute is
9 not very clear. But I don't want to wait, say, okay,
10 three years from now and go to apply for a department
11 and POST say, "No, because your certificate's not valid,
12 and you have to go through a whole 17-week, 18-week
13 academy."

14 BOARD MEMBER ZANE: Thank you.

15 BOARD CHAIRMAN SPENCER: Now, are you employed
16 now by -- in another capacity?

17 MR. GRAY: Right now, I'm employed with Andrews
18 International Security Company. That's out at Amazon
19 over here in Fernley, Nevada.

20 BOARD CHAIRMAN SPENCER: That's right.

21 MR. GRAY: What's that, sir?

22 BOARD CHAIRMAN SPENCER: I was reminded that
23 you did say that. I'm sorry to make you repeat that.

24 MR. GRAY: Oh, okay.

25 BOARD CHAIRMAN SPENCER: So do I hear you

1 saying that you would give up your position as a reserve
2 deputy?

3 MR. GRAY: I would give -- I'm not even -- I
4 haven't even applied. I'm not even working in that
5 capacity right now. I want to get the Board's approval
6 in order for me just to apply, any type of testing. I
7 don't want to.

8 Right now, the security officer position is my
9 lifeline to my family. And I don't want to do anything
10 to suspend or to revoke my permanent status as a
11 security officer. I've been doing law enforcement
12 security work for over 23 years. It's my lifeline.
13 It's my blood. It's what I like to do. That's what I
14 feel I'm good at.

15 BOARD CHAIRMAN SPENCER: Any other questions
16 from the Board?

17 Yes?

18 BOARD MEMBER NADEAU: Mr. Chairman, thank you.
19 Thank you, Mr. Chair.

20 Some of these kind of run together. I think,
21 we've only considered two circumstances where we had
22 reserve officers who applied for the exemption.

23 And, Mark, help me out, but weren't the ones in
24 Elko -- part of this has been wrapped into the fact that
25 we went to a statewide card, approved statewide. So

1 some of the rural counties have been wrapped into this.
2 But it seemed to me like they were, they were working in
3 detention. They had no police officer powers. Either
4 that or they were doing search and rescues.

5 And I'm trying to separate which ones they
6 were. But there were, there were a couple of people who
7 came before us, and they were strictly search and
8 rescue. But as a result of that search and rescue, they
9 were -- they had some kind of a reserve deputy status.
10 But they didn't have to, have to go through Cat., any
11 type of Cat., I or III, training. I don't know. I'm
12 trying to sort this out.

13 But, you know, our biggest concern is access to
14 NCIC and those types of databases through reserve,
15 through the reserve deputy process. And the overlay
16 when where does security work stop and reserve deputy
17 work start, and verse visa.

18 So I have a tendency in this particular case to
19 be concerned about that. This is a -- we're not talking
20 about someone that's already a reserve deputy and gotten
21 wrapped in under this, the new issuance policy. So.

22 But can you help, Mark? Those two from Elko
23 County, were they the reserve search and rescue folks?

24 BOARD MEMBER ZANE: Yeah. Yes. And they also
25 provided training.

1 BOARD MEMBER NADEAU: Right.

2 BOARD MEMBER PUTNAM: Yeah.

3 BOARD MEMBER ZANE: In a particular arena.

4 BOARD MEMBER NADEAU: Right. So, I think, that
5 was really the unique circumstance of their particular,
6 of their particular case. And they had been acting in
7 that capacity for a number of years.

8 So, I think, that that was why we found that
9 unique. But typically, I think, we've not, not
10 supported reserve deputies having the security status,
11 or the exemption.

12 So, I guess, I would not support the exemption.

13 BOARD CHAIRMAN SPENCER: Okay. Are there any
14 other further questions?

15 I would entertain a motion.

16 BOARD MEMBER ZANE: Mr. Chairman, I would move
17 that the exemption requested under item number seven on
18 the agenda for Justin Gray for an exemption to the
19 provisions of NAC 648.338 be denied.

20 BOARD CHAIRMAN SPENCER: I have a motion.

21 BOARD MEMBER NADEAU: I'll second.

22 BOARD CHAIRMAN SPENCER: And a second. All in
23 favor, signify by saying "aye."

24 (Board members said "aye.")

25 BOARD CHAIRMAN SPENCER: Opposed?

1 None.

2 It doesn't look like we're going to be able to
3 do that for you today, Mr. Gray. But as you said,
4 you're just trying to see what, what you could do.

5 Come back, come back to us if your
6 circumstances change, and we'll be happy to give you a
7 guard card.

8 BOARD MEMBER ZANE: He's got a guard card.

9 BOARD CHAIRMAN SPENCER: Or a -- yeah.

10 BOARD MEMBER ZANE: The other item that will
11 probably change my mind a little bit is if you would
12 have sought information from the Peace Officer Standards
13 and Training and exemplified an additional need. So if
14 you maybe take that -- excuse me.

15 I'm sorry, Jim. Go ahead.

16 BOARD MEMBER NADEAU: Mr. Chair.

17 BOARD CHAIRMAN SPENCER: Yeah.

18 BOARD MEMBER NADEAU: And along that same vein,
19 I think, any exemption we have provided has come with a
20 written support and clear defined responsibilities
21 outlined by the sheriff or his designees. So, I think,
22 that would be, you know, that would be something that
23 would probably --

24 BOARD CHAIRMAN SPENCER: Right.

25 BOARD MEMBER NADEAU: -- be necessary also.

1 MR. GRAY: For the members of the Board, if I
2 was able to obtain the information that you're looking
3 for, would I be able to mail it to the Board and have
4 you guys review it and talk about it at the next agenda
5 or next meeting?

6 BOARD CHAIRMAN SPENCER: Actually, what you
7 should probably do is call and talk to the Director.

8 MR. GRAY: Okay.

9 BOARD CHAIRMAN SPENCER: And explain what it is
10 you have done and what it is you want. And then we can
11 schedule it for a -- for a Board meeting.

12 MR. GRAY: Okay. All right. Members of the
13 Board, everybody, thank you very much for your time.

14 BOARD MEMBER PUTNAM: Thank you for trying to
15 get things done beforehand.

16 BOARD MEMBER NADEAU: Yeah.

17 MR. GRAY: Thank you. Thank you.

18 BOARD MEMBER NADEAU: Yeah.

19 MR. GRAY: And I came in the middle of
20 everything. Like I say, I don't want to mess up my --
21 that is the bread and butter for my family, so.

22 BOARD CHAIRMAN SPENCER: And we appreciate the
23 fact that you did it.

24 MR. GRAY: Everybody have a good weekend.

25 BOARD MEMBER NADEAU: Take care. Good luck.

1 BOARD CHAIRMAN SPENCER: Thanks.

2 I'm advised Mr. Clay just arrived. So we can
3 go back to number six. And he'll need to be sworn.

4 Come right up here.

5 And Kimberly, too.

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

9 (Ryan Clay and Kimberly Christensen were
10 sworn/affirmed.)

11 BOARD CHAIRMAN SPENCER: All right. Have a
12 chair.

13 Can you explain to us what it is that you would
14 like us to consider.

15 MR. CLAY: Yeah, good morning. Good morning.
16 I am here today because it was my intention to request a
17 work card for the purposes of employment for a mystery
18 shopping company called QSI Specialists.

19 My background and my history is I'm currently a
20 correctional officer with the State of Nevada. I work
21 at the Three Lakes Valley Conservation Camp. For five
22 years before that, I was a correctional officer with the
23 City of North Las Vegas.

24 Interestingly enough, I was laid off when the
25 jail closed or when they cut about 50 officers or so.

1 And I was very lucky and fortunate to have regained
2 employment through the state. However, I've found that,
3 you know, through the furloughs and things that are
4 going on, with how the pay is structured, I am actually
5 making approximately half of what I used to make as an
6 officer with North Las Vegas.

