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TRANSCRIPT OF A MEETING
OF THE
STATE OF NEVADA
PRIVATE INVESTIGATOR'S LICENSING BOARD

Thursday, March 5, 2015
9:00 a.m.

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

Southern Nevada Location (Videoconferenced):
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)
James Colbert (Carson City)

(Board Member Jim Nadeau was absent.)

Also: Kevin Ingram (Las Vegas)
Executive Director

Raelene Palmer (Las Vegas)
Deputy Attorney General
Board Counsel

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

Bruce Yarborough (Las Vegas)
Investigator

Jason Harris (Las Vegas)
Investigator

Matthew Schmelzer (Carson City)
Investigator

Mary Klemme (Carson City)
Investigative Assistant

Other Participants:

Peter R. Maheu (Las Vegas)
Ricky Bennett (Las Vegas)
Patrick Deparini (Las Vegas)
Joe DuPuis (Las Vegas)
Luke Gardner (Las Vegas)
Yolanda Peters (Las Vegas)
Luann Foschi (Las Vegas)
Buckley Dikes (Carson City)
Cynthia McDonald (Carson City)

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1 CARSON CITY, NEVADA, THURSDAY, MARCH 5, 2015, 9:03 A.M.

2 -oOo-

3 BOARD CHAIRMAN SPENCER: This is the time and
4 place set for the second day of the first quarterly
5 meeting of the year 2015 of the State of Nevada Private
6 Investigator's Licensing Board.

7 Now, are we handling the carryover first?

8 MR. INGRAM: Yes. After we do roll call and
9 public comment, we -- that's next on the agenda.

10 BOARD CHAIRMAN SPENCER: All right. Let's have
11 a roll call.

12 MR. INGRAM: Yes, sir.

13 Chairman Spencer?

14 BOARD CHAIRMAN SPENCER: Here.

15 MR. INGRAM: Board Member Colbert?

16 BOARD MEMBER COLBERT: Here.

17 BOARD CHAIRMAN SPENCER: Board Member Zane?

18 BOARD MEMBER ZANE: Here.

19 MR. INGRAM: Board Member Nadeau is unable to
20 attend today. And the other Board position is currently
21 vacant. We do have a quorum.

22 BOARD CHAIRMAN SPENCER: Barely.

23 All right. We will repeat the issues that we
24 went over yesterday for the sake of anybody in the
25 audience who hasn't yet heard those.

1 MS. PLATT: Public comment.

2 BOARD CHAIRMAN SPENCER: Public comment.

3 Members of general public may comment on matters
4 appearing on the agenda and may bring matters not
5 appearing on the agenda to the attention of the Board.
6 The Board may discuss the matters not appearing on the
7 agenda, but may not act on the matters at this meeting.
8 If the Board desires, the matters may be placed on a
9 future agenda for action. Public comments may be
10 limited to five minutes per person at the discretion of
11 the Chairman but will not be restricted according to
12 viewpoint.

13 MR. INGRAM: We have public comment in the
14 south.

15 BOARD CHAIRMAN SPENCER: Okay. You have public
16 comment? Oh, yes, indeed.

17 Hi, Peter. Go right ahead, please.

18 MR. MAHEU: Board, Mr. Chairman, counsel, my
19 office received a call yesterday from Assemblyman
20 Hickey, who is the author of A.B. 173, and requested a
21 meeting with me next week. My assistant told him that I
22 was out of town. And she will set up a meeting with him
23 the following week.

24 It's just for Board information and for what we
25 need to do on A.B. 173.

1 BOARD CHAIRMAN SPENCER: Okay.

2 MR. MAHEU: So he is establishing a meeting
3 with me. And that's all I really know about it.

4 BOARD CHAIRMAN SPENCER: All right. You'll
5 attend that meeting?

6 MR. MAHEU: It'll be in my office.

7 BOARD CHAIRMAN SPENCER: I guess, you'll attend
8 it.

9 MR. MAHEU: I will attend it. I'm not going to
10 his.

11 BOARD CHAIRMAN SPENCER: All right. Thank you,
12 Peter.

13 MR. MAHEU: Thank you.

14 BOARD CHAIRMAN SPENCER: Any other public
15 comment?

16 MR. INGRAM: None in the south.

17 BOARD CHAIRMAN SPENCER: Nothing in the north.
18 All applicants and witnesses, anybody giving
19 testimony on any issue of today must be sworn in.

20 If you will stand and be sworn by the lady in
21 the corner there.

22 MS. PLATT: Do you swear or affirm that the
23 testimony you're about to give is the truth, whole
24 truth, and nothing but the truth, so help you God?

25 (Potential witness were sworn/affirmed.)

1 BOARD CHAIRMAN SPENCER: Thank you.

2 Okay. Agenda items carried over from
3 March 4th, 2015, meeting.

4 Members of the general public may comment on
5 any items carried over from the March 4th, 2015, agenda
6 before the Board takes action on these items.

7 This is repeated.

8 MS. PLATT: You don't have to say it.

9 BOARD CHAIRMAN SPENCER: Do we have anything in
10 the north regarding that?

11 MS. PLATT: What agenda items are carried over?

12 BOARD CHAIRMAN SPENCER: Oh. Yes.

13 MS. PLATT: Handle those first.

14 BOARD CHAIRMAN SPENCER: The -- do you have
15 yesterday's?

16 MS. PLATT: Do you have yesterday's?

17 MR. SCHMELZER: Yesterday's, that would be --

18 MR. INGRAM: Chairman, that would be BLPG,
19 carryover from yesterday, with Mr. Ricky Bennett.

20 BOARD CHAIRMAN SPENCER: Right.

21 Thank you, Matt.

22 Yeah. But we can open that, open that
23 discussion.

24 MR. INGRAM: Mr. Bennett, do you want to go
25 ahead and come forward?

1 BOARD MEMBER ZANE: Mr. Chairman, if I might,
2 would it be appropriate, based upon the fact that we're
3 going to, apparently, receive additional information,
4 would it be appropriate to withdraw, with, of course,
5 the concurrence of the second, withdraw the motion
6 pending so that we can open it back up?

7 BOARD CHAIRMAN SPENCER: It probably would be
8 easier that way, yes.

9 BOARD MEMBER ZANE: I -- if Mr. Colbert would
10 agree, I would withdraw my motion.

11 BOARD MEMBER COLBERT: Yes.

12 BOARD CHAIRMAN SPENCER: Okay.

13 BOARD MEMBER ZANE: Thank you.

14 BOARD CHAIRMAN SPENCER: The motion has been
15 withdrawn.

16 MR. BENNETT: Good morning.

17 BOARD CHAIRMAN SPENCER: Mr. Bennett, you grew.

18 MR. BENNETT: Yep. Good morning. Thank you.

19 Next to me --

20 BOARD CHAIRMAN SPENCER: Go right ahead.

21 MR. BENNETT: I'm sorry.

22 BOARD CHAIRMAN SPENCER: We have a lag in --

23 MR. BENNETT: Next -- I understand. Next to me
24 is Mr. Patrick Deparini, who is the financial officer
25 for Blue Line Protection Group.

1 BOARD CHAIRMAN SPENCER: Good morning, sir.

2 MR. BENNETT: And --

3 MR. DEPARINI: Good morning.

4 MR. BENNETT: Okay. I -- it's my understanding
5 that the Board requested further information.

6 And, I believe, Mr. Spencer, maybe you had
7 brought up and you said that you'd like to have some
8 form of timeline, as I recall, and so forth. So I
9 worked diligently yesterday trying to determine that
10 timeline for you. So, if so, I'll proceed with that.

11 Blue Line Protection Group was actually
12 established by a single individual in the latter part of
13 2013. By the beginning -- or in January of 2014, Blue
14 Line Protection Group, LLC, a partnership, came about
15 with -- with two folks. Growing out of that
16 partnership, Mr. Dan Sullivan and Mr. Ted Daniels, who
17 are no longer with the organization, then grew Blue Line
18 Protection Group, Inc.

19 And I'll -- Mr. Deparini can explain that, the
20 growth of the organization to you.

21 MR. DEPARINI: The organization known as Blue
22 Line Protection Group, Inc., as Ricky Bennett was just
23 mentioning, there are several entities. And it gets a
24 little confusing.

25 The ones in particular that Mr. Bennett had

1 mentioned are Colorado corporations, doing business
2 solely in Colorado.

3 Blue Line Protection Group, Inc., as a Nevada
4 entity, is the general holding company for all of the
5 Blue Line operations. The holding company has no
6 operations itself. It just -- as I said, it's a holding
7 company for the subsidiary entities.

8 The Nevada entity was formed in September of
9 2006 as a company called The Engraving Masters.
10 Mr. Campbell was not an officer or director of The
11 Engraving Masters until 2014.

12 The Engraving Masters -- I'm sorry. Blue Line
13 Protection Group, the Colorado company that Mr. Bennett
14 mentioned, was formed in March of 2014; again, a
15 Colorado corporation.

16 If the names get confusing, just let me know,
17 because we're going to start getting into that.

18 In March of 2014, The Engraving Masters, the
19 Nevada corporation, acquired the Colorado Blue Line
20 Protection Group.

21 In May of 2014, The Engraving Masters Holding
22 Company changed its name to Blue Line Protection Group,
23 Inc. So now we have two Blue Line Protection Groups,
24 one Colorado, one Nevada.

25 In -- as I said, in May, The Engraving Masters

1 changed its name. And then there's a third Blue Line
2 Protection Group, Inc. that we formed in Nevada as a
3 wholly owned subsidiary of the parent company.

4 Blue Line Protection Nevada, the subsidiary,
5 then changed its name to BLPG, due to a conflict with the
6 Secretary of State.

7 Hopefully -- do you have any questions
8 regarding the corporate structure?

9 MR. YARBOROUGH: I have one, Mr. Chairman.

10 BOARD CHAIRMAN SPENCER: Yes.

11 MR. YARBOROUGH: We ran the Secretary of State
12 yesterday and determined that Blue Line Protection
13 Group, Inc., was actually incorporated in Nevada
14 September 11th, 2006, by Sean Campbell, who is still the
15 CEO.

16 MR. DEPARINI: And --

17 MR. YARBOROUGH: In 2006.

18 MR. DEPARINI: And may I please respond?

19 MR. YARBOROUGH: I hope you will.

20 MR. DEPARINI: Okay. Sorry. I don't know how
21 this works.

22 The 2006 entity, like I said, it was originally
23 formed as The Engraving Masters, Inc.

24 And if I may have the folder.

25 MR. YARBOROUGH: The testimony was that

1 Engraving Masters was incorporated in 2006.

2 MR. DEPARINI: Correct.

3 MR. YARBOROUGH: The director to -- the
4 Secretary of State shows Blue Line Protection Group,
5 Inc., was incorporated 9-11-2006 in Nevada.

6 MR. DEPARINI: Due to the name change, the --
7 if you, if you do a general search using the Secretary
8 of State website, it won't show the original name.
9 However, these forms -- I don't know. Should I -- do I
10 just hand them to you?

11 MR. YARBOROUGH: No. Just testify what they
12 say.

13 MR. DEPARINI: Okay. These are the original
14 Articles of Incorporation in Nevada, file-stamped
15 9-11-2006 at 8:40 a.m. These are the original Articles
16 showing that the company was formed as The Engraving
17 Masters.

18 Subsequent to that, file-stamped date May 2nd,
19 2014, are the Articles of Merger between Blue Line
20 Colorado and The Engraving Masters, Inc. In the
21 Articles of Merger, the name was changed from The
22 Engraving Masters to Blue Line Protection Group, Inc.,
23 in Nevada.

24 So, according to this, this is the 2006
25 document for The Engraving Masters. The name was then

1 changed in 2014 to Blue Line Protection Group, Inc.

2 BOARD CHAIRMAN SPENCER: Yes, please.

3 MS. PLATT: Hi. That's correct. When you do a
4 search of the Nevada Secretary of State's website, when
5 you file the paperwork for the change of name, that
6 then, that name change will then reflect back to the
7 original incorporation. And so you actually would have
8 to go into the Nevada Secretary of State's office and
9 ask for those specific documents.

