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

Thursday, September 12, 2013
9:00 a.m.

Videoconference Location:
Office of the Attorney General
100 North Carson Street
Mock Court Room
Carson City, Nevada

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 (Carson City)
Mark Zane (Las Vegas)
Robert Uithoven (Carson City)

(Board Member Jim Nadeau was absent.)

Also: Kevin Ingram (Las Vegas)
Executive Director

Shelly Donald (Las Vegas)
Assistant Executive Director

Colleen L. Platt (Carson City)
Deputy Attorney General
Board Counsel

Matthew Schmelzer (Carson City)
Criminal Investigator

Tom Ferrara (Las Vegas)
Investigator

Lori Irizarry (Las Vegas)
Compliance/Audit Investigator 2

Bruce Yarborough (Las Vegas)
Investigator

Brandi King (Carson City)
Investigative Assistant 3

Mary Klemme (Carson City)
Investigative Assistant 3

Other Participants:

Andrea Del Zotto (Las Vegas)
Steven Rachminov (Las Vegas)
George Tomsick (Las Vegas)

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1 CARSON CITY, NEVADA, THURSDAY, SEPTEMBER 12, 2013,

2 9:12 A.M.

3 -oOo-

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

6 This is the second day of the third quarterly
7 meeting for the Private Investigators Licensing Board
8 for the year 2013.

9 May I have a roll call, please.

10 MR. INGRAM: Board Member Uithoven?

11 BOARD MEMBER UITHOVEN: Here.

12 MR. INGRAM: Board Member Zane?

13 BOARD MEMBER ZANE: Here.

14 MR. INGRAM: And Chairman Spencer?

15 BOARD CHAIRMAN SPENCER: Here.

16 MR. INGRAM: Board Member Nadeau will not be
17 with us today.

18 BOARD CHAIRMAN SPENCER: All right. As we have
19 in the past and shall do in the future, I suppose, we
20 reserve time at this time for public comment, if anyone
21 has any. We don't even have any public here.

22 Do you have public there?

23 MR. INGRAM: We do.

24 BOARD CHAIRMAN SPENCER: Does anybody want to
25 have public comment?

1 MR. INGRAM: I see none.

2 BOARD CHAIRMAN SPENCER: Okay. All right.
3 Then, all applicants and witnesses to be sworn in.

4 MR. INGRAM: Please stand. Raise your hand.

5 MS. PLATT: Do you swear that the testimony
6 you're about to give is the truth, the whole truth, and
7 nothing but the truth, so help you God?

8 (The applicants and witnesses present at this
9 time were duly sworn.)

10 BOARD CHAIRMAN SPENCER: Colleen, do I see in
11 the absence of Mr. Reuscher that something has been
12 worked out?

13 MS. PLATT: We are going to postpone the
14 hearing until the December meeting.

15 BOARD CHAIRMAN SPENCER: All right.

16 MS. PLATT: So we will not be hearing this
17 agenda item today.

18 BOARD CHAIRMAN SPENCER: We should probably
19 have a motion to that effect.

20 MS. PLATT: No, that's not necessary.

21 BOARD CHAIRMAN SPENCER: What?

22 MS. PLATT: It's not necessary.

23 BOARD CHAIRMAN SPENCER: How do these things
24 get changed? Okay.

25 Okay. Request for exemption. Andrea Del Zotto

1 of Ferrari Express, Inc., license number 1432, is asking
2 the Board to grant an exemption as outlined in NAC
3 648.338. Mr. Del Zotto is requesting that the Board
4 allow them to hire active Arizona peace officers to work
5 as armed guards in Nevada during jewelry shows.

6 Is Mr. Del Zotto there?

7 MR. DEL ZOTTO: Yes.

8 MR. INGRAM: Yes, they are.

9 You want to go ahead and come forward.

10 I'm going to ask for you gentleman to speak up
11 a little bit, because the microphone is up here. Okay.
12 Thank you.

13 BOARD CHAIRMAN SPENCER: Good morning,
14 gentlemen.

15 MR. DEL ZOTTO: Good morning.

16 MR. RACHMINOV: Good morning, sir.

17 BOARD CHAIRMAN SPENCER: Could you tell us what
18 you had in mind, please.

19 MR. DEL ZOTTO: We would like to hire active
20 peace officers from Arizona to work as armed guards
21 during the specific time of the jewelry shows in
22 Las Vegas. The specific time is between May 24th and
23 June 3rd, 2014.

24 BOARD CHAIRMAN SPENCER: How many do you have,
25 do you anticipate needing?

1 MR. DEL ZOTTO: Oh, between 10 and 15. Right
2 now, it's a little hard to say since we don't know how
3 many clients we're going to have. It's a little far
4 ahead. But that's the number we have.