7 When I found, or when I was initially going
8 through the process, I was told that there could be a
9 conflict of interest with my requesting a work card
10 through the Private Investigators Licensing Board. And
11 I understood that, I guess, there could be conflict of
12 interest or that could arise with, I guess, my having
13 access to, you know, confidential information or things
14 of that nature when you do have someone in law
15 enforcement that does apply for this type of card.

16 And, you know, I come before the Board today to
17 explain that my purpose for requesting this card is
18 solely that, to be a mystery shopper through this
19 company called QSI Specialists.

20 I actually was told about this opportunity.
21 There was an article in the Review Journal about how the
22 economy is getting better and how this company, QSI
23 Specialists, is going to be looking for more part-time
24 mystery shoppers.

25 And because of the schedule that I hold now at

1 camp, I currently work 5:00 in the morning till
2 1:00 p.m., and I have Tuesday and Wednesday off. I am a
3 single father with a daughter. And so it's difficult to
4 try to find other employment or to be able to work a
5 dedicated schedule, because of what I do and because of
6 my responsibilities at home.

7 You know, so when I saw the opportunity of the
8 QSI Specialists, I saw that as a perfect opportunity
9 for, you know, someone like myself to kind of, you know,
10 go as I can and go to these, these places of business,
11 inconspicuously, where they wouldn't know who I was.
12 And interestingly enough, it's actually very similar to
13 police work, because you go there and write a very
14 detailed report on what you saw, who, what, when, where,
15 why, without any type of a personal opinion. So it's
16 right up my alley.

17 And that's why I'm here. When I was told that
18 I was going to have to come before the Board and request
19 acceptance to get this card and be able to work, I did
20 everything I possibly could, including coming to this,
21 this meeting today. I went to the warden of our
22 facility, and I requested through the warden, prior to
23 even coming here, if I could even have secondary
24 employment, if QSI Specialists or being a mystery
25 shopper was going to pose some conflict of interest to

1 the prison itself.

2 When I sent the request through -- and I
3 believe that you, everybody here has a copy of that.

4 BOARD CHAIRMAN SPENCER: (Nodded head
5 affirmatively.)

6 MR. CLAY: You know, it went to the warden, all
7 the way up to the associate director, I believe. And it
8 was approved. You know, so according to the higher-ups
9 of the prison at the state, they saw no conflict of
10 interest.

11 And like I said, you know, my purpose for being
12 here today is, hopefully, for that you guys can have
13 that same finding.

14 BOARD CHAIRMAN SPENCER: All right. Questions
15 from the Board?

16 BOARD MEMBER PUTNAM: I have none,
17 Mr. Chairman.

18 BOARD MEMBER ZANE: You're currently a
19 Category III Peace Officer?

20 MR. CLAY: I am Category III, and I also have
21 Category II. When I went through the academy, they
22 taught both. But my work right now is Category III
23 specifically.

24 BOARD MEMBER ZANE: Your job description and
25 functions?

1 MR. CLAY: Correctional officer?

2 BOARD MEMBER ZANE: Yes. What do you, what do
3 you do?

4 MR. CLAY: It's inmate management. I mean
5 it's -- I work at a camp. This camp is minimum custody.
6 All the people that are there have, for the most part,
7 two years or less of time left on their sentence. These
8 are individuals who go out in the community. They work
9 for the Nevada Division of Forestry, the NDF. And
10 they -- oftentimes, if you're on I-15 or some places,
11 you'll see the work trucks out there. A lot of times,
12 those are our inmates that are out there working amongst
13 the public.

14 Where I work, I maintain their living quarters,
15 if you will. You know, I take care of custody, counts,
16 you know, making sure that they get up when they're
17 supposed to and eat when they're supposed to and those
18 types of things. I am also a visitation officer. We
19 have visitation once a week, and I manage the functions
20 of checking in their families and dealing with those
21 types of things.

22 But it's very similar to what I did at North
23 Las Vegas. And the access that I have to any pertinent
24 confidential information is strictly inmate related. We
25 do not have SCOPE, which is, you know, the accounts of

1 contacts of law enforcement. We don't have access to
2 that. It's completely within the system. It's called
3 NOTIS, the Nevada Offender Tracking Information System.
4 That's what we have of access to. It's particularly
5 inmate specific, and my job functions are a derivative
6 of that.

7 BOARD MEMBER ZANE: That's all I have,
8 Mr. Chairman.

9 BOARD CHAIRMAN SPENCER: Any further questions?
10 Mike.

11 MR. KIRKMAN: Mr. Chairman, again, Mike
12 Kirkman, Nevada Society of Professional Investigators.

13 First, I would like to disclose that QSI is a
14 company owned by Peter Maheu, our president.

15 And on behalf of our society, we continue our
16 objection to any peace officer being licensed by this
17 Board.

18 BOARD CHAIRMAN SPENCER: Thank you.

19 It's a shame you weren't here just a few
20 moments before, when we were discussing a similar issue
21 with another gentleman.

22 Certainly, you have a legitimate reason to want
23 it. Our position is, is that across the board, with few
24 exceptions, is that we will not grant an exemption to a
25 peace officer, someone with peace officer standing.

1 I don't know. I wouldn't actually give your
2 one job for another.

3 Does the Board have any observations or
4 anything else?

5 BOARD MEMBER ZANE: I do, Mr. Chairman.

6 BOARD MEMBER PUTNAM: Mr. Chairman, I'd like to
7 make a comment. Since the Nevada Department of
8 Corrections, in writing, has indicated, basically, that
9 they see no conflict of interest in granting this
10 request, I think that, you know, our opposing this would
11 be sort of second-guessing the Nevada Department of
12 Corrections.

13 BOARD MEMBER ZANE: Mr. Chairman, for those
14 people sitting here that might get confused by the last
15 couple of agenda items, I would bring up a historic
16 issue again, and that was that a similar applicant from
17 the Department of Corrections who, like Member Nadeau
18 has indicated, was involved in the prior work card
19 assignment when it was issued by local government.

20 So we currently have an employee at the Nevada
21 Department of Corrections that works for a licensee, and
22 the only difference -- in the same capacity, and the
23 only difference was, is we elected to give an exemption
24 because that individual had just had a work card prior
25 to the state taking over the function.

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

2 BOARD MEMBER ZANE: And then we didn't feel
3 that it was going to be appropriate to pull that rug out
4 from underneath him.

5 And it was a similar situation. The Department
6 of Corrections didn't have any opposition to the
7 exemption. And it was almost with the exception of
8 somebody not being a cardholder before, almost the
9 exactly the same case in point.

10 So it's one of those things, and as legal
11 counsel indicates, that we are clearly able to judge
12 these case by case, situation by situation, according to
13 the statute.

14 I have a difficult time having someone in the
15 same exact situation we've already given the exemption
16 to.

17 BOARD CHAIRMAN SPENCER: I understand.

18 BOARD MEMBER ZANE: And then denying this
19 particular one.

20 BOARD CHAIRMAN SPENCER: Your function,
21 basically, is that of a jailer, right? I mean.

22 MR. CLAY: For lack of a better term, yes.

23 BOARD CHAIRMAN SPENCER: Yeah, I mean certainly
24 it's more involved, and it takes a little more up here
25 to do it rather than just slamming doors, but.

1 MR. CLAY: Yes.

2 BOARD CHAIRMAN SPENCER: Yeah. Are there any
3 further questions?

4 I'll entertain a motion.

5 BOARD MEMBER PUTNAM: Mr. Chairman, I move that
6 the exemption requested by Ryan Clay be granted pursuant
7 to NRS 648.338, subject to all regulations and...

8 BOARD CHAIRMAN SPENCER: Everything.

9 BOARD MEMBER PUTNAM: Yes, right.

10 BOARD CHAIRMAN SPENCER: Do I have a second?

11 BOARD MEMBER ZANE: Mr. Chairman, I'd second
12 with the clarification that, I think, it's a typo, and
13 it's an NAC instead of an NRS.

