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

Thursday, December 5, 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 (Las Vegas)  
Jim Nadeau (Carson City)  
Mark Zane (Las Vegas)  
Robert Uithoven (Las Vegas)  
James Colbert (Las Vegas)

Also: Kevin Ingram (Las Vegas)  
Executive Director

Colleen L. Platt (Carson City)  
Deputy Attorney General  
Prosecutor

Keith D. Marcher (Carson City)  
Chief Deputy Attorney General  
Board Counsel

Matthew Schmelzer (Carson City)  
Investigator II

Lori Irizarry (Las Vegas)  
Compliance/Audit Investigator II

Mary Klemme (Carson City)  
Investigative Assistant III

Other Participants in Carson City:

Thomas Reuscher

Other Participants in Las Vegas:

John Theel  
Maurice Carr  
Aaron Leach

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1 CARSON CITY, NEVADA, THURSDAY, DECEMBER 5, 2013,

2 9:05 A.M.

3 -oOo-

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

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

9 MR. INGRAM: Okay. Thank you, Mr. Chairman.  
10 Board Member Colbert?

11 BOARD MEMBER COLBERT: Present.

12 MR. INGRAM: Board Member Nadeau?

13 BOARD MEMBER NADEAU: Here.

14 MR. INGRAM: Board Member Uithoven?

15 BOARD MEMBER UITHOVEN: Here.

16 MR. INGRAM: Board Member Zane?

17 BOARD MEMBER ZANE: Here.

18 MR. INGRAM: And Chairman Spencer?

19 BOARD CHAIRMAN SPENCER: Here.

20 MR. INGRAM: I would like to bring something to  
21 everyone's attention. There is an error on item number  
22 five on the agenda. He, Mr. John Theel, is here  
23 requesting that the Board allow him to hire five active  
24 out-of-state peace officers to work as unarmed guards  
25 and supervisors at the consumer electronic show. The

1 dates are correct.

2 BOARD CHAIRMAN SPENCER: All right. At this  
3 time, we will leave -- we will have time here for public  
4 comment, if anyone in the audience has public comment,  
5 either here or in Carson City.

6 BOARD MEMBER NADEAU: Nothing in the north.

7 BOARD CHAIRMAN SPENCER: Seeing none, then,  
8 we'll proceed with the agenda items. Let's see.

9 At this time, anyone who will give testimony in  
10 this meeting today, either here or in Las Vegas -- or  
11 here or in Carson City, please rise and be sworn.

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

15 (Potential witnesses present were sworn.)

16 BOARD CHAIRMAN SPENCER: All right. Let me put  
17 my glasses on; I can see what I've been doing.

18 Are there agenda items carried over? No.  
19 There are no carryover agenda items.

20 So we'll proceed to Request for Exemption; as  
21 pointed out by the Executive Director, John Theel of  
22 Special Operations Associates, Inc.

23 Good morning, John.

24 MR. THEEL: Good morning.

25 BOARD CHAIRMAN SPENCER: Okay. Tell us what

1 you want.

2 MR. THEEL: Good morning, everyone.

3 I'm looking for five out-of-state police  
4 officers. They're active policemen. As we've told the  
5 Board for 10 or 12 years now, these folks work for us in  
6 other states, you know, Florida, Texas, Chicago.  
7 They're part of my staff in those states.

8 We have a large convention coming up, which is  
9 the Consumer Electronics Show. And I'd like to bring  
10 those people in to supplement our staff. We'll have  
11 between five and six hundred guards working during that  
12 event. And these folks will be used to supplement, to  
13 supervise and help supplement our staff. I don't recall  
14 the dates, like the 5th of January to the 13th. So here  
15 for about 10 days, eight to 10 days, and then they're on  
16 the plane and gone.

17 They've all been previously registered with the  
18 Board. They have their cards. Everything is current  
19 with them. And as we have in the past, we will provide  
20 the list of those five people to the Board and ensure  
21 that they're all properly registered.

22 BOARD CHAIRMAN SPENCER: I'd like to point out  
23 that John was the first person to come before the Board  
24 to ask to supplement his staff for all the good reasons  
25 that he had. And we started out with -- how many people

1 did you want?

2 MR. THEEL: Back in them days, like 80.

3 BOARD CHAIRMAN SPENCER: Yeah. That was for  
4 the jewelry show and stuff. And he has worked well with  
5 the Board in reducing that number. We're now down to  
6 five.

7 Any questions from the Board?

8 BOARD MEMBER ZANE: I have one. Is this the  
9 first request that's been made for the electronics show,  
10 since you've been here for the jewelry shows?

11 MR. THEEL: No, we're probably four or five  
12 years into it.

13 BOARD MEMBER ZANE: Okay.

14 MR. THEEL: The Consumer Electronics Show.

15 BOARD MEMBER ZANE: It didn't grab me before.  
16 I just didn't remember.

17 MR. THEEL: Yes.

18 BOARD MEMBER ZANE: Thank you.

19 BOARD CHAIRMAN SPENCER: Any further questions?  
20 Jim, do you have anything?

21 BOARD MEMBER NADEAU: No questions.

22 BOARD CHAIRMAN SPENCER: All right. I'll  
23 entertain a motion.

24 BOARD MEMBER ZANE: Mr. Chairman, I'd move that  
25 we approve agenda item number five as provided for and

1 corrected by the Executive Director.

2 BOARD MEMBER NADEAU: I'll second that.

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

5 (Board members said "aye.")

6 BOARD CHAIRMAN SPENCER: Opposed?

7 Hearing none, thanks, John.

8 MR. THEEL: Thank you very much. Merry  
9 Christmas to all of you.

10 BOARD CHAIRMAN SPENCER: Same to you.

11 Okay. Next, we have a registration appeals  
12 hearing, Maurice Carr.

13 Come on forward, Mr. Carr.

14 How are you today?

15 MR. CARR: Fine. And you?

16 BOARD CHAIRMAN SPENCER: Great.

17 Who had this case?

18 MS. IRIZARRY: Investigator Yarborough. But in  
19 his absence, I'm taking it.

20 BOARD CHAIRMAN SPENCER: Okay.

21 MS. IRIZARRY: Investigator Irizarry.

22 BOARD CHAIRMAN SPENCER: What was that?

23 MS. IRIZARRY: I thought you wanted me to spell  
24 it.

25 BOARD CHAIRMAN SPENCER: Okay. Do you want to



1 tell us what this one was about?

2 MS. IRIZARRY: Mr. Carr, when he filled out his  
3 application, he didn't disclose any of his prior  
4 arrests. The only thing he disclosed was a 2012  
5 domestic, and he listed the disposition as dropped.

6 However, he has, on his -- when his  
7 fingerprints came back, he has six arrests, including  
8 two gross misdemeanors, one for grand larceny. I'm  
9 sorry. Yeah, one for grand larceny and the other one  
10 for being in an accident involving death or personal  
11 injury.

12 And the domestic violence that he listed, he  
13 actually pled guilty to. So it's not actually dropped.  
14 It was a misdemeanor charge.

15 So Investigator Yarborough went ahead and  
16 issued him a denial.

17 BOARD CHAIRMAN SPENCER: All right. Questions  
18 from the Board?

19 BOARD MEMBER ZANE: Why didn't you list all of  
20 those arrests?

21 MR. CARR: Because, truthfully, I cannot  
22 remember all them arrests. Once I move forward, I just  
23 forget about everything that happened in the past.

24 BOARD MEMBER ZANE: That's it?

25 MR. CARR: Yes. I really do not remember

1 everything that happened in the past.

2 BOARD MEMBER ZANE: Do you have a medical or a  
3 mental problem?

4 MR. CARR: No, I just forget about it.

5 BOARD MEMBER ZANE: You just forget about it?

6 MR. CARR: Yes.

7 BOARD MEMBER ZANE: I see. That's your way of  
8 tolerating it?

9 MR. CARR: Yes, and moving forward.

10 BOARD MEMBER ZANE: I see. I have no other  
11 questions.

12 BOARD CHAIRMAN SPENCER: Any other Board  
13 members?

14 No. I'll entertain a motion.

15 BOARD MEMBER ZANE: Mr. Chairman, I'd move that  
16 we uphold the denial.

17 BOARD MEMBER UITHOVEN: Second.

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

20 (Board members said "aye.")

21 Opposed?

22 I'm sorry, Mr. Carr. At this time, we're going  
23 to uphold the denial.

24 MR. CARR: All right. Thank you. Have a Merry  
25 Christmas.

1 BOARD CHAIRMAN SPENCER: You, too.

2 Aaron Leach?

3 Hi, Mr. Leach.

4 MR. LEACH: Good morning.

5 BOARD CHAIRMAN SPENCER: I believe, you need to  
6 be sworn in. You just got here, right?

7 MR. LEACH: Yes, sir.

8 BOARD CHAIRMAN SPENCER: All right. The lady  
9 on the screen there, on the right. Raise your right  
10 hand.

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

14 MR. LEACH: I do.

15 BOARD CHAIRMAN SPENCER: Great. Thank you.  
16 Have a chair.

17 And whose case is this?

18 MR. IRIZARRY: So --

19 BOARD CHAIRMAN SPENCER: Oh, okay.

20 MS. IRIZARRY: Investigator Yarborough's, but I  
21 am filling in.

22 Mr. Leach filled out his application, and he  
23 listed one arrest without a date. He listed a simple  
24 assault, dismissed.

25 When his fingerprints came back, it came back

1 he had a 1993 conviction in North Carolina for assault  
2 on a female. In 1996, he pled guilty, Hyde County  
3 District Court, to maintaining the dwelling of --  
4 dwelling of controlled substance abuse. In 2011, he had  
5 possession of drug paraphernalia.

6 So because those three were not listed, he was  
7 issued a denial.

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

10 BOARD MEMBER ZANE: Sir, what was the reason  
11 that you didn't list those?

12 MR. LEACH: 1993, it just said ten years back.  
13 And I didn't list it. I listed what -- I put what I  
14 knew that I had on the court dockets. For 1993, I just  
15 didn't know.