5 MR. RACHMINOV: Actually, sir, the peace
6 officers in Arizona are our people. They represent
7 Ferrari Express in Arizona. They run our branch out
8 there. So they're technically on our payroll.

9 MR. INGRAM: Steve, for the record, can you go
10 ahead -- I'm sorry. Steve, for the record, can you
11 state your name, please?

12 MR. RACHMINOV: My name is Steven Rachminov,
13 U.S. Operations Manager for Ferrari Express, head of
14 security venture issuers.

15 MR. INGRAM: Thank you.

16 THE REPORTER: Can you spell your name, please?

17 MR. RACHMINOV: First or last?

18 THE REPORTER: Both.

19 MR. RACHMINOV: S-T-E-V-E-N. Last name is
20 R-A-C-H-M-I-N-O-V.

21 THE REPORTER: Thank you.

22 BOARD CHAIRMAN SPENCER: Have you made this
23 request before? I don't believe that you have, have
24 you?

25 MR. DEL ZOTTO: No.

1 BOARD CHAIRMAN SPENCER: Okay. Are you aware
2 of -- should you be granted the personnel, are you aware
3 of what that entails and your responsibilities?

4 MR. DEL ZOTTO: Yes.

5 BOARD CHAIRMAN SPENCER: And how did you become
6 aware of it?

7 MR. DEL ZOTTO: From the NAC 648.338. Right.

8 BOARD CHAIRMAN SPENCER: What does that say?

9 MR. DEL ZOTTO: Well, it says that we might ask
10 for an exemption in this case as long as we don't -- it
11 doesn't interfere with the public.

12 BOARD CHAIRMAN SPENCER: Okay.

13 MR. DEL ZOTTO: Or we don't take another course
14 of the position.

15 BOARD CHAIRMAN SPENCER: You say these people
16 that you have, you use them on a regular basis?

17 MR. RACHMINOV: That is correct, sir.

18 MR. DEL ZOTTO: Yes.

19 BOARD CHAIRMAN SPENCER: How so?

20 MR. RACHMINOV: Basically, every day. We have
21 secure networks throughout the U.S. We have an
22 essential amount of clientele that go in and out of
23 Arizona, Phoenix and Tucson. We send them through our
24 secure network. They retrieve it at the airport, take
25 it for processing and goes directly to the client. At

1 the same time in the afternoon, they go back to those
2 clients, or wherever we designate them to, pick up the
3 product, put it back on the aircraft, and send it to
4 wherever it needs to go to, whether it's Las Vegas,
5 New York, Chicago.

6 BOARD CHAIRMAN SPENCER: All right. I'll ask
7 you this again. Have you ever utilized people in the
8 state of Nevada? This is kind of a catch question, I
9 guess. And if so, or if not, do you know the
10 requirements that you must, must follow to get those
11 people eligible?

12 MR. RACHMINOV: Is that to me or to him?

13 BOARD CHAIRMAN SPENCER: Whoever's got the
14 answer.

15 MR. RACHMINOV: Basically, we've hired people
16 in the past. We usually use local security companies in
17 Nevada during the state -- during the events.
18 Unfortunately, for security purpose and insurance
19 purposes, I need my own people touching the product. We
20 will still hire the local companies for our perimeters,
21 but I cannot have them touch our pieces.

22 I know that they still have to apply under the
23 PILB and take the test. They also have to qualify, take
24 the courses out here, or I bring the instructor out to
25 them. That should not be a problem.

1 BOARD CHAIRMAN SPENCER: Board questions?

2 BOARD MEMBER ZANE: I have none.

3 MR. RACHMINOV: Please note it's just for the
4 duration of that 10-day period. It's a one day in to
5 work, one day out to get home. I don't plan to use them
6 regularly in Nevada, just during that high event.

7 BOARD CHAIRMAN SPENCER: You don't plan to use
8 them any other time?

9 MR. RACHMINOV: Only plan to use them during
10 that small section, that small 10-day window. Every
11 other day, I mean we have our own regular guards out
12 here and stuff like that, that we operate from. So it's
13 just for that event.

14 BOARD CHAIRMAN SPENCER: What state did you
15 say, though?

16 MR. DEL ZOTTO: Arizona.

17 MR. RACHMINOV: Phoenix, Arizona.

18 BOARD CHAIRMAN SPENCER: No, but what state did
19 you say for this state?

20 MR. RACHMINOV: What?

21 MR. INGRAM: What do call this state?

22 MR. RACHMINOV: What do we call this state?
23 Nevada.

24 MR. DEL ZOTTO: Nevada.

25 MR. RACHMINOV: Las Vegas.

1 BOARD MEMBER ZANE: Because we want to give you
2 a hard time about your pronunciation of this state.
3 Anybody that wants to do any work and make some money
4 here needs that learn how to say Nevada ("Neh-VEH-dah").