14 MR. WARD: Correct, NAC.

15 BOARD CHAIRMAN SPENCER: Okay. Any discussion
16 on the motion?

17 BOARD MEMBER NADEAU: Mr. Chair?

18 BOARD CHAIRMAN SPENCER: If -- yes?

19 BOARD MEMBER NADEAU: Reluctantly, I'm going to
20 oppose the motion.

21 The whole mystery shopping thing has opened up
22 an entire can of worms. And we've had -- we've been
23 dealing with it for a number of years now. They, the
24 mystery shopper comes under the investigator
25 classification status, and that provides -- realizing

1 it's a very narrow, in theory a very narrow field. But
2 the fact that we've licensed mystery shopping, shopper
3 companies as private investigators opens a wide range of
4 access to a whole wide range of things.

5 Again, my concern is the overlapping, the gray
6 line between those things. And so I will be opposing
7 the motion.

8 BOARD MEMBER ZANE: Mr. Chairman, with Member
9 Nadeau's comments in mind, I would withdraw my second
10 but be prepared to --

11 BOARD MEMBER PUTNAM: Mr. Chairman, I'd like to
12 amend my motion.

13 BOARD CHAIRMAN SPENCER: Okay. Just one
14 second.

15 BOARD MEMBER ZANE: I would drop my second but
16 would be prepared to either make a motion or second with
17 certain restrictions.

18 BOARD CHAIRMAN SPENCER: All right.

19 BOARD MEMBER PUTNAM: I'd like to change my
20 motion, Mr. Chairman.

21 BOARD CHAIRMAN SPENCER: All right.

22 BOARD MEMBER PUTNAM: That Ryan Clay be granted
23 an exemption to work as a mystery shopper only pursuant
24 to 648.338.

25 BOARD CHAIRMAN SPENCER: All right. I have a

1 motion. Do I have a second?

2 BOARD MEMBER ZANE: Second.

3 BOARD CHAIRMAN SPENCER: I have a second. Just
4 discussion on the motion.

5 Should, should the Board vote to give you this
6 exemption, if your status were to change with the
7 department, and you were to take some other position, we
8 would have to, need to know about it.

9 MR. CLAY: Okay.

10 BOARD CHAIRMAN SPENCER: Very soon, to see if,
11 like I say, if it's granted, that it would still be a
12 viable solution.

13 MR. CLAY: Right.

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

17 (Board members said "aye.")

18 BOARD CHAIRMAN SPENCER: All opposed?

19 BOARD MEMBER NADEAU: Nay.

20 BOARD CHAIRMAN SPENCER: Nay. The motion
21 carries.

22 You're granted the exemption.

23 MR. CLAY: Thank you.

24 BOARD CHAIRMAN SPENCER: So you just need to --

25 MR. INGRAM: He'll go through the notification

1 process with us?

2 BOARD CHAIRMAN SPENCER: Yes, right.

3 Just check with the office here in town, and
4 you'll be all set.

5 MR. CLAY: And there's still a couple things
6 that I'd like to do, but I wanted to wait to see.
7 There's some things. But I wanted to make sure first,
8 you know, that it was going to be approved or that I
9 could at least address the Board.

10 So thank you.

11 BOARD CHAIRMAN SPENCER: Okay. You're set.

12 MR. CLAY: Thank you.

13 BOARD CHAIRMAN SPENCER: Let's take a short
14 break before we start with the long line of issues here.
15 We'll take a five-minute break.

16 * * * * *

17 (A break was taken, 9:42 to 9:56 a.m.)

18 * * * * *

19 BOARD CHAIRMAN SPENCER: Ready to proceed.

20 And these are all appeal issues, for which we
21 have three.

22 Just as information to you all, to Mr. Holloway
23 and Mr. Saunders and Mr. Peredes, if you want, it can be
24 a closed hearing. In other words, everybody would
25 leave, and it would just be you and the Board. Or you

1 can have it open, for your -- for your appeal.

2 So I start with Mr. Holloway. Would you
3 request a closed session?

4 MR. HOLLOWAY: No.

5 BOARD CHAIRMAN SPENCER: Okay. Come on up and
6 have a chair.

7 All right. Do you have anybody up there
8 that's --

9 BOARD MEMBER NADEAU: We have no one in the
10 audience, Mr. Chair.

11 BOARD CHAIRMAN SPENCER: Okay. All right.
12 Whose case was this, do we know, Mr. Holloway's?

13 MS. WHATLEY: Mine.

14 BOARD MEMBER NADEAU: It's Tammy's.

15 BOARD CHAIRMAN SPENCER: What do we have here,
16 Tammy?

17 MS. WHATLEY: Okay. I actually denied the
18 application because I felt Mr. Holloway should come
19 before the Board.

20 He disclosed a single arrest in '07 for
21 conspiracy for burglary and disclosed he had probation,
22 slash, community service.

23 The background indicated he had an arrest
24 for -- in '06 for burglary, dismissed. But at the exact
25 same time, another charge of burglary, he was convicted.

1 And at that time, also, grand larceny that they
2 dismissed. So there were three charges, with the
3 conviction being a burglary.

4 And then, less than a year later, he was
5 arrested for burglary tools and then violation of
6 probation.

7 And in '08, FTA traffic; '09, disorderly
8 conduct, which it was denied; but he also had a
9 probation violation in '09; '09, FTA traffic; '10, FTP
10 traffic; and '11, FTA traffic.

11 Now, his original burglary conviction was a
12 felony. But he did have that reduced in 2011 to a gross
13 misc.

14 BOARD CHAIRMAN SPENCER: Right. Does that
15 sound correct?

16 MR. HOLLOWAY: The second burglary from
17 Henderson, that was, both cases were denied and thrown
18 out, because I wasn't nowhere -- I was outside of
19 wherever they said it happened in.

20 BOARD CHAIRMAN SPENCER: Okay. So. And how
21 many convictions do you have, then?

22 MR. HOLLOWAY: One, one conviction of burglary.
23 And that was the '07, I believe, that was dropped back
24 down to a gross misdemeanor.

25 BOARD CHAIRMAN SPENCER: Gross misdemeanor.

1 Okay. And that's the only; there are no other arrests
2 or convictions other than what she said?

3 MR. HOLLOWAY: Yes. Only traffic tickets.

4 BOARD CHAIRMAN SPENCER: Questions from the
5 Board?

6 BOARD MEMBER NADEAU: Mr. Chair?

7 BOARD CHAIRMAN SPENCER: Yes.

8 BOARD MEMBER NADEAU: Thank you, Mr. Chair.
9 Tammy, is this initial issuance or?

10 MS. WHATLEY: It's initial.

11 BOARD MEMBER NADEAU: Initial. Okay.
12 Thank you, Mr. Chair.

13 BOARD MEMBER PUTNAM: Mr. Chairman?

14 BOARD CHAIRMAN SPENCER: Yes.

15 BOARD MEMBER PUTNAM: Sir, are you still on
16 probation?

17 MR. HOLLOWAY: I am not. I completed my
18 probation with an honorable discharge early.

19 BOARD MEMBER PUTNAM: Okay.

20 MR. HOLLOWAY: I already did the --

21 BOARD MEMBER PUTNAM: When were you discharged
22 from probation?

23 MR. HOLLOWAY: 2009.

24 BOARD MEMBER PUTNAM: 2009.

25 MR. HOLLOWAY: Yes.

1 BOARD MEMBER PUTNAM: Okay. And did you do any
2 time on this burglary charge?

3 MR. HOLLOWAY: No, I did not. I only did the
4 12 hours. Then I got -- I have an O.R. release from
5 jail.

6 BOARD MEMBER PUTNAM: Okay. But as a result of
7 sentence, you didn't serve any time?

8 MR. HOLLOWAY: No, no time.

9 BOARD MEMBER PUTNAM: What was your sentence,
10 what were you -- what were you sentenced to?

11 MR. HOLLOWAY: Three years probation, community
12 service 14 hours a week, and I had to pay the -- pay for
13 my probation. That was all.