16 BOARD MEMBER ZANE: What about 2011?

17 MR. LEACH: I thought I wrote 2011 down on  
18 there. That's what's probably the date she's talking  
19 about I didn't put.

20 BOARD MEMBER ZANE: I see.

21 MR. LEACH: Because I was probably, you now, in  
22 there doing the application, and I just forgot it. So I  
23 went back and called the clerk of court and got a copy  
24 of all my records. And, I think, I sent a copy.

25 MS. IRIZARRY: Yes. When he issued his appeal

1 letter, he did provide all of his court documents. And  
2 the only one that was mainly in question was the 2011,  
3 because it was within the past 10 years, so the  
4 possession charge. The drug paraphernalia, that should  
5 have definitely been listed, but the other two were also  
6 included because they came back on his fingerprints.

7 MR. LEACH: Yeah.

8 BOARD MEMBER ZANE: You were under the  
9 impression you didn't have to list any of those, or?

10 MR. LEACH: I was -- when I first was told  
11 about it, and it said felonies, list all felonies, and I  
12 knew I didn't have no felonies, but I listed what I can  
13 remember as far as charges I had recently.

14 And the paraphernalia, they pulled my car over  
15 and looked in my seat and found it up on the seat  
16 somewhere. And they threw that out.

17 As far as I know, that was all I had, was that  
18 and a misdemeanor assault. Checked the keys from my  
19 girlfriend, and she called the police.

20 BOARD MEMBER ZANE: I see.

21 MR. LEACH: And they threw that out. So as far  
22 as me having a -- you know, I didn't know about the '93  
23 ones. And I just didn't put the date on the 2011.

24 BOARD MEMBER ZANE: Now, what's your  
25 educational background?

1 MR. LEACH: I completed temporary, got a GED.  
2 Currently is with the school, Charlotte University,  
3 taking up philosophy and social work.

4 BOARD MEMBER ZANE: Here in Las Vegas?

5 MR. LEACH: I was here in Raleigh, but I  
6 transferred to Las Vegas. And I got all my transcripts  
7 with me. So once I get a part-time job to help pay for  
8 the rest of the tuition that I owe, so I can finish the  
9 last, next two years I got.

10 BOARD MEMBER ZANE: What's your family life?

11 MR. LEACH: Oh, I got seven kids, 17 grandkids.  
12 Divorced. I do have a fiance' right now. And she's  
13 been a blessing in my life. I'm a member of the New  
14 Jerusalem Church and a choir member. And I've been  
15 there about two years now.

16 BOARD MEMBER ZANE: And what's your employment  
17 history?

18 MR. LEACH: I've been a roofer for 15 years.  
19 And home improvement work. And my eyes is kind of  
20 getting a little weird, and I have to wear prescription  
21 glasses. So I figured I'd try to find a little lighter  
22 line of work. I figure security work would be a nice  
23 job for me.

24 BOARD MEMBER ZANE: Okay.

25 MR. LEACH: And I apologize for, you know,

1 being in here after doing my application. I should have  
2 researched it, you know. But it only asked for 10 years  
3 back. And so that's what I listed.

4 BOARD MEMBER ZANE: This is what kind of  
5 confuses me, is the application doesn't ask for 10  
6 years. It asks for everything.

7 MR. LEACH: Oh, it does?

8 BOARD MEMBER ZANE: I mean there's a lot of  
9 people that are -- that take that to mean they don't  
10 have to disclose anything over 10 years, because most  
11 courts accept that as, you know, old stuff. But the  
12 application asks that have you ever been arrested or  
13 convicted.

14 MR. LEACH: I didn't know that. I thought it  
15 was 10 years. Okay.

16 BOARD MEMBER ZANE: Do you have any kids living  
17 at home?

18 MR. LEACH: I got a 16-year-old, Tyrell. He's  
19 all right. He's not a trouble-maker, sometimes have bad  
20 days. But all the rest of my children, thank God, are  
21 grown. I only got him left.

22 BOARD MEMBER ZANE: Now, without being able to  
23 use anything against you in a criminal courtroom, did  
24 the drug paraphernalia belong to you?

25 MR. LEACH: No, it didn't belong to me. I

1 bought the car. I had the car for two months when they  
2 pulled me over. I had let a friend off at a hotel. And  
3 later on, the police pulled me over and told me, said  
4 that was a drug area. And they just thought I was one  
5 of the, you know, drug dealers.

6 BOARD MEMBER ZANE: Okay.

7 MR. LEACH: So I got caught up in that little  
8 sting.

9 BOARD MEMBER ZANE: So, as I understand it,  
10 there was the one arrest that was listed on the  
11 application, but no date was given.

12 MS. IRIZARRY: Yes, he listed a simple --  
13 assault, simple, dismissed, in North Carolina.

14 BOARD MEMBER ZANE: So the problem that I'm  
15 having individually here is the one in 2011 that didn't  
16 get on there.

17 MR. LEACH: Okay.

18 BOARD MEMBER ZANE: You know, because that's  
19 the most recent, most certainly we were going to find  
20 it, you know.

21 MR. LEACH: Yeah. I mean I put it down. I  
22 didn't put the date right.

23 MS. IRIZARRY: The 2011 was the possession of  
24 paraphernalia charge. That was not listed on the  
25 application.



1 MR. LEACH: Okay. That's the one I forgot, I  
2 didn't put on it. Okay.

3 BOARD MEMBER ZANE: That one, in my mind, is  
4 the one that's close in time. Because I can see not  
5 remembering the dates or anything for something that  
6 happened in 1993. I couldn't see forgetting the event,  
7 but I could see --

8 MR. LEACH: Well, I thought that was. I  
9 forgot. The one I did put down was the -- which one did  
10 I put down, the assault or the --

11 MS. IRIZARRY: The assault with a deadly  
12 weapon.

13 MR. LEACH: Okay. I'm so sorry.

14 BOARD MEMBER ZANE: That's all I have,  
15 Mr. Chairman.

16 BOARD CHAIRMAN SPENCER: Any further Board  
17 questions?

18 If not, I'll entertain a motion.

19 BOARD MEMBER ZANE: Mr. Chairman, I'd move to  
20 uphold the denial. And if I can get a second, I'll tell  
21 you why.

22 BOARD MEMBER UITHOVEN: Second.

23 BOARD MEMBER ZANE: The reason -- I'm making a  
24 motion to uphold the denial of your work card  
25 application. And the reason I'm doing that is I believe

1 that you were being dishonest in not disclosing the 2011  
2 event, because it was close enough in time. There's no  
3 question about whether or not it should be disclosed or  
4 not.

5 We are here to -- I don't like to second-guess,  
6 but we're -- our first charge is to protect the public.

7 MR. LEACH: I understand.

8 BOARD MEMBER ZANE: I don't know you. All I  
9 know about is what you put down on paper and what you've  
10 come here and talked to us about right now.

11 MR. LEACH: Okay.

12 BOARD MEMBER ZANE: If the Board follows the  
13 motion, and you're denied, you have the opportunity to  
14 come back a year later and reapply and list everything.  
15 Everything that you have here wouldn't keep you from  
16 working in this industry.

17 MR. LEACH: Right.

18 BOARD MEMBER ZANE: If you would have listed it  
19 all.

20 MR. LEACH: Well, that's why I went and got a  
21 copy. I should have did it at first, before I did it.  
22 But I was -- you know, the man, the head of security,  
23 you know, he was, you know, coming to everybody. We was  
24 at a meeting. And he wanted, needed some people real  
25 quick. So. And he had everybody come out here. It was

1 like a job fair. So at the time of the job fair, I just  
2 went ahead and did it, you know, did it the same day.

3 BOARD MEMBER ZANE: Yeah. Unfortunately, in a  
4 regulated, in a regulated environment, you got to be a  
5 little bit --

6 MR. LEACH: I got it.

7 BOARD MEMBER ZANE: And it is not known why.  
8 But we don't have any control over proprietary security  
9 jobs. You can go to a casino and get a job, and you  
10 don't need to come before the Board. But to be held to  
11 be for hire for the public --

12 MR. LEACH: Yes.

13 BOARD MEMBER ZANE: -- the public has a right  
14 to rely upon your honesty.

15 MR. LEACH: I understand. An I'm saying I  
16 didn't deceive it. I just apologize. I just plumb  
17 forgot to put that charge down.

18 BOARD MEMBER ZANE: That's the reason that I  
19 brought the motion.

20 MR. LEACH: And I'm sorry. And the second  
21 reason why I didn't, because I knew it wasn't a felony.  
22 Because I don't -- you know, I'm not a criminal. And  
23 I'm pretty well mostly an honest man. I've never been  
24 in trouble, you know, for, you know, a crime or heavy  
25 crime. So they're mostly driving charges. And, you

1 know, you saw the charge. But I never knew. I knew it  
2 wasn't a felony.

3 (Cell phone ringing.)

4 BOARD MEMBER ZANE: I apologize.

5 MR. LEACH: But, once again, I apologize to the  
6 Board. And I should have researched more thoroughly and  
7 got all my copies before I did the application.

8 BOARD MEMBER ZANE: I just wanted you to know  
9 why I did it.

10 MR. LEACH: Okay.

11 BOARD CHAIRMAN SPENCER: And, you know, you  
12 should remember what he said about a propriety job; and  
13 that's a job where you go in and you work for someone,  
14 they pay you, they take out your taxes and whatever.

15 MR. LEACH: Yes, sir.

16 BOARD CHAIRMAN SPENCER: Rather than you  
17 working for a company that provides a service to a  
18 casino, for instance. So you can still get those jobs.

19 MR. LEACH: Okay.

20 BOARD CHAIRMAN SPENCER: The proprietary type  
21 of a job. And you don't have to come before this Board  
22 for those.

