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

Thursday, March 7, 2013
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 (Carson City)
Richard Putnam (Carson City)
Mark Zane (Las Vegas)
Robert Uithoven (Carson City)

Also: Kevin Ingram (Las Vegas)
Executive Director

Harry B. Ward (Carson City)
Deputy Attorney General

Henna Rasul (Carson City)
Senior Deputy Attorney General

Brandi King (Carson City)
Investigative Assistant

Kimberly Christensen (Las Vegas)
Investigative Assistant

Robbie Hight (Carson City)
Investigator

Matt Schmelzer (Carson City)
Investigator

Shelly Donald (Las Vegas)
Investigator

Courtney Ross (Las Vegas)
Investigator

Tom Ferrara (Las Vegas)
Investigator

Mary Klemme (Carson City)
Investigative Assistant

(Continued...)

1 Other Participants in Carson City:

2 Dave Ruben
3 Arthur Hakes

4 Other Participants in Las Vegas:

5 Magdalene Hooker-Pratt
6 Tyrone Williams
7 Darryl Cronfeld (on behalf of Tyrone Williams)
8 Leyston Rice
9 Hyrum Lee Poong
10 Cynthia McLaughlin

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1 CARSON CITY, NEVADA, THURSDAY, MARCH 7, 2013, 9:02 A.M.

2 -oOo-

3 BOARD CHAIRMAN SPENCER: All right. Let's get
4 started.

5 This is the second day of the first quarterly
6 meeting of the Private Investigators Licensing Board for
7 2013.

8 We'll have a roll call of Board members.

9 MR. INGRAM: You got it.

10 Board Member Putnam?

11 BOARD MEMBER PUTNAM: Here.

12 MR. INGRAM: Board Member Uithoven?

13 BOARD MEMBER UITHOVEN: Here.

14 MR. INGRAM: Board Member Nadeau?

15 BOARD MEMBER NADEAU: Here.

16 MR. INGRAM: Board Member Zane?

17 BOARD MEMBER ZANE: Here.

18 MR. INGRAM: And Chairman Spencer?

19 BOARD CHAIRMAN SPENCER: Here.

20 Anyone who will give testimony today, will they
21 please stand and be sworn.

22 MR. WARD: Do you solemnly swear to tell the
23 truth, the whole truth and nothing but the truth, so
24 help you god?

25 (Potential witnesses were sworn.)

1 BOARD CHAIRMAN SPENCER: All right. Thank you.
2 First, matter number four, National
3 Transportation Services, Inc., Bertha and Allegra
4 Steinberg.

5 MR. WARD: Mr. Chairman, may it please, we need
6 to do public comment or at least open up the floor,
7 first.

8 BOARD CHAIRMAN SPENCER: Oh, I'm sorry. You're
9 absolutely correct.

10 Is there any public comment, either in Carson
11 City or here in Las Vegas?

12 MR. WARD: Mr. Chair, for the record, none up
13 here.

14 BOARD CHAIRMAN SPENCER: Great. Thank you.
15 Proceeding next with Transportation Services,
16 Inc., Bertha and Allegra Steinberg.

17 Is there anybody here?

18 All right. Well, let's trail that and see what
19 happens.

20 Mr. David Ruben, Nevada private investigator's
21 license number 1740.

22 Is he in Carson City?

23 MR. RUBEN: Yes.

24 BOARD CHAIRMAN SPENCER: Oh, he's there. All
25 right. Good.

1 MR. RUBEN: Good morning, Mr. President.

2 BOARD CHAIRMAN SPENCER: Good morning,
3 Mr. Ruben.

4 MR. RUBEN: Good morning.

5 BOARD CHAIRMAN SPENCER: How are you?

6 MR. RUBEN: I'm good. How are you doing?

7 BOARD CHAIRMAN SPENCER: Great. Can you tell
8 us what it is you're seeking?

9 MR. RUBEN: I am. I have a short statement I'd
10 like to read, if that's all right.

11 BOARD CHAIRMAN SPENCER: All right.

12 MR. RUBEN: My name is David Ruben. I've been
13 a public sector fire investigator since 1994, and I've
14 lived in Nevada since 1992. I retired from the fire
15 service in 2012 and am currently a licensed private
16 investigator doing fire investigations in Nevada. I
17 also do occasional work as a registrant for another
18 Nevada P.I. since 2012, doing fire investigations.

19 In January of this year, I was offered a
20 non-peace officer position as a captain supervising the
21 fire prevention office with the Carson City Fire
22 Department, with a start date of February 4.

23 At that time, I contacted Director Ingram, in
24 January, for guidance on how NAC 648.330 and 648.338
25 could affect my licensure and registrant activities. I

1 want to thank Director Ingram. He was very helpful on
2 the phone, as were the other staff that I talked to.

3 After we talked, I submitted the documents you
4 have in your packet and requested to be on the next
5 Board meeting agenda to have direction from the Board on
6 the issue.

7 NAC 648.330 and 338 state if there's a conflict
8 of interest with the public employer or using my public
9 position for personal advantage in my licensed
10 activities, I'm required to put the license and
11 registration in abeyance.

12 While I don't believe that there would be a
13 conflict of interest between my public employment and my
14 licensed activities, I've personally taken the following
15 steps for my business, as well as accepted additional
16 restrictions from my public employer, regarding my
17 licensed activities, to ensure that there would not be
18 any issues that could be a conflict.

19 Number one, I put my investigator license and
20 registrant card in abeyance prior to my starting public
21 employment, as that employment started in between the
22 Board meetings.

23 I've restricted my business activities to fire
24 investigations and related activities. I don't take on
25 typical private investigation cases like workers'

1 compensation or domestic surveillance. So I practice in
2 a very narrow area.

3 If I determine a fire case is arson, my normal
4 practice is to inform my client and local authorities
5 and turn the case over to the insurance carriers, as I
6 deem, for further follow-up. I don't want to put myself
7 in a position where there's even a perception of a
8 conflict of interest.

9 In addition to personally taking those steps,
10 I've also submitted a letter, signed, from the Carson
11 City Fire Department Fire Chief restricting my licensed
12 activities even further. And you should have that
13 letter in your packet.

14 I'm not allowed to accept any cases that arise
15 within the city limits. This guarantees I cannot use my
16 position for personal gain, as I have no official
17 capacity outside Carson City. I cannot use any city
18 equipment or personnel and cannot conduct any licensed
19 activities while on duty.

20 Lastly, I'm not allowed to be involved with any
21 cases that involve the State of Nevada or any of its
22 political subdivisions as a first, a first party
23 defendant.

24 The agreement that I submitted is identical to
25 one that was reviewed and approved in 2011 by the

1 Douglas County District Attorney for another public
2 sector fire investigator that conducts private fire
3 investigations as a licensee. The District Attorney
4 found that subject to that agreement, there would be no
5 ethical conflict, and the PILB agreed with the D.A.'s
6 findings at that time.

7 I've tried to be proactive and take the
8 necessary actions once I determine that there might be
9 any potential problems. I reached out to the PILB
10 staff. No one filed any complaints about me. In fact,
11 I've never had any complaints filed against my Nevada or
12 California licenses.

13 I agreed to put my license and registration in
14 abeyance until this meeting to further ensure there
15 could be no appearance of conflict.

16 I try and conduct myself and my business as
17 professionally as possible.

18 And based on the items and testimony I've
19 provided, I believe there is not and cannot be any
20 conflict with the narrow scope of my licensed activities
21 and my public employment and, therefore, no conflict
22 with the NAC language.

23 I would ask the Board to find that my
24 activities as a licensee and registrant are not in
25 conflict with the NAC, and allow me to reactivate my

1 license and my registration.

2 In addition, NAC 648.338(2) requires an
3 exemption be a written documentation from the Board to
4 me.

5 And with that, I'd be happy to answer any
6 questions from the Board on my statement or the
7 documents I've submitted.

8 BOARD CHAIRMAN SPENCER: Thank you, Mr. Ruben.
9 Are there any Board questions or comments?

10 BOARD MEMBER PUTNAM: I have none,
11 Mr. Chairman.

12 BOARD MEMBER NADEAU: I don't have any at this
13 point, Mr. Chairman.

14 BOARD MEMBER UITHOVEN: No.

15 BOARD CHAIRMAN SPENCER: Jim, are you familiar
16 with, being on as long as you have, any incidents like
17 this in the past?

18 BOARD MEMBER NADEAU: Not in this particular.
19 Part of, obviously -- Mr. Chairman, thank you. Part of
20 my concern is his peace officer powers, his
21 investigation, his access to NCIC, CJIS and those kinds
22 of things.

23 It looks to me that he has no law enforcement
24 authority. That's confirmed by the letter that appears
25 from the Chief. Excuse me. From the Fire Chief.

1 And so I would -- at this point, I don't have
2 any question, but I was going to wait and see if there
3 are any additional questions.

4 BOARD CHAIRMAN SPENCER: Thank you.

5 Mark, do you have any questions?

6 BOARD MEMBER ZANE: I don't have a question,
7 but I have a comment that the prior occasion where an
8 exemption was issued in relation to the Douglas County
9 matter, is it your position that this is almost
10 identical to that exemption?

11 MR. RUBEN: Are you asking me that, sir?

12 BOARD MEMBER ZANE: Yes, sir.

13 MR. RUBEN: I am. It's basically exactly
14 identical. The other gentleman does not have peace
15 officer status. Neither do I. Fire investigations are
16 one piece of what I do. The bulk of my duties are plan
17 review on construction documents and conducting fire
18 inspections.

19 BOARD MEMBER ZANE: Thank you.

20 BOARD CHAIRMAN SPENCER: Any further questions?

21 BOARD MEMBER NADEAU: Mr. Chair?

22 BOARD CHAIRMAN SPENCER: Got any questions
23 from --

24 BOARD MEMBER NADEAU: Mr. Chair, that did raise
25 a question from me, if I may.

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

2 BOARD MEMBER NADEAU: As a fire inspector, are
3 you -- do you have the authority to issue citations for
4 failure to comply with inspection aspects or those kind
5 of things?

6 MR. RUBEN: Under, under current city code, the
7 chief, officers, the fire inspectors and, I think,
8 captains, engine captains can issue a citation for
9 violation of the fire code. But I do not. I'm not a
10 peace officer. I can't arrest anybody or anything like
11 that.

12 BOARD MEMBER NADEAU: And is that an
13 administrative code violation, or is that a criminal
14 code violation, if someone fails to comply with the fire
15 code?

16 MR. RUBEN: It would be under administrative
17 code. If there's any criminal code stuff -- excuse me.
18 If there's any criminal code violations, it's dealt with
19 by the District Attorney's Office or the Sheriff's
20 Office. We don't arrest anyone. It's almost like
21 issuing a parking ticket.

22 BOARD MEMBER NADEAU: Okay. Yeah.

23 Thank you, Mr. Chairman.

24 BOARD CHAIRMAN SPENCER: Any further questions
25 or comments?

1 Anything from the audience?

2 I'll entertain a motion.

3 BOARD MEMBER PUTNAM: Mr. Chairman, I have a
4 motion. I move that Dave Ruben's license be -- that is
5 in abeyance be put on active status, subject to the
6 letter of the Carson City Fire Department dated
7 January 25th, 2013 signed by R. Stacey Giomi, Fire
8 Chief, and subject to all regulations and law.

9 BOARD CHAIRMAN SPENCER: All right. I have a
10 motion.

11 BOARD MEMBER UITHOVEN: Second.

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

14 (Board members said "aye.")

15 BOARD CHAIRMAN SPENCER: Opposed?

16 Mr. Ruben, you are granted.

17 MR. RUBEN: Thank you, Mr. President.

18 I do have one other, one other question. I do,
19 as I said in my statement, I also work as a registrant
20 for another private investigator doing fire
21 investigation work. And I don't know if staff can shed
22 light on it, if it's required or not. But, as I said, I
23 think, it was in six -- 648.338, section 2, requires a
24 written exemption from the Board.

25 So if that's needed, if the Board finds that

1 that's needed, I would ask that staff provide that.

2 BOARD CHAIRMAN SPENCER: All right. We'll
3 follow up on that and do whatever needs to be done.

4 MR. RUBEN: Okay. Thank you very much,
5 Mr. President.

6 BOARD CHAIRMAN SPENCER: Actually, I'd like to
7 compliment you on your approach to this issue. It
8 certainly was thought out very thoroughly and presented
9 factually. Thank you.

10 MR. RUBEN: Thank you.

11 BOARD MEMBER PUTNAM: Thank you.

12 BOARD CHAIRMAN SPENCER: Have the Steinbergs
13 appeared? I don't think anybody's come in.

14 No? Okay.

15 Registration appeal hearing. Arthur Hakes.

16 MR. HAKES: Good morning.

17 BOARD CHAIRMAN SPENCER: Good morning, sir.

18 How are you?

19 MR. HAKES: Great. Thank you.

20 BOARD CHAIRMAN SPENCER: Good.

21 Who's -- who handled this case?

22 MS. KING: I did.

23 BOARD CHAIRMAN SPENCER: Is that Brandi?

24 MS. KING: Brandi King.

25 BOARD CHAIRMAN SPENCER: Oh, there you are.

1 MS. KING: For the record, I am Investigative
2 Assistant Brandi King.

3 And if I might read this statement on the
4 agenda:

5 Arthur Hakes applied for registration and was
6 denied. Mr. Hakes was scheduled to appear before the
7 Board in March of 2012 for a disciplinary hearing in the
8 matter of his role as the Corporate Officer of Nevada --
9 excuse me -- Northern Nevada Investigations, license
10 number 628, and a Registered Employee of Northern Nevada
11 Investigations, registration number R-015500, alleging
12 conduct that may have -- excuse me -- constituted
13 violations of NRS 648.150 and/or NRS 648.175. Mr. Hakes
14 failed to appear at this hearing, and an emergency
15 suspension was issued by the Board on March 8th, 2012.

16 Mr. Hakes has applied for his registration to
17 be activated and is appealing the decision to the Board
18 pursuant to NRS 648.