14 BOARD CHAIRMAN SPENCER: And did you hear that
15 that was reduced to a misdemeanor, gross misdemeanor? I
16 didn't know if you heard that.

17 BOARD MEMBER PUTNAM: Yes, I did.

18 BOARD CHAIRMAN SPENCER: Okay. Any further
19 Board questions?

20 BOARD MEMBER ZANE: What's your personal life;
21 are you married, have children?

22 MR. HOLLOWAY: I have two children. I have a
23 fiancée, which she has a daughter. So I have three kids
24 altogether.

25 I used to do construction. Then the economy

1 went down. So I'm trying to get my life back together,
2 straight, with no -- I'm trying to stay out of trouble
3 mostly so I can feed myself and my family.

4 BOARD CHAIRMAN SPENCER: Okay. Any further
5 questions? Or I'll entertain a motion.

6 BOARD MEMBER PUTNAM: Mr. Chairman, I have a
7 motion.

8 BOARD CHAIRMAN SPENCER: Okay.

9 BOARD MEMBER PUTNAM: I move that --

10 MR. WARD: Number 13.

11 BOARD MEMBER PUTNAM: Derrick Holloway. I move
12 that the denial of registration of Derrick Holloway be
13 upheld.

14 BOARD MEMBER NADEAU: I'll second.

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

18 (Board members said "aye.")

19 BOARD CHAIRMAN SPENCER: At this time, we
20 can't, we can't do that, Mr. Holloway. But you can come
21 back in a year.

22 MR. HOLLOWAY: Okay.

23 BOARD CHAIRMAN SPENCER: And I wish you luck in
24 finding something.

25 MR. HOLLOWAY: Okay. Thank you.

1 BOARD CHAIRMAN SPENCER: All right.

2 Mr. Saunders.

3 How are you?

4 MR. SAUNDERS: Okay. Good morning.

5 BOARD CHAIRMAN SPENCER: Have a chair.

6 And whose is this?

7 MS. CHRISTENSEN: It is mine.

8 BOARD CHAIRMAN SPENCER: Okay.

9 MS. CHRISTENSEN: I originally denied him
10 because he was put on probation for a harassment charge
11 April of 2012. He -- he was still on probation in
12 October 2012. And, I believe, he now is off of
13 probation.

14 Then, in the meantime, I received his
15 fingerprints. And he has several arrests back, starting
16 in 1975, an assault charge, convicted. 1984, another,
17 aggravated assault, looks like a conviction. 1987,
18 unlawful use of a weapon, and the disposition on that is
19 just Other. So I don't know what that meant. And in
20 1991, unlawful weapon, no disposition. 1992, battery,
21 no disposition. 1993, aggravated assault, no
22 disposition.

23 BOARD CHAIRMAN SPENCER: Do those sound
24 correct?

25 MR. SAUNDERS: No. Never been convicted of

1 anything, no, sir.

2 BOARD CHAIRMAN SPENCER: You haven't been
3 convicted of anything?

4 MR. SAUNDERS: No, sir.

5 BOARD CHAIRMAN SPENCER: Have you been on
6 probation?

7 MR. SAUNDERS: I wasn't even on probation for
8 none of those charges, either. All of that stuff was
9 thrown out.

10 BOARD CHAIRMAN SPENCER: Didn't you say he was
11 on --

12 MS. CHRISTENSEN: He was on probation. It
13 shows it.

14 MR. SAUNDERS: That was for here. That was
15 here, for the last thing. That was harassment.

16 BOARD CHAIRMAN SPENCER: Yeah, that's what
17 we're going on.

18 MR. SAUNDERS: That was with my son. And I
19 didn't even know I had -- what happened, can I explain
20 what happened?

21 BOARD CHAIRMAN SPENCER: Certainly.

22 MR. SAUNDERS: Okay. On December the 15th, we
23 got a call from a realtor that we had to be out of the
24 house by the end of January. Which we'd been there for
25 four years. Okay. So on December the 28th, we already

1 knew. We had started. Because we were in a house of a
2 thousand square feet. So we knew it was going to be
3 hard to get out of there in the wintertime.

4 So my son was in there, which is -- he's out in
5 the hall. Which was in there with his friend. His
6 friend had a new paint gun. And they was in the house,
7 in the bedroom, playing with it. And my wife heard me
8 say -- I used the 'A' word -- "If you don't put that
9 down, and you shoot this paint gun in this house when
10 we're trying to get out of here, I'm going to shoot you
11 in the 'A' with it."

12 So my wife heard it, and she didn't know what
13 was all going on. She probably thought I was talking
14 about a real gun or something. So she called the
15 police. And they came. And I wasn't arrested, and
16 nothing else was said, wasn't even a police report made.

17 On April the 21st, I walked out of St. Rose
18 Hospital, and I had a stroke. After I came to myself,
19 I, you know, realized I had urinated on myself. So I
20 was walking home to change clothes. The police pulled
21 me over as -- you know, when I was going down the street
22 staggering, because I just had a stroke, and said, "Show
23 me some ID." I showed him some ID. He said, "Well, I
24 want to see your ID just in case you have a warrant." I
25 said, "Well, I don't got no warrant." So I gave it to

1 him, turned around, and I got arrested.

2 BOARD CHAIRMAN SPENCER: Hm. And that was for?

3 MR. SAUNDERS: That's for this arrest. And I
4 did the time. I mean, well, it wasn't time. It was
5 unsupervised supervision, you know.

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

7 MR. SAUNDERS: I did the anger management
8 class. And I went for the drug and alcohol tests every,
9 every -- twice a week for six months. And I completed
10 everything.

11 BOARD CHAIRMAN SPENCER: Was that a
12 misdemeanor?

13 MR. SAUNDERS: Misdemeanor.

14 MS. CHRISTENSEN: I believe, that was, yeah.

15 MR. SAUNDERS: It's a misdemeanor.

16 BOARD CHAIRMAN SPENCER: We can't --

17 MS. CHRISTENSEN: Here it doesn't say.

18 BOARD CHAIRMAN SPENCER: That's the only one
19 that has a dispo on it, though, right?

20 MS. CHRISTENSEN: On his fingerprints -- yes,
21 it was a misdemeanor. I'm sorry. On the harassment
22 one.

23 BOARD CHAIRMAN SPENCER: Okay.

24 MS. CHRISTENSEN: On his fingerprints, it shows
25 the assault in 1975. It does say convicted, one year

1 supervision.

2 BOARD CHAIRMAN SPENCER: Do you recall that?

3 MR. SAUNDERS: I didn't do no supervision or
4 none of that. I was -- this all happened when I was
5 working. I worked. If I can show you my paperwork, I
6 worked for the sheriff's department as a deputy sheriff.
7 Then, when I left there, before I left there, I worked
8 for a security company called Citywide, which is real
9 big in Chicago.

10 BOARD CHAIRMAN SPENCER: Oh, this is in
11 Chicago?

12 MR. SAUNDERS: All this is in Chicago.

13 BOARD CHAIRMAN SPENCER: All right.

14 MR. SAUNDERS: I've been here since 2000. And
15 this is the first time I ever got in trouble, was this
16 harassment.

17 BOARD CHAIRMAN SPENCER: Seems kind of strange.

18 BOARD MEMBER ZANE: Excuse me. Can I?

19 BOARD CHAIRMAN SPENCER: You certainly may.

20 BOARD MEMBER ZANE: Were the arrests in Chicago
21 disclosed as far as --

22 MS. CHRISTENSEN: No.

23 BOARD MEMBER ZANE: None of them?

24 MS. CHRISTENSEN: No.

25 BOARD MEMBER ZANE: Was there a reason that you

1 didn't disclose all of those arrests on your
2 registration application?