23 MR. LEACH: Okay. But in the future, I might  
24 want to have to ask or -- you know what I'm saying?

25 BOARD CHAIRMAN SPENCER: Well, keep that in

1 mind, and a year from now, we would, we would listen to  
2 you again.

3 MR. LEACH: Okay.

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

6 (Board members said "aye.")

7 BOARD CHAIRMAN SPENCER: Opposed?

8 Hearing none, sir, we will have to deny you at  
9 this time.

10 MR. LEACH: Okay. I'll see you next year.

11 BOARD CHAIRMAN SPENCER: All right.

12 MR. LEACH: Thank you.

13 BOARD CHAIRMAN SPENCER: Thank you.

14 All right. Number eight, Thomas Reuscher -- is  
15 it "ROE-scher"?

16 MR. REUSCHER: "ROY-scher."

17 BOARD CHAIRMAN SPENCER: -- Reuscher, of Grass  
18 Valley, California, was issued an unlicensed activity  
19 citation. Mr. Reuscher is requesting an appeal hearing  
20 on the issuance of that citation.

21 And, I believe, he is in Carson City. Is that  
22 correct?

23 MR. PLATT: That's correct.

24 MR. REUSCHER: Correct.

25 BOARD CHAIRMAN SPENCER: Have you been sworn

1 in, sir?

2 MR. LEACH: Yes, I have. Good morning.

3 BOARD CHAIRMAN SPENCER: Good morning.

4 All right. Madam attorney general, please  
5 proceed.

6 MS. PLATT: So I'm going to call Mr. Schmelzer  
7 to the stand, to put on my side of the case. And then  
8 Mr. Reuscher will be able to put on his side. And then  
9 you guys will have the opportunity to ask questions at  
10 that time.

11 BOARD CHAIRMAN SPENCER: All right. Fine.

12 MS. PLATT: Okay.

13

14 M A T T H E W S C H M E L Z E R,

15 having been duly sworn,

16 was examined and testified as follows:

17

18 DIRECT EXAMINATION

19 BY MS. PLATT:

20 Q. Could you tell us your name, and spell it for  
21 us.

22 A. My name is Matthew Schmelzer. Last name is  
23 S-C-H-M-E-L-Z-E-R.

24 Q. Who is your employer?

25 A. Private Investigators Licensing Board, State of

1 Nevada.

2 Q. And what's your job title?

3 A. Investigator 2.

4 Q. And how long have you worked there?

5 A. Since January of 2013.

6 Q. Okay. Are you aware of Mr. Reuscher?

7 A. I am.

8 Q. And did you have the opportunity to write a  
9 citation, number C-092-13?

10 A. I did.

11 Q. Can you give us the circumstances surrounding  
12 that citation?

13 A. I received information in our office at  
14 704 West Nye Lane that Mr. Reuscher ("ROO-sher") --

15 MR. REUSCHER: Reuscher ("ROY-sher").

16 THE WITNESS: -- Reuscher was at a location in  
17 Carson City, the address that's contained in the  
18 citation, that he was currently there conducting a fire  
19 arson investigation. I then notified my supervisor,  
20 Kevin Ingram, told him that I was going to go out, check  
21 to see what the circumstances were and to validate his  
22 license to conduct private investigations, slash, fire  
23 investigations in the state of Nevada.

24 I proceeded to the location. Upon arrival to  
25 the location, I took note of an individual standing by a

1 white pickup, another person standing in the yard, and a  
2 Carson City Fire Marshal vehicle located at the  
3 residence. I got out, spoke with the individual by the  
4 vehicle, ascertained that he was an assistant to -- to  
5 Ignition Dynamics. I didn't get his name, but he said  
6 that he was, basically, employed and that Mr. --

7 MR. REUSCHER: Reuscher.

8 THE WITNESS: -- Reuscher was inside the  
9 residence currently working. I walked over to the other  
10 individual in the yard, who identified himself as an  
11 insurance adjustor for the property owner. And I could  
12 tell by his shirt and his attire that he probably worked  
13 for an insurance company.

14 I then went around to the side entrance, which  
15 appeared to be the only safe entrance to go in, due to  
16 the fire damage. I opened the door, announced my  
17 presence and identified myself to the fire marshal, who  
18 was at the time exiting, speaking with Mr. Reuscher  
19 concerning obtaining a fire report for, you know,  
20 portions of the investigation. I noted that  
21 Mr. Reuscher had a camera around his neck, tape measure  
22 and a clipboard, tools that an investigator would use to  
23 take notes and/or conduct an investigation.

24 I then made contact with Mr. Reuscher and  
25 notified him who I was, asked him, you know, if I could



1 see his license through us. He produced a work card  
2 for -- for Private Investigators Licensing Board, but  
3 that work card was under Unified license or licensee,  
4 which is another company that is out of California but  
5 licensed in Nevada. He then stated to me, through the  
6 course of conversation, that he was not under that  
7 company anymore but that he had their work card, and he  
8 felt that that was the license enough to allow him to  
9 work in Nevada. I stated to him that it was not,  
10 described to him that it was not, that he needed to have  
11 a license.

12 I then gave him the opportunity to talk to my  
13 supervisor on my phone. We were out on the porch area  
14 by this time. I believe, Mr. Ingram then had a  
15 conversation with Mr. Reuscher. I don't know the  
16 particulars of what was discussed during that, because,  
17 you know, he had my phone up to his ear. But, in short,  
18 the whole thing ended up him handing me my phone back.  
19 I then told him I would have to give him a citation and  
20 that he would have a chance to appeal it here, the  
21 citation over here. I then got some more information,  
22 proceeded back to the office, and issued the citation.

23 BY MS. PLATT:

24 Q. And so the citation was for unlicensed  
25 activity?

1 A. Unlicensed activity, yes.

2 Q. Are you required to be licensed to conduct fire  
3 investigations?

4 A. Yes.

5 Q. Can you conduct fire investigations with a work  
6 card?

7 A. No.

8 MS. PLATT: I have nothing further at this time  
9 for Mr. Schmelzer.

10 BOARD CHAIRMAN SPENCER: All right. Do you  
11 have any questions, Mr. Reuscher?

12 MR. REUSCHER: I do. If I may, good morning,  
13 ladies and gentlemen. First of all, I'd like to ask,  
14 have you received the packet that was presented to  
15 Mr. Ingram, Kevin?

16 MR. INGRAM: Yes. He's asking if --

17 BOARD CHAIRMAN SPENCER: Yeah, we have.

18 MR. REUSCHER: Okay. Thank you.

19

20 CROSS-EXAMINATION

21 BY MR. REUSCHER:

22 Q. So the first question I'd like to ask you,  
23 Mr. Schmelzer, is that who provided you the information  
24 that I was going to be at that location at that date and  
25 time?

1 A. The reporting party wished to remain anonymous.

2 Q. Okay. Was the work permit that I presented you  
3 an authentic work permit issued by your Board?

4 A. Your work card? I called it in, and it was an  
5 issued work card.

6 Q. Okay. Did that work permit indicate what  
7 license it was issued under?

8 A. The work card did, yes. That's how I was able  
9 to find that was Unified.

10 Q. It said on the work card?

11 A. Not on the work card, but on our file back at  
12 the office, yes.

13 Q. Okay. And you subsequently signed and issued a  
14 citation letter dated June 4th, 2013, citation number  
15 C-092-13, which was -- in which I was cited for the  
16 violation of Section 648.165, 648.060 of the NRS; is  
17 that correct?

18 A. Yes.

19 Q. Included in the violation notice was a  
20 violation for not having my California P.I. license on  
21 my card. Could you look at the exhibit, which I assume  
22 you have, Exhibit I.

23 That's a photocopy of my business card. Do you  
24 see a California P.I. license number on there?

25 A. No, I do not.

1 Q. You don't see one?

2 A. No.

3 Q. On the back side of the card on the bottom?

4 A. Yes.

5 Q. So there is one on it; is that correct?

6 A. That's a California P.I. license. You were  
7 cited for not having a Nevada license.

8 Q. Part of the citation was not having a P.I.  
9 license number on my business card?

10 A. A Nevada P.I. license number.

11 Q. Could you look at the exhibit -- was there a  
12 question from the Board?

13 BOARD CHAIRMAN SPENCER: No.

14 BY MR. REUSCHER:

15 Q. Could you look at Exhibit J, please. Could you  
16 tell me the date of issuance on that letter?

17 A. This letter.

18 Q. I believe, it's right above your signature.

19 A. This is just a copy that shows that you got it.

20 MR. MARCHER: I think, he meant to refer you to  
21 Exhibit H.

22 THE WITNESS: You're referring to the date of  
23 the citation instead of being the date that I actually  
24 made contact with you a few days later.

25 ///

1 BY MR. REUSCHER:

2 Q. Well, there's a date of issuance that says  
3 March 25th, 2013; is that correct?

4 A. Yes.

5 Q. And the date the letter, the letter itself, is  
6 June 4th. So is that an error?

7 A. That is an error, yes.

8 Q. Did I not have a valid work permit?

9 A. You had a valid work card under Ignition -- or  
10 Unified.

11 Q. So I was cited for having a valid work permit  
12 under a license --

13 A. A work card, which allows you to work under  
14 somebody else's license. It does not allow you to come  
15 into the state of Nevada and conduct investigations  
16 under your own license, which you do not have.

17 Q. I understand that.

18 A. Okay. So you're using the word "work permit,"  
19 which is not --

20 Q. Okay.

21 A. It's not a permit. It's a card.

22 Q. I'll change, I'll change that.

23 A. Okay.

24 Q. Were you in contact with my former employer,  
25 Unified Investigations, regarding this matter, prior to

1 this citation?

2 A. No, I was not. You stated at the premises that  
3 you were no longer employed by them.

4 Q. Yeah, that's -- that's an issue that I'd like  
5 to speak to you about, also. You had said that I told  
6 you that I understood that that work card was under  
7 Unified Investigations. I did not say that.