10 So the website really is only going to give you
11 who the current officers are. And they're only required
12 to file those once every year or X amount of years --

13 BOARD CHAIRMAN SPENCER: Every year.

14 MS. PLATT: -- for a corporation. And then, so
15 they could -- currently, and perhaps it's not reflective
16 of what the current structure is, but they're
17 technically not required to file that information until
18 later in the year.

19 And so, yes, the -- it'll say on the website
20 BLPG, with the original incorporation of 9-11-06. But
21 you would actually have to request further documents
22 from the Nevada Secretary of State to actually see how
23 that chain of events went. And so he has those
24 documents there.

25 So that's why you see on the website, it looks

1 a little goofy that it ties back to that original filing
2 date. But it's because there's been a name change.

3 And so the website reflects what the current
4 name is. And because it was a -- because it was an
5 original incorporation, a company, and that company is
6 the one that changed its name, so I'm assuming the
7 bylaws and whatnot when that merger went through, you
8 would then probably see, if you requested the
9 information, you would see the original incorporation
10 documents, the original bylaw, the merger documents, and
11 then the name change, and then any further information
12 regarding bylaw changes based off of that merger.

13 So currently, as it stands, you have an entity
14 that used to be something else, but on the website looks
15 like it was originally created in 2006. But it, in
16 fact, wasn't.

17 MR. INGRAM: Thank you.

18 MR. YARBOROUGH: Thank you for the
19 clarification.

20 MR. BENNETT: Does that, does that answer
21 everything?

22 MR. YARBOROUGH: Yes, sir.

23 MR. BENNETT: All right. I'll move ahead.

24 So what you have is this, the Blue Line
25 Protection Group, the LLC now. And now, on March

1 29th -- Mr. Zane, you had asked yesterday when I came on
2 to Blue Line. I came March 1st of April.

3 So I was tasked with -- and I was brought in as
4 the operations officer on a new company now, is what
5 we're talking about, with setting up the Colorado
6 operations and thinking about the potential of moving
7 into other states, of doing business as that came along.
8 Some of the states that were mentioned to me at the time
9 to think about were Washington, the state of Washington,
10 the state of Illinois, California, and the state of
11 Nevada.

12 So, looking at that, then, at some point,
13 besides setting up the operations in Colorado, the goal,
14 I think, of the organization was to look at the
15 viability of business in those, those other states. And
16 when I say looking at the viability, determining how
17 much business, what was the potential for each state and
18 then, of course, the cost, finding out what it would be.

19 Now, during this timeframe, so that you
20 understand, there were only -- it was a new corporation,
21 a new company. There was only a handful of employees.
22 So I was tasked with, as I said, in Colorado, in setting
23 up that entire organization, of hiring folks at that
24 time, and putting into play all the business models and
25 so forth.

1 At the same time, I was asked or tasked, if you
2 will, to first look at the state of Washington. So
3 between that March 29th all the way through June, I
4 truly was setting up, as I had told everybody yesterday,
5 the state of Colorado and Washington.

6 Now, I heard yesterday Mr. Spriggs, I believe?
7 Yes. Mr. Spriggs had mentioned that he'd seen a
8 website, and that it showed armed, armed guards or
9 carrying long rifles or machine guns. I can't remember
10 exactly what he said. And I believe that that's true.

11 And, going back, the end of 20 -- the end of
12 2013, the original owner of this company was an
13 ex-military guy, and he had listed things like that on
14 the website.

15 I, of course, was tasked with professionalizing
16 and setting up this new entity. So those things were
17 not immediately brought down.

18 I do understand, also, then, that Mr. Spriggs
19 also brought forward and said, well, there were
20 communications going on with folks in Nevada, and so
21 forth.

22 On June the 9th, I did understand that there
23 were a press release that came out, talking about
24 letters of intent. And I found out last night that the
25 Clark County awards -- and, I believe, Mr. Spriggs had

1 brought that up. The Clark County board had talked
2 about the awarding of 18 dispensary licenses.

3 However, once again, I would tell you
4 gentlemen, I had no idea that anything like that had
5 occurred or that there were any conversations,
6 particularly at that point, in Nevada.

7 However, on June the 13th or so, the office
8 received a call from Mr. Ingram, talking about, as I
9 recall -- and, Mr. Ingram, please correct me if I'm
10 wrong on anything here -- talking about an ICA
11 conference to be held here at the Hard Rock Casino, I
12 guess, or business. And it was a Cannabis type of a
13 conference. Regardless, we talked about that to attend
14 that, we were an unlicensed entity, and to attend that,
15 we would have to mark our documentation as not licensed
16 in the state of Nevada.

17 Now, upon hearing that, I assigned our director
18 of marketing to take care of those issues, because now I
19 received notice that there was compliance issues. Until
20 that time, the other states, when you looked at the
21 viability of business or going in, that there were no
22 such rules where you had to be licensed prior to
23 speaking with folks.

24 This was the first time that I became aware
25 that there were potential issues or state statutes

1 and/or an administrative code that need to be adhered
2 to. I'm not minimizing that. I understand that. And
3 ignorance is no excuse. And I'm not, I'm not here to
4 plead that.

5 Regardless, this ICA conference did occur. Our
6 materials were marked, is what I was told,
7 appropriately. However, what I learned last night from
8 our marketing director was that, to set up the
9 conference, some of our materials had to be sent to the
10 conference organizer. The conference organizer took the
11 liberty, or they printed some of those materials, and
12 some of those got out.

13 At which point now, on July 1st, I think, I
14 received another call from Mr. Ingram, who indicated
15 that, "Jeez, you were in violation in this conference,
16 even after we had spoken." And I said -- I was somewhat
17 flabbergasted. I said, "You're kidding me. What
18 happened?"

19 And, regardless, we were issued a citation.
20 Once we understood -- we had marked all of our documents
21 appropriately, but the electronic versions were not
22 marked.

23 At that point, upon receiving the citation,
24 that that was the notification, I guess, that I
25 understood, we started moving forward with, well, will

1 we move into the state of Nevada? The citation was
2 handled. It was turned over to our attorneys, here in
3 the state of Nevada, to fulfill our obligation, our
4 error. And I believe that that was handled successfully
5 at the time.

6 Now, in between that timeframe, we were
7 conducting no business regarding here in the state of
8 Nevada. And I felt that I had a good enough working
9 relationship with Mr. Ingram or his office. If I
10 called, I could ask specific questions. They were
11 always very reasonable and would give us the specific
12 direction.

13 There was the Marijuana Business Conference
14 that came up November 12th and 14th. This was in
15 November. And this was my confusion yesterday of what
16 time frames were we looking at. Again, we were told,
17 "If you attend and participate in that, then you have to
18 clearly mark your materials that you are not a licensed
19 vendor in the state."

20 I wasn't at the conference all that much. I
21 was here in Nevada for a while. And I did meet
22 Mr. Yarborough, I believe, at that conference. He
23 identified himself. And I pointed out that, you know,
24 to our knowledge, we were following the law, and I
25 actually showed him our materials and so forth.

1 Towards the end of yesterday, I know a couple
2 of issues came up. Mr. Yarborough brought up and said,
3 "Well, you can't, you know, post for jobs and that sort
4 of thing." And I understood that. I think, I asked for
5 a marketing director to work with him regarding the --
6 you know, any postings and so forth.

7 There is one particular posting that did go out
8 around December 1st, and it was for a director or a
9 qualified agent. But prior to doing that posting -- and
10 if you look at the posting, I can present that to you,
11 for that person -- we discussed the potential, or
12 Mr. Ingram had given me advice that, "You know, there's
13 the potential partnering with another group here in
14 Nevada, and you should at least research that." I
15 thought that was reasonable and moved forward with that
16 and/or asked; the whole idea for us to post was to find
17 that qualified agent or the operations person to see if
18 we could partner with a particular group here.

19 MR. INGRAM: Well, for clarification here, if I
20 could interrupt you for just a second.

21 MR. BENNETT: Please.

22 MR. INGRAM: The conversation wasn't partnering
23 with a group. It was identifying a current licensee in
24 the state of Nevada that would be interested in working
25 with you --

1 MR. BENNETT: I know.

2 MR. INGRAM: -- as an employee of a qualified
3 agent. So not so much partnering with a company as it
4 was finding an individual with a current license in
5 Nevada to try to do it.

6 MR. BENNETT: Right.

7 MR. INGRAM: Just to clarify.

8 MR. BENNETT: No. Thank you. I appreciate
9 that. I'm just repeating my understanding.

10 So, I guess, gentlemen, you know, where I've
11 gone with that is that I tried to address all the issues
12 that were coming up. And I understand from Mr. Spriggs'
13 point that we are a competitor coming in.

14 However, I would tell you that I understood
15 that there were violations. That was pointed out to me.
16 We moved forward once we learned of that violation
17 properly and handled that. And since that time, we've
18 moved forward to follow the Revised Statutes and the
19 Administrative Code and, at this time, decided that,
20 well, we were at least going to move forward with our
21 application for moving into the state.

22 Now, between that timeframe of when this
23 organization began in the latter part of 2013, the first
24 of January through this June period, honestly, I cannot
25 tell you whom was contacted or how they were contacted

1 and the type of business, other than by that June 13 to
2 that June 22nd, the conference, I understood that the
3 Board truly wanted an organization to be licensed prior
4 to. And since that time, we've moved forward.

5 So I hope that helped. I hope that's what you
6 were looking for, sir.

7 BOARD CHAIRMAN SPENCER: Let me just ask one
8 convincing question.

9 MR. BENNETT: Yes, sir.

10 BOARD CHAIRMAN SPENCER: To try to catch what
11 you said. Are you saying that, in fact, that you did
12 have some unlicensed activity subsequent to the
13 citation?

14 MR. BENNETT: Subsequent to? After the fact?

15 BOARD CHAIRMAN SPENCER: Well, anything that
16 wasn't --

17 MR. BENNETT: Or prior to?

18 BOARD CHAIRMAN SPENCER: Anything that wasn't
19 described in the citation or given to you by the
20 Chairman, where you would have been operating without a
21 license.

22 MR. BENNETT: Well, we received the citation on
23 the July timeframe for operating without a license, I
24 guess, is the -- it's looked at. It was for soliciting
25 and improperly handling it. I don't know. Is there

1 something beyond that, that you're looking for, sir? If
2 you clarify it.

3 MR. DEPARINI: Did we do anything subsequent to
4 July 1st to violate any of the rules and statutes?

5 MR. BENNETT: To my knowledge, no, subsequent
6 to that timeframe.

7 BOARD CHAIRMAN SPENCER: When we spoke
8 yesterday --

9 MR. BENNETT: I'm sorry.

10 BOARD CHAIRMAN SPENCER: -- you were asked to
11 check with your people at your home office to determine
12 if, unknown, unbeknownst to you, people had been sent in
13 to attend certain functions.

14 MR. DEPARINI: I would say, other than the --

15 BOARD CHAIRMAN SPENCER: I'm sorry. I can't
16 describe it other than that.

17 MR. BENNETT: No, I understand. All I can say,
18 sir, is the -- other than the November conference, I
19 don't, I don't know if there's another conference or
20 something. I'd be more than happy to check. But I have
21 no knowledge of anything further.

22 BOARD CHAIRMAN SPENCER: All right.

23 MR. YARBOROUGH: Mr. Chairman, Investigator
24 Yarborough.

25 BOARD CHAIRMAN SPENCER: Yes?

1 MR. YARBOROUGH: I got an e-mail late yesterday
2 afternoon from their company headquarters in Colorado,
3 from Michael Jerome, who's a public affairs media man.
4 So I called him back, and he told me that after they got
5 the citation, and they received it July 7th, that they
6 shut down all negotiations and all operations in Nevada
7 completely. That's what he told me.

8 With a little further research, we found a
9 couple of things in the press, in early July and then
10 one in October, talking about Nevada operations. But
11 other than that, it looks like they completely shut down
12 everything until they were going to get licensed.

13 BOARD CHAIRMAN SPENCER: All right.

14 MR. BENNETT: Yes.

15 BOARD CHAIRMAN SPENCER: That's fine.

16 Does anybody have any further information
17 either way?

18 Well, hearing none, then, members of the
19 general public may comment on this agenda item before
20 the Board takes action on this item.