19 BOARD CHAIRMAN SPENCER: Questions from the
20 Board?

21 BOARD MEMBER PUTNAM: I have none,
22 Mr. Chairman.

23 BOARD MEMBER NADEAU: Mr. Chairman, I'd like
24 Mr. Hakes to explain to us why he wants his license
25 back.

1 MR. HAKES: Essentially, the problem occurred
2 with a Sadiq Patankar. The company had already been
3 shut down as of August of 2011 because of possible
4 activities of Mr. Patankar.

5 When I got this request to appear, Mr. Patankar
6 requested that I not appear. And he was also requested.
7 So he appeared. And the matter was taken away. He
8 wasn't found guilty of any action.

9 And so he was extremely happy when it was over.
10 And he thought that the matter was closed and informed
11 me that the matter was closed. I was not aware that
12 this had occurred in any degree at all.

13 BOARD CHAIRMAN SPENCER: All right. Further
14 questions from the Board?

15 MR. HAKES: I can't understand him.

16 BOARD MEMBER ZANE: As I understand, that we're
17 here to discuss an appeal for an employee registration.
18 Correct?

19 MS. KING: Yes, sir.

20 BOARD MEMBER ZANE: Okay. Mr. Hakes, at the
21 point in time that the previous disciplinary action was
22 taken by the Board, it's my understanding from the
23 record previously made that you were given notice to be
24 in attendance. Is that correct?

25 MR. HAKES: I'm sure I was noticed. I was

1 requested by Patankar not to show. So I didn't.
2 Because he was the major investor and stockholder,
3 everything else for the company. He had already called
4 his notes and closed the company down.

5 BOARD MEMBER ZANE: Was he an officer or
6 director of the corporation?

7 MR. HAKES: No, he's just a major investor.
8 And I stayed on as titular head.

9 BOARD MEMBER ZANE: And my question was, was he
10 an officer or director of the corporation?

11 MR. HAKES: He was not an officer or director.
12 I was.

13 BOARD MEMBER ZANE: Okay. So you took the
14 request of an individual that had no legal authority
15 regarding the corporation not to appear at a regulatory
16 hearing. Is that correct?

17 MR. HAKES: I didn't understand.

18 BOARD MEMBER ZANE: You took the direction from
19 a noncorporate officer to not attend a Board-noticed
20 regulatory hearing?

21 MR. HAKES: Excellent. Yes, that would be
22 true. Exactly right. That's true. I -- there again, I
23 fell under the request of Patankar.

24 BOARD MEMBER NADEAU: But, Mr. Chairman, may I,
25 or Mark?

1 BOARD MEMBER ZANE: Yeah.

2 BOARD CHAIRMAN SPENCER: Yeah.

3 BOARD MEMBER NADEAU: Can I have a follow up on
4 that?

5 BOARD CHAIRMAN SPENCER: Please.

6 BOARD MEMBER NADEAU: So what authority did he
7 have over you that would give you the opinion that you
8 had to follow his instruction and not follow the demands
9 of the Board?

10 MR. HAKES: Because he'd already shut the
11 company down. He'd already called all the notes and
12 shut the company down.

13 BOARD MEMBER NADEAU: But what authority did he
14 have?

15 MR. HAKES: That --

16 BOARD MEMBER NADEAU: In other words, if you
17 failed to comply with his direction, and you followed
18 the instruction of the Board, what, what would he have
19 done? In other words, I'm trying to find out why you
20 took it, took his instruction over a request by the
21 Board that had control of your license.

22 MR. HAKES: That's a great question. And all I
23 could say is, at that time, I thought that he was the
24 boss, and I listened to him. I could very easily have.
25 I was ready to go.

1 BOARD MEMBER NADEAU: And he had no -- did he
2 have ownership of the company?

3 MR. HAKES: I would say he had a hundred
4 percent ownership of it.

5 BOARD MEMBER NADEAU: Okay. But he had no
6 corporate responsibilities?

7 MR. HAKES: No.

8 BOARD MEMBER NADEAU: As far as what you're --

9 MR. HAKES: Not in writing, pardon me, any
10 filing at all.

11 BOARD MEMBER NADEAU: It's just confusing to
12 us --

13 MR. HAKES: Sure, of course.

14 BOARD MEMBER NADEAU: -- that if he wasn't a
15 corporate officer or owner of the company or anything
16 like that, what weight his direction would have on you.
17 So maybe you could help. I mean you need to fill in
18 that gap. Because, frankly, I don't understand.

19 MR. HAKES: I just wish I could, because I
20 bought that, quote, he ran the company.

21 BOARD MEMBER NADEAU: Okay.

22 MR. HAKES: So he said, "Don't go. I'm going."
23 And I said, "Okay. Fine. If you're going, okay. But
24 I'm ready to go." I was all ready.

25 Because the actions that caused the problem

1 were his actions. And we lost our major client. And I
2 just had to fold it.

3 BOARD MEMBER NADEAU: Okay. So at this point,
4 I guess, at this point, if you -- what's your motivation
5 to be registered again?

6 MR. HAKES: Okay. A company called Shaft,
7 S-H-A-F-T, out of Vegas, has heard about my services in
8 the past, that I've never had a problem serving, and
9 they asked me to come on board with them as an employee
10 and perform process serving. I've never had a problem
11 with any activity I've done in the way of serving.

12 BOARD MEMBER NADEAU: I guess, I -- you really
13 haven't answered my question.

14 MR. HAKES: Okay.

15 BOARD MEMBER NADEAU: So, I guess, I'm
16 struggling here trying to figure out.

17 MR. HAKES: Okay.

18 BOARD MEMBER NADEAU: You know, what, what
19 makes -- what would bring comfort to the Board, that if
20 a circumstance is similar to what it was before. In
21 other words, how do we know that you're going to come
22 before the Board when directed to come before the Board?
23 Okay.

24 MR. HAKES: Yeah.

25 BOARD MEMBER NADEAU: I mean, in other words,

1 what assurances do we have that you're going to follow
2 the statutes and that type of thing and those kinds of
3 things?

4 MR. HAKES: Okay. Only that I would be
5 employed by Shaft and have nothing to do with Sadiq
6 Patankar, even though they both work in the same law
7 office at the present time. I'd still be -- I'm just
8 myself involved with Shaft. And they'd like me to be
9 their employee. And I'd be glad to be their employee,
10 because there's activity that needs to be done.

11 BOARD MEMBER NADEAU: And if, for some reason,
12 something happens with Shaft, and you're asked to come
13 before the Board --

14 MR. HAKES: Well, I've learned my lesson. I'll
15 come before the Board as asked.

16 BOARD MEMBER NADEAU: I mean.

17 MR. HAKES: Yeah.

18 BOARD MEMBER NADEAU: Thank you.

19 Thank you, Mr. Chair.

20 BOARD CHAIRMAN SPENCER: Any further questions
21 from the Board members or from the audience?

22 BOARD MEMBER ZANE: I have another.

23 Mr. Hakes, have you had the opportunity to
24 review the minutes of March 8th, 2012?

25 MR. HAKES: No. Not at all, afraid not.

1 BOARD MEMBER ZANE: If there was testimony at
2 that hearing that you were in a training capacity --

3 MR. HAKES: A which capacity?

4 BOARD MEMBER ZANE: -- would that be true or
5 false? You were training Mr. --

6 MR. WARD: Training.

7 MR. HAKES: Training?

8 BOARD MEMBER NADEAU: Trainer.

9 MR. HAKES: Hm?

10 BOARD MEMBER NADEAU: You were training. You
11 were the trainer for --

12 MR. HAKES: A trainer, not a trainee. Which?

13 BOARD MEMBER NADEAU: Mark?

14 BOARD MEMBER ZANE: You were training
15 Mr. Patankar.

16 MR. HAKES: Oh.

17 BOARD MEMBER NADEAU: You were the one that was
18 training Mr. Patankar.

19 MR. HAKES: I was training him, yes.

20 BOARD MEMBER NADEAU: That would be correct if
21 that was -- if he stated that?

22 MR. HAKES: That would be true.

23 BOARD CHAIRMAN SPENCER: I guess, that's a yes.

24 BOARD MEMBER ZANE: Okay. No more.

25 BOARD CHAIRMAN SPENCER: All right. Again, any

1 further questions from the Board or from the audience?

2 If not, I'll entertain a motion.

3 BOARD MEMBER ZANE: Mr. Chairman, I would move
4 that we deny the appeal of Arthur Hakes for
5 reinstatement of registration.

6 BOARD MEMBER PUTNAM: Second.

7 BOARD MEMBER ZANE: Based upon lack of
8 participation.

9 BOARD CHAIRMAN SPENCER: I have a motion.

10 BOARD MEMBER PUTNAM: Second.

11 BOARD CHAIRMAN SPENCER: And a second. All in
12 favor of that motion, signify by saying "aye."

13 (Board members said "aye.")

14 MR. HAKES: And --

15 BOARD CHAIRMAN SPENCER: Opposed?

16 Sorry, Mr. Ruben, that -- or, Mr. Hakes, sir,
17 your request has been denied.

18 MR. HAKES: Thank you very much for your time.
19 I really appreciate your input. I think it's excellent.
20 I have no problem at all.

21 BOARD CHAIRMAN SPENCER: Magdalene
22 Hooker-Pratt.

23 Good morning. Yeah, right there is fine. How
24 are you today?

25 MS. HOOKER-PRATT: I'm well. How are you?

1 BOARD CHAIRMAN SPENCER: Fine. I can certainly
2 see you today with your red dress.

3 MS. HOOKER-PRATT: Oh.

4 MS. KING: Mr. Chairman?

5 BOARD CHAIRMAN SPENCER: Yes.

6 MS. KING: This is Brandi King.

7 Magdalene Hooker-Pratt applied for registration
8 and was denied. Ms. Hooker-Pratt was issued a second
9 unlicensed activity citation in the amount of \$5,000 in
10 September of 2007 and has failed to make payments as of
11 this date. Ms. Hooker-Pratt is appealing the decision
12 to the Board pursuant to NRS 648.

13 BOARD CHAIRMAN SPENCER: Thank you.

14 Ms. Pratt, do you wish to make a statement
15 regarding your appeal?

16 MS. HOOKER-PRATT: Well, yes, I would like to
17 make a statement.

18 Regarding these fines, I have a nephew named
19 Quevius Hooker. My nephew, this, all this is stemming
20 from my nephew, Safety Management Group, or whatever his
21 company was called. This is something between my nephew
22 and some guy named Perez that was applying for, wanted
23 to do some security work.

24 I have nothing to do with Safety Management.
25 So, I guess, I got fined because I'm related to Quevius

1 Hooker. Because I was not doing any unlicensed work, no
2 security work. I did security for Edmond Town Center,
3 slash, Lucas Investments. I had a guard card, an
4 unarmed guard card. That's what I was, an unarmed
5 guard.

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

7 MS. HOOKER-PRATT: I had applied in 2007 for a
8 security company license, business license, whatever
9 it's called, the license for -- for security. Which I
10 was dealing with Bartollo or whatever his name was.
11 I --

12 BOARD CHAIRMAN SPENCER: Botello.

13 MS. HOOKER-PRATT: Okay. Bartollo was the
14 person that I was going back and forth with on this,
15 about this, getting this license. But no, no, no time
16 ever have I did any unlicensed security work.

17 BOARD CHAIRMAN SPENCER: Okay. Brandi, what do
18 we have on the complaint regarding this matter?

19 MS. KING: When she applied for -- excuse me --
20 her registration, I had e-mailed her a copy of her
21 background report that she had previously gotten from
22 Investigator Rene Botello. And it discussed in that
23 report of her unlicensed activity or unlicensed
24 activities. She and Quevius were applying together to
25 operate a security company.

1 I had also e-mailed her the citation
2 notifications that were refused. They were certified
3 mailings. And she acted like she had never seen any of
4 this before.

5 MS. HOOKER-PRATT: Well, they weren't refused.
6 They were returned, because I no longer lived at 2150
7 North Tonega Way (phonetic). These were returned to
8 sender. They were not refused. I've never seen them.
9 This is my first time seeing this, when she e-mailed it
10 to me. So I never did get this.

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

12 MS. KING: Ma'am, did you get your background
13 report from Rene Botello?

14 MS. HOOKER-PRATT: I did not get a background
15 report from Rene Bartollo. I got this stuff that you
16 just e-mailed me on the -- on December, what, 13th, that
17 you sent me copies of this stuff that was returned back,
18 that came in these envelopes right here, I suppose.

19 MS. KING: Yes.

20 MS. HOOKER-PRATT: That's what I have. That's
21 all I've seen.

22 BOARD CHAIRMAN SPENCER: Are there any
23 questions from the Board?

24 BOARD MEMBER NADEAU: Mr. Chair, I have a
25 question, please. I guess, it goes to either Brandi or

1 Kevin.

2 Is there any -- do we have anything that shows
3 that she ever was aware of the fine? In other words,
4 there was never an agreement to pay or anything like
5 that? She was just issued a citation. And she failed
6 to respond to the citation. So, therefore, the fine was
7 imposed. Correct? Is that, is that the process? In
8 other words, was she ever personally engaged, that we
9 have any record of, in any of this, other than making
10 application initially for licensing?

11 MS. KING: I am not aware of the specifics.

12 BOARD MEMBER NADEAU: Okay.

13 BOARD MEMBER PUTNAM: Mr. Chairman?

14 MR. KEVIN: Nor am I.

15 BOARD MEMBER PUTNAM: I also have a question.

16 Well, with regard to the first citation, any
17 indication she was aware of that? Because this is a
18 second citation fine.

19 MS. KING: And I believe that the first
20 citation was issued to both of them. At the very least,
21 it was issued to Quevius Hooker. But they were applying
22 together, and they -- Rene Botello found them both.

23 BOARD MEMBER PUTNAM: Ma'am, are you aware of
24 that first citation?

25 MS. HOOKER-PRATT: No, I was not aware of a

1 first citation. I'm just seeing these things right now
2 that I -- that was e-mailed to me on the 12th.

3 My nephew told me that he was cited, and he
4 showed me paperwork where he was cited for a citation.
5 His name is Quevius. And it was under Safety Management
6 Group, whatever the name of the company was. He showed
7 me that.