3 MR. SAUNDERS: I -- I didn't never know about
4 this stuff, but I never spent no time in jail. I
5 just -- whatever they -- you know, they pulled, you
6 know, checked me. They found out all my -- my weapons
7 and stuff was registered. I had just got off of work.
8 And, you know, stuff like that. So everything was
9 clear. I never spent any time in jail.

10 BOARD MEMBER ZANE: No, but when you completed
11 the registration application, and it asked you for
12 arrests, is there a reason that you did not list these
13 arrests?

14 MR. SAUNDERS: Oh, because I figured that after
15 seven years or something, that that stuff don't count
16 anymore, you know. And I've been here since 2000. And
17 I've been working. I work for TiMed (phonetic), and I
18 work for BBP (phonetic), and I work for Evaro
19 Construction Company (phonetic). And this is the first
20 time I ever got in trouble, and that was with my son.

21 And my son, he just turned 18. And I've
22 been -- I had him ever since he was -- he was brought to
23 me at three months old. And I adopted him. Because
24 they didn't ever come back. They was on drugs. So I
25 kept him. And now I got my other grandson, which I

1 haven't adopted him. He's 14 now. He came to me at
2 nine years old, had never been in school, had never been
3 in church. I got him in school. I got him in the Boy
4 Scouts, Cub Scouts. And now he's in the Boy Scouts.
5 And within another year, he'll be a full Scout.

6 Wife is, she's sick, because she's a cancer
7 patient. She had her breast removed and her lymph
8 nodes. And I take care of her and the two boys.

9 BOARD MEMBER ZANE: Who -- where did you come
10 with the information that led you to the belief that you
11 didn't have to disclose anything after it was seven
12 years old?

13 MR. SAUNDERS: Because we didn't do it -- we
14 did it on a computer, and it said something on there,
15 for the last seven to 10 years or something. And I've
16 been here, you know, for 12 years. So that was --
17 because I took the test on line. And that's the
18 information that my son had. Because he was typing it
19 in for me. And that's the only reason why I didn't
20 disclose none.

21 BOARD CHAIRMAN SPENCER: How old are you now?

22 MR. SAUNDERS: I'm 56, sir.

23 BOARD CHAIRMAN SPENCER: Okay. So a lot of
24 those charges in Chicago were when you were a young man?

25 MR. SAUNDERS: Yes, sir. I came here to better

1 our lives, moved them out of Chicago, because my boys
2 was getting bigger, and they was -- well, if you know
3 anything about Chicago, the gangs and stuff and that
4 they were selling drugs. And that's why I was bringing
5 them here, to a better place, you know, so.

6 BOARD CHAIRMAN SPENCER: That's a good move.

7 Any additional questions from the Board or
8 observations, anything?

9 BOARD MEMBER NADEAU: I have no questions.

10 BOARD CHAIRMAN SPENCER: All right. Dick?
11 Dick, do you have anything?

12 BOARD MEMBER PUTNAM: This -- I have a question
13 on this, Mr. Saunders. You say you are under indirect
14 supervision by the state. Is this currently what's
15 going on?

16 MR. SAUNDERS: No, all that's over with.

17 BOARD CHAIRMAN SPENCER: He was -- what he said
18 was that the charge was a misdemeanor, and he just
19 completed the probation.

20 MR. SAUNDERS: Yes, sir.

21 BOARD MEMBER PUTNAM: Well, I'm referring to --
22 there's a letter dated 26 July, 2012. And in the letter
23 it says "I am under indirect supervision by the state
24 for an incident earlier in 2012."

25 My question is, are you still under that

1 supervision?

2 MR. SAUNDERS: No, sir. I did --

3 BOARD MEMBER PUTNAM: When did it end?

4 MR. SAUNDERS: I did -- October the 18th.

5 BOARD MEMBER PUTNAM: Thank you, sir.

6 MR. SAUNDERS: You're welcome.

7 BOARD MEMBER NADEAU: Mr. Chair?

8 BOARD CHAIRMAN SPENCER: Yes.

9 BOARD MEMBER NADEAU: Do we have documentation
10 that the probation has been -- if I remember correctly,
11 you said probation was completed early?

12 MR. SAUNDERS: Not me, no. I did mine on time,
13 sir.

14 BOARD CHAIRMAN SPENCER: Yeah.

15 MR. SAUNDERS: That was the previous.

16 BOARD MEMBER NADEAU: Okay.

17 BOARD CHAIRMAN SPENCER: Do you have any
18 documents?

19 MR. SAUNDERS: (Nodded head affirmatively.)

20 BOARD CHAIRMAN SPENCER: Oh, yes, he has.

21 MR. SAUNDERS: I've got everything in here.

22 BOARD CHAIRMAN SPENCER: Is there something
23 that shows that you're not on probation anymore?

24 MR. SAUNDERS: I'll show you.

25 BOARD MEMBER NADEAU: Kim, I thought you had

1 said something about him, Kimberly, about it being
2 completed, that you had some sort of documentation on
3 that.

4 MS. CHRISTENSEN: Correct. I ran, ran the NC
5 just before I came here, and it does show that the
6 probation has been cleared.

7 BOARD CHAIRMAN SPENCER: No, that's fine, then.

8 BOARD MEMBER NADEAU: Okay. Thank you.

9 MR. SAUNDERS: I've got the certificate of
10 anger management. I took care of everything, sir.

11 BOARD MEMBER NADEAU: All right. Thank you.

12 BOARD CHAIRMAN SPENCER: You don't seem like an
13 anger kind of guy.

14 MR. SAUNDERS: I can't afford to be that,
15 because I got to take care of the boys, you know.

16 BOARD CHAIRMAN SPENCER: We're not as angry as
17 we used to be, right?

18 MR. SAUNDERS: The one that is 17, you wouldn't
19 believe he went to high school when he was 12 years old.

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

21 MR. SAUNDERS: And he's out there now. And
22 he's 18 now. And he's in the second year at CNN.

23 BOARD CHAIRMAN SPENCER: That's good.

24 MR. SAUNDERS: So I try to stay on them. But,
25 you know, that incident happened when I was trying to

1 chastise them. But I'm not going to let a 17-year-old
2 rule my house. You know what I'm saying?

3 BOARD CHAIRMAN SPENCER: Are you working now?

4 MR. SAUNDERS: No, sir, I'm not.

5 BOARD CHAIRMAN SPENCER: Okay. I'll entertain
6 a motion.

7 BOARD MEMBER NADEAU: Mr. Chair, I would make a
8 motion. I would move that Berryon Saunders be -- his
9 appeal be granted and that he be issued the work card.

10 BOARD CHAIRMAN SPENCER: Do I have a second?

11 BOARD MEMBER ZANE: If I could have leave to
12 make a second with a restriction?

13 BOARD CHAIRMAN SPENCER: Okay.

14 BOARD MEMBER ZANE: And that would be that he
15 be monitored closer than usual for the year, given the
16 recent nature of the harassment charge.

17 MS. CHRISTENSEN: Yeah.

18 BOARD CHAIRMAN SPENCER: Okay.

19 BOARD MEMBER NADEAU: I'll accept. I'll accept
20 that.

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

24 BOARD MEMBER PUTNAM: Mr. Chairman? I'd also
25 like to put on that that, reluctantly, I cannot support

1 this motion. And my reasoning has to do with the --
2 that the repetition and the recency of these incidents.

3 BOARD CHAIRMAN SPENCER: All right.

4 All in favor of the motion, signify by saying
5 "aye."

6 (Board members said "aye.")

7 BOARD CHAIRMAN SPENCER: Opposed?

8 BOARD MEMBER PUTNAM: Opposed.

9 BOARD CHAIRMAN SPENCER: Okay. The motion
10 carries.

11 You'll get your registration.

12 MR. SAUNDERS: Thank you.

13 BOARD MEMBER ZANE: There may be some added
14 restriction for a year, to make sure that we don't fall
15 back into a problem.