5 BOARD CHAIRMAN SPENCER: Thank you, Mark.

6 BOARD MEMBER ZANE: Just joking.

7 MR. RACHMINOV: It's okay. And I'll probably
8 ask for "WAH-ter."

9 BOARD MEMBER ZANE: Water.

10 BOARD CHAIRMAN SPENCER: Water you can have.

11 All right. I'll entertain a motion for further
12 discussion for our motion.

13 BOARD MEMBER ZANE: You should need no more
14 than 15, right?

15 MR. DEL ZOTTO: No.

16 MR. RACHMINOV: No, no more than 15. I just
17 put a maximum of 15 just in case. I mean we are growing
18 every year. We have more and more customers out here.
19 So it's just in case.

20 BOARD MEMBER ZANE: Okay. And you do know that
21 the registration of these peace officers is only for
22 that period regardless of what their issued?

23 MR. RACHMINOV: Exactly. They will qualify
24 under the state rules. They will stake their tests.
25 We'll mandate that.

1 BOARD MEMBER ZANE: Okay.

2 MR. RACHMINOV: That's not a problem.

3 BOARD MEMBER ZANE: Mr. Chairman, I would make
4 a motion.

5 BOARD CHAIRMAN SPENCER: Okay.

6 BOARD MEMBER ZANE: That Andrea Del Zotto of
7 Ferrari Express, Inc., license number 1432, be granted
8 an exemption under NAC 648.338 to allow for up to a
9 maximum number of 15 out-of-state peace officers to be
10 temporarily registered by the Board for service to the
11 jewelry show for the dates testified to, May to June,
12 2014.

13 BOARD MEMBER UITHOVEN: Second for discussion.

14 BOARD CHAIRMAN SPENCER: You are familiar,
15 then -- I'm really not satisfied with the answer I got.
16 Maybe it's because I'm old and can't hear. But you
17 realize your people have to be registered, they have to
18 go undergo firearms training and a litany of different
19 requirements to work in this state as armed personnel?

20 MR. RACHMINOV: Yes, sir.

21 MR. DEL ZOTTO: Yes.

22 MR. RACHMINOV: We do have our instructor here
23 in Las Vegas. Our regular people have already been
24 through the training. The peace officers will also go
25 through the training, through the classes, the actual

1 physical shooting, as well as the online tests and
2 everything else required by the PILB.

3 BOARD CHAIRMAN SPENCER: Okay. Good.

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

6 (Board members said "aye.")

7 BOARD CHAIRMAN SPENCER: Opposed?

8 You got your people.

9 MR. RACHMINOV: Thank you, sir.

10 MR. DEL ZOTTO: Thank you very much.

11 MR. RACHMINOV: I know I spoke to Mary in the
12 past. I just wanted the peace officers to get some kind
13 of special form from her to start processing them. And
14 I need to know how you do that and how much in advance
15 of time do I need to start.