21 Does anyone from the public have comment?

22 We have nothing here.

23 MR. INGRAM: No public comments.

24 BOARD CHAIRMAN SPENCER: Pardon me?

25 MR. INGRAM: Nothing in the south.

1 BOARD CHAIRMAN SPENCER: Okay. Nothing in the
2 south.

3 MR. INGRAM: No comment in the south.

4 BOARD CHAIRMAN SPENCER: All right.

5 MR. INGRAM: I'm sorry. Let me just put on the
6 record right now, we have about a four-second delay in
7 our videoconferencing. So we'll have to take a deep
8 breath before we start responding. My apologies,
9 Chairman.

10 BOARD CHAIRMAN SPENCER: Okay. Well, hearing
11 no public comment, we should proceed with motions, if
12 there are any.

13 Bruce, in the time limit that you were given,
14 did you feel pretty secure that you had a good
15 representation of coverage on the issue?

16 MR. YARBOROUGH: Well, we reached out to North
17 Las Vegas, city council, and I talked to the business
18 license lady there. She said she would check the
19 applications to see if Blue Line was listed as providing
20 security for the four companies that they're
21 considering. And she didn't get back to me by 5:00.

22 I left messages with Clark County, City of
23 Las Vegas, and a -- a lady in Carson City.

24 What was that office, Kevin?

25 MR. INGRAM: Department of Health and Human

1 Services.

2 MR. YARBOROUGH: Yeah, Department of Health and
3 Human Services. And she didn't get back to me, either.

4 So we did run out of time to get responses from
5 these people to see if Blue Line was still negotiating.

6 BOARD CHAIRMAN SPENCER: Well, we'll just have
7 to handle those if and when they come up. Of course,
8 you don't want to do that to them. They'll get real
9 upset.

10 All right. Again, I'll accept a motion.

11 BOARD MEMBER ZANE: Mr. Chairman, I'd move that
12 BLPG, Inc., who is applying for a corporate private
13 investigator and private patrolman license, Ricky
14 Bennett, who's applying for an individual private
15 investigator and private patrolman license, and if
16 approved is requesting that his individual license would
17 be placed into abeyance so that he may become the
18 qualifying agent, corporate officers to be approved are
19 Daniel Sullivan, Sean Gibson-Campbell --

20 MR. INGRAM: Daniel Sullivan has been
21 withdrawn. He's the one that we -- that terminated.

22 BOARD MEMBER ZANE: I'm sorry. Okay. So only
23 Sean Gibson-Campbell as the corporate officer?

24 MR. INGRAM: Yes, sir.

25 BOARD MEMBER ZANE: Be approved.

1 BOARD CHAIRMAN SPENCER: All right. Do I have
2 a second?

3 BOARD MEMBER COLBERT: Second.

4 BOARD CHAIRMAN SPENCER: I have a motion and a
5 second.

6 BOARD MEMBER ZANE: Can we have discussion,
7 please?

8 BOARD CHAIRMAN SPENCER: Oh, absolutely.

9 BOARD MEMBER ZANE: Thank you.

10 Yesterday -- I don't know how this vote is
11 going to turn out. But yesterday, events, or based upon
12 the information that was received, testimony, the
13 testimony that was received yesterday, clearly probably
14 with the condensed time frame that's here, I don't know
15 that my concerns have been neither addressed or
16 answered.

17 However, we're here to make a determination
18 based upon your license application and the information
19 available to us at the time. I do anticipate that the
20 staff will continue to look at the information that we
21 have received. And, clearly, if information that we can
22 pinpoint and qualify and confirm comes to us that is
23 contrary to that which we're relying upon today to make
24 this decision, I, for one, as a Board member, will make
25 sure that this matter is brought back up so that it can

1 be properly adjudicated, quite possibly not to your
2 benefit.

3 MR. BENNETT: I understand, sir. I -- you
4 know, much of this, if I might make a recommendation, if
5 I would have had these issues, or if I would have known
6 what the issues of concern were during the time of the
7 background, I would have come forth at that time. I
8 would have made it. Our whole goal is to conduct
9 business ethically and correctly.

10 You know, that being said, I understand that
11 there were errors made. And I accept that
12 responsibility.

13 BOARD MEMBER ZANE: But this is the real world,
14 and this is Nevada, and Frank Sinatra could have used
15 the same analogy to Harry Reid in the Gaming Control
16 Board hearing several years ago. So.

17 MR. BENNETT: Possibly. And I understand it as
18 the state, and I understand the reasoning why your rules
19 are so strict and --

20 BOARD MEMBER ZANE: For myself, it's just a
21 matter of I just want to make sure that some company
22 decided, because they have the client based in another
23 state, that they didn't roll in and say, "We're going to
24 maybe get a couple of fines, we will plead guilty, we'll
25 pay our fines, and then they're going to give us a

1 license."

2 So, running into the state, getting caught, is
3 a cost basis analysis, is not that big a deal for
4 representing a profit margin that can clearly establish
5 that. It's been done here before.

6 MR. BENNETT: I understand.

7 BOARD MEMBER ZANE: It just makes a mockery of
8 the system.

9 MR. BENNETT: Right. No intent on my part
10 particularly, sir. That's why I was brought into this
11 organization, was to run a professional organization.

12 BOARD MEMBER ZANE: I don't mean any personal
13 issue with you.

14 MR. BENNETT: Right.

15 BOARD MEMBER ZANE: I see, from your
16 background, there is no reason whatsoever to doubt your
17 representations.

18 MR. BENNETT: Thank you.

19 BOARD MEMBER ZANE: As far as based upon your
20 own knowledge.

21 MR. BENNETT: Thank you.

22 BOARD MEMBER ZANE: Or any intent to deceive
23 the Board.

24 MR. BENNETT: Okay.

25 BOARD MEMBER ZANE: I'm just saying, you know,

1 that we have to look at it from the perspective of all
2 licensees, what's happened historically, what could
3 happen in the future. The fact that you -- I don't know
4 that there would have been this critical of an issue,
5 but you run into this all the time, because you're in
6 the new, blossoming market that is full of unknowns.
7 And I mean there's -- we don't need to --

8 MR. BENNETT: Well said. I understand. Yes,
9 sir.

10 BOARD MEMBER ZANE: That's all I have,
11 Mr. Chairman.

12 BOARD CHAIRMAN SPENCER: All right. We have a
13 motion and a second. All in favor, say "aye."

14 Aye.

15 BOARD MEMBER ZANE: Aye.

16 BOARD MEMBER COLBERT: Aye.

17 BOARD CHAIRMAN SPENCER: Opposed?

18 Hearing none, congratulations.

19 MR. BENNETT: Thank you. Thank you very much.

20 BOARD CHAIRMAN SPENCER: And thank you for
21 hanging in there with us.

22 MR. BENNETT: No, I -- sir, I understand. I
23 mean I want to be transparent and open. I'm the first
24 to tell you, if I ever personally make a mistake, and
25 I -- on the behalf of the business, the same goes there.

1 But I understand why you want to look so hard. And
2 there's no offense.

3 And, once again, to -- if I may, just,
4 Mr. Spriggs, I apologized. I think, maybe he took some
5 offense. And there was none meaning. And we shook
6 hands this morning. And I hope he feels the same way at
7 this time.

8 BOARD MEMBER ZANE: Congratulations.

9 MR. BENNETT: Thank you.

10 BOARD CHAIRMAN SPENCER: All right. Thank you.
11 All right.

12 (There was a brief discussion off the record
13 between Ms. Platt and Board Chairman Spencer.)

14 BOARD CHAIRMAN SPENCER: There's no other
15 matters from yesterday, is there, Kevin?

16 MR. INGRAM: No, there's not.

17 BOARD CHAIRMAN SPENCER: All right. Then,
18 moving along to request for exemption, Joe DuPuis,
19 qualifying agent for HS Brands International, requesting
20 an exemption to hire Luke Gardner, Luke Gardner being an
21 active Category III Peace Officer.

22 And Mr. DuPuis, there he is.

23 Good morning.

24 MR. DuPUIS: Good morning, Mr. Chairman.

25 BOARD CHAIRMAN SPENCER: How are you all today?

1 MR. DuPUIS: I'm fine, thank you. How are you?

2 BOARD CHAIRMAN SPENCER: Good.

3 Can you kind of give us your homegrown version
4 of what we're trying to do here?

5 MR. DuPUIS: Well, as you know, this is carried
6 over from the previous quarter's meeting. There was
7 some question as to who should have been making this
8 request, whether it was our employee or whether it was
9 me, as the licensee.

10 And, you know, the shorthand version of the
11 prior meeting was that the Board had made a
12 determination that based upon his Class III status, that
13 there didn't appear to be any conflict of interest in
14 allowing him to continue to be a mystery shopper. And
15 the point of contention was who should have made the
16 request. That's my recollection.

17 So that brings us to where we are today. And
18 I'm at the Board's, you know, leisure to answer any
19 other questions that they may have.

20 BOARD CHAIRMAN SPENCER: All right. Counsel.
21 Counsel, did you examine this at all?

22 Oh, you did?

23 MS. PLATT: Yeah. So, last time, the
24 gentleman, Mr. Gardner, was the one that applied for
25 this exemption. But under the regulation, the licensee

1 who's employing him has to make the application. So
2 it's the same situation that was before us in December,
3 except that Mr. DuPuis is the one, as the license
4 holder, asking for this exemption.

5 BOARD CHAIRMAN SPENCER: Okay. What's our
6 history on this?

7 Kevin? Kevin, did you --

8 MR. INGRAM: I'm sorry. I was sidebarring.

9 BOARD CHAIRMAN SPENCER: I'm sorry. What kind
10 of history do we have on this type of thing?

11 MR. INGRAM: Well, we, the Board has, on a
12 couple of occasions that I am aware of since my
13 appointment, allowed for a Category III Peace Officer to
14 obtain or keep active their work card when they're
15 working solely as a mystery shopper.

16 And the Board at its discretion limited that,
17 that the individual understand that they cannot -- as we
18 all know, the work card allows an employee to work for
19 any category of license in the entire state, whether
20 it's a process server, reposessor, private security or
21 private investigator, canine handler, and so on, that
22 the individual that is being hired for the mystery
23 shopping know that it is strictly, you know, restricted
24 to mystery shopping only.

25 Additionally, what the Board has deemed was

1 that if this individual is approved to work for
2 Mr. DuPuis, that the approval issue for Mr. DuPuis only.
3 And should another -- should he wish to work for another
4 mystery shopping company as well, that that individual
5 would have to request approval as well.

6 So you have the Board has restricted the
7 individual to work for the one entity and only as a
8 mystery shopper.

9 BOARD CHAIRMAN SPENCER: I assume that that,
10 that permission given limits firearms or anything like
11 that, that would be carried, in a mystery shopping
12 situation?

13 MR. INGRAM: I'm not aware of a mystery shopper
14 carrying a firearm. So I can't really answer that.

15 BOARD CHAIRMAN SPENCER: Well --

16 MR. DuPUIS: That would not be the case with
17 anything that we're going to do.

18 BOARD CHAIRMAN SPENCER: All right. My
19 question is, is simply, if we're -- does the officer
20 have -- does the officer carry a weapon?

21 MR. INGRAM: No, sir. In a Category III Peace
22 Officer status, the peace officer status is only
23 authorized within the confines of a prison setting in
24 the state of Nevada.

25 BOARD CHAIRMAN SPENCER: Right.

1 MR. INGRAM: Other than if they are
2 transporting an inmate outside, maybe to a hospital or
3 to court. They do not have powers of arrest. They do
4 not have access to any of the criminal databases. They
5 do not have the powers of arrest.

6 So it is, a Category III is strictly related to
7 the confines of a prison or in their duties acting as an
8 officer of the prison.

9 BOARD CHAIRMAN SPENCER: But you just, you just
10 stated the things that needed to be stated. So the
11 gentleman understands what he can and cannot do.