8 BOARD MEMBER PUTNAM: He showed you documents?

9 MS. HOOKER-PRATT: To him.

10 BOARD MEMBER PUTNAM: To him?

11 MS. HOOKER-PRATT: Yeah, it was addressed to
12 him.

13 BOARD MEMBER PUTNAM: And you were not sent
14 those documents?

15 MS. HOOKER-PRATT: No. No. No, I was not.
16 Nope, I was not. On these e-mails I have here from
17 Brandi, I see my name is on these e-mails, but these
18 e-mails were returned back to the -- to sender, because
19 I never did get these.

20 BOARD MEMBER NADEAU: Mr. Chair, I'm prepared
21 to make a motion.

22 BOARD CHAIRMAN SPENCER: All right.

23 BOARD MEMBER NADEAU: Mr. Chair, I would move
24 that the denial be upheld. And I'll add discussion if
25 there's a second.

1 BOARD MEMBER PUTNAM: I second.

2 BOARD MEMBER NADEAU: And, Mr. Chair, as far as
3 discussion goes, it would be my opinion that
4 Ms. Hooker-Pratt needs to get this worked out and figure
5 out whatever that she had going with her nephew or
6 whomever she was in business with. And when she gets it
7 figured out, then she can come back to us.

8 But at this point, we have our records and our
9 documentation. And it would seem to me that this may be
10 a family problem, but she needs to get it worked out
11 before we could issue a --

12 MS. HOOKER-PRATT: Could I say something?

13 BOARD CHAIRMAN SPENCER: In just a second,
14 sure.

15 MS. HOOKER-PRATT: Okay.

16 BOARD MEMBER NADEAU: Mr. Chair, I thought we
17 were in discussion.

18 BOARD CHAIRMAN SPENCER: We are.

19 BOARD MEMBER NADEAU: Okay. So that's my
20 position. That's why I made the motion. And she can
21 get whatever documentation she needs from us to -- but
22 she needs to get it sorted out on her own. It's not for
23 to us make that decision, not given the information we
24 have.

25 BOARD CHAIRMAN SPENCER: I have a motion. Do I

1 have a second?

2 BOARD MEMBER PUTNAM: Second.

3 BOARD MEMBER NADEAU: We have a second.

4 BOARD MEMBER ZANE: Mr. Putnam seconded.

5 BOARD CHAIRMAN SPENCER: Oh, I'm sorry.

6 We have a motion and a second. All in favor,

7 signify by saying "aye."

8 (Board members said "aye.")

9 I don't have a response on the motion?

10 Maybe I wasn't heard. All in favor, signify by
11 saying "aye."

12 (Board members said "aye.")

13 All right. What do I do now?

14 BOARD MEMBER NADEAU: Mr. Chair? Mr. Chair?

15 BOARD CHAIRMAN SPENCER: Are there any nays?

16 BOARD MEMBER ZANE: Nay.

17 BOARD CHAIRMAN SPENCER: Yeah. Nay here, too.

18 MR. WARD: Mr. Chair, for the record, we have
19 three ayes and two nays; is that correct?

20 BOARD CHAIRMAN SPENCER: I'm sorry. I did not
21 hear the ayes.

22 BOARD MEMBER UITHOVEN: Three ayes.

23 MR. WARD: Three in favor and two against; is
24 that, for the record, correct?

25 BOARD CHAIRMAN SPENCER: I beg your pardon,

1 because I did not hear that, and I'm sitting here
2 making -- looking stupid and making you think about it.

3 All right. Well, the motion passes, then.

4 Did you have some more things you wanted to
5 say? And bear in mind, if you need any documentation to
6 show previous about it, then we'll be happy to provide
7 that to you. Once you go over that with him, then I
8 suggest you call the office and schedule another
9 appearance, along with him, and bring him along.

10 MS. HOOKER-PRATT: Okay. You know, Quevius
11 came to a hearing when he was issued those citations.
12 He came with -- with the bookkeeper. And the bookkeeper
13 explained to the Board for Quevius that that, on
14 Quevius' behalf, that that was an oversight or whatever.

15 But Quevius spoke to them, and he let them know
16 that I did not, I don't have anything to do with Safety
17 Management. He said that in the hearing, that it has,
18 that has nothing to do with me, I had anything --
19 nothing to do with Safety Management, nothing, in that
20 hearing that he went to back then.

21 BOARD CHAIRMAN SPENCER: Do you know when the
22 hearing was?

23 MS. HOOKER-PRATT: No. But I could ask him.
24 Because he's a school teacher. So I can. I'll just go
25 over there and ask him what was the date of that.

1 BOARD CHAIRMAN SPENCER: All right.

2 MS. HOOKER-PRATT: Or if he got any paperwork
3 on it. Because I didn't have anything to do with Safety
4 Management.

5 BOARD CHAIRMAN SPENCER: Get a business card
6 that we can give her.

7 MS. HOOKER-PRATT: No, I'm being treated like a
8 criminal.

9 BOARD MEMBER PUTNAM: I have a question of this
10 applicant.

11 BOARD CHAIRMAN SPENCER: Yes.

12 Oh, excuse me, ma'am. We have a question for
13 you.

14 MS. HOOKER-PRATT: Yes.

15 BOARD MEMBER PUTNAM: Were you at that hearing,
16 or are you talking about what --

17 MS. HOOKER-PRATT: No.

18 BOARD MEMBER PUTNAM: -- he told you about that
19 hearing?

20 MS. HOOKER-PRATT: No. No. I wasn't, I wasn't
21 there. But I'm sure some of you guys was at the
22 hearing. You guys got to have a notation of what went
23 on at that hearing.

24 BOARD MEMBER PUTNAM: Thank you, ma'am.

25 MS. HOOKER-PRATT: I don't have to be there.

1 Thank you.

2 BOARD CHAIRMAN SPENCER: I'm going to give you
3 a card so that you know you can call and request
4 anything that you want as far as to back it up.

5 Thank you.

6 All right. Number eight, Tyrone Williams.

7 How are you, Mr. Williams?

8 MR. WILLIAMS: Good morning.

9 BOARD CHAIRMAN SPENCER: Who had Mr. Williams'
10 case?

11 MS. KING: I do. Brandi King.

12 BOARD CHAIRMAN SPENCER: Okay, Brandi.

13 MS. KING: Okay. Mr. Williams applied for
14 registration. And I denied him because he had a 2001
15 unlawful use of a weapon.

16 And he claims it was dismissed.

17 And I asked him to send me paperwork regarding
18 this.

19 I'm sorry, Mr. Chairman. I'm going through my
20 notes real quick.

21 BOARD CHAIRMAN SPENCER: Take your time.

22 MS. KING: Okay. On December 4th, 2001, he
23 entered a plea of guilty. And that same day, they found
24 him guilty. He was sentenced to probation for 18
25 months. So he was convicted of aggravated unlawful use

1 of a weapon, two counts.

2 BOARD CHAIRMAN SPENCER: All right. I see you
3 have someone accompanying you.

4 Would you identify yourself, please.

5 MR. CRONFELD: Darryl Cronfeld, owner of
6 Official Security, license number 453.

7 BOARD CHAIRMAN SPENCER: All right. Are you
8 here in support of this man?

9 MR. CRONFELD: Absolutely.

10 BOARD CHAIRMAN SPENCER: Okay.

11 Brandi, did this gentleman fail to list that
12 arrest?

13 MS. KING: That I don't remember. I didn't
14 write it down as a note. I think, he did list it, and
15 he put that it was dismissed.

16 BOARD CHAIRMAN SPENCER: Okay.

17 MR. INGRAM: Mr. Chairman, if I may input just
18 a little bit.

19 BOARD CHAIRMAN SPENCER: Please.

20 MR. INGRAM: This is a gentleman who was issued
21 a Las Vegas Metro card. And this is a renewal request.

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

23 MR. INGRAM: And that's part of the challenge
24 that Brandi is faced with.

25 BOARD CHAIRMAN SPENCER: All right.

1 MR. INGRAM: Is that correct, Brandi?

2 MS. KING: Yes.

3 BOARD CHAIRMAN SPENCER: All right.

4 Mr. Williams, was it your opinion or that those charges
5 had been dismissed?

6 MR. WILLIAMS: Well --

7 MR. WARD: The Board cannot hear you.

8 MR. WILLIAMS: Oh, I'm sorry. Well, to my
9 knowledge, I assumed that those charges against me was
10 dismissed. That's why I did have the attorney at that
11 time to send over to Brandi that information. But I
12 wasn't aware of it at that time. So now that I know,
13 I'm trying to get past it.

14 BOARD CHAIRMAN SPENCER: I understand.

15 MR. WILLIAMS: I'm hoping we do that. But I do
16 have a letter here from my current employer if you guys
17 would like to take a look at it.

18 BOARD CHAIRMAN SPENCER: All right. Yeah. Why
19 don't you go ahead and bring it up. Just put it right
20 over there, and they'll bring it around.

21 All right. Board questions, please?

22 BOARD MEMBER PUTNAM: Sir?

23 BOARD MEMBER ZANE: I have something,
24 Mr. Chairman.

25 BOARD CHAIRMAN SPENCER: All right. Go ahead.

1 BOARD MEMBER PUTNAM: Mr. Chairman, I have a
2 question of this applicant.

3 When did this all, situation take place?

4 MR. WILLIAMS: Chicago, Illinois. I was living
5 in Chicago, Illinois. In 2001.

6 BOARD MEMBER PUTNAM: 2001?

7 MR. WILLIAMS: Yes.

8 BOARD MEMBER PUTNAM: And if I understand your
9 testimony correctly, you are saying that you thought it
10 was dismissed, even though you pled guilty, and that
11 plea was upheld by the courts?

12 MR. WILLIAMS: Yes, after I did the probation,
13 I thought it was dismissed.

14 BOARD MEMBER PUTNAM: Well, pardon me, sir, but
15 probation doesn't mean something's been dismissed.

16 No further questions, Mr. Chairman.

17 BOARD MEMBER ZANE: Mr. Williams, what was the
18 circumstances surrounding the event; what happened?

19 MR. WILLIAMS: Basically, the vehicle I was
20 driving, the officers found a weapon. And that weapon
21 was, I believe, a semiautomatic. And, I believe, the
22 serial numbers were scratched on it, and it had one in
23 the chamber. And that weapon didn't belong to me. The
24 vehicle didn't belong to me at the time, but it belonged
25 to a family member. And, yes, I did plead.

1 BOARD MEMBER ZANE: Okay. How old were you?
2 And speak up, if you would, please.

3 MR. WILLIAMS: Oh. I was 34 years of age at
4 that time.

5 BOARD MEMBER ZANE: Okay. And what was your
6 employment background at the time? Were you employed?

7 MR. WILLIAMS: Yes, I was. Security.

8 BOARD MEMBER ZANE: And when did you originally
9 become employed in Las Vegas; when did you get a work
10 card from Metro to go to work?

11 MR. WILLIAMS: 2005.

12 BOARD MEMBER ZANE: 2005?

13 MR. WILLIAMS: Yes.

14 BOARD MEMBER ZANE: Okay. Have you had any
15 scrapes with the law since 2005?

16 MR. WILLIAMS: No. No, sir.

17 BOARD MEMBER ZANE: Okay. Has there been any
18 long periods of unemployment during that period of time?

19 MR. WILLIAMS: Three months, from -- I believe,
20 it was November till actually February I was unemployed,
21 from 2005 to '06, February of '06.

22 BOARD MEMBER ZANE: Okay.

23 BOARD CHAIRMAN SPENCER: Can you hear alright
24 in Carson?

25 MR. WARD: Yes.

1 BOARD MEMBER ZANE: So the only reason that
2 you're here now is because you were registering prior to
3 your other card expiring, correct?

4 MR. WILLIAMS: Right.

5 BOARD MEMBER ZANE: And in your current
6 capacity, you're an unarmed guard?

7 MR. WILLIAMS: Yeah, well, my current job, I'm
8 armed and -- as a route from Golden Gaming.

9 BOARD MEMBER ZANE: It's at Golden Gaming?

10 MR. WILLIAMS: It's at Golden Gaming.

11 BOARD MEMBER ZANE: Okay.

12 MR. WILLIAMS: Golden Gaming is the company
13 that's hired.

14 BOARD MEMBER ZANE: Golden Gaming is a
15 proprietary employer, which means they own their own
16 stuff.

17 MR. WILLIAMS: Yes.

18 BOARD MEMBER ZANE: Okay.

19 BOARD MEMBER NADEAU: Mr. Chair?

20 BOARD MEMBER ZANE: That's all I have.

21 BOARD CHAIRMAN SPENCER: Mr. Cronfeld, you're
22 here in support of Mr. Williams. What can you tell us?

23 MR. CRONFELD: Well, Mr. Williams has been a
24 valuable asset to the company since he was hired in
25 2006. Yes, he does only work part-time for us. And I

1 have clients that specifically ask for this gentleman
2 because of the great job that he does. He interacts
3 with people quite well. I happen to like the guy. And
4 as you know, there's not many people I like in this
5 business.

6 BOARD CHAIRMAN SPENCER: I'm well aware of
7 that.

8 MR. CRONFELD: Yes. That is why I am here
9 today. And when Tyrone told me that he was going --
10 because we set up a system, and they have to get their
11 new cards. And I'm the one that signs off on the old
12 system for the work cards. And I pulled his file to the
13 original application, and the arrest was on there. And
14 the probation charge was on there. And I signed off on
15 that.

16 And I would not sign off -- yes, when you hire
17 somebody originally, you take a chance. Okay. But
18 after this length of time, I felt there should not be a
19 problem. Yes, there would be a question, absolutely,
20 with the new system that we put into effect.

21 When Tyrone came to me -- and I got the
22 notification from Brandi, and, you know, we term'd him
23 immediately, of course, as per the statutes. And I sat
24 and talked with Tyrone to get -- there's always three
25 sides to the story, his, hers and the truth. I mean

1 that's just the way it is. And even speaking with
2 Tyrone this morning, he left one or two points out,
3 that, if I may, this is what he told me.