8 A. Yes, you did, because I told you that my -- I  
9 had called your card in, found that it was under  
10 Unified. And I said, "This, this card allows you to  
11 work under Unified." I asked you, "Is Ignition Dynamics  
12 part of Unified?" on your front -- on the front porch of  
13 the residence, and you stated that it was not, that you  
14 had worked, had recently no longer worked for them and  
15 that you had started your own company, which was  
16 Ignition Dynamics.

17 MR. REUSCHER: Okay. I would like to take  
18 exception to that and just state on the record that my  
19 recollection is, and the fact is --

20 MR. PLATT: Okay. I'm going to object at this  
21 point. That's --

22 MR. MARCHER: Yeah, we'll --

23 MS. PLATT: You're here for questioning him.

24 MR. MARCHER: You'll get a chance.

25 MS. PLATT: You'll get a chance to make that

1 statement when he's done.

2 MR. MARCHER: For now, just questions for him.

3 MR. REUSCHER: Thank you.

4 BY MR. REUSCHER:

5 Q. And you did research the Board records prior to  
6 issuing the citation; is that correct?

7 A. Yes.

8 Q. Okay. Was the exhibits that I provided, E and  
9 F, part of the paperwork that you examined prior to  
10 issuing the citation?

11 A. This (indicating), yes. I see it on the  
12 computer screen, not in this format. So, yes. And  
13 (indicating), yes.

14 Q. Okay. Could you take a look at the paper  
15 copies of E and F and tell me, are there any conclusions  
16 you might draw from this document, either one of these  
17 documents, if any? Specifically, could you determine  
18 that the information on file in your office and  
19 date-stamped December 3rd, 2012, clearly indicates that  
20 as of August 24th, 2012, I was no longer employed by  
21 Unified Investigations but was now the owner of Ignition  
22 Dynamics? That's attachment E.

23 A. Yes. It's handwritten in here. But, then  
24 again, when I ran Ignition Dynamics, you did not come up  
25 as having a valid license with us. Therefore, this

1 being penciled in or inked in, I mean you could be the  
2 owner of it and be in California, but you have not come  
3 before the Board and applied and received a license  
4 through the Board.

5 Q. I understand. But that document was in your  
6 office at that time, correct?

7 A. Yes, it was. And that's exactly why I wrote  
8 you the citation for not having the license.

9 Q. All right. So is it a reasonable conclusion,  
10 in your opinion, that the work permit that was issued  
11 was issued in error?

12 A. You were not issued a work permit. You were  
13 issued a work card.

14 Q. I'm sorry. My apologies. The work card, was  
15 it issued in error?

16 A. No.

17 Q. It was not issued in error?

18 A. No, because it was issued for this other,  
19 Unified.

20 Q. Which I no longer work for.

21 A. Which if you no longer work with them, it  
22 becomes invalid.

23 Q. The work card that I did present you had a  
24 number on it, but it didn't link it to any license; is  
25 that correct?



1           A.   Not to this, no.  It linked it to Unified, when  
2 I called on the phone.

3           Q.   All right.

4           A.   Now, when I went back to the office, that's  
5 when I saw this.  But then I still cited you for not  
6 having the license, yes.

7           Q.   I understand.  Was the paperwork found in your  
8 office, in my file, false in any way?

9           A.   No.

10          Q.   No?

11          A.   (Shook head back and forth.)  I do not believe  
12 so.

13                   (There was a momentary discussion off the  
14 record between the witness and Ms. Platt.)

15          MS. PLATT:  Off the record.

16          THE WITNESS:  I asked if I could go over.  I  
17 have my business card that he provided me, and I believe  
18 that I'm thinking it might be different.

19          MS. PLATT:  Is that in response to his question  
20 that it would follow?

21          THE WITNESS:  It's to the information on the  
22 back of the -- of the work card, or the business card.  
23 I believe, I have the exact one he handed me.  I don't  
24 believe it has that information on the back.

25          MR. REUSCHER:  I'd be happy for him to --

1 THE WITNESS: Like I said, I don't recall.

2 MS. PLATT: Okay.

3 THE WITNESS: So I just want to get it.

4 (The witness retrieved the card.) I was  
5 misspoken. It is.

6 BY MR. REUSCHER:

7 Q. I'm sorry. I didn't hear what you said.

8 A. I was misspoken. It is on the back.

9 Q. It is on the back?

10 A. It is on the back, California, yes.

11 Q. Would you look at the Exhibit B that I provided  
12 in my documents.

13 And could you tell me if it's -- and this is a  
14 photocopy of my previous work card. Could you tell me  
15 if it indicates under which license it was issued?

16 A. It's under Washoe County. Sheriff's office.

17 Q. Okay. Which license it was issued?

18 A. It does not say. It just says "special  
19 investigator." And "Unified Investigations."

20 Q. So Unified Investigations?

21 A. Yes.

22 Q. Okay. So it does say it?

23 A. It says "Unified Investigations."

24 Q. Hold on to that. If you'd look at that again,  
25 is there a permit number issued to that card?

1 A. There's an "A" file number on there.

2 Q. Is that the 201 number?

3 A. 201 --

4 Q. Okay.

5 A. -- 8574.

6 Q. And could you go back to Exhibit G that I  
7 provided, which is the new work card. Is there a number  
8 on that card? I believe, it starts with RO.

9 A. R090 -- 049003.

10 Q. So the old work card number for Unified, which  
11 was my old employer, had a different number than the new  
12 work card number that was issued to me, correct?

13 A. Correct.

14 Q. Okay. Is it common for the -- for renewal  
15 of -- I think, I know what you're going to say. I  
16 think, it just dawned on me. The first one was issued  
17 under Washoe County?

18 A. (Nodded head affirmatively.)

19 Q. Okay. So that would be the reason it would  
20 have different numbers.

21 So the newer permit was issued, the new work  
22 permit, with a new work permit number, or work card  
23 number -- my apologies -- without an identifier on that  
24 work card number as to which license it was issued  
25 under?

1 A. To my knowledge, and at the time, I believe, I  
2 did the correct check, it went back to Unified.

3 Q. It did, but it was not on the card?

4 A. No.

5 Q. Okay. So is it reasonable, in your opinion,  
6 that this could cause confusion on my part or your part?

7 A. Your mind is your mind, sir. I can't.

8 MS. PLATT: I object. He can't answer for you.

9 BY MR. REUSCHER:

10 Q. Okay. Did you take the opportunity to contact  
11 me prior to your arrival at the citation location?

12 A. No, I didn't.

13 Q. To clarify the discrepancies that you were  
14 seeing?

15 A. No, I did not. As I said before, I received  
16 information that there was an investigation, possibly  
17 unlicensed.

18 Q. Now, I recall that you had told me at the scene  
19 that you had talked to people at Unified and that they  
20 told you that I had been terminated. Do you recall  
21 that?

22 A. No, I do not.

23 Q. You do not recall that?

24 A. I believe, that was the course of the  
25 conversation, and I asked you if you had been terminated

1 or you had left on our own.

2 Q. You -- that's not how I recall. Termination is  
3 not the word.

4 A. Okay.

5 Q. Correct term. Okay. Did you ever, or do you  
6 now have the impression that I was attempting to be  
7 deceitful, in the use of the work card, in any of my  
8 actions or statements or dealings with this Board or  
9 with you?

10 A. At this time, I choose not to answer that  
11 question, because I think it implies my biased opinion.

12 Q. Okay.

13 A. And/or an opinion. But.

14 MR. REUSCHER: If I might read a closing  
15 statement; is that possible?

16 MS. PLATT: Not yet.

17 MR. MARCHER: Not yet.

18 MR. REUSCHER: Okay.

19 MR. MARCHER: I need to tell you the procedure.

20 MR. REUSCHER: That would be good. I wish I'd  
21 known the procedure prior.

22 MR. MARCHER: Yeah. You're -- are you finished  
23 asking him any questions?

24 MR. REUSCHER: I think, I am at this time.

25 MR. MARCHER: Okay. Now, what will happen next

1 is the Board members can ask questions of the witness,  
2 if they choose to. And at that point, we'll see if the  
3 prosecuting attorney has any other witnesses. I don't  
4 think she's going to have any others. At that point,  
5 then we flip it to you, and it's your turn to put your  
6 case on. That would be your opportunity to call any  
7 witnesses that you might have. Or if you don't have any  
8 witnesses, that's your opportunity to testify yourself.

9 MR. REUSCHER: Okay.

10 MR. MARCHER: Once you do that, she can ask you  
11 questions. So can the Board members.

12 MR. REUSCHER: That would be fine.

13 MR. MARCHER: When we're done with that, then,  
14 if there's anything in closing you want to say, then  
15 we'll allow for that, and then we'll make a decision.

16 MR. REUSCHER: All right.

17 MR. MARCHER: Okay. So at this point --

18 MS. PLATT: I get to follow up.

19 MR. MARCHER: Oh. Yeah. Well, she gets to  
20 follow up, too. I forgot that little piece.

21 So go ahead, if you have anything on redirect.

22

23 REDIRECT EXAMINATION

24 BY MS. PLATT:

25 Q. I just want to ask you a question in regards to

1 registered, registered cardholder and licenses. Are  
2 they required to know the laws surrounding Chapter 648  
3 in NAC and NRS?

4 A. It is part of the application process, and it  
5 is part of that, that they reviewed that.

6 MS. PLATT: Thank you.

7 MR. MARCHER: Okay. Based on her question and  
8 his answer, do you have anything else to ask him?

9 MR. REUSCHER: No I don't.

10 MR. MARCHER: Okay. Board members, any  
11 questions for the witness?

12 BOARD CHAIRMAN SPENCER: Jim, do you have a  
13 question?

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

15 Yes, Investigator, I had a question. On the  
16 Attachment E, which is the P.I. Board, apparently, their  
17 information sheet, there's handwritten information,  
18 Ignition Dynamics. That wasn't, that handwritten wasn't  
19 on the information that you saw it the computer; is that  
20 right?