12 MR. DuPUIS: (Nodded head affirmatively.)

13 BOARD CHAIRMAN SPENCER: All right. Any Board
14 questions?

15 BOARD MEMBER ZANE: I have none.

16 MR. INGRAM: Public comment.

17 BOARD CHAIRMAN SPENCER: Members of the general
18 public may comment on this agenda item before the Board
19 takes action on this item.

20 MR. INGRAM: We have a comment in the south.

21 MR. MAHEU: Mr. Chairman, Peter Maheu, the
22 owner of Global Intelligence Network and QSI
23 Specialists.

24 We would like to also be exempted for
25 Mr. Gardner under the same provisions as our services.

1 MS. PLATT: No. Sorry. You'll have to submit
2 your own application. That's not on the agenda.

3 MR. MAHEU: Okay.

4 BOARD CHAIRMAN SPENCER: Thanks, Peter.

5 MR. MAHEU: We will do that. Count on it.

6 BOARD CHAIRMAN SPENCER: No public comment.

7 So Board comments?

8 BOARD MEMBER ZANE: I have none.

9 BOARD CHAIRMAN SPENCER: Do you have any?

10 BOARD MEMBER COLBERT: No.

11 BOARD CHAIRMAN SPENCER: We'll proceed. I'll
12 accept a -- entertain a motion.

13 BOARD MEMBER ZANE: Mr. Chairman, I would move
14 that Joe DuPuis, as qualifying agent for HS Brands
15 International, license number 1182, who is requesting an
16 exemption to hire Luke Gardner, Mr. Gardner is an active
17 Category III Peace Officer with the Nevada Department of
18 Corrections, Mr. DuPuis is seeking exemption pursuant to
19 NAC 648.338, so that Mr. Gardner may be able to work as
20 a mystery shopper, be approved.

21 BOARD CHAIRMAN SPENCER: Second?

22 BOARD MEMBER COLBERT: Second.

23 BOARD CHAIRMAN SPENCER: Motion and second.

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

25 Aye.

1 BOARD MEMBER ZANE: Aye.

2 BOARD MEMBER COLBERT: Aye.

3 BOARD CHAIRMAN SPENCER: Opposed?

4 Hearing none, congratulations.

5 MR. DuPUIS: Thank you very much.

6 MR. GARDNER: Thank you all.

7 BOARD CHAIRMAN SPENCER: Moving right along, we
8 have a registration appeal hearing. Yolanda Peters
9 applied for registration and was denied. Mrs. Peters is
10 appealing this decision to the Board pursuant to
11 NRS 648.

12 MR. INGRAM: Mr. Chairman, if I may give a
13 little bit of a brief overview.

14 I just want to remind the Board that this is an
15 appeal that was continued from the December Board
16 meeting to allow for Board staff to investigate a little
17 bit further, at the request of the Board, and give
18 Ms. Peters a little bit of time to better prepare her
19 testimony in regards to the appeal hearing.

20 And I just want to put that on the record so
21 the Board was aware that, again, this started off in
22 December, and it's been carried forward to today.

23 Thank you.

24 BOARD CHAIRMAN SPENCER: And who would provide
25 the extended investigative results?

1 MR. YARBOROUGH: That would be me.

2 BOARD CHAIRMAN SPENCER: Okay.

3 MR. YARBOROUGH: Investigator Yarborough in
4 Las Vegas.

5 When her guard card expired --

6 (The Reporter requested that Mr. Yarborough
7 speak louder.)

8 BOARD CHAIRMAN SPENCER: Hold on.

9 MS. PLATT: Can you speak up?

10 BOARD CHAIRMAN SPENCER: He'll have to get a
11 microphone.

12 (There was a moment off the record, and
13 Mr. Yarborough moved closed to the microphone in
14 Las Vegas.)

15 MR. YARBOROUGH: Ms. Peters was first employed
16 in Nevada as a security guard, issued a work card by the
17 sheriff in 2003, renewed that with the Metropolitan
18 Police Department in 2009, to expire April 10th, 2014.
19 In August of 2014, she applied for renewal, but it had
20 expired, so it's treated as a new application.

21 Included with her application was a two-page
22 handwritten arrest history form on which she lists an
23 arrest by the Lompoc Police Department July 21st of
24 2000. It says "Misdemeanor conviction, possession of
25 firearm. Count two, assault with a firearm on person."

1 Her rap sheet shows that she was convicted of
2 Section 12021(c)(1) of the California Penal Code, which
3 provides that a person who has been convicted of a
4 predicate crime, and one of those is battery, within the
5 last 10 years is prohibited from owning or possessing a
6 firearm.

7 She was not convicted of the assault on a
8 person. She was convicted because she had a battery
9 conviction in 2000. And then, in 2003, she was
10 convicted of having a firearm, which put her in
11 violation. She wasn't allowed to have a firearm in
12 California for 10 years after the battery conviction.
13 Maybe that's why she moved to Nevada.

14 In any case, she brought papers showing that
15 this charge had been dismissed under California Penal
16 Code 1203.4. And it said "dismissal," but it's not an
17 expungement, and it's not a pardon. It still counts
18 against her in a three-strike computation should a
19 district attorney want that.

20 And it provides that, right in the paperwork,
21 that she has to disclose those convictions for any
22 licensing in California or any other state. Which she
23 did. The original denial that I sent her, the denial
24 letter, it was my error for -- I left the boilerplate in
25 there about not disclosing the information. She did

1 disclose it.

2 She was wrong about her conviction for assault
3 on a person. That was the original charge. But that
4 charge wasn't followed through. What she was actually
5 convicted of was 12021(c)(1) for having the gun after
6 being convicted of the battery within three years.

7 So I denied her renewal based on Nevada law,
8 which tells us we cannot issue a card to somebody
9 convicted of a crime at any level involving a dangerous
10 weapon.

11 So that's why she's appealing.

12 BOARD CHAIRMAN SPENCER: For what period of
13 time?

14 MR. YARBOROUGH: Forever.

15 BOARD CHAIRMAN SPENCER: Forever.

16 MR. YARBOROUGH: From the time they're 18 years
17 old on. Nevada doesn't have a 10-year limit on anything
18 like that.

19 MR. INGRAM: Bruce, what was the -- that was
20 the original testimony on the denial. What have you
21 found since the last hearing, once you went back to
22 verify some of that information, and her testimony,
23 versus what you found out?

24 MR. YARBOROUGH: After the last Board meeting,
25 I corresponded with the Lompoc Police Department Records

1 Bureau. I asked them to forward me the arrest report
2 that let up to the -- for the charges of assaulting a
3 person with a firearm and ended up with a conviction of
4 possessing a firearm after conviction.

5 And they sent me the police report that shows
6 that she was involved in an altercation with a man in
7 her apartment after they had consumed considerable
8 amounts of alcohol. And it's his testimony that she
9 went upstairs, came back down with a gun, put it up
10 against his forehead, and he took it away from her. She
11 said, "It's not a real gun." And to determine if it was
12 a real gun or not, he pulled the trigger. When the
13 weapon discharged, he called the Lompoc Police
14 Department and waited outside for them to come.

15 When they came, they took the weapon away from
16 him. They went in. They found an empty cartridge case
17 on the floor. Ms. Peters was substantially intoxicated
18 and uncooperative and didn't want to make statements.

19 He was charged, also, for discharging the
20 weapon. And I don't know what happened, if he went to
21 court or what happened to him. His name has been
22 redacted from the police report. So I had no way of
23 following up on it.

24 When they got to the jail, Ms. Peters had a
25 blood-alcohol content of 0.227. And the man with whom

1 she had this incident had a blood-alcohol content of
2 0.185.

3 She testified last time. She said, referring
4 to the gun, she said, "It's never been used in a crime."
5 And that's in the minutes on page 72, line 23. Well,
6 that's not what the police report says.

7 She said, "It had never been fired for any
8 reason. I just had it." That contradicts the police
9 report.

10 She said, "It's never been used in any crime.
11 I had it for protection, but never had it been fired for
12 any reason in a crime or whatever."

13 Further, she said, "I did not use this weapon
14 in any way for any offense."

15 On line 75 of the minutes, line one, she said,
16 "It was a misdemeanor and later dismissed."

17 She said, on page 82, line three, "I was coming
18 home from work, got stopped, asked if he could check my
19 car. I was not arrested. I was going a little too
20 fast. And I never assaulted anyone."

21 So she testified at the last Board meeting that
22 they found the gun in her possession when she got
23 stopped for speeding. But the Lompoc police report is
24 totally different.

25 And that's the extent of my investigation.

1 BOARD CHAIRMAN SPENCER: All right. Is there
2 any further information from anyone else?

3 Members of the general public may comment --

4 MS. PLATT: No. No. No comment this time.

5 BOARD CHAIRMAN SPENCER: It says so right here.

6 All right. Board questions?

7 MS. PLATT: How about Ms. Peters?

8 BOARD CHAIRMAN SPENCER: How about what?

9 MS. PLATT: How about Ms. Peters?

10 BOARD CHAIRMAN SPENCER: Ms. Peters, do you
11 have any comment?

12 MS. PETERS: Yes, sir. Good morning, Board
13 members.

14 Mr. Yarborough, from day one, has been nothing
15 but a problem to me. I do not know this man personally.
16 But he is taking certain things out of context.

17 First of all, I don't know where you got your
18 information from. Those things never happened. I've
19 been in this town for over 14 years. In those 14 years,
20 I have had no problems with anyone or any person other
21 than yourself and this, and the PILB.

22 My problem is, that incident that you claimed
23 happened did not happen that way. I cannot say either
24 way, because your word against mine. All I know is it's
25 the truth. And my truth is that did not take place.

1 This incident happened 14, almost 14 years ago.
2 It was dismissed. I did not try to lie, as you stated
3 in your letter to me. Now you're saying that there was
4 a mistake, and it was an error.

5 When I tried to appeal, your words to me were,
6 "It doesn't matter. You cannot appeal, because it has
7 to come to me, and I'm telling you no." So I had to go
8 over your head to get this appealed.

9 From day one, somebody's had animosity.

10 And according to your own NRS, the 1100, NRS
11 1100, anything that has been already approved in
12 court -- and you had no authority to go back over that,
13 which was 12 years ago. And this is your own NRS,
14 11.00. You have no authority to go back over a case
15 that has been dismissed.

16 I have had no problems since I've been here.
17 I've had no problems getting my sheriff's card until the
18 PILB. I've been always up-front and honest.

19 Since then, I've been told that I had to change
20 the penal hold. I had to get -- I was told I had to get
21 a pardon.

22 All these things have been one lie after
23 another. All I seeked was my card to continue to work.
24 And for some reason, you come up with all these
25 paperwork saying that these, this incident happened.

1 Only me and that person knew what happened in
2 that place. And I never lied. He never had my weapon.
3 He never stood outside.

4 But you talk as if everything that you say is
5 the truth. And we know some things that you say are not
6 the truth. So whose words are they taking? Maybe
7 because you are a PILB member, and they will, you know,
8 automatically go with you. But I know the truth. And
9 those things that you stated are not the truth.

10 I had that weapon for my protection. I lived
11 alone. And it was a registered weapon, not an illegal
12 weapon. It was not used in a crime. And because it was
13 dismissed, it is as if it didn't happen.

14 So I continue to do what the papers say. The
15 state says this conviction. And, also, according to the
16 records, convicted, the word convicted means a person
17 was convicted of a felony. Nothing like this. That's
18 your own. This is -- you keep saying no. You want to
19 see your NRS? It's in your NRS. It has to be a Class B
20 felony, though.

21 MR. YARBOROUGH: No.

22 MS. PETERS: Nothing mentioned of a
23 misdemeanor. You keep saying no. All you have to do is
24 look it up.

25 And I just don't know why it is so important

1 for you to prove something. And I'm not taking it
2 personally. I'm sorry, Board members. But all I wanted
3 to was to work. And for some reason, you keep coming up
4 with reason after reason.

5 MR. INGRAM: Ms. Peters, if I could interrupt
6 you for just a second. You should be addressing --

7 MS. PETERS: I'm sorry, Board members.

8 MR. INGRAM: -- the Chair.

9 MS. PETERS: I apologize. I so apologize. I'm
10 not, I wasn't trying to attack him. But the facts that
11 he was bringing to you are not the true facts. So I do
12 apologize for me stating like as if I was attacking
13 Mr. Yarborough.