16 MR. INGRAM: I'll have Shelly contact you by
17 e-mail, and we'll do that.

18 MS. DONALD: But you can do it through
19 Las Vegas or Carson City, so.

20 MR. RACHMINOV: That, that I know.

21 MS. DONALD: Yes.

22 MR. RACHMINOV: And I'll also bring the
23 instructor out and get it all done, because I got my
24 people.

25 MS. DONALD: Then you need to talk to Mary.

1 But we'll be in contact.

2 MR. INGRAM: Yeah, we can line you up with that
3 person.

4 MR. RACHMINOV: Thank you. Thank you very
5 much.

6 MR. INGRAM: Thank you.

7 BOARD CHAIRMAN SPENCER: All right. Moving
8 right along, registration appeal hearings.

9 Do you have some gentlemen down there?

10 MR. INGRAM: We have one.

11 BOARD CHAIRMAN SPENCER: Okay. We got an
12 offer on Maurice Carr, Aaron Leach or George Tomsick.

13 MR. INGRAM: We have Mr. George Tomsick in the
14 audience.

15 BOARD CHAIRMAN SPENCER: Mr. Tomsick, come on
16 down.

17 MR. TOMSICK: Good morning.

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

20 MR. TOMSICK: I'm fine.

21 BOARD CHAIRMAN SPENCER: Good.

22 What was the circumstances on Mr. Tomsick's
23 application?

24 MS. KING: Good morning, everybody. Brandi
25 King, Investigative Assistant.

1 I denied this man's application due to a 1983,
2 very old conviction of brandishing a firearm.

3 BOARD CHAIRMAN SPENCER: Okay. What was the
4 sentencing on?

5 MS. KING: He pled guilty and served 30 days in
6 jail.

7 BOARD CHAIRMAN SPENCER: Okay. Board
8 questions?

9 MS. KING: No, this was not a felony. It was a
10 misdemeanor conviction.

11 BOARD MEMBER UITHOVEN: And the date on that?

12 MS. KING: Pardon?

13 BOARD MEMBER UITHOVEN: The date?

14 MS. KING: In 1983. And I was going on -- it's
15 NRS Chapter, let's see, 648.1493, subsection (3)(b),
16 which is: Except as otherwise provided in this chapter,
17 the Board shall issue a registration to an applicant if
18 the applicant has not been convicted of or entered a
19 plea of nolo contendere to the illegal use or possession
20 of a dangerous weapon.

21 So that's what I was basing this on.

22 BOARD CHAIRMAN SPENCER: Okay.

23 MS. KING: And it is very old. I do understand
24 that.

25 BOARD CHAIRMAN SPENCER: Mark, do you have any

1 questions?

2 BOARD MEMBER ZANE: We've -- we've slapped this
3 issue around before quite a bit in the past. Let's see.
4 Given the fact we had different legal counsel at the
5 time, maybe counsel could assist as to whether or not
6 brandishing the weapon falls under the statute.

7 MS. PLATT: I think, the question becomes,
8 then, would that be the illegal use of a dangerous
9 weapon. And I don't see any, any regulations that
10 interpret that. So I would have to do more research on
11 what, if any court has determined what that is.

12 BOARD MEMBER ZANE: Okay.

13 Oh. Previously, with other applicants -- I'm
14 trying to be consistent without being restrictive. I
15 think, we've run the gamut to other applicants saying
16 that, you know, the interpretation would mean pretty
17 much any gun charge required at least the sealing of the
18 record before the individual could be considered for
19 registration, if I'm not mistaken.

20 Is that the other Board members' recollection?

21 BOARD CHAIRMAN SPENCER: I don't, Mark.

22 BOARD MEMBER ZANE: Okay. Because I know that
23 there was several people that have come before us in the
24 past with 20-year-old records, and we've had a
25 conversation about whether or not we should consider it

1 based upon the fact that it was so old of a conviction.

2 And I know that we have held in the past,
3 mostly based upon advice of counsel, that the statute
4 required that if there was ever any, ever any conviction
5 regarding a weapons charge or the handling of a weapon
6 in a dangerous fashion, that the time element didn't
7 apply.

8 MS. PLATT: That, that would be an accurate,
9 that would be an accurate assessment of the statute.

10 BOARD MEMBER ZANE: Okay.

11 MR. PLATT: That there is no time element
12 related to the conviction. So if there was a conviction
13 40 years ago, it would still be applicable to the
14 determination of whether or not to issue a license or a
15 registration card.

16 The issue becomes is the brandishing of a
17 weapon an illegal use of a weapon. And I do not know
18 off the top of my head, without doing any research,
19 whether that is, falls within an illegal use. I would
20 imagine that since he was arrested for it, that it would
21 be an illegal use.

22 BOARD CHAIRMAN SPENCER: Brandi, did he list it
23 on his application?

24 MS. KING: Yes, he did.

25 BOARD CHAIRMAN SPENCER: He did? That's good.

1 I would tend to go with the fact that he's
2 listed it on his application, he wasn't trying to hide
3 it. And as a misdemeanor, and it has been a long time
4 ago, my inclination would be to allow it. But I'll
5 certainly take input from anybody else.

6 BOARD MEMBER ZANE: That would be my
7 inclination as well. It's just I don't know that it's
8 consistent with what we've done in the last three or
9 four years.

10 Do we have any issue with regard to holding a
11 different standard?

12 MS. PLATT: Yes.

13 BOARD MEMBER ZANE: To the registrant, to
14 registrant?

15 MS. PLATT: Well, you have a statute before you
16 that prohibits you from issuing a registration card to
17 an applicant who is convicted of -- who is convicted of
18 a crime involving the illegal use or possession of a
19 dangerous weapon, regardless of the date of the
20 conviction or whether or not it was a felony.

21 BOARD MEMBER UITHOVEN: So even if brandishing
22 is more a possession issue than a use issue, it seems
23 that the regulation or the statute covers both use and
24 possession.

25 MS. PLATT: Right. If the person is convicted

1 of holding, possessing a firearm, and he was not
2 authorized to possess a firearm, that would be grounds
3 for the denial of the license or registration.

4 BOARD MEMBER ZANE: What -- well, okay. What,
5 what are the circumstances behind the case?

6 MR. TOMSICK: Oh, boy. I was married to a lady
7 name Jackie. Okay. We got a divorce because she was a
8 drug user. Both used drugs when Georgia Tomsick, my
9 daughter, was conceived. Georgia, I got custody of her.
10 She came to live with me. I sent -- I remarried. She
11 never got along with my other wife. Just one actually;
12 I didn't have two wives.