4 BOARD CHAIRMAN SPENCER: Please.

5 MR. CRONFELD: The weapon in the -- the vehicle
6 was not stolen. Yes, it was a family member vehicle,
7 family member gun. He did not know it was there. I
8 wasn't there, and so I can't say to that. But he did
9 know who the gun belonged to. Right or wrong, he took
10 the hit. He stood up not to put another family member
11 in jail.

12 Because, if I'm not mistaken, Tyrone, that
13 would have been three times for him?

14 MR. WILLIAMS: Yes.

15 MR. CRONFELD: It would have been a three-time
16 situation for that family member. Was he right?
17 Absolutely not. Was he wrong. Absolutely wrong. It's
18 just one of those situations.

19 I -- and when Tyrone even came to me and told
20 me it was dismissed, I said -- he did not understand.
21 Great guy. Cannot articulate. Bad attorney told him to
22 take the hit. You do that. There's nothing he can do
23 about that.

24 But I would personally feel that even reviewing
25 the statutes and the NACs, that he is not deniable. He

1 should have his work card to work for me or whoever. If
2 you grant him -- and, hopefully, you do -- to have the
3 work card back on the PILB, I'll put him back to work
4 tomorrow morning. I have clients that want Tyrone.

5 And, you know, Golden Gaming, it is, yes,
6 proprietary. Yes, he does have the regular Metro work
7 card. There's no problem anywhere. And if I'm not
8 mistaken, Tyrone has applied for his CCW.

9 MR. WILLIAMS: Yes.

10 MR. CRONFELD: You know, to work. I will then
11 get him, try my hardest to get him an armed work card at
12 that point in time, through the PILB.

13 And I just -- hopefully, that you will grant
14 him his work card so he can come back to work and be a
15 good productive citizen, even though with today's
16 economy he does need two jobs.

17 Thank you.

18 BOARD CHAIRMAN SPENCER: Thank you.

19 And in addition to that, I'll just read into
20 the record the letter that was presented here from
21 Edward Lee Kravetz, Corporate Director of Security,
22 Golden Gaming, Inc.:

23 "To Whom it May Concern: My name is Edward Lee
24 Kravetz. I am a retired Las Vegas Metropolitan Police
25 Department sergeant with over 25 years of service. My

1 last four years of service with the Las Vegas
2 Metropolitan P.D. were as the supervisor for the
3 Financial Crimes Bureau in the Fraud Section.
4 Currently, I am employed as a Corporate Director of
5 Security for Golden Gaming.

6 "Around September 2010, Tyrone Williams was
7 transferred from United Coin to Golden Gaming as a
8 result of contract negotiation, and Tyrone became a
9 full-time team member of Golden Gaming. Since Tyrone's
10 tenure with Golden Gaming, he has been a model employee.
11 In fact, Tyrone is dependable, honest and available. As
12 I understand, Tyrone is applying for a part-time
13 security for Official Security.

14 "It is with pleasure and the utmost confidence
15 I recommend Tyrone Williams for part-time security
16 employment.

17 "In closing, if all security staff assigned to
18 Golden Gaming were as positive, upbeat, dependable and
19 confident as Tyrone, my job would be much easier. I
20 recommend Tyrone with the highest degree of confidence."

21 Any more questions from the Board?

22 BOARD MEMBER NADEAU: Mr. Chairman, I have a
23 couple questions.

24 BOARD CHAIRMAN SPENCER: Please.

25 BOARD MEMBER NADEAU: Question number one. Is

1 this his second renewal, or is this his first renewal
2 for this card?

3 MS. KING: First.

4 BOARD CHAIRMAN SPENCER: First.

5 BOARD MEMBER NADEAU: First renewal. So he was
6 issued the card in 2007.

7 MS. KING: '5.

8 BOARD MEMBER NADEAU: 2005. When was this
9 denied, last year?

10 MS. KING: No. It was denied the beginning of
11 this year.

12 BOARD MEMBER NADEAU: Okay. So his card's
13 lapsed in the interim? Because 2007, five years would
14 be 2012, correct?

15 MS. KING: Yes. Let's see.

16 BOARD MEMBER NADEAU: Okay. My second
17 question, Mr. Chair, is of counsel.

18 And under NRS 648.1493, .1493, under section 3,
19 "Except as otherwise provided in this chapter, the Board
20 shall issue a registration to an applicant if"; but then
21 it goes to exceptions. Then we go to section 3(b), "The
22 applicant has not been convicted of, or entered a plea
23 of nolo contendere to, a felony or a crime involving
24 moral turpitude or the illegal use or possession of a
25 dangerous weapon."

1 And that's a "shall" to me. That's not a
2 "may." So I'm trying to figure out how we get around
3 that, if that's the statutory required denial.

4 MR. WARD: May it please, Mr. Chairman. Harry
5 Ward, Deputy Attorney General.

6 The term "shall" is mandatory language which
7 you cannot get around. It's not permissible. The word
8 "may" would be permissible. So if the statute, in fact,
9 does say "shall," that is mandatory language, and you
10 are bound by that language. I don't think there is any
11 way you can get around that language.

12 MR. CRONFELD: What was the statute, NRS?

13 BOARD MEMBER NADEAU: It's 648.1493. It talks
14 about registration requirements. And then we go to
15 section 3, subsection (b).

16 MS. KING: And that is what I based my denial
17 on. I don't have any doubts to his current character.
18 But I am just following state law. And I'm going on
19 fact of the court documents that he provided to me.

20 MR. CRONFELD: Did you refer to NAC 648.339?
21 Application for registration, review and denial or
22 approval. It is not a "shall" in there, in the NAC.

23 BOARD MEMBER NADEAU: Well, yes, but NAC is
24 strictly administrative. The statute is what drives
25 the -- I mean I'm not being argumentative, but the

1 statute is what drives it, not regulation.

2 MR. CRONFELD: No, me either. I'm just the
3 employer that wants a good guy to work.

4 BOARD MEMBER NADEAU: And then, under 648.339,
5 under -- under 4, sub -- under section 4, "The Board
6 will deny an application for registration if it" -- I
7 understand that's permissive. But the statute's
8 mandatory.

9 I have a great empathy for this man. It sounds
10 to me like -- I mean he has a CCW, for crying out loud.
11 You know, I'm just trying to put things together. But I
12 don't see where we have -- the statutes' what drives it,
13 not regulation. And "will" is like a mandatory, too.
14 And "shall" and "will" seem to be synonymous to me.

15 But I just don't see where we have discretion.
16 That's my difficulty here. I think, he's a good man.
17 And he's obviously a good employee. I'm just -- I just
18 don't see where we have discretion.

19 BOARD CHAIRMAN SPENCER: Harry, what would need
20 to be done?

21 MR. WARD: May it please, Mr. Chairman, I
22 think, under the statute, there is the mandatory
23 language. I think, you are bound by the statute. In a
24 nutshell, it says "Except as otherwise provided in this
25 chapter, the Board shall issue a registration to an

1 applicant if," and then you go into it, "(b), the
2 applicant has not been convicted of or entered a plea of
3 nolo contendere to a felony or a crime involving moral
4 turpitude or the illegal use or possession of a
5 dangerous weapon."

6 And, I think, factually, not only did he admit
7 that, but it's in the record that that's what's
8 happened. And I don't see how you can get around that
9 statute.

10 There are other options that I think that maybe
11 the applicant could do, possibly see about going back to
12 Illinois and having it somehow -- it won't be a pardon,
13 but going back through the court system and maybe doing
14 something in regards to the felony. But other than
15 that, I think, the State of Nevada and this Board is
16 bound by the statutes and the facts in this matter.

17 BOARD CHAIRMAN SPENCER: Well, I'm not familiar
18 with Illinois law, but, you know, there could be a way
19 to get that reviewed by the court and --

20 MR. CRONFELD: The question is -- and I don't
21 know. You know, I'm just here.

22 BOARD CHAIRMAN SPENCER: I, too, would like to
23 see this man get his --

24 MR. CRONFELD: If you accept probation, you've
25 plea bargained. Am I correct?

1 BOARD CHAIRMAN SPENCER: Yeah.

2 MR. CRONFELD: You've plea bargained a felony
3 out. So it is not a felony.

4 MR. WARD: It's a felony.

5 BOARD MEMBER NADEAU: Well, and, Mr. Chair?

6 BOARD CHAIRMAN SPENCER: Yes?

7 BOARD MEMBER NADEAU: It says, and this is
8 where I'm hung up, it says, it says "felony or" a
9 violation, a conviction of a violation involving a
10 firearm or -- or let me go back here. But it says "or a
11 crime"; and it doesn't say "a felony," but "a crime
12 involving moral turpitude or illegal use or possession
13 of a dangerous weapon."

14 And the conviction was unlawful use of a
15 weapon. So that's my struggle. I can't, I can't go --
16 I can't say what Metro did when they issued it
17 initially. I don't know the answer. But that was my
18 struggle.

19 BOARD CHAIRMAN SPENCER: Understand.

20 Seldom do we have someone coming before us like
21 this that, obviously, we agree with his request.
22 However, when we're handcuffed by the law, it makes it
23 very difficult to -- it makes it impossible to do
24 anything with it currently.

25 I would encourage you to, and within -- maybe

1 have your counsel make an inquiry back there as to what,
2 what might be done.

3 What's the status with your brother?

4 MR. CRONFELD: Or the family guy.

5 MR. WILLIAMS: The family? He's back home
6 somewhere.

7 MR. CRONFELD: Is he in jail?

8 MR. WILLIAMS: Yeah, I believe so.

9 MR. CRONFELD: There you go. There's the whole
10 thing.

11 BOARD CHAIRMAN SPENCER: It might be time to
12 point out who the gun owner was. I don't know. I know
13 how brothers and stuff like that go. But we should
14 leave it, you should attempt something like that,
15 because you just don't get many recommendations like
16 this.

17 MR. CRONFELD: Okay. I have just one more
18 question.

19 Brandi, Darryl Cronfeld. Hi.

20 MS. KING: Hi.

21 MR. CRONFELD: Did you get the charging papers
22 in from Illinois that state the charge? Does it say
23 "use" or -- the charging papers, use of a weapon or
24 possession?

25 BOARD MEMBER PUTNAM: I think, "use" it was.

1 MS. KING: Aggravated unlawful use of a weapon,
2 slash, vehicle. Count two is aggravated unlawful use of
3 a weapon, slash, person.

4 MR. CRONFELD: Okay. I was just -- I --

5 BOARD CHAIRMAN SPENCER: Did you use the weapon
6 at all?

7 MR. WILLIAMS: No.

8 MR. CRONFELD: It was in the -- that's a good
9 question. It's the charging papers.

10 BOARD CHAIRMAN SPENCER: Yeah.

11 BOARD MEMBER NADEAU: Mr. Chair?

12 BOARD CHAIRMAN SPENCER: What city was this in?

13 MR. WILLIAMS: Chicago.

14 BOARD CHAIRMAN SPENCER: Oh, god.

15 MR. CRONFELD: Yeah. Not even I would go
16 there.

17 BOARD MEMBER NADEAU: Mr. Chair?

18 BOARD CHAIRMAN SPENCER: Yes?

19 BOARD MEMBER NADEAU: If I -- unless I'm
20 mistaken, this impacts his ability to get a registration
21 from the PILB, but it does not impact his working for a
22 private corporation, such as a gamer or something like
23 that. Am I missing something, or is that, is that
24 correct? In other words, he can't get a registration
25 until he gets this settled, sealed or something of that

1 nature. But he can still work in casinos and that. Is
2 that correct?

3 BOARD CHAIRMAN SPENCER: Correct, as long as
4 it's proprietary.

5 BOARD MEMBER NADEAU: Okay.

6 MR. CRONFELD: If I may, one other. I hate to,
7 but.

8 Brandi, if Mr. Williams approves it, could you
9 sent me the packet with the charging papers, and I will
10 have my attorney personally start working on that for
11 Mr. Williams?

12 That's how I feel about Mr. Williams.

13 MS. KING: Yes, sir, I will.

14 MR. CRONFELD: Thank you very much.

15 BOARD CHAIRMAN SPENCER: All right. It this --

16 BOARD MEMBER PUTNAM: Mr. Chairman, if a motion
17 is required, I'd be glad to make one.

18 BOARD CHAIRMAN SPENCER: Yeah, just what I was
19 wondering, if we need to make a motion or if we can
20 trail this till we get a response from Mr. Cronfeld.

21 What do you think, Harry?

22 MR. WARD: May it please, Mr. Chairman, the
23 applicant could withdraw his application for renewal. I
24 think, that way, then there would not be a vote or a
25 motion put before the Board that could hamper him

1 insofar as reapplying. So that's up to the applicant.

2 BOARD CHAIRMAN SPENCER: Mr. Williams, what are
3 your wishes?

4 MR. WILLIAMS: Yes, I will do that.

5 MR. CRONFELD: Withdraw?

6 MR. WILLIAMS: I'll withdraw.

7 BOARD CHAIRMAN SPENCER: All right. Just let
8 us know.

9 MR. CRONFELD: As soon as I get the packet,
10 he'll be on it.

11 BOARD CHAIRMAN SPENCER: Thank you, Darryl.

12 MR. CRONFELD: Thank you.

13 MR. WILLIAMS: Thank you, gentlemen.

14 MR. CRONFELD: Thank you.

15 BOARD CHAIRMAN SPENCER: You bet. Thank you.
16 Let's take a 10-minute break.

17 * * * * *

18 (A break was taken, 10:02 to 10:22.)

19 * * * * *

20 BOARD CHAIRMAN SPENCER: We have one gentleman
21 here that needs to be sworn in, Harry.

22 MR. WARD: Please stand and raise your right
23 hand.

24 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 UNIDENTIFIED MAN: Yes.