16 BOARD CHAIRMAN SPENCER: Yeah.

17 BOARD MEMBER ZANE: Because how recent this
18 last thing was.

19 MR. SAUNDERS: Okay.

20 BOARD MEMBER ZANE: You might have to check in
21 a little more often.

22 MR. SAUNDERS: Okay. Because I -- that's why I
23 waited, because when I first applied for it, I didn't
24 lie on my application or anything. And I talked with
25 her, and said come back after you get all the copies and

1 administrative thing. So that's what I did.

2 BOARD CHAIRMAN SPENCER: When you go in to get
3 your cards and everything, they'll go over with you, you
4 know, what restrictions there are. But you're ready to
5 go.

6 MR. SAUNDERS: Okay. Thank you all so much.

7 BOARD CHAIRMAN SPENCER: You bet.

8 MR. SAUNDERS: What do you want me to do, wait?

9 BOARD CHAIRMAN SPENCER: No, you're fine.

10 MR. SAUNDERS: I need to go get the little one
11 out of school.

12 BOARD CHAIRMAN SPENCER: All right.

13 MR. SAUNDERS: Okay. You all have a nice day.

14 BOARD CHAIRMAN SPENCER: You, too.

15 Armando Peredes. Is that correct?

16 MR. PEREDES: Yes, that's correct.

17 BOARD CHAIRMAN SPENCER: How are you today?

18 MR. PEREDES: Good.

19 BOARD CHAIRMAN SPENCER: This is number 15.

20 And whose case?

21 MS. KING: Mine.

22 BOARD CHAIRMAN SPENCER: Good morning.

23 MS. KING: Good morning. It's Brandi.

24 BOARD CHAIRMAN SPENCER: How are you?

25 MS. KING: Good, thank you.

1 Okay. This applicant was denied because he has
2 a protection order against him, and it was issued in
3 1997, and it's nonexpiring.

4 BOARD CHAIRMAN SPENCER: Where is that?

5 MS. KING: Let's see. It was issued out of
6 Washington. And the protection is for Pamela Jean
7 Talbert.

8 BOARD CHAIRMAN SPENCER: Okay. Is that the
9 only, is that the only thing he had?

10 MS. KING: Yes.

11 BOARD MEMBER PUTNAM: No, wait a second.
12 Domestic violence that he previously received three
13 years probation for?

14 BOARD CHAIRMAN SPENCER: It's nonexpiring.
15 Okay. Mr. Peredes, what were the circumstances of
16 the --

17 MS. KING: I don't have anything further on
18 that.

19 BOARD CHAIRMAN SPENCER: Okay.

20 MS. KING: Dick Putnam asked me if it was
21 regarding battery and domestic violence that he received
22 three years probation for?

23 In what year?

24 BOARD MEMBER PUTNAM: In -- well, this is in
25 your report.

1 BOARD MEMBER NADEAU: In your e-mail to Kevin.

2 MS. KING: Okay.

3 BOARD MEMBER PUTNAM: He was also arrested in
4 2004 for battery and domestic violence and received
5 three years probation.

6 MS. KING: Okay. I do not have his record in
7 front of me. I did not process this application. It
8 was processed by Kimberly on my behalf.

9 BOARD CHAIRMAN SPENCER: Okay.

10 MS. KING: And the reason for the denial was
11 for the protection order.

12 BOARD CHAIRMAN SPENCER: All right.

13 BOARD MEMBER NADEAU: Right.

14 BOARD CHAIRMAN SPENCER: Can you explain the
15 circumstances around the protection order?

16 MR. PEREDES: Yeah. Prior to that, it was
17 in -- the protection, in Washington, that was a long,
18 long time ago. That was just a little different with a
19 person we was staying with. And nothing went farther
20 than that.

21 The other one that I have, with my ex-wife, we
22 have a little differences. And that's it. Nothing
23 else. We got divorced. They gave me a probation of
24 three years. It's done. And it's been a long time.
25 I've been working with law enforcement before that,

1 before I have any issues, until that occasion.

2 Prior to that three years, I haven't got
3 anything, other problems. And I applied for -- for the
4 job for -- that I want to do with security. It's
5 unarmed. I don't see any harm whatsoever. Besides
6 security, used to be a correctional officer as well.

7 And so this is why I applied, because economy
8 and because I have child support. And I just want to
9 pretty much apply for a work card. If you seen my
10 record prior and before, it's been a while. It's been a
11 long time.

12 BOARD CHAIRMAN SPENCER: This 1997 protection
13 order, why did you get it; did you assault her or
14 something?

15 MR. PEREDES: No. We just have differences.
16 She was my girlfriend at that time. And that's it,
17 nothing else, no -- nothing that really went beyond
18 that, you know.

19 BOARD CHAIRMAN SPENCER: Okay. Questions, any
20 Board member questions?

21 BOARD MEMBER NADEAU: Mr. Chair?

22 BOARD CHAIRMAN SPENCER: Yes.

23 BOARD MEMBER NADEAU: Thank you, Mr. Chair.

24 Sir, the battery, that was a different person
25 than the protection order --

1 MR. PEREDES: Yes.

2 BOARD MEMBER NADEAU: -- that was established
3 by you?

4 MR. PEREDES: Yes. Yes.

5 BOARD MEMBER NADEAU: All right. And on the
6 original protection order, there was no battery or
7 anything of that nature?

8 MR. PEREDES: Nothing. Nothing whatsoever.

9 BOARD MEMBER NADEAU: No criminal charges?

10 MR. PEREDES: No, sir.

11 BOARD MEMBER NADEAU: Thank you, Mr. Chair.

12 BOARD CHAIRMAN SPENCER: I don't believe that
13 I've ever heard of a nonexpiring protection order, but.
14 Any other questions from the Board?

15 Robert, do you have anything?

16 BOARD MEMBER UITHOVEN: There was no conviction
17 on the 2004?

18 BOARD CHAIRMAN SPENCER: Yeah, you were, you
19 were convicted on the battery?

20 MR. PEREDES: Yes.

21 BOARD CHAIRMAN SPENCER: Okay.

22 MR. PEREDES: I actually was -- I went, didn't
23 have an arrest or anything. I went to the sheriff's
24 department, get the fingerprint, and that's it, and then
25 out. Nothing else. They gave me the three years

1 probation. And that's all.

2 BOARD CHAIRMAN SPENCER: All right. Any, any
3 further questions or a motion?

4 BOARD MEMBER ZANE: As I understand this, the
5 criminal history was disclosed, the only reason it was
6 kicked back is because it was a nonexpiring protection
7 order, correct?

8 MS. KING: Yes, sir.

9 BOARD MEMBER ZANE: Thank you.

10 BOARD CHAIRMAN SPENCER: I'll entertain a
11 motion.

12 BOARD MEMBER ZANE: Mr. Chairman, I'd move that
13 we overturn the denial of Armando Peredes and issue a
14 work card.

15 BOARD CHAIRMAN SPENCER: Second? Is there a
16 second?

17 For discussion on the motion, I'll second it,
18 then. Is there discussion?

19 BOARD MEMBER PUTNAM: Mr. Chairman?

20 BOARD MEMBER ZANE: My reason for -- woop.

21 BOARD CHAIRMAN SPENCER: Yes?

22 BOARD MEMBER PUTNAM: I am very concerned about
23 this domestic violence battery thing that he received
24 three years probation for. I know it's back in 2004.
25 But still we're talking about domestic battery.

1 BOARD CHAIRMAN SPENCER: Okay.

2 BOARD MEMBER NADEAU: Mr. Chairman?

3 BOARD CHAIRMAN SPENCER: Yes?

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

5 I'm going to support the motion. We have
6 issued work permits to others who had domestic violence
7 convictions in their past. We have a -- there's a
8 seven, eight-year, well, I guess, probably close to
9 five-year time span. As I'm understanding, this is his
10 only conviction.

11 MR. PEREDES: That's right.

12 BOARD MEMBER NADEAU: The restraining order is
13 in Washington, and it's considerably dated.

14 So I'm going to support the motion. And I am
15 assuming that he understands this is a nonarmed
16 position. With a domestic violence conviction, he will
17 not be able to be an armed guard.