13 So, anyway, she went away back to San Rafael to
14 live with Jackie. Okay. Finally, she was living with
15 Jackie.

16 Jackie understood one thing. At that time, I
17 owned a bunch of tire and automotive repair centers. I
18 was very wealthy. I'm broke now. But I mean Jackie
19 knew the only way to get to me was to go through my
20 wallet.

21 So what she did is she came up to my place of
22 business, which is my corporate office. My lot was full
23 of customers, cars all over the place. Screaming and
24 hollering obscenities, all kinds of stuff and accusing
25 me of trying to do this and that. And I just -- it just

1 went boom. It just exploded on me. Because I've been
2 fighting this for years.

3 And then my daughter was in the back seat. She
4 was all jacked up on drugs. Jackie was all jacked up on
5 drugs. So I know the family. Okay. So I run into my
6 office and got my shotgun. It wasn't loaded. Okay. It
7 was just -- and, yes, it's a weapon. Okay.

8 I grabbed my shotgun. I went out to the car.
9 And I looked at Jackie, and I said, "You get the hell
10 off my lot, else I'm going to blow your head off."

11 There wasn't a shell in the gun. The gun isn't
12 loaded in 20 years.

13 So she storms out of the lot. Right around the
14 corner from my place of business was a sheriff's
15 station. Boom, somebody went to the sheriff's station.
16 Boom. Here comes the sheriff, handcuffed me, take me to
17 jail.

18 Well, yes, I did this. Okay. I didn't do it
19 to be facetious, to be mean. I did it because it
20 just -- you take five or 10 years with a terrible,
21 terrible, terrible divorce. I mean this divorce cost me
22 a million six hundred thousand dollars. It bankrupted
23 me.

24 And I have never been well since 1983, never.
25 I've worked and worked and worked. I'm 70 years old now.

1 I'm on Social Security. All I want to do is obtain a
2 little security job where I can help subsidize my Social
3 Security so I can live.

4 I can't make my living. I mean it, the money
5 doesn't stretch. Between the electric bill, the gas
6 bill, the food and the gas, insurance, the money doesn't
7 stretch anymore. You know, and I can only beg, borrow
8 and steal money from my in-laws, my relatives and my
9 daughter so much.

10 I got a job. You know, I'm a respectable
11 person. I have only traffic, and I've had traffic, two
12 or three traffic tickets in the last 30 years. I've had
13 absolutely no problems with the police department. I
14 mean, you know, I haven't. And I had no problems before
15 this.

16 You know, and this, it just all boiled down to
17 my mindset was wrong. And I understand this. Okay.
18 And I'm not here trying to fool nobody. That's why I
19 put it on the application, yes, I had a conviction for
20 brandishing a firearm, because I did. I'm not trying to
21 lie to nobody. You know, but I just figured only, gee,
22 30 years ago. You know, there's been nothing on my
23 record for 30 years. My record is squeaky clean. Two
24 or three, maybe four speeding tickets, that's it.

25 And I'm just here asking the Board to say,

1 "Hey, give the guy a chance. Let him make a living.
2 Let him live. Give him the license."

3 I mean I've got a security company that'll give
4 me a part-time job, but I got to have a license. And I
5 can't get -- I'm not -- I'm here begging you for a
6 license so I can earn a couple hundred dollars a month
7 to help offset my income, so I can eat. You know, I've
8 already moved out of a nice apartment to a lessor
9 apartment because I just couldn't afford it. There's no
10 way of doing it.

11 And I just, I'm perplexed. I don't know where
12 else to go, what to do. I've been to California three
13 times, to the sheriff's department, to the district
14 attorney's office, to the public defender's office. And
15 nobody there could tell me what to do. I wanted to get
16 the record expunged. Nobody there knew what to do. I
17 mean I got no answers.

18 I got, I got files at home somewhere in my
19 briefcase that's this thick of phone calls to
20 California. Nobody could find a case. How do you
21 people find it? I'll never know. But they could never
22 find a case. You know, and it's one person to another
23 person to another person. I was pushed and pushed and
24 shoved door to door to door for so long that I'm just --
25 I'm tired. I need, I need the job.

1 BOARD MEMBER ZANE: Okay.

2 MR. YARBOROUGH: Mr. Chairman?

3 BOARD CHAIRMAN SPENCER: Yes?

4 MR. YARBOROUGH: This is Bruce Yarborough.

5 I've had a lot of experience working with
6 people with their work cards the last couple of years.
7 Expungements and sealings are pretty easy in California.
8 You just fill out a form. But you do have to know the
9 case numbers and such.