3 BOARD CHAIRMAN SPENCER: Thank you.

4 All right. Next up is Byron Jackson. Do we
5 have Mr. Jackson?

6 I guess not.

7 All right. Leyston Rice. Did I say that
8 right, Leyston ("Lay-ston")?

9 MR. RICE: Yes, you did.

10 BOARD CHAIRMAN SPENCER: Or is it Leyston
11 ("Lee-ston")?

12 MR. RICE: Leyston ("Lay-ston").

13 BOARD CHAIRMAN SPENCER: Yeah, I got it right.
14 Have a chair.

15 Who has this?

16 MS. CHRISTENSEN: I do. Kimberly.

17 MS. KING: I believe, Kimberly does.

18 MS. CHRISTENSEN: Yes, I do. Thank you.

19 I originally denied him for nondisclosure of
20 arrests. And some of his convictions, according to his
21 SCOPE, because I do not have the fingerprints back yet,
22 indicate possible felonies. Most of them have been drug
23 arrests, with -- it looks like we also had some theft of
24 vending machines, destruction of property, burglary
25 tools. And as I said, he disclosed no arrests.

1 BOARD CHAIRMAN SPENCER: How come?

2 MR. RICE: I thought --

3 (There was a request by the reporter to
4 relocate the microphone to be able to hear Mr. Rice.)

5 BOARD CHAIRMAN SPENCER: So you were going to
6 try to treat beat the system?

7 MR. RICE: Yeah, I was scared that I wouldn't
8 be able to get my guard card. All of those things had
9 been years ago, and I changed my life since then. I
10 have never been convicted of a felony. Most of those
11 charges were marijuana misdemeanors. I used to smoke
12 weed a lot.

13 Since then, I changed my life around. I've
14 been trying to get a new job so I could support myself
15 and get back working. I've been unemployed for about
16 two years now. And I'd like to find a job.

17 BOARD CHAIRMAN SPENCER: How old are you now?

18 MR. RICE: I'm 26.

19 BOARD CHAIRMAN SPENCER: Okay. Are any of
20 these felonies?

21 MS. CHRISTENSEN: Well, my one concern is June
22 of 2012, he had an arrest, possession of a controlled
23 substance, unlawful use of drug paragraph. I have no
24 disposition on it, but the case number is indicating a
25 felony.

1 Then, also, June of 2011, they -- it looks like
2 he had 25 days in CCDC, contempt of court, which were
3 related to other drug charges back from March of 2011.

4 There again, they also indicate possible
5 felonies.

6 BOARD CHAIRMAN SPENCER: Are those felonies?

7 MR. RICE: No, none of them were felonies. The
8 one in 2012, I bought some spice from a smoke shop. And
9 I got stopped from the cops, and they said it was
10 illegal. And I told them I just bought it from a smoke
11 shop across the street. And they said it's illegal.
12 And I didn't understand why they would sell something
13 that's illegal. And the charges of felony, I'm still
14 going to court on that, hoping to get it dropped,
15 because I bought it from the smoke shop.

16 BOARD CHAIRMAN SPENCER: I see.

17 MR. RICE: That's the reason.

18 BOARD CHAIRMAN SPENCER: Questions from the
19 Board?

20 BOARD MEMBER ZANE: I have none.

21 BOARD MEMBER UITHOVEN: No.

22 BOARD MEMBER NADEAU: I have none.

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

25 BOARD CHAIRMAN SPENCER: All right. Thank you.

1 BOARD MEMBER ZANE: Mr. Chairman, I'm prepared
2 for a motion.

3 BOARD CHAIRMAN SPENCER: All right.

4 BOARD MEMBER ZANE: I'd move that the denial
5 for Leyston Rice be upheld for failure to purposely
6 disclose an arrest record.

7 BOARD MEMBER UITHOVEN: Second.

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

10 (Board members said "aye.")

11 Opposed?

12 Mr. Rice, it's being denied now. You can
13 reapply in a year. If during that period of time, if
14 you had no arrests, it would be a good idea. Of course,
15 it's a good idea all the time, but. And if you want to
16 come back and give it a shot in another year, there's a
17 possibility.

18 But when you're asked to list arrests, do it.
19 This is -- we're going to check. Okay?

20 MR. RICE: Okay.

21 BOARD CHAIRMAN SPENCER: All right. Thank you
22 very much.

23 MR. RICE: You're welcome.

24 BOARD CHAIRMAN SPENCER: Hyrum Lee Poong.

25 MR. POONG: Yes, sir.

1 BOARD CHAIRMAN SPENCER: Very good.

2 MS. GRESNICK-SMITH: Again, for the record,
3 this one is mine, Administrative Assistant Christiansen.

4 And I, basically, denied him because he does
5 have a pending DUI case. He was arrested January of
6 2013. It's not been cleared through the court. He had
7 a previous DUI in Hawaii. And I do not have the
8 disposition. I don't have the fingerprints back. He
9 listed it was cleared in 2010.

10 Like I said, it's because he has the pending
11 DUI case right now.

12 BOARD CHAIRMAN SPENCER: All right. Mr. Poong,
13 was that -- tell me about the charge of DUI.

14 MR. POONG: Yes, sir. I got arrested on -- I
15 got incarcerated January 17th of 2013. So a first-time
16 DUI here in the state of Nevada for this. The court
17 date that they gave me is assigned as May 16. I applied
18 for the application to get a guard card and obtained one
19 in January. Since then, I've -- of course,
20 Ms. Christensen said she denied me because of the DUI.
21 With the court date being that far away, it affects my
22 family's household initial, paying bills and everything
23 else.

24 So I came here to appeal today to see if the
25 Board would try to overturn your decision and see if I

1 was granted maybe a possible provisional until the court
2 date is adjourned and complied with. I do understand
3 the expedited fee as well as the registration fee. That
4 does not come back to me at all. That is quite
5 understood.

6 BOARD CHAIRMAN SPENCER: What's the status on
7 the charge in Hawaii?

8 MR. POONG: The status on the charge in Hawaii
9 is it has been cleared. I have taken care of it. I
10 wasn't able to leave the state of Hawaii at all if, you
11 know, it hadn't been taken care of.

12 As far as in the state of Nevada goes, I do
13 hold a gaming license. I was applied, I mean I was
14 working for the Palms Casino Resort as casino security,
15 not club security, just for the record.

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

17 MR. POONG: I was forced to resign because of
18 this DUI case. And I clearly understand, realize that
19 DUIs in Nevada are no joke, they're an expensive lesson
20 to learn, and it could cause altercations as to what
21 it's causing for me right now to obtain a guard card.

22 BOARD CHAIRMAN SPENCER: Okay. Did he list
23 those charges?

24 MS. CHRISTENSEN: Yes.

25 BOARD CHAIRMAN SPENCER: Do you have any other

1 arrests?

2 MR. POONG: That is it. I surrendered
3 everything on my application a hundred percent. I'm a
4 decorated veteran, spent 10 years in our Army. I got
5 out in the year of 2010, been on four world tours,
6 fighting for our freedom. And, apparently, like I said,
7 an alcohol-related situation like this doesn't really
8 put me in the decorative situation, as you can see.

9 BOARD CHAIRMAN SPENCER: Do you have an alcohol
10 problem?

11 MR. POONG: No, sir. I haven't touched an
12 alcoholic beverage since January 17th.

13 BOARD CHAIRMAN SPENCER: Probably a good idea.

14 MR. POONG: It's a very good idea. I don't
15 plan on touching it any time soon, either. I'm just
16 trying to -- trying to see if the Board will overturn
17 her decision so I can support my family as well as
18 myself. And with this struggling economy --

19 BOARD CHAIRMAN SPENCER: Yeah.

20 MR. POONG: -- it is true, two jobs, you do
21 need two jobs in this kind of economy at the moment.

22 BOARD CHAIRMAN SPENCER: I agree.

23 MR. POONG: Yes, sir.

24 BOARD CHAIRMAN SPENCER: All right. Do we have
25 Board questions?

1 BOARD MEMBER NADEAU: Mr. Chairman?

2 BOARD CHAIRMAN SPENCER: Yes?

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

4 The previous DUI, was that a conviction?

5 MR. POONG: Excuse me?

6 BOARD CHAIRMAN SPENCER: The previous DUI in

7 Honolulu.

8 MR. POONG: Yes. Yes, sir.

9 BOARD MEMBER NADEAU: It was a conviction?

10 MR. POONG: It was a conviction as a

11 misdemeanor, sir.

12 BOARD MEMBER NADEAU: And how long ago?

13 MR. POONG: This took place back in April of

14 2010.

15 BOARD MEMBER NADEAU: Okay. All right. Good.

16 Thank you.

17 MR. POONG: Yes, sir.

18 BOARD CHAIRMAN SPENCER: Any further questions?

19 You got anything?

20 BOARD MEMBER ZANE: No.

21 BOARD CHAIRMAN SPENCER: Okay. I'll entertain

22 a motion.

23 BOARD MEMBER NADEAU: Mr. Chairman, if it's

24 permissible, I would move that we grant him a

25 provisional pending determination of the DUI; if it is a

1 conviction, that he be required to come back before the
2 Board.

3 BOARD CHAIRMAN SPENCER: Okay.

4 MR. POONG: I'm willing to comply, sir.

5 BOARD CHAIRMAN SPENCER: Okay. Is there a
6 second on that?

7 BOARD MEMBER ZANE: Second.

8 BOARD CHAIRMAN SPENCER: All right. Motion and
9 a second. All in favor, signify by saying "aye."

10 (Board members said "aye.")

11 Opposed?

12 Hearing none, it would be provisional. Once
13 you get that adjudicated --

14 MR. POONG: Yes, sir.

15 BOARD CHAIRMAN SPENCER: -- you need to
16 advise --

17 MR. POONG: Ms. Christensen?

18 BOARD CHAIRMAN SPENCER: Yes.

19 MR. POONG: Back at the same number I've
20 contacted you?

21 MS. CHRISTENSEN: Correct, in the Carson City
22 office. That would be great.

23 BOARD CHAIRMAN SPENCER: Yeah.

24 MR. POONG: As far as the provisional status
25 goes, will I be receiving something in the mail, so I

1 can send it to my employer?

2 MS. CHRISTENSEN: You will receive an e-mail.

3 MR. POONG: Yes.

4 MS. CHRISTENSEN: Can you go to the office
5 tomorrow and make him provisional?

6 MR. POONG: Within 72 hours, will I get that?

7 MS. CHRISTENSEN: Correct. Check your e-mail
8 tomorrow afternoon.

9 MR. POONG: Thank you very much.

10 MS. CHRISTENSEN: And when you have that
11 provisional, then give your employer a copy of it, and
12 you're free to go to work.

13 MR. POONG: Thank you very much, Mr. Chairman,
14 Board, ladies. Thank you very much, Carson. I
15 appreciate it.

16 BOARD CHAIRMAN SPENCER: All right.

17 MS. CHRISTENSEN: Thank you.

18 BOARD CHAIRMAN SPENCER: Just hang in there.
19 Okay?

20 Okay. All right. Disciplinary hearings.

21 All right. Disciplinary hearing in the matter
22 of the Cynthia McLaughlin.

23 Good morning, Ms. McLaughlin.

24 MS. McLAUGHLIN: Hello.

25 BOARD CHAIRMAN SPENCER: How are you today?

1 MS. McLAUGHLIN: I feel like I could throw up.

2 BOARD CHAIRMAN SPENCER: None of us are going
3 to bite you.

4 MS. McLAUGHLIN: I'm not generally, not usually
5 in trouble with anything, so this is very new to me.

6 BOARD CHAIRMAN SPENCER: All right. Who issued
7 the citation? Or is there a citation?

8 MR. FERRARA: Tom Ferrara.

9 MR. WARD: Mr. Ferrara. May it please,
10 Mr. Chairman, Harry Ward, Deputy Attorney General. I
11 will be handling --

12 BOARD CHAIRMAN SPENCER: Yes.

13 MR. WARD: I will be handling this matter. And
14 as such, I would like to call as my first witness
15 Investigator Tom Ferrara.

16 MR. FERRARA: Yes, sir. Speaking.

17 BOARD MEMBER ZANE: Well, I'm -- just a second,
18 Harry.

19 Mr. Chairman, I need to make a disclosure. I
20 have had a conversation about the subject matter of this
21 agenda item with Ms. McLaughlin's employer, who is also
22 the licensee in the matter.

23 And I don't really have information over and
24 above what the Board has, but I wanted to make that
25 disclosure clear and apparent. And I wanted to make

1 sure that Ms. McLaughlin, if she has any misgivings
2 about me participating at any juncture beyond this
3 point, that she make a record of it now.

4 MS. McLAUGHLIN: I have no problem.

5 BOARD CHAIRMAN SPENCER: All right. All right.

6 MR. WARD: And may it please, Mr. Chairman, I
7 think -- and I know we do have Board counsel here, also.
8 She may want to speak on this point. But just in an
9 abundance of caution, I think, it might be wise for
10 Board counsel to recuse himself. But I will let
11 Ms. Henna Rasul identify herself and also address the
12 Board.

13 MS. RASUL: Good morning. Henna Rasul, Senior
14 Deputy Attorney General, for the record.

15 It is typical in these types of scenarios or
16 circumstances where a Board member even remotely or even
17 in the slightest bit has been involved with a case prior
18 to it being heard before the Board as a whole, as
19 Mr. Harry Reid said, I mean Harry Ward said, that it's
20 better that you recuse yourself from voting on this
21 matter or participating on this matter.

22 BOARD CHAIRMAN SPENCER: Very fine.

23 Proceed, please.

24 MR. WARD: May it please, Ms. McLaughlin,
25 Board, Harry Ward, Deputy Attorney General, for the

1 record.

2 MS. McLAUGHLIN: Yes.

3 MR. WARD: At this time, I'd like to call
4 Mr. Tom Ferrara to the record, I mean to the --

5 MR. FERRARA: Yes, sir.

6 MR. WARD: -- as a witness.

7

8 T O M F E R R A R A ,

9 having been previously duly sworn/affirmed,

10 was examined and testified as follows:

11

12 DIRECT EXAMINATION

13 BY MR. WARD:

14 Q. Please state your name for the record.

15 A. Tom Ferrara.

16 Q. And you spell it F-E-R-R-A-R-A; is that
17 correct?

18 A. That's correct.

19 Q. Okay, for the record. And what is your
20 involvement in this matter?

21 A. I received the complaint and investigated the
22 complaint.

23 Q. Okay. And is that part of your normal duties?
24 What is your normal duties?

25 A. My normal duties are background investigations

1 and investigating complaints.