14 But I'm trying to get my life back in order and
15 trying to get on with my life. I've lost my home
16 because of this. I've been offered positions. But
17 because I cannot get this card, my life has been put in
18 shambles.

19 And all I wanted to go by was what you -- I've
20 been told all along was the NRS. And I followed the
21 guidelines of the NRS. And I have not -- it's been my
22 word and your word and in the NRS -- violated anything.
23 And all I wanted was my card.

24 BOARD CHAIRMAN SPENCER: All right.
25 Ms. Peters.

1 MS. PETERS: And I apologize again.

2 BOARD CHAIRMAN SPENCER: Ms. Peters, I can
3 assure you that Mr. Yarborough is reporting what he's
4 been told. He is not lying about anything.

5 Have you thought about getting counsel? I'm
6 sure there's a help, a legal help organization somewhere
7 in Las Vegas. And --

8 MS. PETERS: Sir, may I? Oh, I'm sorry.

9 BOARD CHAIRMAN SPENCER: And --

10 MS. PETERS: Sir, I was told because -- oh, I'm
11 sorry.

12 MR. INGRAM: There's a little bit of a time.

13 MS. PETERS: Oh.

14 BOARD CHAIRMAN SPENCER: Some of these people
15 that you say, or you said it didn't happen that way, and
16 you can prove it, get them to convict -- convict --
17 commit to that answer, and then bring it towards the
18 Board. That's the only way it's going to happen.

19 MS. PETERS: Well, sir, I understand that, sir.
20 But the problem is, as I've stated before, it was 12
21 years ago. And I contacted an attorney in L.A., I mean,
22 I'm sorry, in California, in Lompoc, he was stating,
23 "Why are they even going over this when the case has
24 been dismissed?" I told him, "I don't understand why
25 they're going over it."

1 And as far as getting witnesses, this is 12
2 years ago. You might not even get the same judge. All
3 I know is my word and his and the person what was there.
4 This did not take place. There's no way to prove that
5 it took place other than the way it appeared in court.
6 And the way it was in court, alcohol did not play a part
7 in the court during the hearing. It does not play a
8 part now. Only that I was supposed to have been
9 convicted of a firearm. Not an illegal firearm, but
10 possession of a firearm, that was later dismissed.

11 And, again, NRS does not -- anything that has
12 been already done in court cannot be brought back up.
13 It is a misdemeanor, according to the NRS, to bring up a
14 case that's already been done.

15 BOARD CHAIRMAN SPENCER: Well, but it didn't
16 happen --

17 MS. PETERS: And it's finalized.

18 BOARD CHAIRMAN SPENCER: But if it didn't
19 happen, then there shouldn't be any reports.

20 MS. PETERS: I didn't say it didn't happen,
21 sir.

22 MR. YARBOROUGH: Mr. Chairman?

23 BOARD CHAIRMAN SPENCER: Yes?

24 MR. YARBOROUGH: I read that police report in
25 great detail. And the bottom line is, it's a he said,

1 she said. And maybe it didn't happen that way. But she
2 wasn't convicted of assaulting the man. She was
3 convicted of possessing the firearm.

4 And here is the dismissal that she furnished
5 from the court, dated February 10th, 2013. The second
6 paragraph says "This order does not relieve Yolanda B.
7 Peters of her obligation to disclose a conviction in
8 response to any question contained in any questionnaire
9 or application for public office or licensure by any
10 state or local agency or for contracting with the
11 California state lottery."

12 So it says it's dismissed, but she still has to
13 disclose it.

14 MS. PETERS: And I did.

15 MR. YARBOROUGH: And, Colleen, you have staffed
16 this out and determined that once this conviction is on
17 the record, and it's not expunged, it's not sealed, it
18 has to be disclosed. And because it was a conviction
19 involving the illegal use of a dangerous weapon --

20 MS. PETERS: Sir, it's not illegal.

21 MR. YARBOROUGH: -- that any level, felony or
22 misdemeanor, we still have to restrict, and we're
23 restricted from issuing a work card.

24 BOARD CHAIRMAN SPENCER: All right. Is that
25 statement and all the can't dos and shouldn't dos, is

1 that the California document?

2 MR. YARBOROUGH: This is the California pardon
3 that she got for the original charge. Not a pardon. I
4 mean a dismissal.

5 BOARD CHAIRMAN SPENCER: Not a pardon.

6 MR. YARBOROUGH: And it tells her she still has
7 to disclose it, because it still counts as a conviction.

8 MS. PETERS: And I did.

9 BOARD CHAIRMAN SPENCER: Yeah.

10 MR. YARBOROUGH: Which she did.

11 BOARD CHAIRMAN SPENCER: That's California.
12 I'm just wondering.

13 MR. YARBOROUGH: That's right.

14 BOARD CHAIRMAN SPENCER: Counsel.

15 MS. PLATT: Yes. So the statute says that the
16 person, the applicant has not been convicted of or
17 entered a plea of nolo contendere to a felony or a crime
18 involving moral turpitude or the illegal use or
19 possession of a dangerous weapon.

20 It doesn't say "in this state." So you take
21 all 50 states or all -- when you pull the background,
22 you use all that information to determine whether or not
23 she was illegally using or possessing a dangerous
24 weapon.

25 BOARD CHAIRMAN SPENCER: Is that a California

1 or Nevada document?

2 MS. PLATT: This is your section. Okay.

3 And so the document that he's referring to
4 regarding the dismissal, the statute requires a person
5 to still report the conviction in California or any
6 other state before a licensing board. So she's done her
7 job and disclosed the information. She testified to a
8 different situation. Mr. Yarborough has found out some
9 further information.

10 But the conviction that she had was the
11 possession of a firearm when she was not allowed to be
12 possessing a firearm, due to an underlying battery
13 conviction. So she had had a battery conviction.

14 BOARD CHAIRMAN SPENCER: Prior to.

15 MS. PLATT: Prior to. She gets into the
16 altercation with the gentleman. There is an arrest.
17 And then she has a plea perhaps where she pleads out to
18 possessing a firearm and when she's not supposed to have
19 one. So that would be the illegal use or possession of
20 a firearm.

21 BOARD CHAIRMAN SPENCER: All right. Not to
22 beat a dead horse --

23 MS. PETERS: No. No. Excuse me again. It was
24 not an illegal firearm, and it was dismissed, possession
25 of a firearm, which does not make that illegal.

1 Also, that was 12 years ago. Your limitation
2 is 10. This is 12 years ago, as if it is not happen.
3 I've always disclosed it. It is 10 years on the
4 limitation. It's here in your statute. It's 10 years.
5 It has been 12 years.

6 And it is not illegal in Nevada to own a
7 weapon. It's not considered a dangerous weapon in
8 Nevada, directly your statutes.

9 MS. BRADLEY: Ms. Peters, so, when you say
10 that --

11 MS. PETERS: Yes, ma'am?

12 MS. PLATT: -- there's a 10-year limitation,
13 could you show me and cite to me where in the statute
14 that that provision occurs?

15 MS. PETERS: Yes, ma'am.

16 MS. PLATT: Go ahead.

17 MS. PETERS: Yes, ma'am. If you can give me a
18 minute. Thank you.

19 That would be NRS 11.500: Notwithstanding any
20 other provision of law, and except as otherwise provided
21 in this section, of an action that is commenced within
22 the applicable period.

23 And it states on line three: An action may be
24 recommended only one time, pursuant to paragraph (b) of
25 subsequent -- oh, I can't read my own writing -- more

1 than five years after the date on which the original
2 action was commenced.

3 And that's, I'm sorry, stating five years, not
4 10 years.

5 MS. PLATT: So, Ms. Peters, I will just draw
6 your attention to Chapter 648. Chapter 11 is a totally
7 different chapter and is not applicable like we -- I'd
8 have to do some research. But 648.1493 sets forth the
9 qualifications for a registered --

10 MS. PETERS: Yes, ma'am.

11 MS. PLATT: -- work card holder. Now, I direct
12 your attention --

13 MS. PETERS: Yes, ma'am.

14 MS. PLATT: -- to subsection 3(B)(2). There is
15 no time frame regarding when the conviction -- there's
16 no limitation of time regarding a conviction or a plea
17 deal or anything regarding that.

18 MS. PETERS: Well, ma'am, just excuse me once
19 again. A conviction is also considered, your records,
20 only if it's a felony. That's what you --

21 MS. PLATT: No.

22 MS. PETERS: According to your NRS, a
23 conviction, a person convicted, "convicted person"
24 defined, NRS 179C.010, "convicted person" defined:
25 Except as otherwise provided in subsection 2, as used in

1 this chapter, unless the contact -- context otherwise
2 requires, "convicted person" means a person convicted in
3 the State of Nevada or convicted in any other place than
4 the State of Nevada of two or more offenses punishable
5 as a felony.

6 MS. PLATT: So, Ms. Peters, I will -- you
7 stated the exception right there. The information, that
8 definition is strictly for the chapter that you find
9 that definition in. That definition is not applicable
10 to Chapter 648, which is what we are facing with right
11 now.

12 MS. PETERS: I understand that, ma'am. But --

13 MS. PLATT: That definition --

14 MS. PETERS: -- you should also go -- I'm
15 sorry.

16 MS. PLATT: That definition is not applicable
17 in Chapter 648.

18 MS. PETERS: Can I say something, then? How is
19 it possible, ma'am -- no offense -- that you could take
20 certain sections and add that but not include the other?
21 It goes together. If you can -- you're pointing out
22 certain issues on that 648. And if you go through the
23 NRS, which I did, a lot of that goes together. I mean
24 you can't say one and not the other.

25 MS. PLATT: Raelene, do you know, by chance,

1 what Chapter 11 is, what the title of that chapter is?

2 Do you have access to it?

3 MS. PALMER: I don't know what 11 is. But she
4 cited the 179 for that "convicted person"; and that's a
5 chapter that deals with criminal --

6 MS. PLATT: Thank you.

7 MS. PALMER: -- statutes.

8 MS. PLATT: Did she say 179?

9 MS. PALMER: Yes, 179. She cited to 11
10 earlier. But then, in that, when she just read that
11 definition, that whole long, that's 179. It comes out
12 of the criminal statutes, I believe.

13 MS. PLATT: Yeah. So, Ms. Peters, Chapter 179,
14 where you found your definition --

15 MS. PETERS: Let me get there.

16 MS. PLATT: -- would be -- would control people
17 facing criminal charges. Okay.

18 What you are dealing with here is an
19 administrative procedure. And this Board is governed
20 solely by Chapter 648, Chapter 622 and Chapter 622A.

21 So the definition you found in Chapter 179 does
22 not apply to this Board.

23 MS. PETERS: But you consider what I did a
24 crime. So I don't understand. I'm not trying to argue
25 with you. I'm trying to understand. Why, how is it

1 possible that you say I've been convicted of this, and
2 it pertains to this, but when it's in your own NRS, it
3 is covering what the Board can do, what the Board is not
4 allowed to do? So are you saying that in the NRS, when
5 it covers and states what the Board is allowed to do,
6 that does not pertain to the Board?

7 MS. PLATT: Ms. Peters, the statute says that
8 you must not have been convicted or entered a plea of
9 nolo contendere relating to a felony, a crime, i.e. a
10 misdemeanor. When you are convicted of breaking the
11 law, regardless of where it's at, that is a crime
12 involving --

13 MS. PETERS: And did I state is was not? I'm
14 not trying to argue, again. You're stating it's a
15 crime. And I'm telling you, according to your statutes,
16 they do not consider it a crime, of possessing a
17 firearm.

18 And I don't understand how one can, one -- and
19 I know I'm not coming off with you really nice. But I
20 don't understand -- because it's my livelihood I'm
21 talking about -- that you could say one thing and not
22 the other. You can't have it both ways. I don't
23 understand. If you're saying that what I did was a
24 crime, then, again, why does your statute say what a
25 crime is, what a crime is considered?