21 THE WITNESS: I saw this after, after I already  
22 issued the citation.

23 BOARD MEMBER NADEAU: Now, is this a file  
24 within the -- within our office, within the PILB office?

25 THE WITNESS: It is.

1 BOARD MEMBER NADEAU: So is there a handwritten  
2 notation on there?

3 THE WITNESS: Yes.

4 BOARD MEMBER NADEAU: That's -- that was the  
5 only question, I had. Thank you, Mr. Chairman.

6 BOARD CHAIRMAN SPENCER: All right. Any other  
7 Board questions?

8 BOARD MEMBER UITHOVEN: Not of the  
9 investigator, no.

10 BOARD CHAIRMAN SPENCER: Okay. You may  
11 proceed.

12 MR. MARCHER: Do you have any other witnesses?

13 MS. PLATT: I'm going to ask Mr. Ingram to  
14 come. I have a couple questions for him just based on  
15 Mr. Schmelzer's testimony.

16 MR. MARCHER: Okay. He's been sworn?

17 MR. INGRAM: Yes.

18 MR. MARCHER: Okay.

19

20 K E V I N I N G R A M,

21 having been duly sworn,

22 was examined and testified as follows:

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DIRECT EXAMINATION

BY MS. PLATT:

Q. So, Mr. Ingram, Mr. Schmelzer indicated that you spoke with Mr. Reuscher. Could you give us a synopsis of that conversation?

A. Yes, absolutely. When Investigator Schmelzer contacted me by his cell phone, he had informed me that he had explained the difference between a work card and a license to do work, to Mr. Reuscher. And he felt that maybe I could help clarify some of those differences for Mr. Reuscher.

I spoke to Mr. Reuscher on the phone. And he was very pleasant to speak to on the phone. He asked for, you know, a little bit of clarification. I clearly identified that a work card can be issued. And that work card can be used for different licensees. But he has to be working under the direction of a licensee, whether it's Unified or another licenseholder, to be able to conduct the investigations under the direction of a licensee, and that a work card was simply just that, a work card.

He had made a statement to me that he believed that the work card was an actual license, because he'd gone through the background check. And at that time, I explained the process for obtaining a license, where a

1 very thorough application was done and an extremely  
2 thorough background that took upwards of three months to  
3 conduct, prior to him coming before the Board for an  
4 actual license.

5           And I at that time told him that the cease and  
6 desist that Investigator Schmelzer had issued was, in  
7 fact, inactive at that moment, that I was issuing him a  
8 verbal cease and desist to stop his actions, and that a  
9 citation would be forthcoming in the mail.

10           At that time, I believed Mr. Reuscher to  
11 understand the process. And, you know, we ended the  
12 telephone conversation at that time.

13 BY MS. PLATT:

14           Q. And so when someone leaves the employment of a  
15 licensee that they have a work card under, are they  
16 required to reapply for a work card under a different  
17 licensee?

18           A. No, they're not required to do that. They --  
19 as long as they have a work card, another licensee may  
20 employ them. And then it's the licensee's  
21 responsibility to notify the Board that they now have  
22 employed this individual with the work card.

23           Q. The licensee has to be licensed in this state  
24 in order to -- for someone to have a work card  
25 underneath them?

1           A.    That is correct.

2           MS. PLATT:   Thank you.

3           MR. MARCHER:   Do you have any questions for  
4 Mr. Ingram?

5           MR. REUSCHER:   No, I don't.

6           MR. MARCHER:   Does the Board, members have any  
7 questions for Mr. Ingram?

8           BOARD CHAIRMAN SPENCER:   No.

9           MR. MARCHER:   Okay.  And so do you have any  
10 other witness?

11          MS. PLATT:    I do not.

12          MR. MARCHER:   Okay.  So at this point, she's  
13 resting.  It's your opportunity to either call a  
14 witness, or if you would like to offer testimony, now  
15 would be the time to do it.

16          MR. REUSCHER:   Okay.  I have no witnesses.

17                 This isn't a complex case.  It's very  
18 embarrassing for me.  I fully accept my deficiencies  
19 here in not understanding the process and what was going  
20 on.

21                 The reason, the reason I'm here is because -- I  
22 was not being deceitful.  I was not trying to poach,  
23 come in and work without a permit.  I had applied for a  
24 work card.  I had applied for a license.  The process  
25 was not happening.  And I went out of my way to take a

1 day to drive to the Carson City office and talk to the  
2 people there. I looked at my file at that opportunity.  
3 I wrote in the file and notified the people in your  
4 office that I no longer worked for Unified, that I now  
5 owned my own company, and that I was looking for a  
6 license in Nevada to do the work.

7 I'm not a dishonest person. I may be foolish  
8 in this case for not understanding the process. I've  
9 been through the process twice before. And this was not  
10 the same process. At the time that I visited your  
11 office, at the time that I visited your office, I was  
12 told, I was given the R number that is on the new work  
13 card and was told that this enabled me to work in the  
14 state of Nevada while the process was in the works.

15 A few weeks later, that card arrived at my  
16 house. I made an assumption. And we all know about  
17 assumptions. And here's a perfect example. That was  
18 the assumption that I made. I did everything in good  
19 faith, albeit maybe ignorance.

20 I've been -- I just wanted to say that my  
21 interactions with the employees and this Board have been  
22 very positive. They are very courteous people, and  
23 they've been very helpful.

24 I accept my responsibility for not having fully  
25 complied with the rules. And although it was not by

1 lack of trying. There was numerous contact, phone,  
2 mail, in person. I just wanted to note that -- and I'm  
3 kind of hanging my hat on this, that the date of  
4 issuance was not correct, that my California P.I.  
5 license was on my card.

6 And I'm hoping that the Board will rescind this  
7 matter or, at the very least, accept my sincere  
8 explanation as to what happened and provide me with some  
9 relief, I'm hoping. I've taken two days to be here  
10 twice. It's cost me a couple hotel rooms and four tanks  
11 of gas.

12 It's -- I think, mostly I'm here because I just  
13 want to be heard. And I'm feeling like I need to defend  
14 my honor. And, again, I fully accept the fact that I  
15 did not understand the process. And I should have.  
16 But, I guess, what I'm saying is that I'm throwing  
17 myself on the mercy of the Board.

18 And I thank you. With that, I'll conclude.

19 MR. MARCHER: All right. Thank you.

20 Do you have any questions?

21 MS. PLATT: I do not.

22 MR. MARCHER: Do Board members have any  
23 questions?

24 BOARD CHAIRMAN SPENCER: No. Jim, do you have  
25 a question?

1 BOARD MEMBER NADEAU: Just one.

2 Mr. Reuscher, is that, then, that handwriting  
3 on the form that's at PILB, that's your handwriting?

4 MR. REUSCHER: That is my handwriting.

5 BOARD MEMBER NADEAU: Okay. And was there any  
6 forms or anything completed at the time that you changed  
7 that, that information; in other words, did you do  
8 anything of any -- anything, any application for  
9 anything at that level other than just write on that  
10 form?

11 MR. REUSCHER: On that day, no.

12 BOARD MEMBER NADEAU: Okay. Thank you.

13 MR. REUSCHER: I have been on the website and  
14 attempted to fill out and complete the application for  
15 licensing, and I've decided to put that on hold until  
16 this matter is solved.

17 BOARD MEMBER NADEAU: Okay. Nothing further.  
18 Thank you.

19 Mr. Chairman, no more questions.

20 BOARD CHAIRMAN SPENCER: Thank you.

21 MR. MARCHER: Do you have --

22 BOARD CHAIRMAN SPENCER: All right.

23 MR. MARCHER: Do you have anything in closing?

24 BOARD CHAIRMAN SPENCER: All right. Have you  
25 concluded with everything there?

1 MS. PLATT: Well, I just will put on a brief  
2 closing argument, I guess.

3 BOARD CHAIRMAN SPENCER: Please.

4 MS. PLATT: I think, by Mr. Reuscher's own  
5 admission, that he clearly understands that he conducted  
6 unlicensed activity. And so the citation should be  
7 upheld by the Board.

8 No one here, neither I, nor Mr. Schmelzer, nor  
9 Mr. Ingram, nor the Board, have indicated that we  
10 believe him to be an untrustworthy individual. It's  
11 just a matter of fact that he conducted unlicensed  
12 activity. We've not alleged that he was deceitful in  
13 trying to do that.

14 So I would ask the Board to just really key in  
15 on the fact that he conducted an unlicensed  
16 investigation of a fire at a --

17 Home?

18 THE WITNESS: Yes.

19 MS. PLATT: -- at a home, for which he was not  
20 licensed to do so. As a work card holder, he is charged  
21 with knowing what the law is.

22 And so, I guess, I would just put that to you  
23 and ask that you uphold the citation.

24 MR. MARCHER: Anything in closing?

25 MR. REUSCHER: I wish I had something to honor

1 that with, but I really don't.

2 MR. MARCHER: Okay. So we'll flip it to the  
3 Board now for discussion, deliberation and making a  
4 decision.

5 BOARD CHAIRMAN SPENCER: Okay. Are there any  
6 Board members that have any discussion prior to a vote?

7 I'll entertain a motion, then.

8 BOARD MEMBER ZANE: Mr. Chairman, I move that  
9 we uphold the citation of Thomas Reuscher from  
10 Grass Valley, California, as provided for in agenda item  
11 number eight.

12 BOARD CHAIRMAN SPENCER: All right. I have a  
13 motion.

14 BOARD MEMBER UITHOVEN: Second.

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

17 (Board members said "aye.")

18 Opposed?

19 Hearing none, the citation is upheld. And...

20 (There was a brief discussion off the record  
21 between Board Chairman Spencer and Mr. Ingram.)