2 Q. In regards to this matter, can you tell the
3 Board what you did and how you were involved?

4 A. Yes, sir. I received a complaint from a
5 Mr. Pistone about Ms. McLaughlin entering his restaurant
6 and -- and if I might start from the beginning.

7 Q. Please do.

8 A. He stated that, stated that Ms. McLaughlin
9 entered his restaurant while it was open for business,
10 walked up to the counter. Behind the counter, the
11 manager of the store, Sarah Godwin, was standing. He
12 stated that Ms. McLaughlin walked up, opened a bifold
13 wallet, displayed a badge and announced herself as a
14 police officer.

15 And later, in investigation, there was some
16 conflicting statements. So it's not certain that she
17 announced herself as a police officer, an investigator
18 or an agent.

19 Once she opened the badge, showed the badge,
20 announced herself, she requested to speak to a
21 Mr. Revaggio. Sarah Godwin, the manager, stated that
22 Revaggio was not working there today. And
23 Ms. McLaughlin began to argue with Ms. Godwin, telling
24 her she was covering up for Mr. Revaggio.

25 Ms. McLaughlin was at the restaurant for 15 to

1 20 minutes and -- and was disrupting the business with
2 her -- with her actions.

3 I asked Ms. McLaughlin to come in and speak
4 with me. She came into the office and denied flashing a
5 badge. She stated that it was only a -- an
6 identification card. She denied stating that she was a
7 police officer. She said that she told Ms. Godwin she
8 was an agent, and stated that it was Ms. Godwin who was
9 rude. She stated that once she left the restaurant, she
10 walked out to her car and telephoned Mr. Revaggio, who
11 voluntarily gave up his car. He said, "My car's in my
12 garage. Come and get it." And she was able to go get
13 the car there.

14 The -- Mr. Pistone called up, called the
15 office -- I think, it was two weeks ago -- and stated
16 that Ms. McLaughlin had contacted him by telephone to
17 complain. I spoke with Ms. McLaughlin right after that,
18 and she stated that it was Mr. Pistone that called her
19 to complain.

20 So we're having conflicting statements even to
21 this day.

22 Q. In regards to your investigation, did you also
23 look at any other evidence, such as a video surveillance
24 or anything of that nature, at the restaurant?

25 A. Yes, sir. I asked Mr. Pistone for a statement

1 from Ms. Godwin, and I asked to speak with her. And I
2 also asked for a -- he stated that he had a video of the
3 front desk which showed Ms. McLaughlin displaying the
4 badge. The video did not have an audio, so we did not
5 hear what the conversation was. And he delivered a
6 picture of Ms. McLaughlin displaying the badge.

7 Q. And did you at any time show that to
8 Ms. McLaughlin during your conversation with her?

9 A. During the conversation, yes, sir, I asked her
10 if she had flashed a badge. She flatly denied it. I
11 said that if -- what would she think if I had a picture
12 of it happening. And she denied that she had flashed a
13 badge. I showed her the picture, and she said it was
14 not a badge, "It was only my ID."

15 After that, the interview became -- she became
16 angry, very upset. We stopped the interview. And as
17 she was leaving the office, she demanded to speak with
18 Director Ingram. She later did speak with Director
19 Ingram. Director Ingram invited me into the office
20 after speaking with Ms. McLaughlin. And she admitted in
21 front of Director Ingram and myself that she did have a
22 badge -- excuse me -- the badge stated "Investigator" on
23 it, and that she did use it.

24 I should say that prior and in the interview,
25 that she told me that she did use the badge early on in

1 her employment, but the person she was working with told
2 her she shouldn't use a badge and that she hadn't used
3 it since that time. But, apparently, she used it this
4 time.

5 MR. WARD: Mr. Chairman, I have no further
6 questions, and I tender the witness to Ms. McLaughlin if
7 she wants to question my witness.

8 MS. McLAUGHLIN: Well, my -- my obvious concern
9 is to address the phone call issue. I did not have the
10 name of the owner, nor did I have his contact
11 information. As a matter of fact, when I asked to speak
12 to the manager the day of the incident --

13 MR. WARD: Mr. Chairman --

14 MS. McLAUGHLIN: -- they would not cooperate.

15 MR. WARD: Excuse me, ma'am.

16 Mr. Chair, I would just like the record to
17 reflect I'm asking her to ask questions and not to
18 testify, that she will, in fact, have an opportunity --

19 MS. McLAUGHLIN: Well, I'm not used to this
20 kind of situation, sir. I'm not used to this. So you
21 have to pardon me if I don't understand how your process
22 works.

23 BOARD CHAIRMAN SPENCER: Okay. We'll tell you
24 how the process works. This gentleman just testified.

25 MS. McLAUGHLIN: Okay.

1 BOARD CHAIRMAN SPENCER: He turned the witness
2 over to you as though you were your own attorney, it was
3 your part.

4 MS. McLAUGHLIN: Okay.

5 BOARD CHAIRMAN SPENCER: Now you can ask him
6 any questions that you want to regarding the testimony
7 that he has given or any other information you might be
8 seeking.

9 MS. McLAUGHLIN: M-hm (affirmative).

10 BOARD CHAIRMAN SPENCER: You'll have your time.

11 MS. McLAUGHLIN: I guess, I don't know what to
12 ask him, to be truthfully honest, because I'm not an
13 attorney.

14 BOARD CHAIRMAN SPENCER: Okay.

15 MS. McLAUGHLIN: And I don't know what to ask
16 him.

17 I know several times in our questioning
18 situation with you in that interrogation, I didn't know
19 if I needed an attorney, because I had no idea what I
20 was walking into when I walked into that meeting.

21 BOARD CHAIRMAN SPENCER: All right.

22 MS. McLAUGHLIN: So.

23 BOARD CHAIRMAN SPENCER: Let me try and assist
24 you. Did this gentleman say anything today that he
25 didn't tell you or didn't happen during the time that

1 you were there?

2 MS. McLAUGHLIN: He told me that -- he wouldn't
3 tell me about the incident. He --

4 BOARD CHAIRMAN SPENCER: And, if so, if so --

5 MS. McLAUGHLIN: Okay.

6 BOARD CHAIRMAN SPENCER: -- then you need to
7 ask him to clarify the issue.

8 MS. McLAUGHLIN: Okay. Wow, this is hard,
9 because I have --

10 BOARD CHAIRMAN SPENCER: It's fine.

11 MS. McLAUGHLIN: I guess, I'm concerned.
12 Because I -- again, I haven't seen any of the stuff
13 against me, so it's kind of hard to ask questions when I
14 have no information provided to me about what statements
15 were written. I guess, I don't have discovery --

16 BOARD MEMBER NADEAU: Mr. Chair?

17 MS. McLAUGHLIN: -- of the investigation, so.

18 BOARD CHAIRMAN SPENCER: Yes?

19 MS. McLAUGHLIN: I'm at a loss.

20 BOARD MEMBER NADEAU: With her comment
21 regarding an attorney and seeking counsel and those
22 kinds of things, I'm concerned about proceeding.
23 Because she's had an opportunity --

24 MS. McLAUGHLIN: No, I think, the reason I
25 asked -- I asked if I needed -- I mean at the initial

1 investigation, I asked if I needed an attorney. That's
2 all I said, "Do I need" -- I said, "Have I done
3 something wrong that requires an attorney?" And he
4 couldn't answer me.

5 BOARD CHAIRMAN SPENCER: What, what the Board
6 member is saying --

7 MS. McLAUGHLIN: I guess, I was concerned.

8 BOARD CHAIRMAN SPENCER: -- the Board member is
9 saying is that we're hearing you say you need an
10 attorney.

11 MS. McLAUGHLIN: I didn't say that for today.

12 BOARD CHAIRMAN SPENCER: Okay.

13 MS. McLAUGHLIN: I just said I'm at a loss,
14 because I don't know what all information was compiled
15 against me. So I have no information on how to defend
16 myself. Because it's almost like I'm not supposed to
17 defend myself, I'm just supposed to say "Guilty as
18 charged" and take the punishment that comes with it.

19 BOARD CHAIRMAN SPENCER: No, not if you
20 don't --

21 MS. McLAUGHLIN: You know what I mean?

22 BOARD CHAIRMAN SPENCER: Not if you don't
23 understand the charges against you; you are not supposed
24 to do that.

25 MS. McLAUGHLIN: So, I guess, I'm confused.

1 BOARD CHAIRMAN SPENCER: Then, I suggest what
2 we should do is you should seek an attorney.

3 MS. McLAUGHLIN: My -- my boss said that an
4 attorney was not needed. So. Because the situation,
5 you know, the fact is, like I told Kevin in the meeting
6 with him, because I got upset with him with the way he
7 was handling the interrogation of me. I didn't like it.
8 I have Parley Day Syndrome, so I do have an aggressive
9 behavior problem. So I get very offensive.

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

11 MS. McLAUGHLIN: So I asked to speak with
12 Kevin, because I felt very threatened by the way he was
13 conducting himself. So I asked to speak with Kevin. I
14 did tell Kevin that, yes, I did flash my badge. And I
15 did inform the girl that I was there as an investigator
16 to speak with Carlos. Not once did I ever say anything
17 of a law enforcement capacity.

18 I've spent 16 years in security. So I have a
19 more security official tone than I do repo agent.
20 Because, again, being in repo is a far different mammal
21 than anything I've ever done before.

22 So I didn't feel I was doing anything wrong.
23 The individual that trained me in this profession was
24 the one that started the withhold badge issue. Had I
25 known that it was -- that we should not be using it, I

1 would never have used a badge, ever.

2 This is the first incident I have ever had with
3 anybody in regard to an incident.

4 BOARD CHAIRMAN SPENCER: All right.

5 MS. McLAUGHLIN: Unfortunately, I'm being made
6 an example of by this employer. And I have spoken to
7 this employer since this, and this employer has told me
8 that, yes, he is making an example of me.

9 BOARD CHAIRMAN SPENCER: All right. I would
10 strongly recommend, based on what you've said, that you
11 go back to your employer and tell him you need an
12 attorney. Because your statement saying that you don't
13 know what's going on, and you haven't seen anything --

14 MS. McLAUGHLIN: Well, all I understand is that
15 I'm here because of conduct, and I am here because I
16 used an unapproved badge by the Board.

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

18 MS. McLAUGHLIN: That's what I want to address.
19 I don't think there's anything else here that I feel is
20 relevant, other than the fact that we're addressing the
21 two issues. Okay.

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

23 MS. McLAUGHLIN: So, I guess, I'm confused as
24 to, one, I guess, I don't know what to ask him. So,
25 realistically, I guess, I have nothing to ask him,

1 because I don't know what to ask him.

2 BOARD CHAIRMAN SPENCER: Well, not knowing, and
3 it doesn't mean that you don't have something to ask
4 him. And that's why I'm saying that --

5 MS. McLAUGHLIN: Do you --

6 BOARD CHAIRMAN SPENCER: Okay. Just a minute.
7 Let me finish.

8 MS. McLAUGHLIN: Okay.

9 BOARD CHAIRMAN SPENCER: I think that you need
10 to talk to your employer and get legal representation.
11 I wouldn't feel comfortable proceeding any farther
12 because of your statements. And that's not against you.
13 You know, everyone has a right --

14 MS. McLAUGHLIN: I just want this done, and I
15 want this over with. I have learned a lot from this
16 incident. I have not gotten in any further trouble
17 since this incident.

18 I should have followed my first instinct,
19 before I ever walked into that place, that it was going
20 to be bad. Because my first gut instinct was something,
21 I didn't know what it was. Something was off. I knew
22 that something was going to happen.

23 BOARD CHAIRMAN SPENCER: Sure.

24 MS. McLAUGHLIN: I could not -- I wish to god I
25 can go back and change it. But I can't.

1 BOARD CHAIRMAN SPENCER: Right.

2 MS. McLAUGHLIN: You know, and, unfortunately,
3 it was a learning lesson. And I have learned from it.
4 And I've spoken to Kevin on many occasions in regards to
5 this, that, you know, unfortunately, without mistakes,
6 you don't learn from them.

7 BOARD CHAIRMAN SPENCER: All right.

8 MS. McLAUGHLIN: So I personally would like to
9 just get through this.

10 BOARD CHAIRMAN SPENCER: Well, you see, we have
11 an obligation to ensure that your rights are covered.
12 And if you -- the statements you have made would tend to
13 make us feel very uncomfortable without you being with
14 an attorney.

15 MS. McLAUGHLIN: Well, I just disagree with a
16 few things that were written in that statement, because
17 there are two sides to every story.

18 BOARD CHAIRMAN SPENCER: Absolutely.

19 MS. McLAUGHLIN: And that was the whole purpose
20 when that gentleman called me, was he was trying to tell
21 me he was interested in knowing my side of the story.
22 But he really wasn't. He was just more or less trying
23 to antagonize me and tell me that I was wrong.

24 BOARD CHAIRMAN SPENCER: All right. Excuse me
25 just a minute.

1 Harry, how do you feel about proceeding?

2 MS. McLAUGHLIN: I would like to proceed.

3 MR. WARD: Mr. Chair, I'm a bit conflicted.

4 But then again, it sounds like that she's admitting to
5 flashing the badge, and she just wants the Board to rule
6 on that and to discipline her in that fashion.

7 Is that correct?

8 MS. McLAUGHLIN: Yeah. I mean, but, you know,
9 again, I didn't realize I was doing anything unlawful.

10 MR. WARD: Well, you --

11 MS. McLAUGHLIN: So the thing, the thing is I
12 advised her who I was and what I was -- what my intent
13 was there for, to speak with the gentleman in question.
14 I told her I was an investigator. For them to turn this
15 into something other than what it was, I don't
16 understand. Because my badge sure as hell didn't say
17 that.