1 BOARD CHAIRMAN SPENCER: Ms. Peters?

2 MS. PETERS: You know, I don't understand how
3 you -- I don't understand. But I'm trying. My heart
4 is trying to understand where you're coming from.
5 Because I read the statutes. I was trying to go by what
6 you need to go by, your Board.

7 BOARD CHAIRMAN SPENCER: Ms. Peters?

8 MS. PETERS: Yes, ma'am? Sir?

9 BOARD CHAIRMAN SPENCER: You're very excited
10 about this, about this situation. And I understand that
11 greatly. Rather than continue here -- we're not going
12 to make any type of progress.

13 I don't believe that this -- but, surely, is
14 there a legal help organization in Las Vegas?

15 MS. PLATT: There is, but it's unlikely that
16 they would take such a case. I mean she would have to
17 have -- likely to either pay a lawyer or ask for
18 pro bono services.

19 BOARD CHAIRMAN SPENCER: Could you, could you
20 pay a lawyer?

21 MS. PETERS: At this time, I would have to do
22 pro bono. And as I stated before, I had talked to legal
23 board, I mean legal members, and I was told the same
24 thing, "Why are they pursuing this?" I have no idea why
25 they're pursuing it when it was dismissed.

1 BOARD CHAIRMAN SPENCER: Well, I think --

2 MS. PETERS: The lawyers are going by what's
3 before them as a dismissal. They don't understand why
4 the Board would have any say-so.

5 So it's hard for this to come about because --

6 BOARD CHAIRMAN SPENCER: I think that the --

7 MS. PETERS: Excuse me. I'm getting dry mouth.

8 BOARD CHAIRMAN SPENCER: I think that the
9 answers that you would get from an independent party, an
10 independent attorney, might hold a little more weight
11 with you than what you're hearing here, because of the
12 interest of both parties. I would suggest that --

13 MS. PETERS: Yes, sir.

14 BOARD CHAIRMAN SPENCER: -- that you do that,
15 explain the situation to them, and have them give you an
16 opinion that you can either understand and live by or go
17 right back to where you were.

18 MS. PETERS: Hm.

19 BOARD CHAIRMAN SPENCER: I would think that you
20 would want to get this resolved one way or the other.

21 MS. PETERS: Yes, sir.

22 BOARD CHAIRMAN SPENCER: And have it explained
23 to you so that you don't have to, you know, constantly
24 fret about it.

25 MS. PETERS: Yes.

1 BOARD CHAIRMAN SPENCER: I don't think, I don't
2 think that -- well, I have to take a vote here. But the
3 chances of you getting a --

4 BOARD MEMBER ZANE: Mr. Chairman, I have
5 questions before we go to a vote.

6 BOARD CHAIRMAN SPENCER: All right.

7 BOARD MEMBER ZANE: Ms. Peters, can you -- I'm
8 dealing with NRS 648.060. And the first provision isn't
9 really germane. But number two says "No person may
10 employ -- may be employed by a licensee unless the
11 person is registered pursuant to the chapter." Which
12 means you get a work card before you can go get a job.
13 And that doesn't mean proprietary employees. It just
14 means licensees.

15 Do you understand that?

16 MS. PETERS: Yes, sir.

17 BOARD MEMBER ZANE: Okay. Now, where I run
18 into trouble is where it says "No person may be employed
19 by a licensee unless the person is registered pursuant
20 to this chapter. The provisions of this subsection do
21 not apply to a person licensed pursuant" -- I'm sorry.
22 "No person may be employed by a licensee unless the
23 person is registered pursuant to this chapter. The
24 provisions of this subsection do not apply to a person
25 licensed pursuant to this chapter." That means a

1 licensee.

2 MS. PETERS: M-hm (affirmative).

3 BOARD MEMBER ZANE: Okay. Number three, "A
4 person licensed pursuant to this chapter may employ only
5 another licensee, or a nonlicensed person" -- which
6 would be you --

7 MS. PETERS: Me.

8 BOARD MEMBER ZANE: -- "who: (a), is at least
9 18 year old." You look like you're 18. But, you know,
10 I'm pretty sure you're over 18. So that doesn't apply
11 to you.

12 "Is a citizen." We don't have any information
13 here that you're not a citizen of this country. So
14 you're legally entitled to do work.

15 "Is of good moral character and temperate
16 habits; (d)" -- and I'm sure you're familiar with this,
17 but I got to clarify in my own mind -- "has not been
18 convicted of a felony" -- now, that would be a felony in
19 any state, not what Nevada says in 179 --

20 MS. PETERS: Okay.

21 BOARD MEMBER ZANE: -- a felony in any state --
22 "or a crime involving moral turpitude or the illegal use
23 or possession of a dangerous weapon."

24 You'd agree with me that a firearm is a
25 dangerous weapon?

1 MS. PETERS: It could be.

2 BOARD MEMBER ZANE: So you say under certain
3 circumstances it might not be?

4 MS. PETERS: Well, anything could be considered
5 a dangerous weapon. And as I stated before, a car could
6 be considered a dangerous weapon. Mine wasn't illegal.
7 I had it, it was, you know, outright, and I had it for
8 protection. So, again, it depends on how you look at
9 it. I had it for protection.

10 BOARD MEMBER ZANE: Okay.

11 MS. PETERS: I live alone.

12 BOARD MEMBER ZANE: But do you agree with me
13 that the conviction that was sustained in the State of
14 California was the possession of that weapon?

15 MS. PETERS: But it was dismissed. So I don't
16 understand.

17 BOARD MEMBER ZANE: Excuse me. The original
18 conviction, regardless of later adjudication --

19 MS. PETERS: M-hm (affirmative).

20 BOARD MEMBER ZANE: -- you were convicted of
21 possessing the weapon when you were not supposed to; is
22 that correct?

23 MS. PETERS: No, sir. That was something --
24 you stated when I wasn't supposed to. Where does it say
25 that I was never supposed to have a weapon? That didn't

1 happen until after the conviction. It never, it was
2 never before that I wasn't allowed to have a weapon. It
3 was after. And it said 10 years was this, was the
4 limit.

5 I was allowed to have a weapon. I was a
6 federal correction officer. So I don't know where it
7 said that I couldn't have a weapon before, because I
8 didn't have it until after the conviction. I always
9 had.

10 BOARD MEMBER ZANE: Okay.

11 MS. PETERS: Yes, that's true. I was a federal
12 correction officer, and I owned weapons, and it was
13 legal. So I don't know where that is written, that,
14 because I would like to see it, where I was not allowed
15 to have a weapon, before the conviction.

16 BOARD MEMBER ZANE: Wouldn't that include --

17 MR. YARBOROUGH: Colleen, do you want me to
18 address that?

19 MS. PLATT: Sure.

20 MR. YARBOROUGH: Okay. Let me find the section
21 in the California Penal Code. I have it.

22 MS. PETERS: In that Penal Code, where does it
23 say I cannot have a weapon? That Penal Code, where does
24 it state I was not allowed to have a weapon, before the
25 conviction?

1 MR. YARBOROUGH: Well, I will read that into
2 the record.

3 The rap sheet shows that she was convicted
4 of -- under California Penal Code Section 12021(c)(1).
5 That provides that a person who has possession of a
6 firearm, having been convicted of a crime listed in the
7 statute, which includes battery, within the past 10
8 years, is guilty of a public offense, which may be
9 punished up to one year in jail or in state prison and
10 fined up to a thousand dollars.

11 That's what her rap sheet shows, that she was
12 convicted of 12021(c)(1).

13 MS. PETERS: That is the dismissal, sir.

14 MR. YARBOROUGH: That is -- that's what she was
15 convicted of, and then it was dismissed, but she still
16 has to disclose it.

17 MS. PETERS: That's dismissed. Again, sir,
18 excuse me.

19 MR. YARBOROUGH: She wasn't supposed to have a
20 gun, period, because she had a battery within 10 years.

21 MS. PETERS: Where is that written?

22 MR. YARBOROUGH: I just read it to you.

23 MS. PETERS: No, sir. You read, what you read
24 was the conviction.

25 MR. YARBOROUGH: That's right.

1 MS. PETERS: You said before, I was not allowed
2 to have a weapon before the conviction. That's what you
3 stated.

4 MR. YARBOROUGH: That's what the law states.
5 You can't have a gun 10 years after a battery
6 conviction.

7 MS. PETERS: No, sir. You said --

8 Excuse me, again, Board members. He stated,
9 Mr. Yarborough stated that I was not supposed to have a
10 weapon prior to this conviction.

11 MR. YARBOROUGH: That's right. After the
12 battery conviction, you weren't allowed to have a gun
13 for 10 years.

14 MS. PETERS: Where is that, where is that in my
15 record, sir?

16 MR. YARBOROUGH: I just read that to you.

17 MS. PETERS: No, sir.

18 BOARD CHAIRMAN SPENCER: I guess, we pretty
19 much decided that we have a --

20 MR. YARBOROUGH: Sorry about that.

21 BOARD CHAIRMAN SPENCER: -- misunderstanding
22 between them and us as far as --

23 MS. PETERS: No.

24 BOARD CHAIRMAN SPENCER: -- as far as what
25 happened. As far as our purposes are concerned, they

1 seem to be pretty clear.

2 And I'd like to call for Board questions and
3 members of the --

4 BOARD MEMBER ZANE: I have no further
5 questions, Mr. Chairman.

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

8 BOARD MEMBER ZANE: I'm sorry, Mr. Chairman.
9 Did you call for a vote?

10 BOARD CHAIRMAN SPENCER: For a motion.

11 BOARD MEMBER ZANE: Mr. Chairman, I'd move that
12 Yolanda Peters, who applied for registration, was
13 denied, and who is appealing here today, that the denial
14 be upheld.

15 BOARD CHAIRMAN SPENCER: Second.
16 All in favor, signify by saying "aye."
17 Aye.

18 BOARD MEMBER COLBERT: Aye.

19 BOARD MEMBER ZANE: Aye.

20 BOARD CHAIRMAN SPENCER: Opposed?

21 Mrs. Peters, I'm sorry, but we're not going to
22 be able to overturn the registration matter for you.
23 But, like I said, I think it's very important for you,
24 piece of mind for you, to talk to an attorney who is
25 looking out for your interests and can explain it to you

1 as best they can. I don't want you to feel like you're
2 being thrown to the side by the government, because
3 you're not. Okay?

4 MR. INGRAM: Ms. Peters, if I could make a
5 suggestion. If you talk to another attorney, be sure
6 and include Chapter 648 of the Nevada Revised Statutes.

7 MS. PETERS: I have.

8 MR. INGRAM: So they can see what they're
9 looking at as well.

10 MS. PETERS: I have.

11 MR. INGRAM: Just a suggestion for you.

12 BOARD CHAIRMAN SPENCER: Thank you.

13 All right. Number seven, Luann, Luann Foschi.

14 MS. FOSCHI: Good morning.

15 BOARD CHAIRMAN SPENCER: Good morning. How are
16 you?

17 MS. FOSCHI: Good. I'm regretting letting my
18 attorney go on that fun Eli Family Law Conference
19 instead of being with here with me after that, but.

20 BOARD CHAIRMAN SPENCER: Bruce, did you have
21 this matter, also?

22 MR. YARBOROUGH: Yes, sir, I did.

23 BOARD CHAIRMAN SPENCER: Can you give us a
24 little explanation?

25 MR. YARBOROUGH: Ms. Foschi filed an

1 application for a work card over our --

2 BOARD MEMBER ZANE: Excuse me. Mr. Chairman,
3 if I might?

4 BOARD CHAIRMAN SPENCER: Yes.

5 BOARD MEMBER ZANE: Were you voicing an opinion
6 that you wish to have counsel?

7 MS. FOSCHI: No, I'm not, no.

8 BOARD MEMBER ZANE: Okay.

9 MS. FOSCHI: I wish I did, but I'm not voicing
10 an opinion that I want counsel.

11 BOARD MEMBER ZANE: Okay. Thank you.

12 MS. FOSCHI: Good call.

13 MR. YARBOROUGH: She applied for a guard card,
14 and in the arrest history section she listed four
15 Las Vegas arrests, all for resisting arrest, all of
16 which were dismissed.