22 BOARD CHAIRMAN SPENCER: Then, that's it.

23 BOARD MEMBER NADEAU: Mr. Chairman?

24 BOARD CHAIRMAN SPENCER: Mr. Reuscher, thank  
25 you for -- Mr. Reuscher, thank you for your presentation



1 and your honesty.

2 MR. REUSCHER: You're welcome.

3 BOARD CHAIRMAN SPENCER: It's refreshing.

4 BOARD MEMBER NADEAU: Mr. Chair?

5 BOARD CHAIRMAN SPENCER: Yes, Jim?

6 BOARD MEMBER NADEAU: If I may, I'd just  
7 like -- Mr. Reuscher, you understand that we do -- once  
8 the citation is upheld, we have no flexibility. It's  
9 statutorily set as far as the fine and that type of  
10 thing. So we have, we have no, no latitude when it  
11 comes to that. So.

12 MR. REUSCHER: You know what, I knew this was  
13 going to be the outcome. I just wanted to be heard.

14 BOARD MEMBER NADEAU: We appreciate that.  
15 Again, I think, as counsel said, we -- from my  
16 perspective, you've been honest and up-front. So we  
17 appreciate that.

18 MR. REUSCHER: Okay. Thank you.

19 MR. INGRAM: Mr. Chairman, if I may.

20 BOARD CHAIRMAN SPENCER: Yes.

21 MR. INGRAM: Mr. Reuscher, in no way does this  
22 prohibit your ability to apply for and continue your  
23 application for licensure. And our staff will do  
24 everything that we can to assist you with that process  
25 should you have any questions. I just wanted to put

1 that on the record, that it does not prevent you from  
2 going forward with application for licensure in the  
3 state of Nevada.

4 MR. REUSCHER: I appreciate that.

5 BOARD CHAIRMAN SPENCER: And we encourage you  
6 to do that.

7 MR. REUSCHER: Okay. I would like to wish  
8 everyone a joyous Christmas.

9 BOARD MEMBER NADEAU: Thank you.

10 BOARD CHAIRMAN SPENCER: Thank you. Thank you  
11 very much.

12 All right. I -- surprise, surprise. Is he  
13 here, or isn't he here?

14 Mr. Director, where do we sit on the  
15 give-and-take of the Yepko episode, on this, on this  
16 charge?

17 MR. INGRAM: Right now, I'd like to defer to  
18 counsel to see if she has any input on it. Is Mr. Yepko  
19 present in Carson City?

20 MS. PLATT: He is not.

21 MR. INGRAM: Okay. He is not present in  
22 Las Vegas, either.

23 MS. PLATT: So there is a statute -- it's  
24 622A.350 -- that authorizes the Board to move forward in  
25 the absence of the respondent in this case. If you'd

1 like, we can take a five-minute break. I don't know.  
2 If you give him a few minutes, I don't know if he will  
3 show up at the --

4 MR. MARCHER: Well, why don't we take like a  
5 five- or 10-minute break, so I can talk to Colleen about  
6 that procedure, so everyone's on the same page.

7 BOARD CHAIRMAN SPENCER: All right. Let's take  
8 a break.

9 MR. MARCHER: Okay. Thank you.

10 \* \* \* \* \*

11 (A break was taken 9:58 to 10:08 a.m.)

12 \* \* \* \* \*

13 BOARD CHAIRMAN SPENCER: Keith, what did you  
14 find out?

15 MR. MARCHER: We're ready to go. I'm just  
16 going to let Colleen --

17 MS. PLATT: Is Mr. Yepko there?

18 MR. MARCHER: -- present the case.

19 BOARD CHAIRMAN SPENCER: No.

20 MS. PLATT: No.

21 BOARD CHAIRMAN SPENCER: Colleen, help me out  
22 here. I know the seriousness of what we're dealing with  
23 here. It can be everything from a slap on the hands to  
24 a loss of license.

25 I'd feel far more comfortable, with those

1 options hanging, if we had either, A, preferably,  
2 Mr. Yepko in the audience or, B, a statement from him  
3 saying he will not be in the audience. And I don't know  
4 how everybody else feels about it, other than Jim.

5 MR. MARCHER: Well --

6 BOARD CHAIRMAN SPENCER: But.

7 MR. MARCHER: Here's the thing. You have a  
8 couple of options here. One is you can hear the case  
9 today. Because, I think, what part of your attorney's  
10 presentation is going to be is with regard to the  
11 service of the complaint and notice of hearing giving  
12 him notice of this meeting and that he should be in  
13 attendance. So part of what you're going to hear from  
14 her, if you want to move forward, is the fact that he  
15 got served in a legally sufficient manner, and he didn't  
16 show up. And if you -- so you're free to continue after  
17 that, make a determination as to guilt or innocence, and  
18 then make a determination of penalty.

19 If you're not comfortable with doing that,  
20 because he's not there, in theory, you could continue  
21 it. But he's already been noticed. He didn't show up.  
22 If you continue it, it's very possible the exact same  
23 thing is going to happen next time.

24 So it's really kind of up to you to hear it or  
25 continue it.

1 BOARD CHAIRMAN SPENCER: Yeah. Well, I think,  
2 I think, you're right, the very same thing might happen  
3 next time. But I personally would feel a lot better  
4 knowing that I had sent a notice saying show up or lose  
5 it, or, you know, in essence --

6 MR. MARCHER: Well, we can't do that.

7 BOARD CHAIRMAN SPENCER: -- those are the  
8 possibilities.

9 MR. MARCHER: Yeah, I mean that's not really  
10 the way it works. All you can do is notify him of the  
11 time and the place set for the hearing. If he chooses  
12 to be here and defend himself, great. If he doesn't,  
13 there's a mechanism in the law that allows you to go  
14 forward.

15 BOARD CHAIRMAN SPENCER: All right.

16 MR. MARCHER: If you want to continue it and  
17 try to reach out to the guy again, you can do that. But  
18 that's a little -- that's not usually the way that it  
19 works. But it's up to you guys. If you want to, you  
20 can either hear it today, get the thing behind you. Or  
21 if you want to continue it, you can continue it. But,  
22 realistically, all that we would do, as far as notice,  
23 would be to do the exact same thing we've already done.  
24 We'd send him another complaint and notice of hearing  
25 and reset it for a different time. And if he shows up,

1 it's up to him.

2 MS. PLATT: And I will point out that the  
3 complaint and notice of hearing does contain language  
4 that indicates that the Board may move to proceed in his  
5 absence, should he not show up.

6 BOARD CHAIRMAN SPENCER: All right. Well --

7 BOARD MEMBER NADEAU: Mr. Chair, could I ask a  
8 couple questions?

9 BOARD CHAIRMAN SPENCER: I was hoping you  
10 would.

11 BOARD MEMBER NADEAU: Well, thank you very  
12 much.

13 So our options are to have the hearing today or  
14 continue it. My question is, if we did conduct the  
15 hearing today, and the case was adjudicated today, and  
16 we made a decision, what's his appeal; can he appeal  
17 back to the Board, or does he automatically have to  
18 appeal to the court, district court?

19 MR. MARCHER: Here's what he could do. If you  
20 make a decision today, he can ask for a couple of  
21 different things from the Board. First, after he gets  
22 the order, he could ask for a rehearing. Okay. If  
23 there's something, some grounds for him to ask for a  
24 rehearing, then he can ask for a rehearing. Or he can  
25 ask for a reconsideration of the decision with regard to

1 the discipline.

2           So he can ask you, "Wait a minute. I didn't  
3 get the notice," say, for example, if that's his -- what  
4 he's going to come in and say, "I want to ask you to  
5 rehear this case." And he can file a motion. And you  
6 can then decide it at this point, if he does do that.

7           So he could ask for a rehearing. He could ask  
8 for reconsideration of the order, of the discipline,  
9 whatever that may be, that you impose. Or he could just  
10 run right to the district court and file an appeal. But  
11 he has remedies with the Board and with the court.

12           BOARD MEMBER NADEAU: And are those remedies  
13 administered, is it administrative, does he have to go  
14 through the administrative before he goes to court, or  
15 he could just go directly to court?

16           MR. MARCHER: He could go directly to court if  
17 he wants to. He doesn't have to ask for a rehearing or  
18 reconsideration. But, typically, people would do that  
19 before they go to court because it's a lot cheaper.

20           BOARD MEMBER NADEAU: And the charges are  
21 relatively significant. If we continue it, then he is,  
22 he's then able to continue doing business as usual, as  
23 he has been, until such time as the actual hearing?

24           MR. MARCHER: Right, unless there's a summary  
25 suspension in place, and I don't think there is in this

1 case So, yeah, if you continue it, he's going to be  
2 licensed, and he could continue to practice.

3 BOARD MEMBER NADEAU: Thank you.

4 Thank you, Mr. Chair.

5 BOARD CHAIRMAN SPENCER: All right. Well, how  
6 does the Board -- let's throw it open for the Board  
7 members. And what are your feelings as far as what we  
8 want to do?

9 BOARD MEMBER ZANE: Well, personally, if we  
10 have evidence that proper service was received, I'd  
11 prefer to proceed.

12 BOARD MEMBER UITHOVEN: I agree.

13 BOARD CHAIRMAN SPENCER: All right. Jim, you  
14 agree, right?

15 BOARD MEMBER NADEAU: Yeah, I'm with the Board,  
16 whatever direction you want to go. I guess, my biggest  
17 concern --

18 BOARD CHAIRMAN SPENCER: All right.

19 BOARD MEMBER NADEAU: -- is that we have, you  
20 know, we have charges here that -- that are significant.  
21 And this, a continuation just allows him to continue  
22 doing business as usual, without any, you know, any  
23 interruption of that and, you know.

24 Okay. I'm going to say this just for the  
25 record. But we are, you know, we are consumer



1 protectors. And that's what we're here for, not for  
2 his -- not for his pleasure and his leisure.