10 And what has happened in a lot of courts is the
11 misdemeanor files have been purged after 10 years. So
12 when he writes to the court and asked for the case
13 numbers that he needs to go back to court and get it
14 sealed, they don't even know what they are.

15 MR. TOMSICK: That's exactly true. And that's
16 what I've -- that's what I've been going through. I've
17 been going through this for two years now, or over a
18 year. This is what I've been going through.

19 BOARD CHAIRMAN SPENCER: What's the
20 alternative, Bruce?

21 MR. YARBOROUGH: Well, he can't get the record
22 sealed, because they can't find the record. So, you
23 know, it might be that he's done everything he can do,
24 and it's a dead end.

25 But the law is what it is. It's a shame that

1 these old records can't be found. If they're felonies,
2 they're found easily in the superior courts. But the
3 other courts have purged their files after about 10
4 years.

5 BOARD CHAIRMAN SPENCER: Well, it sounds to me,
6 from his own interpretation of what occurred, that
7 they'd have found either way, a felony or misdemeanor.
8 The police officers chose to make it a misdemeanor,
9 which tells me that there was more to it than meets the
10 eye.

11 And I personally would be in favor of giving
12 him a license, but, you know, for the vote.

13 BOARD MEMBER ZANE: Mr. Chairman, if I could
14 ask a question of legal counsel?

15 BOARD CHAIRMAN SPENCER: Sure.

16 BOARD MEMBER ZANE: Based upon the information
17 that we have before us, as well as the statute, am I
18 legally prohibited at this time to make a motion to give
19 this man a registration card?

20 MS. PLATT: I would say you're not authorized
21 to do that.

22 MR. YARBOROUGH: Could I ask Brandi if the rap
23 sheet shows what section he was sentenced under? If it
24 was 1203.4, that's an automatic dismissal after the
25 completion of whatever the sentence was. Sometimes that

1 appears on the rap sheet.

2 MS. PLATT: I will say that the statute does
3 not provide for expungement or sealing of the record as
4 grounds to award a license or a registration card,
5 despite a conviction. The statute specifically speaks
6 to convictions.

7 He was convicted. Whether it was expunged or
8 he completed community service, or whatever the
9 conditions of that, that it happens to be, he was still
10 convicted.

11 BOARD CHAIRMAN SPENCER: That wasn't the
12 question, though. Does this give you a citation, cite
13 there on that?

14 MS. KING: And to answer that, I never got a
15 copy of the rap sheet.

16 BOARD CHAIRMAN SPENCER: Okay.

17 MS. KING: I have never seen it.

18 MR. YARBOROUGH: Okay.

19 MR. TOMSICK: May I add something? No one
20 seems to know anything that goes on here with this
21 thing. I mean whether it's California, the court
22 system, no one can. No one's been able to give me an
23 answer.

24 BOARD CHAIRMAN SPENCER: Where did this occur?

25 MR. TOMSICK: Pardon me?

1 BOARD CHAIRMAN SPENCER: Where did this occur?

2 MR. TOMSICK: Camarillo, California.

3 BOARD CHAIRMAN SPENCER: Do you got time to
4 make a --

5 MR. TOMSICK: And I want --

6 BOARD CHAIRMAN SPENCER: Do you got time to
7 make a trip over there?

8 MR. TOMSICK: I've made three trips now. I've
9 made three trips to the Ventura County sheriff's
10 department, Ventura County superior and municipal
11 courts, the public defender's office, to the district
12 attorney's office. And nobody can find anything.

13 Nobody can tell me what to do. I've begged and pleaded
14 and pleaded and begged. I want to get this resolved.

15 All I'm asking to do is let me make a living.
16 Let me survive. That's all I want. I mean I don't know
17 what else to do. Go live on the street? I mean it's
18 coming to that point. I just, I just don't have enough.
19 I've jumped through the hoops. I've made three trips to
20 California, numerous phone calls.

21 And I just -- you know, I don't know what else
22 to say. I'm at your mercy to allow me to live. You
23 have the power in your hands to make me -- to let me
24 live. That's all I'm asking for.

25 You know, and, yes, I made a mistake. Yes, I

1 pled guilty. Yes, I did my 30 day. Okay. It's over.
2 But it wasn't that -- I didn't, I didn't kill anyone. I
3 didn't shoot nobody. You know, I didn't do anything
4 maliciously, to do it, just to do it. I did it to get
5 her out of my place of business, so I could conduct
6 business.

7 I ended up losing my business as a result of
8 this. I ended up going bankrupt out of all this stuff.
9 I mean how much more do I have to pay in my life? I'm
10 70 years old. I was 40 when this happened. You know,
11 that's -- I don't know.