18 BOARD CHAIRMAN SPENCER: Okay.

19 MS. McLAUGHLIN: And my ID was with it. So.

20 MR. WARD: Mr. Chair?

21 BOARD CHAIRMAN SPENCER: Yes?

22 MR. WARD: A few suggestions. One, I think,
23 she's basically told her story to the Board. So in the
24 event that this matter was continued, I don't think you
25 could, you know, go back and erase whatever she's

1 already told you. I think, her intent is to come before
2 the Board.

3 And, ma'am, correct me if I'm incorrect, that
4 you want to go ahead and agree, and as you just
5 testified or you stated under oath, that you did flash
6 the badge. You stated you had no intent or criminal
7 intent to do that to violate anything. But now you know
8 that you should not have flashed the badge. Is that
9 correct?

10 MS. McLAUGHLIN: Correct.

11 MR. WARD: And now --

12 MS. McLAUGHLIN: Right. And I've learned, I
13 have learned, sir, from speaking with Kevin in the
14 interim, that, you know, there are better ways. If I
15 want to use a badge out there, there are better ways to
16 do it. I've been advised exactly what kind of badge I'm
17 allowed to have out there and what I need to do to get
18 the Board's approval.

19 MR. WARD: Okay.

20 MS. McLAUGHLIN: So I mean I have learned what
21 I'm allowed to do now.

22 MR. WARD: And we'll get to that.

23 MS. McLAUGHLIN: What I didn't know then.

24 MR. WARD: And we'll get to that. What the
25 Board wants to know, do you want to continue this matter

1 and hire an attorney to --

2 MS. McLAUGHLIN: I absolutely, I absolutely
3 want to. Because even though I do not feel that I did
4 any wrong, any major wrongdoing, I wish the incident
5 never happened.

6 MR. WARD: Okay.

7 MS. McLAUGHLIN: But how do you learn from your
8 mistakes if you don't make any?

9 MR. WARD: Okay. Ms. McLaughlin, simple
10 question. Do you want to continue this matter, hire an
11 attorney and come back at the next Board meeting?

12 MS. McLAUGHLIN: No. I want to finish this
13 now.

14 MR. WARD: You want to finish it today?

15 MS. McLAUGHLIN: I think, I've been through
16 enough in five months. I've been through enough.

17 MR. WARD: Okay.

18 MR. INGRAM: I want this over.

19 MR. WARD: Okay. Mr. Chairman, at this point,
20 I would say proceed. If the Board has any questions for
21 my witness, that's fine. Then I will ask the licensee,
22 or Ms. McLaughlin, one or two questions, and then we'll
23 proceed. But that's my understanding. She wants to
24 proceed. She does not want to continue this, hire an
25 attorney and come back.

1 Is that correct, Ms. McLaughlin?

2 MS. McLAUGHLIN: That is correct. I just want
3 to get this done and over with. I've been through
4 enough in five months.

5 BOARD CHAIRMAN SPENCER: Okay. Are there any
6 questions from the Board regarding Tom's testimony?

7 Hearing none, let's proceed, then.

8 MR. WARD: Okay. Mr. Chair, at this time, I
9 call Ms. McLaughlin.

10

11 C Y N T H I A M c L A U G H L I N,
12 having been previously sworn/affirmed,
13 was examined and testified as follows:

14

15 DIRECT EXAMINATION

16 BY MR. WARD:

17 Q. Ms. McLaughlin, you are under oath; is that
18 correct?

19 A. That is correct.

20 Q. And you did testify, or you did state to the
21 Board earlier that you did flash the badge; is that
22 correct?

23 A. That is correct.

24 Q. And what type of badge was it?

25 A. It's an investigator's badge. It just

1 basically says that I'm an investigator on it.

2 Q. And whose badge was it?

3 A. It was mine.

4 Q. Okay.

5 A. I purchased it from a badge store.

6 Q. Okay. And do you realize --

7 A. On the recommendation of my coworker.

8 Q. And do you realize now that that was improper
9 for you to flash the badge?

10 A. Yes, I do understand that now.

11 Q. Okay. And is it your position, and I'm going
12 to ask the question again, that you want to go ahead and
13 proceed and just, basically, be at the mercy of this
14 Board for them to discipline you, if any, concerning
15 what you've done; is that correct?

16 A. Yes.

17 MR. WARD: Mr. Chair, at this time, I'm going
18 to tender the witness. She can testify to anything else
19 she wants to testify. And, likewise, the Board may ask
20 her a few questions.

21 BOARD CHAIRMAN SPENCER: All right. Thank you.

22 Do you have any statements you'd like to make?

23 MS. McLAUGHLIN: Well, a lot of things that
24 occurred in that particular incident -- as a matter of
25 fact, when I walked in that day, the only customer that

1 was in there walked out as I walked in. So I'm a little
2 concerned about the issue that there were customers that
3 were disrupted on there.

4 I spoke with the manager there. She was like
5 18, 19 years old, very disrespectful young lady. She
6 got mad at me because I wouldn't tell her what I wanted
7 to speak with Carlos about. I told her I could not
8 discuss it. I said, "Unfortunately, I violate his
9 privacy rights if I disclose it." Not only that, it's
10 third party disclosure, so I can't discuss it. I said I
11 could only talk to Carlos.

12 I gave her my contact card. And I said, "It's
13 very important I get ahold of him." And I said, "You're
14 not harboring him, I mean you're not covering for him,
15 are you?" I said, "Because my concern is, if I don't
16 get ahold of Carlos, my concern is they will move on
17 him, and he won't have any idea what's going on. And I
18 want him to be aware of what's going on so he has a
19 chance to react before any kind of issues are pursued."
20 And she said, "He's not here."

21 You know, I mean, myself, as a manager, from a
22 manager standpoint, she could have just said, "Look, I
23 can't give you my manager's name." Which she did. "But
24 what I can do is take your card, and I'll give it to
25 Carlos when he comes in. And I'll also give it to my

1 manager, the owner of the business, and have him contact
2 you at a later time. And if he chooses to give you the
3 information, that's up to him. But I can't."

4 She was more consumed and angry at me because I
5 would not release information to her in regards to what
6 I wanted to speak with Carlos about. And I again
7 repeated I could not tell her.

8 By the time everything was done and said, I
9 walked out the door, contacted Carlos on the phone.
10 Mind you, there was nobody else in the store but me, the
11 girl and the manager, the cashier. And then I walked
12 outside. I managed to call the number that I had on the
13 paperwork, and it happened to be his cell phone. I
14 managed to talk to him. I advised him what was going
15 on.

16 He turned around and told me, "Yeah, I'm sorry
17 my family lied to you, but this is where the car is.
18 Please go ahead and come and get it. We'll have the
19 garage door waiting for you, and you can go ahead and
20 pick up the car. I was like, "Oh, okay. No problem.
21 Sounds good."

22 And I went through everything. I told him I
23 was at his store looking for him. He's like, "Yeah, I'm
24 aware of it," he says, "But I'm willing to take care of
25 what I need to." I was like, "Okay. Sounds good.

1 Then, I'll see you in two hours."

2 I walked back in and advised the manager,
3 "Thank you very much, but I have just contacted Carlos.
4 We're meeting in two hours, and I've got it taken care
5 of. So you won't need to get ahold of Carlos. I've got
6 it taken care of," and walked back out, got in my car
7 and departed.

8 In regards to the incident where the individual
9 called me -- and, mind you, I called several stores to
10 get the owner of the company's name and contact
11 information the day of the incident. Nobody would give
12 me any information, from the manager on down. Nobody
13 would give me information.

14 It wasn't until in February I received a phone
15 call from the owner of Gyro Time, who advised me who he
16 was, and he said he was interested in hearing my side of
17 what occurred. And it was clear that he had no intent
18 of wanting to hear my side of things. He just wanted to
19 rub my nose in the fact that he went to the PILB Board
20 and filed a complaint against me, told me I should be
21 ashamed of myself to attack an 18-year-old kid, and I
22 should be ashamed of myself for ever stepping foot, and
23 the fact that he supported what his employees did.

24 They could walk all over you, treat you like
25 crap because you're not a customer. It's perfectly okay

1 to act unprofessional toward somebody that's trying to
2 get information. But because I'm not a customer, it's
3 okay to walk on me and treat me like crap, and it's
4 totally okay.

5 And he -- yes, he confirmed that in that
6 conversation, that it was totally okay to treat me like
7 crap, that it was -- that he was totally condoning what
8 his 18-year-old employee did. And I tried to advise
9 him, no, it wasn't. She could have done things better.
10 She could have.

11 And I said, "Sir, you're asking me to be an
12 adult, take responsibility for what I do?" I said, "Why
13 couldn't you have just called me directly and said,
14 'Ma'am, I don't want you back in my restaurant?'" And I
15 would have said, "Sir, you're absolutely right. That
16 would be no problem." I said, "You didn't have to do
17 any of the things that you're trying to do to me. There
18 was no reason for it, none. You could have been an
19 adult yourself and talked to me."

20 You know, and when I felt that the conversation
21 was unproductive, I said, "Sir, I'm going to end this
22 call. I don't want to talk about this anymore. I'm
23 going to report this to the PILB Board." I turned
24 around, and I said, "At this point, I'm willing to make
25 sure that I black-list your number so you cannot call me

1 to harass me any further." And I hung up the phone.

2 I immediately called the PILB Board. I also
3 notified my supervisor and advised him that I had
4 received a phone call from this individual.

5 But all the way up until that phone call, I had
6 absolutely no idea who the owner was. As a matter of
7 fact, my boss was going to do some research to find out
8 who it was, because she was interested in getting two
9 sides of the story as well.

10 BOARD CHAIRMAN SPENCER: M-hm (affirmative).
11 All right.

12 MS. McLAUGHLIN: So that was the end of the
13 incident.

14 BOARD CHAIRMAN SPENCER: Do you have something?

15 MR. FERRARA: Just a clarifying statement. The
16 last phone call that Ms. McLaughlin's speaking of, there
17 is a conflicting statement. Mr. Pistone stated that
18 Ms. McLaughlin called the store, one of these stores.
19 When he wasn't there, she left a message, with her phone
20 number, for Mr. Pistone to please call her back.
21 Mr. Pistone says, said he received that call and
22 telephoned her back.

23 He -- his side of that conversation was just
24 the opposite of what Ms. McLaughlin has said. He stated
25 that she was argumentative on the phone, and it got to

1 the point where he finally just had to hang up.

2 BOARD CHAIRMAN SPENCER: So it's 50/50 that --

3 MS. McLAUGHLIN: It's going to be a
4 back-and-forth situation, because neither side is going
5 to agree. But the fact is I had no information on this
6 individual. No store would released me his information.
7 And not only that, my manager has also tried to get
8 ahold of these people. They will not release
9 information. So, you know.

10 BOARD CHAIRMAN SPENCER: That's not unusual.

11 MS. McLAUGHLIN: Yeah, it's not. It's not.
12 And, trust me, we're in the most hated industry in the
13 world, being in repossessions. So we're not the most
14 well-respected. But I treat a lot of my debtors with
15 the utmost respect. I don't walk on them. I treat them
16 very respectful. I explain to them what the
17 ramifications could be if they don't surrender, what the
18 bank has the right to do. I give them all the 4-1-1
19 information that they have the right to know. But I
20 still give them their dignity. Because I, too, have
21 been in that position. So I'm not going to be a
22 hypocrite and say, "Well, I don't understand what you're
23 going through." Because I do. I've been on the other
24 side of the shoe.

25 But we are potentially always at risk for being

1 attacked. Two weeks before I got called into this
2 meeting, I was hit by a car, by a debtor, because the
3 debtor was upset that I was even trying to take his car.

4 So, like I said, we are not in the 100 percent
5 best industry. But I go out there every day defending
6 it as best I can. It doesn't help that we have,
7 unfortunately, shows out there that destroy it.

8 BOARD CHAIRMAN SPENCER: Yeah.

9 MS. McLAUGHLIN: But I try to defend it every
10 day to the best of my ability. Even though you get
11 attacked constantly verbally, and, you know, incidences
12 occur, you do the best you can out there with what you
13 got.

14 BOARD CHAIRMAN SPENCER: That's all you can do.
15 That's all you can do.

16 Harry, do you have any cross-examination?

17 MR. WARD: No, I don't. Thank you,
18 Mr. Chairman.

19 BOARD CHAIRMAN SPENCER: All right.

20 MR. WARD: At this time, I guess, the witness
21 would be tendered to the Board members for questions.

22 BOARD CHAIRMAN SPENCER: All right. Questions
23 from the Board?

24 BOARD MEMBER NADEAU: Mr. Chair, I have a
25 question of staff.

1 Kevin, what's the -- I didn't see on the notice
2 of violation a fine that was imposed. Was there a fine
3 imposed?

4 MR. INGRAM: This is not a notice of violation.
5 It's a notice of hearing --

6 BOARD MEMBER NADEAU: Oh, okay.

7 MR. INGRAM: -- for the Board to decide.

8 BOARD MEMBER NADEAU: Okay. So, then, I guess,
9 this is of counsel, then.

10 Are we then --

11 MR. WARD: I think, NRS 648.175 is the
12 authority for the Board to discipline, if any, revoke,
13 suspend, fine.

14 BOARD MEMBER NADEAU: Got you.

15 MR. WARD: Publicly reprimand.

16 BOARD MEMBER NADEAU: That's what I was asking
17 is if 175 was the prevailing statute.

18 Mr. Chair, I'm prepared to make a motion
19 whenever you're prepared to accept one.

20 BOARD MEMBER PUTNAM: I have a question of the
21 witness. Mr. Chairman, I have a question for the
22 witness.

23 BOARD CHAIRMAN SPENCER: Please, go ahead.

24 BOARD MEMBER PUTNAM: If I understand
25 correctly, you're admitting at this point that you did,

1 in fact, flash your badge; is that correct?

2 MS. McLAUGHLIN: Correct. And it was my
3 investigation badge.

4 BOARD MEMBER PUTNAM: Okay.

5 MS. McLAUGHLIN: And I advised the young
6 lady --

7 BOARD MEMBER PUTNAM: You've answered the
8 question.

9 MS. McLAUGHLIN: Okay.

10 BOARD MEMBER PUTNAM: And when you were first
11 asked about this, you denied flashing your badge; is
12 that correct?

13 MS. McLAUGHLIN: Well, I didn't know what to
14 say. To be truthfully honest, I've never been in this
15 position before.