3 BOARD CHAIRMAN SPENCER: Well, my concern is  
4 that we so seldom have anything like this, you know,  
5 with a licensee, that I just want to make sure we have  
6 provided and granted whatever due process we -- we owe  
7 him.

8 But hearing the desires of the Board members,  
9 then, I think, we should proceed as scheduled.

10 MR. MARCHER: Okay. Go ahead, then.

11 MS. PLATT: Okay. So I am just going to walk  
12 through that the service was proper to Mr. Yepko. So if  
13 you have before you the complaint and the notice of  
14 hearing, you'll see on the last page that there is a  
15 certificate of service, which indicates that Silvia Gles  
16 mailed the -- this particular complaint and notice of  
17 hearing to Michael Yepko at P.O. Box 1970, Las Vegas,  
18 Nevada, 89125-1970, which is the address we -- the Board  
19 has on file for Mr. Yepko.

20 Based on prior communications with Mr. Yepko, I  
21 was also informed that the e-mail address of  
22 VegasLegal64@hotmail.com was also a valid e-mail  
23 address, that he preferred to have things,  
24 communications from the Board e-mailed to him. So in an  
25 abundance of caution, we mailed it, and we also e-mailed

1 it.

2           And I do have a copy of the e-mail that was  
3 sent; you guys don't have a copy of it, but I can attach  
4 it for the record as well, which indicates it's from  
5 Silvia M. Gles on Tuesday, November 5th, at 4:14 p.m.,  
6 to VegasLegal64@hotmail.com. It says "Good afternoon.  
7 Please review attached copy of complaint and notice of  
8 hearing scheduled for December 5th, 2013, at 9:00 a.m.  
9 If you should have any questions, please contact Deputy  
10 Attorney General Colleen Platt at 775-684-1222. Thank  
11 you."

12           And so we did not receive any sort of e-mail  
13 back from Mr. Yepko. We've had no correspondences with  
14 Mr. Yepko at this time.

15           And so I would just ask, I would show that  
16 service was proper. He has received -- we have not  
17 received a copy of the complaint and notice of hearing  
18 which was mailed back. So that tells me that it was  
19 received at the P.O. box. And so I believe service was  
20 proper.

21           MR. MARCHER: Was it sent certified or regular?

22           MS. PLATT: It was sent regular, because  
23 certified does not go to -- the mail, the post office  
24 will not deliver a certified letter to a P.O. box.

25           MR. MARCHER: Okay. So you took pains to serve

1 it every way you could?

2 MS. PLATT: Every way that we could, that was  
3 known to us, yes.

4 MR. MARCHER: Okay.

5 MS. PLATT: All right. So there is a statute  
6 in 622A, which is -- that the Board is subject to, which  
7 authorizes the Board to move forward in the absence of a  
8 respondent in a case, 622A.350, for the Board's -- I'm  
9 just going to read it to the Board so that you guys can  
10 understand the process: So if, if a party fails to  
11 appear at a scheduled hearing, and a continuance has not  
12 been scheduled or granted, any party who is present at  
13 the hearing may make an offer of proof the absent party  
14 was given sufficient legal notice. Upon a determination  
15 by the regulatory body or hearing panel or officer that  
16 the absent party was given sufficient legal notice, the  
17 regulatory body or hearing panel or officer may proceed  
18 to consider and dispose of the case without the  
19 participation of the absent party.

20 So, at this time, I'm going to ask the Board  
21 that you find that sufficient legal notice was given and  
22 then, and ask you to proceed to hear the case without  
23 the participation of the absent party.

24 MR. MARCHER: So --

25 BOARD CHAIRMAN SPENCER: Does that have to be,

1 does that have to be done by a vote or just by  
2 designation for the -- before the Board members?

3 MR. MARCHER: The easiest way probably and the  
4 cleanest way is, probably, somebody makes a motion that  
5 the service in this case was legal. And then we'd move  
6 to the next step, that he got sufficient legal service.

7 BOARD MEMBER NADEAU: Mr. Chair?

8 BOARD CHAIRMAN SPENCER: Yes?

9 BOARD MEMBER NADEAU: Just a real quick  
10 question. On the e-mails that you send, do you have a  
11 delivered or received flag on any of those?

12 MR. INGRAM: She did not put that on there.  
13 Yeah.

14 BOARD MEMBER NADEAU: Okay.

15 BOARD CHAIRMAN SPENCER: Someone want to make a  
16 motion, then?

17 BOARD MEMBER ZANE: Mr. Chairman, I'd move that  
18 we find that the service was legal.

19 BOARD MEMBER UITHOVEN: Second.

20 BOARD CHAIRMAN SPENCER: Motion and second.

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

22 (Board members said "aye.")

23 Opposed?

24 Proceed.

25 MS. PLATT: Okay. So the second part of -- so

1 the second part of 622A.350 states that if a licensee  
2 fails to appear at a hearing, the regulatory body or  
3 hearing panel or officer may accept the allegations  
4 against the licensee in the charging document as true.

5 So what I would submit to you is that the  
6 factual allegations set forth in the complaint and  
7 notice of hearing, which you have just found was legally  
8 served, properly served upon Mr. Yepko, are, in fact,  
9 true; and the allegations of -- have been proven; and  
10 the violations of law have been proven as well.

11 MR. MARCHER: Essentially, you would just --

12 MS. PLATT: You would -- yes, go ahead.

13 MR. MARCHER: You would just make a motion to  
14 find him guilty based on the factual allegations in the  
15 complaint.

16 BOARD CHAIRMAN SPENCER: All right.

17 Anybody want to make a motion?

18 BOARD MEMBER NADEAU: May I ask a question,  
19 Mr. Chairman?

20 BOARD CHAIRMAN SPENCER: Yes.

21 BOARD MEMBER NADEAU: I apologize for maybe  
22 delaying. But do we have witnesses or anything of that  
23 nature that would be able to testify, as far as  
24 witnesses to the facts or anything of that nature?

25 MS. PLATT: I -- go ahead.

1 MR. MARCHER: There may be witnesses. And they  
2 may be willing to testify. But the mechanisms for this  
3 statute and the reason that it exists is so they don't  
4 have to testify.

5 BOARD MEMBER NADEAU: Okay. So, in other  
6 words, you don't have -- and I have the statute in front  
7 of me. But, basically, what we would do is you're not  
8 going to put on your case, you're just --

9 MS. PLATT: Correct.

10 BOARD MEMBER NADEAU: Because he failed to  
11 appear, we're just accepting the facts as outlined.

12 MR. MARCHER: Yeah. It's a -- this is a  
13 default mechanism.

14 BOARD MEMBER NADEAU: Okay.

15 MR. MARCHER: When he's served properly, and he  
16 doesn't show up, he's defaulted. He's given up. So the  
17 mechanism, then, is you find him guilty based the  
18 allegations in the complaint, because you can consider  
19 them as true, based on the statute, because he didn't  
20 show up.

21 BOARD MEMBER NADEAU: Okay.

22 MR. MARCHER: So you could hear from witnesses,  
23 but that's -- that's just kind of cumulative at this  
24 point.

25 BOARD MEMBER NADEAU: And if he chooses to have

1 a rehearing, then you could bring --

2 MS. PLATT: Yes.

3 BOARD MEMBER NADEAU: -- and we chose to accept  
4 that, then you could bring witnesses and such at that  
5 time?

6 MR. MARCHER: Correct.

7 BOARD MEMBER NADEAU: Thank you.

8 Thank you, Mr. Chairman.

9 MS. PLATT: Thank you.

10 BOARD CHAIRMAN SPENCER: You bet.

11 MS. PLATT: I will also point out that at  
12 648.170 of your chapter, you do have -- it's subsection  
13 (4) of 648.170, which says "Failure to answer or to  
14 appear at the hearing constitutes an admission by the  
15 respondent of all facts alleged in the complaint. The  
16 Board may take action based on such an admission and  
17 offer other evidence without further notice to the  
18 respondent."

19 BOARD CHAIRMAN SPENCER: All right. I'll  
20 entertain a motion.

21 BOARD MEMBER ZANE: Mr. Chairman, I'd move that  
22 we find the factual allegations, as contained in the  
23 complaint in case number I-09-12, as being proved.

24 BOARD MEMBER NADEAU: Second.

25 BOARD CHAIRMAN SPENCER: Motion and a second.

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

2 (Board members said "aye.")

3 Opposed?

4 Hearing none, the motion carries.

5 MR. INGRAM: Mr. Chairman?

6 BOARD CHAIRMAN SPENCER: Yes?

7 MR. INGRAM: May I ask a question, please?

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

9 MR. INGRAM: Counsel, we have the five  
10 subpoenaed witnesses in, in the room today. Could we go  
11 ahead and release them back to their work, then?

12 MR. MARCHER: Yeah, they don't need to testify  
13 today. You already found him guilty. They could hang  
14 around to see what decision you make, or they could  
15 leave if they'd like to.

16 MR. INGRAM: So if you guys would like to stay  
17 for the decision, you're welcome to. Otherwise, you can  
18 go ahead and leave. Thank you. Thank you for your  
19 time.

20 They're choosing to stay.

21 BOARD CHAIRMAN SPENCER: Okay. We've made the  
22 decision, haven't we?

23 MR. INGRAM: M-hm (affirmative). So at this  
24 point, Chairman and Board members, you have the ability  
25 to move forward with whatever sanction that you decide,



1 as was kind of briefly overviewed by Chairman Spencer.

2 You can issue a fine up to the amount of  
3 \$5,000, as established in regulation. You may place the  
4 individual on probation. You may also suspend the  
5 licensee's license for a period of time. Or any  
6 combination thereof. And, ultimately, you also have the  
7 ability to revoke the license.

8 Am I correct, counsel?

9 MS. PLATT: That's correct. And I would be  
10 happy to make a recommendation to the Board.

11 BOARD CHAIRMAN SPENCER: Well, please do.

12 MS. PLATT: Mr. Yepko is a frequent flyer with  
13 this Board. And I would just say that he does not have  
14 the best reputation, from my understanding. He's been  
15 fined before. And I don't think his habits have  
16 changed. So I would recommend the revocation at this  
17 time.