12 I'm just, I'm so perplexed that I just don't
13 know what to do. Nobody can tell me definitively,
14 definitively what to do, what steps that I got to take.
15 Nobody can tell me exactly what steps I have to take.

16 BOARD CHAIRMAN SPENCER: All right. I have a
17 request to make, then. I would say, because of the
18 possibility that we're going to run into this situation
19 in the future, and no matter -- and the fact that we've
20 run into this situation in the past, Kevin, would it be
21 out of the realm of feasibility to have Bruce look into
22 this and see if we can resolve the issue as it should
23 be, amicably?

24 MR. INGRAM: No, we can definitely do that. I
25 think that we definitely would need to involve legal

1 counsel on this. Because her interpretation of the NRS
2 is also my interpretation of the NRS. In the past, I
3 know that we've done certain things. And new case law
4 has come up since then that would have to be cited on
5 what we can and cannot do.

6 So I think that in conjunction with
7 Investigator Yarborough and myself, I think that we're
8 going to need some time with our deputy attorney general
9 to get a true clarification and get some evidence that
10 we can use to support our future decisions.

11 The other thing that our deputy attorney
12 general and I have been discussing is there are a lot of
13 loopholes in our laws and regulations, to which, you
14 know, Board Member Zane brought to everyone's attention
15 yesterday. We really need to have some workshops and
16 clean these up.

17 BOARD CHAIRMAN SPENCER: Yep.

18 MR. INGRAM: Because there's just a lot of
19 uncertainty there. And I'd be happy to, you know, lead
20 that, that march.

21 BOARD CHAIRMAN SPENCER: Well, if it requires
22 a -- if it requires a motion to this effect, then I
23 hereby make that motion, that we --

24 If I want to make a motion, I'm going to make a
25 motion. Okay?

1 MS. PLATT: Okay.

2 BOARD CHAIRMAN SPENCER: That we do just what
3 we just discussed.

4 MS. PLATT: It's not an agenda item. You
5 cannot make a motion. This is not -- it's an open
6 meeting law violation.

7 BOARD CHAIRMAN SPENCER: I'm not making a
8 motion, but I'm making a suggestion.

9 MR. INGRAM: Well, again, we don't need a
10 motion to do that. We can agree to do that.

11 BOARD CHAIRMAN SPENCER: Okay.

12 MR. INGRAM: I'll be happy to take care of
13 that, Chairman.

14 BOARD CHAIRMAN SPENCER: Thank you.

15 MR. INGRAM: Absolutely. My pleasure.

16 BOARD MEMBER UITHOVEN: So do we need a motion
17 to move forward here to -- you know, that we're not
18 denying this or approving the registration? Would it be
19 appropriate to make a motion, then, to postpone the
20 matter of agenda item six until the next meeting?

21 MS. PLATT: Eight.

22 BOARD MEMBER UITHOVEN: I'm sorry. Eight.
23 Until the next meeting?

24 MS. PLATT: If Mr. Tomsick is open to that.

25 MR. INGRAM: Are you open to that?

1 MR. TOMSICK: I'm going to lose my apartment.
2 I can't, I can't pay the rent.

3 MR. INGRAM: Well, you know, the way that the
4 statute's written right now, there's no way we can grant
5 that, because the law prohibits us from granting that.

6 MR. TOMSICK: So I won't be on till December?

7 MR. INGRAM: So if you would request to have
8 this postponed to a future agenda, we can do that for
9 you and do the investigation to find the information
10 that we need to make a definitive answer for you. But,
11 but you would have to request that.

12 MR. TOMSICK: Okay. I request it, then. Do
13 what you need to do. Not only for me, but there are --
14 there have got to be hundreds of men, hundreds of men
15 and women out there that's got the same kind of problem.

16 BOARD MEMBER UITHOVEN: Mr. Chair, I have a
17 motion.

18 MR. TOMSICK: And they're all starving.

19 BOARD CHAIRMAN SPENCER: Yes.

20 BOARD MEMBER UITHOVEN: I move that we postpone
21 the matter of agenda item number eight until our next
22 scheduled Board meeting in December.

23 BOARD MEMBER ZANE: Second.

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

1 (Board members said "aye.")

2 BOARD CHAIRMAN SPENCER: All right. We'll see
3 you next time.

4 MR. TOMSICK: All right. Thank you very much,
5 folks.

6 MR. INGRAM: Thank you.

7 MR. TOMSICK: We'll see what happens.

8 BOARD MEMBER ZANE: Mr. Tomsick, are you aware
9 that you don't have to be a registered employee to work
10 for a propriety employer?

11 MR. TOMSICK: Yeah, I know. But I wanted to do
12 security work that's easier on me. Okay. I don't have
13 to grind it.