17 When her FBI rap sheet came, it disclosed that
18 she had numerous arrests that she hadn't listed, in
19 other states. But most of those did not have a
20 conviction associated with the arrest, or they were
21 dismissed.

22 BOARD CHAIRMAN SPENCER: What were the nature
23 of the charges, Bruce?

24 MR. YARBOROUGH: Seven of them were for either
25 domestic battery or other kinds of violence, which was

1 of a concern to me. But what she didn't list, that was
2 most egregious, was a conviction for domestic violence.

3 She was arrested February 23rd, 2005, by the
4 Las Vegas Police Department for battery, domestic
5 violence. She was found guilty at trial of battery.

6 According to Nevada law, if you're charged with
7 domestic, and it's reduced to battery, you are still
8 prohibited from possessing firearms or ammunition.

9 So this is a critical omission, in my view, on
10 her application, because if we had overlooked this and
11 approved her card, she could have gone to work for a
12 security company, and they could have sent her to the
13 training to be armed, which is prohibited by the Brady
14 Bill and, also, by Nevada statutes because of her
15 conviction for domestic violence, even though it was
16 reduced to battery.

17 MS. FOSCHI: And that was in 2005, which is
18 just at the 10-year mark.

19 MR. YARBOROUGH: 2005. She's claiming that
20 there's a 10-year --

21 MS. FOSCHI: No, I'm just bringing it up.

22 MR. YARBOROUGH: But this is the same
23 situation. She was convicted of an offense that she
24 didn't disclose on her application, and it was one that
25 I thought was serious enough to deny her request,

1 especially when it's accompanied by several other
2 arrests for violence.

3 BOARD CHAIRMAN SPENCER: Ms. Foschi, would you
4 care to comment on this?

5 MS. FOSCHI: I most certainly would.

6 Number one, like I explained to Mr. Yarborough,
7 on November 21st, after I had already had the
8 provisional license for almost three months, was that
9 I'm a paralegal for 10 years. I'm a notary public.
10 This is a mystery shopping job.

11 I do not own a firearm. I have no intentions
12 of becoming a security guard. Although I actually was
13 when I was 19 years old. And at that point, this, this
14 Board, we were not required to be licensed.

15 This is the only state in the United States,
16 continental United States that requires a provisional
17 license. I guess. Provisional or registration; what do
18 you call it?

19 MR. INGRAM: Registration.

20 MS. FOSCHI: A registration, for a mystery
21 shopper. The other states do not require it.

22 This came about where I met a woman, who is the
23 head of HS Brands, which you just heard from Joe and was
24 doing an exemption for the peace officer. And we
25 literally met at her office, walked over to the

1 fingerprinting place, which was two buildings over,
2 talking about, you know, people we knew and what was
3 going on.

4 I filled out the registration card on the
5 history. I was, you know, having fun bantering with the
6 gentleman that was taking the fingerprints. I have been
7 a cocktail waitress. I have a current sheriff's card.
8 I have been -- had a sheriff's card since I turned 21.
9 So I just kind of filled it out according to memory.

10 I really wasn't planning on -- I didn't think
11 that it was -- it was going to be kind of like the
12 sheriff's card. It was a step above. Where if you
13 forgot something, that -- you know, this was all from
14 memory. This all occurred in a half hour -- that, oh,
15 okay, well, you didn't list that, so please change it.

16 My apologies. I should have taken it more
17 seriously. I just thought it was -- since it was the
18 only state a mystery shopper required it, it was kind of
19 like a sheriff's card, where as long as you list it to
20 the best of your knowledge, and that if any errors
21 occurred, that you would have the opportunity to cure
22 that.

23 I did explain this to Mr. Yarborough, when he
24 contacted me, you know, exactly what I said. I
25 didn't -- this was off the top of my head, during

1 banter, in a 30-minute period.

2 And, again, I apologize for not taking the
3 fingerprinting and your card, your registration card
4 more seriously than the sheriff's card. Because,
5 basically, that's what I thought, if I failed, neglected
6 to list something, I could go ahead and change it.

7 As far as -- again, I'm not, I have no
8 intention of being a security guard. I'm a paralegal.
9 I'm a notary public. I have three letters of character
10 reference from three different attorneys and a P.R.
11 person, or two different attorneys and a P.R. person.

12 I mean, the battery. I raised three sons in
13 this town. I made bad choices in men. And I defended
14 myself when my sons were there. That's the bottom line.
15 I am a paralegal, so I know my rights. So, yes, I
16 voiced them when the police came to my house.

17 Other than that, as can you see, everything was
18 dismissed or reduced. I mean I'm appealing it because I
19 do believe in rights, and I do believe in the process.
20 And that's the whole point.

21 I mean the mystery shopping job now is a lot of
22 fun. Because as a cocktail waitress, and if you go out
23 in this town, you understand that customer service is a
24 complete lost art. And that is why that whole
25 conversation came about for me to start doing this. And

1 that's really all there is to it.

2 BOARD CHAIRMAN SPENCER: Okay.

3 MS. FOSCHI: And, um.

4 BOARD CHAIRMAN SPENCER: Any Board questions?

5 MS. FOSCHI: Any what?

6 BOARD MEMBER ZANE: I do, yeah.

7 What were the dates of the convictions, what
8 range of dates?

9 MR. YARBOROUGH: 2005 was the arrest. And...

10 MS. FOSCHI: 2002 to 2012, I believe. And I
11 never got a copy of what I supplied to the fingerprint
12 card. So I couldn't actually compare what he said I've
13 neglected to list and what I did, and were the dates
14 close. Because I put some '96 in. So I'm thinking my
15 dates were close when I listed them, just the dates were
16 inaccurate.

17 MR. YARBOROUGH: 2-23-05 was the arrest for
18 battery domestic violence, which was reduced, guilty at
19 trial of battery. Let's see if it shows in her rap
20 sheet when the court date was.

21 MS. FOSCHI: And what did I list,
22 Mr. Yarborough, what dates? Because I know I listed
23 '90. So it just could have been a lapse of time.

24 MR. YARBOROUGH: 4-29-05, she went to court.
25 So February of '05, she was arrested, and April 29th she

1 was convicted of battery.

2 She didn't list any battery. She listed a
3 Laughlin arrest for resisting arrest in 2004, which she
4 claims was dismissed. 2000, or in February of '96,
5 resisting arrest, which she said was dismissed. And in
6 July of 2000, resisting arrest, which she said was
7 dismissed.

8 The battery domestic violence was the one I was
9 concerned about for reasons that I explained.

10 BOARD CHAIRMAN SPENCER: All right.

11 MS. FOSCHI: Like I said, the four, the '96 and
12 the 2000 and 2004, which are not listed, again, that was
13 off memory.

14 MR. YARBOROUGH: But those were the ones that
15 you did list.

16 MS. FOSCHI: Right. Exactly. That's my point.
17 And those aren't on here. So that, that's what I'm
18 saying. My timeframe might have been off.

19 And being a paralegal for so long, obviously, I
20 do know attorneys. Obviously, I do fight for my rights.
21 You know, and I was arrested. And I pled down. And
22 most, most of the time, it was for resisting just
23 because of those circumstances. It was always a man.
24 It was always upon moving out, the circumstances. And
25 that's why I refused to allow batteries or domestic

1 violence to be on my record. And that's why I always
2 pursued it, and I fought it, and I never pled.

3 But just based on -- again, I had asked for a
4 copy of what I put, because I didn't take a copy of my
5 fingerprinting application. And the '96, the '06, the
6 2000 and 2004, I mean, could very well just be a time
7 frame in my mind. Because those dates aren't listed at
8 all.

9 So I did attempt to list everything by memory.
10 Again, this was done in 30 minutes, less than 30
11 minutes, from the start of the conversation, "Do you
12 want to work for me?" to actually filling out
13 everything, and being trained the next morning.

14 So it wasn't intentional.

15 BOARD CHAIRMAN SPENCER: All right.

16 MS. FOSCHI: Again, I should have faxed these
17 or e-mailed these to the Board. I was not aware that it
18 would be north and south. I do apologize. I have some
19 copies.

20 BOARD CHAIRMAN SPENCER: No, that's all right.

21 MS. FOSCHI: If you would like me no disperse
22 them. If I can read them, I mean this really is the
23 gist of it right here.

24 MR. YARBOROUGH: Mr. Chairman?

25 BOARD CHAIRMAN SPENCER: Yes?

1 MS. FOSCHI: Okay.

2 MR. YARBOROUGH: This was not her only
3 conviction. In 2012, in Somers Pt., New Jersey, she was
4 arrested for simple assault, criminal mischief and
5 resisting arrest. She was found guilty of the resisting
6 arrest on August 14th of 2012 and fined.

7 BOARD CHAIRMAN SPENCER: All right.

8 MR. YARBOROUGH: She was also convicted of
9 intoxication and fined \$1,388 in another case in Utah.

10 And then she had a --

11 MS. FOSCHI: Which is 2004, just to be clear on
12 that, 2004. That was 2004. And, again, that was a
13 boyfriend situation on vacation.

14 So I'm not justifying it, but I really would, I
15 mean, the P.R. rules kept stating that, you know, moral
16 turpitude, I have anger management issues.

17 And this is from Gallian Welker Beckstrom, from
18 Travis Barrick. And it says "Dear sirs, I am writing in
19 support of Miss Foschi in reference to obtain licensing
20 from the department. I have known Luann since 2010,
21 when I was Republican nominee for Attorney General. I
22 have followed her career as a paralegal with great
23 interest and respect. I believe her to be honest and of
24 high moral character, and that she would serve honorably
25 in the public interest."

1 This other, the second --

2 BOARD CHAIRMAN SPENCER: Board comments?

3 MS. FOSCHI: I'm sorry?

4 BOARD CHAIRMAN SPENCER: Board comments? Any
5 questions?

6 MS. FOSCHI: I'm sorry?

7 BOARD CHAIRMAN SPENCER: I'm talking to the
8 Board members, asking if they --

9 MS. FOSCHI: Okay.

10 BOARD CHAIRMAN SPENCER: -- have any comments
11 or questions.

12 MS. FOSCHI: Yeah, I'm sorry. I'm just --
13 because Mr. Yarborough kept saying that, anger
14 management and moral turpitude, I just thought, I mean I
15 went out of my time, and I asked people to go out of
16 their way to let you know that what's on paper, I mean
17 unless you have a full, you know, that the he said, she
18 said story, the arrests, and my willingness to fight
19 them in court and not just plead, like most people were,
20 was because it was just bad choices in men.

21 BOARD CHAIRMAN SPENCER: Well, let me just make
22 a comment --

23 MS. FOSCHI: I mean really that's what it was.

24 BOARD CHAIRMAN SPENCER: -- that I hope won't
25 result in a great deal of response. But considering

1 your occupation, I would think --

2 MS. FOSCHI: Yes, sir.

3 BOARD CHAIRMAN SPENCER: -- that you would have
4 a handle on all the arrests that you have had and that
5 they should have been posted on your application.
6 That's, that's the law.

7 MS. FOSCHI: Okay.

8 BOARD CHAIRMAN SPENCER: And that didn't
9 happen.

10 MS. FOSCHI: It did not, sir. And I do not do
11 criminal law. And, like I said, this was so quick. I
12 thought it was like a sheriff's card, which I still hold
13 a valid sheriffs card. I just thought if you neglected,
14 if you mixed up the years, they'll say, "Please fix it."

15 BOARD CHAIRMAN SPENCER: It wasn't.

16 MS. FOSCHI: Basically, it was just error.

17 BOARD CHAIRMAN SPENCER: It isn't like that.

18 So, Board members, do you have any comments?

19 I'll entertain a motion.

20 BOARD MEMBER ZANE: I don't.

21 BOARD CHAIRMAN SPENCER: Oh. Mark, do you have
22 a comment?

23 BOARD MEMBER ZANE: No, I don't.

24 MS. FOSCHI: And I would just say that between
25 2002, 2002 at the earliest and 2015, was it two

1 convictions, three, complete, were actually fought to
2 ensure that I didn't have false, false charges on my
3 record. As a paralegal, that does concern me. I mean
4 these are all misdemeanors, and none of these really
5 bothered me, because I fought to make sure that the
6 court records were accurate.