18 So that's my rationale for supporting the
19 motion.

20 BOARD CHAIRMAN SPENCER: Is there any other
21 discussion on the motion?

22 All right. We have a motion and a second. All
23 in favor, signify by saying "aye."

24 (Board members said "aye.")

25 BOARD CHAIRMAN SPENCER: Against?

1 BOARD MEMBER PUTNAM: Nay.

2 BOARD CHAIRMAN SPENCER: Okay. The motion
3 carries.

4 You can get your work card.

5 MR. PEREDES: Thank you, sir.

6 BOARD CHAIRMAN SPENCER: And stay out of
7 trouble.

8 MR. PEREDES: Oh. Thank you. You guys have a
9 good day.

10 BOARD CHAIRMAN SPENCER: Gentlemen, are you
11 here for any particular reason?

12 UNIDENTIFIED MAN: Just to sit in.

13 BOARD CHAIRMAN SPENCER: Oh, okay.

14 UNIDENTIFIED MAN: Thank you.

15 BOARD CHAIRMAN SPENCER: Well, that pretty much
16 concludes all those people.

17 Any Board comment and discussion?

18 BOARD MEMBER NADEAU: Do we want to --
19 Mr. Chairman, have the other ones withdrawn their
20 appeals, or do we need to -- some housecleaning to
21 sustain the denial?

22 BOARD CHAIRMAN SPENCER: We have one, two,
23 three no-shows, Alfred Knight, William Boulton and
24 Michelle Banks. So we have the option of carrying them
25 over or confirming the denials.

1 BOARD MEMBER UITHOVEN: Mr. Chairman, are these
2 no-shows, are they first-time? Have we heard from
3 either of these three on scheduling conflicts today, or
4 they just didn't show?

5 MR. INGRAM: I'll look and see if there's
6 any --

7 BOARD MEMBER NADEAU: Can't hear him,
8 Mr. Chair. Can't -- I couldn't hear Kevin.

9 BOARD CHAIRMAN SPENCER: Oh. Kevin is seeing
10 whether or not he got information on the service and
11 that they should be here.

12 BOARD MEMBER NADEAU: And what about the
13 others, like Nazar and Peredes?

14 BOARD CHAIRMAN SPENCER: Yeah, they -- they
15 called and indicated they would not be here, so.

16 BOARD MEMBER NADEAU: Okay.

17 MR. INGRAM: Mr. Chairman, for the record, item
18 number 10 on the agenda has withdrawn for this hearing.
19 He's asking to be placed on the March agenda.

20 Item number 11, William Nazar, was able to
21 supply additional information. And we actually granted
22 provisional for him.

23 And then item number eight, Joe Page has
24 withdrawn his appeal.

25 And let me verify 10, 11, 12 here.

1 Byron Jackson. Okay. Number nine. I did not
2 receive confirmation that we have received his letter.

3 BOARD CHAIRMAN SPENCER: Okay.

4 MR. INGRAM: So item 12, did not receive
5 confirmation.

6 BOARD CHAIRMAN SPENCER: Okay.

7 MR. INGRAM: And then, on number 14 --

8 BOARD CHAIRMAN SPENCER: No, 16.

9 MR. INGRAM: 16. Banks. Did receive the
10 certified letter.

11 BOARD CHAIRMAN SPENCER: Okay. Alfred Knight
12 and William Boulton, there was no confirmation of
13 receipt. Number 16, Michelle Banks, was confirmed. And
14 they had a no-show.

15 MR. INGRAM: It appears that Boulton, item 12,
16 was continued from a previous.

17 BOARD CHAIRMAN SPENCER: And number 12 was
18 previously continued. So. Let's take them one at a
19 time, I guess.

20 What's your feelings on the number nine, Alfred
21 Knight?

22 BOARD MEMBER UITHOVEN: Mr. Chairman, I would
23 recommend that we continue number nine.

24 MS. WHATLEY: Mr. Chairman, may I say something
25 right here?

1 BOARD MEMBER NADEAU: Mr. Chair?

2 BOARD CHAIRMAN SPENCER: Absolutely.

3 MS. WHATLEY: I apologize. Alfred Knight was
4 my applicant. There is a very minor issue in his
5 background, but it's an issue that's in -- that's
6 against NRS. I would venture to say it's so old, he's
7 having a very hard time removing that from his record.

8 And he has previously been noticed. And he
9 continued and continued. But September, he was a
10 no-show but no confirmation, and today he's no-show and
11 no confirmation.

12 BOARD CHAIRMAN SPENCER: Okay.

13 Do you want -- let's see. Do we want this as
14 one motion, or do we want to do three motions, four
15 motions?

16 Did you grant, you granted Jackson a --

17 MR. INGRAM: Extension, yes.

18 BOARD CHAIRMAN SPENCER: Yes. Okay. All
19 right. So we're concerned with number nine, number 12
20 and number 16. Neither nine nor 12 have confirmed that
21 they received it. Sixteen has but is not showing up.

22 So what's your pleasure?

23 BOARD MEMBER PUTNAM: Mr. Chairman, I'll take
24 them one at a time.

25 Item number 16, I move that the denial be

1 upheld on Michelle Banks.

2 BOARD MEMBER NADEAU: Second.

3 BOARD CHAIRMAN SPENCER: Okay. I have a motion
4 and a second. All in favor, say "aye."

5 (Board members said "aye.")

6 BOARD MEMBER SPENCER: Opposed?

7 Hearing none, so be it.

8 So that leaves us with nine and 12.

9 BOARD MEMBER NADEAU: Mr. Chair?

10 BOARD CHAIRMAN SPENCER: Yes?

11 BOARD MEMBER NADEAU: Thank you, Mr. Chair. I
12 would move on number nine that Mr. Alfred Knight, that
13 the denial be sustained, given -- given the information
14 that we have and the fact that he has not responded or
15 acknowledged receipt or anything of that nature, I would
16 move we sustain the denial.

17 BOARD MEMBER PUTNAM: Second.

18 BOARD CHAIRMAN SPENCER: I have a motion and a
19 second. In favor, say "aye."

20 (Board members said "aye.")

21 BOARD CHAIRMAN SPENCER: The motion carries.

22 That leaves us with number 12.

23 MR. INGRAM: It's been continued once before.

24 BOARD CHAIRMAN SPENCER: And he's -- that was
25 continued once before. We haven't heard from him,

1 right?

2 MR. INGRAM: No, sir.

3 BOARD CHAIRMAN SPENCER: No. It was continued
4 from before, and he's a no-show today.

5 BOARD MEMBER NADEAU: Mr. Chair?

6 BOARD CHAIRMAN SPENCER: Yes?

7 BOARD MEMBER NADEAU: Thank you, Mr. Chair. I
8 would move that the number 12, William Boulton, that the
9 denial be sustained.

10 BOARD MEMBER PUTNAM: Second.

11 BOARD CHAIRMAN SPENCER: Motion and second.

12 All in favor, signify by saying "aye."

13 (Board members said "aye.")

14 BOARD CHAIRMAN SPENCER: The motion passes.

15 All right. Takes us through those.

16 MR. INGRAM: Carryover from the LCB.

17 BOARD CHAIRMAN SPENCER: We have carried over,
18 Jim, yesterday the returns from LCB, from the meeting,
19 so that you could take a look at them and see if you had
20 in any problem with any of them.

21 BOARD MEMBER NADEAU: I'm sorry, Mr. Chair.

22 Could you repeat.

23 BOARD CHAIRMAN SPENCER: Yeah. We carried this
24 over, so in anticipation of your return today, so that
25 you could see if you had any problems with any of the

1 issues, any of the changes.