14 BOARD MEMBER ZANE: Correct. But what I'm
15 saying is that you can work for a security company that
16 only provides security to their own business, without
17 coming here.

18 MR. TOMSICK: I understand.

19 BOARD MEMBER ZANE: Okay. I just wanted to
20 make sure that you knew that there was the possibilities
21 or options, regardless of what we do.

22 MR. TOMSICK: Well, they won't give me a
23 license to be a security officer.

24 BOARD MEMBER ZANE: You don't need a license to
25 be a security officer for a propriety employer.

1 MR. TOMSICK: Oh, for a private employer?

2 BOARD MEMBER ZANE: For a private employer, you
3 know, like Target.

4 MR. TOMSICK: Okay. Well, I'll try that, too.
5 I got to do something. I mean I'm living out here, and
6 it's not simple.

7 Thank you, ladies and gentlemen. Thank you for
8 your help.

9 BOARD MEMBER ZANE: Yeah.

10 MR. TOMSICK: And, hopefully, this will come
11 across.

12 MR. INGRAM: All right. Have a good day, sir.

13 MR. TOMSICK: Okay. Thank you.

14 BOARD CHAIRMAN SPENCER: Do we have any further
15 appeals down there?

16 MR. INGRAM: We have none.

17 BOARD CHAIRMAN SPENCER: Okay. How about
18 public comment?

19 BOARD MEMBER ZANE: Mr. Chairman, could we call
20 out for the agenda items?

21 BOARD CHAIRMAN SPENCER: Call them out?

22 BOARD MEMBER ZANE: Yes, for number six,
23 Maurice Carr.

24 BOARD CHAIRMAN SPENCER: Oh, I just did. Okay.

25 BOARD MEMBER ZANE: Well, we've got somebody in

1 the audience, but I don't know who they are.

2 BOARD CHAIRMAN SPENCER: Oh, I thought that you
3 said there was no one else. I beg your pardon.

4 BOARD MEMBER ZANE: Okay.

5 MR. INGRAM: I know who he is.

6 BOARD MEMBER ZANE: Maurice Carr or Aaron
7 Leach, item number seven?

8 MS. DONALD: No.

9 BOARD MEMBER ZANE: Do we have -- I guess,
10 we're of the opinion that six and seven got due notice?

11 MR. INGRAM: They were noticed through e-mail,
12 again, accepted through e-mail, counsel.

13 MS. PLATT: I'm sorry? What was that?

14 MR. INGRAM: Items number six and seven on the
15 agenda were noticed via e-mail and responded via e-mail.

16 MS. PLATT: So...

17 BOARD MEMBER UITHOVEN: So they were informed,
18 Kevin, and they -- and by e-mail, and they acknowledged
19 receiving that e-mail; is that what you're saying, they
20 replied to you?

21 MR. INGRAM: They both, yes, they both
22 acknowledged that they would be here today. However, I
23 have received additional information that that should
24 have been done through a letter, not through e-mail.

25 BOARD CHAIRMAN SPENCER: Okay. So --

1 BOARD MEMBER ZANE: Mr. Chairman, I would move
2 that items numbers six and seven be postponed to the
3 December meeting.

4 BOARD MEMBER UITHOVEN: Second.

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

7 (Board members said "aye.")

8 BOARD CHAIRMAN SPENCER: Hearing none, they
9 are.

10 All right. Now, any public comment?

11 MR. INGRAM: No public, no public comment in
12 the south.

13 BOARD CHAIRMAN SPENCER: Okay. Any Board
14 member have any items for possible action?

15 MS. PLATT: You have to take the Board comments
16 for possible action before you take your public comment.

17 BOARD CHAIRMAN SPENCER: So where have you been
18 the last 20 years?

19 BOARD MEMBER ZANE: Well, what is, what --

20 MS. PLATT: It's an open meeting law violation
21 to take public comment before an action item.

22 BOARD CHAIRMAN SPENCER: Okay. I'm not asking
23 for it.

24 I'll take a motion.

25 BOARD MEMBER ZANE: Based upon this experience,

1 I move we adjourn.

2 BOARD CHAIRMAN SPENCER: Second it?

3 BOARD MEMBER UITHOVEN: Second.

4 BOARD CHAIRMAN SPENCER: Motion and second.

5 All in favor?

6 (Board members said "aye.")

7 BOARD CHAIRMAN SPENCER: Thank you.

8 BOARD MEMBER ZANE: Thank you.

9 * * * * *

10 (The meeting adjourned at 9:52 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, September 12, 2013, at 9:00 a.m., and commencing at 9:12 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 36, 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 16th day of September, 2013.

SHANNON L. TAYLOR
Nevada CCR #322, RMR