16 BOARD MEMBER PUTNAM: Did you --

17 MS. McLAUGHLIN: And to be point frank --

18 BOARD MEMBER PUTNAM: Did you first, when you
19 were --

20 MS. McLAUGHLIN: Yes.

21 BOARD MEMBER PUTNAM: You did?

22 MS. McLAUGHLIN: Yes.

23 BOARD MEMBER PUTNAM: Why did you deny flashing
24 a badge?

25 MS. McLAUGHLIN: Because I was totally

1 unprepared as to what I was walking into. I did not
2 know what I should say or should not say. And to be
3 honest, who wouldn't when they're scared and they don't
4 know what they're walking into? It's an instinct,
5 unfortunately, a lot of us humans have. Not everybody
6 thinks. Not everybody thinks between right and wrong
7 when they're in a situation that they have no idea what
8 they're walking into.

9 BOARD MEMBER PUTNAM: Well, thank you, ma'am.
10 Now, my question is simply this. If you did not suspect
11 that you had done something wrong by flashing this
12 badge, why would you deny this?

13 MS. McLAUGHLIN: To be truthfully honest, I
14 don't know.

15 BOARD MEMBER PUTNAM: Okay. Thank you very
16 much, ma'am.

17 BOARD CHAIRMAN SPENCER: All right. Jim, you
18 have a motion?

19 BOARD MEMBER NADEAU: I do.

20 MS. RASUL: Can I say something real quick
21 before the motion?

22 BOARD CHAIRMAN SPENCER: Yes.

23 MS. RASUL: Chairman, real quickly, Henna
24 Rasul, Senior DAG, for the record.

25 For this particular matter, when there is a

1 call for the vote, the person who is abstaining, for the
2 record, needs to state that they're abstaining from the
3 vote when it's called.

4 BOARD MEMBER NADEAU: Mr. Chair, I'd move that
5 Cynthia McLaughlin be placed on probation for a period
6 of one year; if there's no, no activity, similar
7 activity within that year, that the probation be deemed
8 fully served. And that's the extent of -- that's based
9 on NRS 648.175(e), as in Edward, that allows us to
10 implement probation for not more than two years. But
11 this probation would be one year, and if there's any
12 action of a similar nature, then be brought back before
13 the Board.

14 BOARD MEMBER PUTNAM: Second.

15 BOARD CHAIRMAN SPENCER: I have a motion.

16 BOARD MEMBER PUTNAM: Second.

17 BOARD CHAIRMAN SPENCER: And a second.

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

19 (Board members said "aye.")

20 MR. WARD: And for the record, we have a
21 recusal.

22 Please put that on the record.

23 BOARD MEMBER ZANE: This is Board Member Zane.
24 Upon the direction and advise of counsel, I abstain from
25 the vote.

1 BOARD CHAIRMAN SPENCER: Okay. So we voted.

2 All right. All in favor, signify by saying "aye."

3 (Board members said "aye.")

4 Opposed?

5 Hearing none.

6 That's one year's probation, no fine.

7 MS. McLAUGHLIN: Okay.

8 BOARD CHAIRMAN SPENCER: All you can do is just
9 keep it clean.

10 MS. McLAUGHLIN: Okay.

11 BOARD CHAIRMAN SPENCER: All right.

12 MS. McLAUGHLIN: Well, my concern is what
13 happens in the future if somebody else decides --
14 because, as you know, this industry is not one -- not
15 without its faults. But I don't want to have issues,
16 going forward, with people out there that decide, "Oh,
17 well, just to play dirty, I'm just going to file a
18 complaint against her."

19 BOARD CHAIRMAN SPENCER: Well --

20 MS. McLAUGHLIN: So.

21 BOARD MEMBER NADEAU: Mr. Chair?

22 BOARD CHAIRMAN SPENCER: Yes?

23 BOARD MEMBER NADEAU: If I may, I need to
24 clarify my motion. The activity was -- displaying the
25 badge was the primary response here or primary

1 violation. And so that's what I -- I guess, that was on
2 the flashing of the badge and the potential
3 misunderstanding that she was acting as a police
4 officer.

5 BOARD CHAIRMAN SPENCER: Right.

6 MS. McLAUGHLIN: Well, my other question, too,
7 is my company is in the process of approving the badge
8 with the Board, that to indicate that we are
9 repossession investigators. And, I guess, my concern is
10 if another employer -- should I go into another
11 employment to make contact, I guess, my concern is,
12 obviously, someone gets upset, and they decide to file
13 another complaint against me for a badge issue. And
14 clearly the badge indicates I'm a repossession
15 investigator. So, I guess, my concern is of this being
16 brought forth again because of me just doing my job.

17 BOARD CHAIRMAN SPENCER: The answer to your
18 question is, and that is that if the circumstances are
19 that a badge is approved by the Board --

20 MS. McLAUGHLIN: Correct.

21 BOARD CHAIRMAN SPENCER: -- then show it
22 whenever you have to.

23 MS. McLAUGHLIN: Okay.

24 BOARD CHAIRMAN SPENCER: And nobody can
25 complain about that.

1 MS. McLAUGHLIN: Cool. That's what we're
2 working for. Now that my boss knows that, you know.
3 Usually, I never had problems the with badge.
4 Unfortunately, my coworker is the one that started me on
5 that path. But I have found in a lot of cases it does
6 help us out there to do our job. But I don't abuse it.

7 BOARD CHAIRMAN SPENCER: Well, don't use it
8 until you get --

9 MS. McLAUGHLIN: Exactly.

10 BOARD CHAIRMAN SPENCER: -- further.

11 MS. McLAUGHLIN: Exactly. Since this whole
12 incident, I haven't used it. So. I want to do
13 everything right.

14 BOARD CHAIRMAN SPENCER: Thank you.

15 MS. McLAUGHLIN: Thank you.

16 BOARD MEMBER NADEAU: Mr. Chair, may I make a
17 comment?

18 BOARD CHAIRMAN SPENCER: Yes.

19 BOARD MEMBER NADEAU: You've been employed for
20 16 years, according to your testimony. How many
21 complaints have you had before the Board for improper
22 behavior?

23 MS. McLAUGHLIN: Zero.

24 BOARD MEMBER NADEAU: All right. I think, that
25 answers your question.

1 BOARD CHAIRMAN SPENCER: Okay.

2 BOARD MEMBER PUTNAM: Mr. Chairman, I would
3 also like to make a comment.

4 BOARD CHAIRMAN SPENCER: All right.

5 BOARD MEMBER PUTNAM: Miss, I would suggest,
6 too, that -- because you bought this badge on your own;
7 is that correct?

8 MS. McLAUGHLIN: Yes, I bought it all on my
9 own, yes.

10 BOARD MEMBER PUTNAM: I would suggest you don't
11 use any badge other than something which is supplied by
12 your employer.

13 MS. McLAUGHLIN: Yes. Yes, that's what we were
14 discussing. And I also brought it to Mr. Ingram.
15 Because we kind of went over the demographics of what
16 kind of badge I should have if I want to have one out
17 there. And I've been discussing it with my employer.
18 And we've been coming up with a badge that would work.
19 So far, I've given some prelims to Kevin. I've advised
20 him. And the only concern he had is don't let there be
21 a state emblem or anything on it. Just, you know, keep
22 it simple. So we're working on something that will --

23 BOARD MEMBER PUTNAM: Well, as I say, ma'am, I
24 suggest you do not use a badge unless it is supplied to
25 you by your employer.

1 MS. McLAUGHLIN: Correct. Correct. Me and my
2 company are working on a badge specifically for me as an
3 investigator.

4 BOARD CHAIRMAN SPENCER: All right. Thank you.

5 MS. McLAUGHLIN: So.

6 BOARD CHAIRMAN SPENCER: Thank you very much.

7 MS. McLAUGHLIN: Thank you very much, sir. I
8 appreciate it.

9 Is there anything I have to take to my employer
10 or anything?

11 BOARD CHAIRMAN SPENCER: No.

12 MS. McLAUGHLIN: We're good. Excellent. Thank
13 you.

14 BOARD CHAIRMAN SPENCER: Number 13 is a
15 disciplinary hearing of Michael Yepko, license number
16 988. And I'm informed that that's been continued to the
17 next meeting.

18 MR. INGRAM: Correct.

19 BOARD CHAIRMAN SPENCER: Board comment and
20 discussion?

21 BOARD MEMBER PUTNAM: Mr. Chairman, I have a
22 question. What about --

23 MR. WARD: What about number nine?

24 BOARD MEMBER PUTNAM: Are we taking any action
25 with regards to National Transportation Services, item

1 number four?

2 MR. WARD: And number nine.

3 MR. INGRAM: Item number four, I did not
4 receive notice that they received their notice that they
5 were on the agenda. So we did not get a return receipt
6 back from them.

7 BOARD CHAIRMAN SPENCER: Did you hear that,
8 Richard?

9 BOARD MEMBER PUTNAM: Yes.

10 MR. WARD: Nine.

11 BOARD MEMBER NADEAU: What?

12 MR. WARD: Mr. Chairman, what about number
13 nine? Did we skip number nine? And we just need to
14 address that for the record, too.

15 BOARD MEMBER NADEAU: Okay. On --

16 BOARD CHAIRMAN SPENCER: No, we called for the
17 party, and he was not here.

18 MR. WARD: Okay.

19 BOARD MEMBER NADEAU: Mr. Chair, I'd move for
20 continuation of number four, National Transportation
21 Services, Incorporated, to our next meeting.

22 BOARD MEMBER PUTNAM: Second.

23 BOARD CHAIRMAN SPENCER: Okay. Motion and
24 second. All in favor?

25 (Board members said "aye.")

1 Opposed?

2 We're done.

3 BOARD MEMBER NADEAU: We didn't take action on
4 nine, did we?

5 BOARD MEMBER PUTNAM: No.

6 BOARD MEMBER NADEAU: On nine, I'd move to
7 sustain the denial.

8 BOARD MEMBER PUTNAM: Second.

9 BOARD CHAIRMAN SPENCER: Motion and second to
10 sustain the denial. And all in favor, signify by saying
11 "aye."

12 (Board members said "aye.")

13 Opposed?

14 So moved. So be it.

15 BOARD CHAIRMAN SPENCER: Future agenda items.

16 I have been contacted by a couple of parties
17 who are concerned, in the process serving arena, of a
18 company in northern Nevada which wears uniforms and is
19 mistaken, according to these people, for law enforcement
20 when they're serving papers. They have a badge and a
21 complete uniform, minus a weapon, that I know of.

22 And I think that -- I don't know if anybody's
23 going to make a formal complaint about it or not, but it
24 is -- does raise the question.

25 So if we want to schedule that for a

1 discussion. Or what's anybody feel about that?

2 BOARD MEMBER PUTNAM: Mr. Chairman?

3 BOARD CHAIRMAN SPENCER: Yes?

4 BOARD MEMBER PUTNAM: I would suggest that
5 these individuals file a complaint with the Board so
6 that we have some, some grounds to move ahead with any
7 action if it's appropriate.

8 BOARD CHAIRMAN SPENCER: I'll attempt to have
9 them do that.

10 Any other future agenda items?

11 Any public discussion?

12 Dick, Richard, you got your motion?

13 BOARD MEMBER PUTNAM: Oh. Well, I'd first like
14 to make a Board comment.

15 BOARD CHAIRMAN SPENCER: I'm sorry?

16 BOARD MEMBER PUTNAM: I want to give some kudos
17 beyond that which I normally give to our staff,
18 specifically directed toward our new Executive Director.

19 I've heard nothing but good about the way
20 you're doing your job, sir. And, believe me, I'm sure I
21 speak for the whole Board when I say that we appreciate
22 your actions. We appreciate your attitudes. Thank you
23 very much.

24 BOARD MEMBER UITHOVEN: Agreed. Thank you.

25 (There were thank-yous and clapping.)

1 BOARD CHAIRMAN SPENCER: Richard.

2 BOARD MEMBER PUTNAM: Okay. I have a motion.

3 BOARD MEMBER NADEAU: Second.

4 BOARD MEMBER PUTNAM: Move the meeting be
5 adjourned.

6 MR. WARD: And did we have any public comment?

7 BOARD MEMBER PUTNAM: He asked for it already.

8 MR. WARD: I just want to say on record it has
9 been my pleasure to be your DAG and to be appointed to
10 represent this Board. And I've really enjoyed working
11 with you guys. And I'm sure you'll see more of me as
12 maybe the Board counsel, because you do get another DAG
13 to prosecute cases.

14 But thank you, Board members.

15 BOARD MEMBER PUTNAM: Well, thank you.

16 BOARD CHAIRMAN SPENCER: Is it a matter of
17 money that we could kick in or something to keep you?

18 MR. WARD: I'm not getting any pay raise or
19 anything. I'm making a lateral transfer just to a
20 different division, with a different client.

21 BOARD CHAIRMAN SPENCER: That doesn't say much
22 for your fears about us.

23 MR. INGRAM: And, Harry, I just want to
24 personally thank you also. You've made my transition a
25 lot easier. Thank you for taking my many phone calls

1 and giving me the counsel and direction you have. I
2 greatly appreciate it.

3 I was sharing with Chairman Spencer yesterday
4 that of all the DAGS that I've ever come in contact with
5 in my 22 years with the State of Nevada, nine out of 10
6 times you answer your phone. And that's absolutely
7 amazing to me. And I appreciate it.

8 Thank you very much.

9 MR. WARD: You sure are welcome. It's been my
10 pleasure.

11 BOARD CHAIRMAN SPENCER: Thanks, Harry.
12 See you all later.

13 * * * * *

14 (The meeting adjourned at 11:18 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, March 7, 2013, at 9:00 a.m., and commencing at 9:02 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 103, is a full, true, and correct transcription of said stenotype notes 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 18th day of March, 2013.

SHANNON L. TAYLOR
Nevada CCR #322, RMR