2 BOARD MEMBER NADEAU: Hold on just a second.
3 Let me pull it up, please.

4 BOARD CHAIRMAN SPENCER: Sure.

5 BOARD MEMBER PUTNAM: Who is it?

6 MR. WARD: It was the legislative or whatever
7 it was.

8 BOARD MEMBER PUTNAM: Oh.

9 MR. INGRAM: Board Member Nadeau, this would be
10 on your December 5th information I sent you.

11 BOARD MEMBER NADEAU: Right. I'm trying to
12 pull it up right now.

13 MR. WARD: And what agenda item is that, for
14 the record?

15 BOARD MEMBER ZANE: 28.

16 BOARD MEMBER NADEAU: Give me a minute. We're
17 having operator difficulties.

18 BOARD CHAIRMAN SPENCER: All right.

19 BOARD MEMBER ZANE: Lily Tomlin operator?

20 (There was laughter.)

21 MR. WARD: There's a hard copy.

22 BOARD MEMBER NADEAU: I did actually get it
23 pulled up.

24 Can we take a short break, can we take a
25 five-minute --

1 BOARD CHAIRMAN SPENCER: Certainly.

2 BOARD MEMBER NADEAU: -- just a five-minute
3 break?

4 BOARD CHAIRMAN SPENCER: Oh, yes. That's fine.

5 BOARD MEMBER NADEAU: Thank you.

6 BOARD CHAIRMAN SPENCER: And just so you're
7 aware of it, we determined yesterday that we would let
8 the society, and we support them with all the changes,
9 rather than doing individual submissions. But if
10 there's changes that you see and we need to make, then
11 that's what we need to know about.

12 BOARD MEMBER NADEAU: So the determination was
13 that we will go ahead and submit the society's changes
14 as part of our bill draft?

15 BOARD CHAIRMAN SPENCER: No. Just the reverse.

16 BOARD MEMBER NADEAU: Okay. All right.

17 BOARD CHAIRMAN SPENCER: Okay.

18 BOARD MEMBER NADEAU: Thank you.

19 BOARD CHAIRMAN SPENCER: Let's take a break.

20 BOARD MEMBER NADEAU: Five minutes is really
21 all I need.

22 BOARD CHAIRMAN SPENCER: Okay.

23 * * * * *

24 (A break was taken, 10:34 to 10:45 a.m.)

25 * * * * *

1 (There was a discussion off the record.)

2 BOARD CHAIRMAN SPENCER: All right. Let's go
3 back on the record and -- unless you remember all that,
4 Shannon.

5 I don't think we need to bring it up again. So
6 let's -- if -- how about this. I'll wait till she gets
7 through talking.

8 How about, counsel, would you look into the
9 issue of any new or pertinent legislation that has to do
10 with background investigations and the period of time
11 that you're going to go back for criminal activity.

12 MR. WARD: If it may please, Mr. Chairman,
13 Board members. Yes, I will, especially when dealing
14 with preemployment or making an application to this
15 Board for a license or a registration card and that
16 possibly being denied and issues coming up before the
17 Board. But I will definitely look into that, sir.

18 BOARD CHAIRMAN SPENCER: Great. Thank you very
19 much.

20 Jim, how did you do?

21 BOARD MEMBER NADEAU: I did fine. I'm prepared
22 to proceed.

23 BOARD CHAIRMAN SPENCER: Okay. Did you find
24 some issues that need to be changed?

25 BOARD MEMBER NADEAU: No, found nothing to

1 change.

2 BOARD CHAIRMAN SPENCER: Okay.

3 BOARD MEMBER NADEAU: And I -- let me express
4 to the other Board members, I appreciate the
5 consideration to allow me to take a look at that.

6 BOARD CHAIRMAN SPENCER: Oh, no problem.

7 Then, I would entertain a motion falling within
8 the scope of the fact that we've already decided to join
9 these, the investigators group to present this to the
10 legislature.

11 BOARD MEMBER PUTNAM: So moved.

12 BOARD CHAIRMAN SPENCER: Do I have a second?

13 BOARD MEMBER ZANE: Second.

14 BOARD CHAIRMAN SPENCER: All in favor, signify
15 by saying "aye."

16 (Board members said "aye.")

17 BOARD CHAIRMAN SPENCER: Opposed?

18 Hearing none, it passes. Thank you.

19 MR. WARD: Mr. Chair, just for the record,
20 that's going to be item number or agenda item number 28
21 on yesterday, December 5th's agenda, correct, for the
22 record?

23 MR. INGRAM: Yeah.

24 BOARD CHAIRMAN SPENCER: That's correct.

25 MR. WARD: Thank you.

1 BOARD CHAIRMAN SPENCER: That is correct.

2 All right. The next issue is Board comment and
3 discussion only.

4 Anything that anybody wants to talk about?
5 Personal problems?

6 BOARD MEMBER NADEAU: Yeah, Mr. Chair?

7 BOARD CHAIRMAN SPENCER: What you had for
8 dinner?

9 BOARD MEMBER NADEAU: Mr. Chair?

10 BOARD CHAIRMAN SPENCER: Please.

11 BOARD MEMBER NADEAU: Just for the record, I'd
12 like to wish Tammy all the success and good luck at her
13 new position. And I appreciate the work that she's done
14 for the Board.

15 BOARD CHAIRMAN SPENCER: You jumped me. I was
16 going to do the same.

17 BOARD MEMBER PUTNAM: Yeah. Let's hear it for
18 her.

19 (There was clapping.)

20 MS. WHATLEY: Thank you very much.

21 BOARD CHAIRMAN SPENCER: Make us proud.

22 MS. WHATLEY: Of course.

23 BOARD CHAIRMAN SPENCER: Any other comment?

24 Future agenda items. Do you have anything in
25 that regard?

1 MR. INGRAM: No.

2 BOARD CHAIRMAN SPENCER: Okay. Public comment.
3 I have no public.

4 MR. WARD: None up north.

5 BOARD CHAIRMAN SPENCER: Well, we will take
6 that motion, Richard.

7 BOARD MEMBER PUTNAM: Mr. Chairman, move --

8 BOARD CHAIRMAN SPENCER: Okay.

9 MS. WHATLEY: Can I say something first?

10 BOARD MEMBER ZANE: Motion to adjourn.

11 BOARD CHAIRMAN SPENCER: That was a motion and
12 a second. Sit down.

13 MS. WHATLEY: I'm sorry. Can I have my last
14 say?

15 BOARD CHAIRMAN SPENCER: Absolutely.

16 BOARD MEMBER ZANE: Absolutely.

17 MS. WHATLEY: I really -- I sent you each the
18 letter. I really have appreciated my time here with
19 PILB. I thoroughly enjoy investigations. You know, I
20 haven't enjoyed the work cards, but it is what it is.
21 But being able to come here and interact with each of
22 you and to get to know you, I've thoroughly enjoyed
23 that, and I appreciate it.

24 And Kevin is doing an awesome job. Just give
25 him a chance to get it turned around where it needs to

1 be.

2 Thank you all.

3 BOARD CHAIRMAN SPENCER: Thank you. Good luck.

4 (There was clapping.)

5 MR. INGRAM: I really appreciate that. And
6 I'll just ditto what I said yesterday. It's been an
7 absolute pleasure working with you. I know how
8 difficult it is to train a new supervisor. And you've
9 been there for me every day, every time I need help. I
10 appreciate that. And, you know, like I said before,
11 good luck to you in your new -- you need luck. I know
12 you'll be very successful. And I just hope that you'll
13 keep in touch with us.

14 MS. WHATLEY: Thank you very much.

15 BOARD CHAIRMAN SPENCER: We have a motion and a
16 second on the adjournment. All in favor, signify by
17 saying "aye."

18 (Board members said "aye.")

19 BOARD CHAIRMAN SPENCER: Opposed?

20 Hearing none, we're adjourned. Merry
21 Christmas.

22 * * * * *

23 (The meeting adjourned at 10:53 a.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, December 6, 2012, at 9:00 a.m., and commencing at 9:00 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 75, 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 11th day of January, 2013.

SHANNON L. TAYLOR
Nevada CCR #322, RMR