18 Staff may have a different opinion.

19 BOARD CHAIRMAN SPENCER: You know, I would feel  
20 better if he were here. But.

21 Does the Board have any comments?

22 BOARD MEMBER UITHOVEN: I'd feel better if he  
23 were here, too; but he chose not to be.

24 BOARD CHAIRMAN SPENCER: Yeah. Well, we assume  
25 he chose.

1 BOARD MEMBER UITHOVEN: We assume that he chose  
2 not to be. We haven't heard otherwise. He didn't  
3 contact the staff to give a reason why he may not be  
4 able to be here today.

5 BOARD CHAIRMAN SPENCER: Right.

6 BOARD MEMBER UITHOVEN: I guess, he could be  
7 broken down on the freeway somewhere, but. Given his  
8 reputation in the years I've been on the Board and what  
9 I know of this licensee, you know, I tend to agree with  
10 the recommendation of counsel.

11 We have a number of people who come before us  
12 seeking this license, you know. And I sit here and I  
13 think, reading this complaint, if he were not a current  
14 licensee, is this somebody we would feel comfortable  
15 giving a license to today? And does he uphold the  
16 standards we expect?

17 BOARD CHAIRMAN SPENCER: Yes.

18 BOARD MEMBER UITHOVEN: I can answer that  
19 question for myself.

20 BOARD CHAIRMAN SPENCER: That's a good point.  
21 So.

22 BOARD MEMBER UITHOVEN: I'm done.

23 BOARD MEMBER ZANE: The -- my point, I would  
24 have really appreciated him being here, because I would  
25 have liked to have had an adversarial setting to weigh

1 the evidence involved in the action. Because reading it  
2 on a piece of paper doesn't necessarily give you the  
3 full flavor of what happened at that particular site, at  
4 that particular location. And everybody that knows,  
5 knows that there's two sides to every story. But in  
6 order for those sides to be weighed and evaluated,  
7 everybody's got to show up and be heard.

8           So based upon the fact that we have a finding,  
9 based upon the fact that Mr. Yepko has got a previous  
10 disciplinary history with the Board, and based upon the  
11 fact that he chose not to be here when he's generally  
12 fairly informed about the activities of the Board on a  
13 regulation basis, I'm -- I'm pretty much -- I'll go  
14 along with counsel's recommendation.

15           BOARD CHAIRMAN SPENCER: All right.

16           MR. MARCHER: Well, somebody needs to make a  
17 motion with regard to the discipline.

18           BOARD MEMBER NADEAU: Mr. Chairman, if I may?

19           BOARD CHAIRMAN SPENCER: Yes.

20           BOARD MEMBER NADEAU: The witnesses were able  
21 to make it. And Mr. Yepko knows. He's got previous  
22 experience with this Board. It would seem to me that he  
23 would have found it in his best interest to be here.

24           So if you're waiting for a motion, I'll make  
25 the motion.

1 BOARD CHAIRMAN SPENCER: Fine.

2 BOARD MEMBER NADEAU: I move that Mr. -- that  
3 the license, both the private investigator license and  
4 the process server license, for Mr. Michael Yepko be  
5 revoked immediately.

6 BOARD MEMBER UITHOVEN: Second.

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

9 MR. MARCHER: Hold on one second.

10 (Board members said "aye.")

11 Hold on one second. You need to set a time  
12 frame for the revocation period. In the statutes, the  
13 time frame for revocation is a minimum of a year and a  
14 maximum of 10. So we need, we need a time frame in that  
15 motion to revoke him, so staff knows, when they do the  
16 order, how much time. You have to put the time frame in  
17 there.

18 BOARD MEMBER NADEAU: Yeah.

19 MR. MARCHER: Sorry. I should have thrown that  
20 out right before. But just restate the motion with the  
21 time frame in for revocation, between one and 10 years.

22 BOARD MEMBER NADEAU: Actually, I will withdraw  
23 my motion, because I'd like to go ahead and discuss the  
24 time period with the Board. Unless, unless I can go  
25 ahead and revoke it, and we can discuss this, the time

1 period, after, after action on the revocation.

2 MR. MARCHER: Well, I would just make a motion  
3 with the time period in there, get a second, and then  
4 you can discuss it.

5 BOARD MEMBER NADEAU: Okay.

6 MR. MARCHER: And if somebody wants to change  
7 it at that point, okay. If not, you can vote on it, and  
8 you're done.

9 BOARD MEMBER NADEAU: I guess, then, my --  
10 revoke it immediately for the period of time of two  
11 years.

12 BOARD MEMBER UITHOVEN: Second.

13 BOARD CHAIRMAN SPENCER: Motion and second.  
14 All in favor, signify by saying "aye."

15 (Board members said "aye.")

16 MR. INGRAM: Discussion.

17 BOARD CHAIRMAN SPENCER: Or do we have  
18 decision?

19 No discussion on the motion. Let's try this  
20 again. All in favor, signify by saying "aye."

21 (Board members said "aye.")

22 Opposed?

23 Hearing none, that's it.

24 Thank you, folks, for coming.

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

1 BOARD CHAIRMAN SPENCER: Yes?

2 BOARD MEMBER NADEAU: In the past, when we've  
3 had investigations in these types of things,  
4 historically on this Board we've assessed recovery of  
5 costs for the investigation and that. Would it be  
6 appropriate to do that now?

7 BOARD CHAIRMAN SPENCER: I don't know. I can't  
8 answer that. Counsel?

9 MR. MARCHER: Yeah, you can. Yes, I mean, as  
10 part of the mechanism through the hearing process, you  
11 have the authority to issue hearing costs or, you know,  
12 an order for hearing costs as part of the findings of  
13 fact. So if you want to make a motion to recoup your  
14 costs, that's fine.

15 BOARD CHAIRMAN SPENCER: All right.

16 MR. INGRAM: Mr. Chairman, if I can address  
17 that?

18 BOARD CHAIRMAN SPENCER: Yes.

19 MR. INGRAM: This has been ongoing. It was  
20 actually in place when I came on board in September of  
21 2012. I've spent a lot of time interacting with the  
22 previous Deputy Attorney General, Harry Ward, and most  
23 recently with our new Deputy Attorney General, Colleen  
24 Platt.

25 We are charged a fee, we, the Board, who are

1 self-funded, are charged a fee for the time that the  
2 Attorney General's Office provides us consultation. Not  
3 only are we going to be charged for Ms. Platt, we're  
4 also going to be charged for Mr. Marcher's time in this  
5 hearing today.

6 MR. MARCHER: That's true.

7 MR. INGRAM: Those fees are pretty large. And  
8 at the time that I spoke with Mr. Yepko initially,  
9 verbally telling him that Ms. Platt would be  
10 representing us, I at that time notified him that if he  
11 chooses to move forward with the appeal, and if it was  
12 found in the Board's favor, that he may be responsible  
13 for any expenses incurred for the preparation of his  
14 case.

15 So my recommendation to the Board would be to  
16 seek additional expenses from Mr. Yepko for the amount  
17 of time that we've spent on this case.

18 BOARD CHAIRMAN SPENCER: Thank you.

19 How does the -- what's the Board feel that --  
20 that we wait until next time to assess that, once we  
21 know what counsel and what counsels have submitted for  
22 time and we have a figure?

23 MR. MARCHER: Well, you don't have to have a  
24 specific figure today. You could just make a motion to  
25 assess him all the costs associated with the hearing.

1 Period. And once that's done, then staff will do an  
2 accounting of the costs. That piece will go in the  
3 order. And then you would send him an accounting of the  
4 costs after it's all tabulated.

5 So you don't have to wait for certain specific  
6 amount today, if you don't want to. You could just make  
7 that a motion to assess him all the costs associated  
8 with the hearing, and then staff would run with it after  
9 that.

10 BOARD CHAIRMAN SPENCER: All right. I'll  
11 entertain that motion.

12 BOARD MEMBER NADEAU: So moved.

13 BOARD MEMBER ZANE: Second.

14 BOARD CHAIRMAN SPENCER: All in favor, "aye."

15 (Board members said "aye.")

16 Opposed?

17 Hearing none, it carries.

18 All right. Board comment on future agenda  
19 items for possible action.

20 Do you have anything?

21 MR. INGRAM: I do not.

22 BOARD CHAIRMAN SPENCER: Anyone have anything?

23 All right. Public comment. Is there any  
24 public comment that would be made at this time, either  
25 here or in Carson City?



1 BOARD MEMBER NADEAU: Just a quick comment to  
2 welcome Jim. I was late yesterday, so I couldn't.

3 Welcome aboard. Another Jim on the Board.

4 BOARD MEMBER COLBERT: Thank you.

5 BOARD CHAIRMAN SPENCER: All right. I'll  
6 entertain the motion.

7 BOARD MEMBER ZANE: Mr. Chairman, I would move  
8 we adjourn.

9 BOARD MEMBER UITHOVEN: Second.

10 BOARD CHAIRMAN SPENCER: All in favor?

11 (Board members said "aye.")

12 Opposed?

13 None. We're adjourned.

14 BOARD MEMBER ZANE: Merry Christmas.

15 BOARD CHAIRMAN SPENCER: Merry Christmas to  
16 all.

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18 (The meeting adjourned at 10:34 a.m.)

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REPORTER'S CERTIFICATE

I, SHANNON L. TAYLOR, a Nevada Certified Court Reporter, Nevada CCR #322, do hereby certify:

That I was present at the Office of the Attorney General, 100 North Carson Street, Mock Court Room, Carson City, Nevada, on Thursday, December 5, 2013, at 9:00 a.m., and commencing at 9:05 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 74, 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 12th day of December, 2013.

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SHANNON L. TAYLOR  
Nevada CCR #322, RMR