7 BOARD CHAIRMAN SPENCER: Okay.

8 MS. FOSCHI: We are talking about a 13-year
9 period and 30-minutes that I actually got the job and
10 filled out the application. So it was very much error
11 on my part. It wasn't an intention to hide anything at
12 all, at all.

13 BOARD CHAIRMAN SPENCER: All right.

14 BOARD MEMBER COLBERT: Mr. Chairman, I'll make
15 a motion.

16 BOARD CHAIRMAN SPENCER: All right.

17 BOARD MEMBER COLBERT: Luann Foschi, who
18 applied for registration and was denied, I'd request
19 that we uphold that denial. And...

20 BOARD MEMBER ZANE: Second for discussion.

21 BOARD CHAIRMAN SPENCER: All right. Second for
22 discussion.

23 BOARD MEMBER ZANE: I'm -- my intention is to
24 support the motion based upon the fact that, being a
25 paralegal, you should have more knowledge than most

1 about the importance of documentation and the
2 flexibility of documentation and how correct the
3 information should be, so, when you're filling out the
4 stuff, the stuff here, to be considered.

5 And, number two, I have a bigger concern about
6 temperate habits. And that is a statutory consideration
7 that I make is about temperate habits. And I understand
8 your willingness to make sure that you're not convicted
9 of something that you don't believe yourself to be
10 guilty of.

11 But by the same token, I look at the habits
12 over the period of time and conclude that at least for
13 the next year, that you shouldn't be eligible to be
14 hired by the licensee to carry a work card to be
15 employed, even if it's only as a mystery shopper.

16 MS. FOSCHI: Well, okay. All right. And is
17 this appealable from here?

18 BOARD MEMBER ZANE: Absolutely.

19 MS. PLATT: No.

20 MS. FOSCHI: Okay. Well, would you send me the
21 information, please?

22 BOARD MEMBER ZANE: We have to take a vote yet.

23 MS. FOSCHI: Well, I very much feel like I'm
24 dead in the water.

25 BOARD MEMBER ZANE: I just wanted to give you a

1 reason, because I won't have the opportunity after I
2 cast the vote --

3 MS. FOSCHI: Okay.

4 BOARD MEMBER ZANE: -- to let you know how I
5 voted. Well, you can see how I vote. But why I voted
6 in the way I did.

7 BOARD CHAIRMAN SPENCER: We have a motion on
8 the table.

9 (There was a brief discussion off the record in
10 Las Vegas.)

11 MS. PLATT: Licensed applications, pursuant to
12 the Atherly holding, are not appealable via a petition
13 for judicial review. She does have other options for
14 filing perhaps a writ or some other type of lawsuit.
15 But a petition for judicial review of this decision is
16 not appeal -- the denial of the work card application is
17 not an appealable decision under the petition for
18 judicial review avenue.

19 BOARD MEMBER ZANE: No, I didn't want to
20 foreclose her individual citizen's rights to move out of
21 this building and do something about what she failed to
22 grieve about.

23 MS. PLATT: Yes. I'm just telling you that
24 there is a Supreme Court case that indicates that the
25 denial of an application is not a contested case for the

1 purposes of a petition for judicial review. If that
2 makes sense.

3 MS. PALMER: Well, it's also in NRS 622A.

4 BOARD CHAIRMAN SPENCER: The motion is still on
5 the table. Any more comment, any more discussion on the
6 motion?

7 All right. All in favor of the motion, signify
8 by saying "aye."

9 BOARD MEMBER ZANE: Aye.

10 BOARD CHAIRMAN SPENCER: Aye.

11 BOARD MEMBER COLBERT: Aye.

12 BOARD CHAIRMAN SPENCER: Opposed?

13 Hearing none, it's denied. Or I mean it's
14 passed.

15 MS. FOSCHI: Thank you.

16 MR. YARBOROUGH: Thank you.

17 BOARD CHAIRMAN SPENCER: Let's take a 10-minute
18 break.

19 * * * * *

20 (A break was taken, 10:40 to 10:53 a.m.)

21 * * * * *

22 BOARD CHAIRMAN SPENCER: Okay. Let's begin the
23 meeting again.

24 Let's see. Unlicensed activity appeal hearing,
25 number nine, Buckley Dikes, regarding citation number

1 C-011-15, pursuant to Nevada Revised Statutes 648.165.

2 Good morning.

3 MS. PALMER: Good morning, Mr. Chairman,
4 members of the Board.

5 BOARD CHAIRMAN SPENCER: Good morning.

6 MR. DIKES: Good morning, Chairman, members.

7 BOARD CHAIRMAN SPENCER: Please proceed.

8 MS. PALMER: Thank you, Mr. Chairman.

9 My name is Raelene Palmer, and I am
10 representing the Private Investigator's Licensing Board
11 in this hearing today.

12 We are here on appeal of a citation.

13 MR. INGRAM: Can I interrupt for one second,
14 Mr. Chairman? We're getting an echo feedback really
15 bad. Is there a microphone that we can move further
16 away from the speaker up there?

17 BOARD CHAIRMAN SPENCER: Yep.

18 How's that?

19 MR. INGRAM: I think, that took, that took care
20 of it. Thank you very much.

21 MS. PALMER: Well, we won't know until I start
22 talking.

23 All right. Thank you. We are here on
24 Mr. Dikes' request for an appeal. He was issued a
25 citation. And do you have a packet before you?

1 Okay. We're not going to stipulate to any of
2 that?

3 MS. PLATT: I don't know.

4 MS. PALMER: With Mr. Dikes? Did he --

5 MS. PLATT: You might want to ask him. And if
6 that's -- then --

7 MS. PALMER: All right. Mr. Dikes, have you
8 been provided with a packet of exhibits that should be
9 numbered one through seven? But I noticed that last one
10 didn't have an exhibit number on it. It should be
11 seven.

12 MR. DIKES: Yes, ma'am, I am in possession of
13 those documents.

14 MS. PALMER: And do you have a concern with
15 providing any of those documents to the Board, or would
16 you contest the authenticity, or is there any concern
17 with just admitting those now so that we don't have to
18 go through the formalities of admitting exhibits?

19 MR. DIKES: I have no issues with admitting
20 that at all.

21 MS. PALMER: All right. Thank you.

22 Okay. So we are here because Mr. Dikes at the
23 moment is not a licensed dog handler, but he was
24 advertising for those services. So a citation was
25 issued. And we will present evidence to that effect.

1 Did you want to make any opening statement?

2 Or, I guess, I'll let you handle it, Colleen,
3 or the Board.

4 MR. DIKES: Well, I have never, from the
5 beginning, stated or made any reference to the fact that
6 I was not operating. I was. I was operating. I wrote
7 it in my application.

8 So there's never been any part of -- on our
9 side where we've tried to hide any from, anything from
10 the Board or state that we weren't operating. Because,
11 absolutely, we were.

12 MS. PALMER: What is the basis of your appeal,
13 Mr. Dikes?

14 MR. DIKES: Well, I came in here and actually
15 brought my administrative assistant from California to
16 kind of come in with guns blazing and point fingers.
17 And from the meeting this morning, I could see that is
18 not the appropriate thing to do.

19 As one of the members of the licensing Board
20 stated during my appeal and rants, if you will, that
21 this has been a total big misunderstanding. And I
22 honestly believe that being true.

23 We're -- I'm not a handler per se. I run a
24 company that trains dogs internationally, all over the
25 world, for military and law enforcement. I don't train

1 private people to handle dogs at a storage unit. It's
2 all law enforcement and military thus far.

3 And was operating under the communications, as
4 I understood it, and as my staff understood it, that
5 once we made application and that the members of the
6 licensing organization saw that we had an application in
7 process, that we were working under a grace period until
8 we would appear before the Board.

9 We've been in business since 2007. And I've
10 been a public servant pretty much all my life. And I
11 don't make it a practice of violating laws or -- or, you
12 know, you won't see any assaults or anything on my prior
13 record.

14 But I -- it's not the money for me. It's the
15 idea that we were doing something maybe not aboveboard,
16 and there was no intent in doing that. We, basically,
17 were operating under the -- I don't like to use the
18 word, but I will, assumption that, you know, we were
19 operating within the laws pending our application.

20 When we were contacted by Mr. Yarborough, he
21 was obvious, made it obvious to me that now that he'd
22 taken this case over, that he would be going strictly by
23 the letter of the law and pretty much could care,
24 absolutely care less about what the spirit of the law
25 had to say. Which I accept that. I am from the law

1 enforcement community and alumni, and I've met many
2 people in my career that have that same attitude. So I
3 can respect that.

4 However, you can keep my money. I've already
5 paid it, paid it with a cashier's check. So it's
6 already out of our coffers.

7 But I just wanted the Board to know, me
8 personally, I'm proud to be operating out of Nevada, as
9 our world headquarters location, lived here off on as a
10 kid, from northern California originally. But I and my
11 company did nothing to undermine this Board and did
12 nothing to purposely be in violation of the law other
13 than be honest.

14 And when we were called on and told we had to
15 get the license, within a couple of days, we got on line
16 and we started the licensing process, which was delayed
17 due to a knee surgery, which I communicated to
18 Mr. Ingram. But I'm sure he has no pity, because I only
19 had one done, and, of course, he's had two.

20 So that's my position on it. And I apologize
21 for taking the Board's time with the appeal. But I
22 just, I just wanted to have my side of this heard.
23 Again, it's not the money. I just want you folks to
24 know that we weren't, you know, in dark alleys doing
25 things behind people's backs. That's absolutely not

1 what happened here.

2 And that's -- I'd be open to answer any
3 questions that you'd have.

4 MS. PALMER: Okay. I want to ask you in a
5 moment the status of your appeal. I don't know if
6 you're withdrawing that or not. It sounds like you may
7 be. But I wanted to clarify one thing about the check.

8 We had a -- I had a conversation with you on --
9 I'm looking for a date. I don't have a date -- oh,
10 February 3rd, when I told you that the Private
11 Investigator Licensing Board would not be cashing that
12 check and that it was not necessary for you to make that
13 payment in order to have your licensing hearing. I just
14 want to clarify whether or not you're in agreement that
15 that conversation took place.

16 MR. DIKES: Well, I did get an e-mail stating
17 that my license would not be issued unless I made
18 payment. So that's why we did make the payment. I
19 think, in the memo it said something to the effect of
20 this is not an admission of guilt. Because I did want
21 to have, you know, my time with the Board.

22 I'm not necessarily withdrawing my appeal, but
23 I'm -- that is my appeal, what I've said here this
24 morning, to not continue or drag this on or, as the
25 Chairman said earlier, beat a dead horse. I just --

1 that's my appeal. That's my side.

2 If you have any questions, I'll be more than
3 happy to answer them. But, you know, it was our
4 understanding that we were operating in a grace period,
5 just as I wrote, open and honestly, in the application
6 process.

7 And on 5 January, after operating for three or
8 four months, advertising, having law enforcement
9 agencies from all over the United States come to Reno to
10 attend our training -- and, again, just law enforcement
11 and military, not private security or any of those
12 folks -- we were told we were in violation. And we
13 ceased operation regarding what's covered --

14 MS. PALMER: Mr. Dikes?

15 MR. DIKES: -- with the PILB that day.

16 MS. PALMER: Mr. Dikes, we're going to proceed
17 with the hearing, because you've indicated that you're
18 not withdrawing your appeal.

19 MR. DIKES: Okay.

20 MS. PALMER: If you would just answer my
21 question, whether or not we had a conversation where I
22 told you that you would not -- that we would not be
23 cashing that check, that we would return it to you if
24 you'd like, and that you would be permitted to proceed
25 with your licensing investigation, without having to

1 make that citation payment.

2 MR. DIKES: Yes, ma'am, we did have that
3 conversation.

4 MS. PALMER: Okay. Thank you.

5 All right. I'll proceed, then.

6 First of all, I'd like to turn the Board's
7 attention to Exhibit 4.

8 Do you now have the packets in front of you,
9 Mr. Chairman and members of the Board?

10 BOARD CHAIRMAN SPENCER: Yes.

11 BOARD MEMBER ZANE: Yes.

12 MS. PALMER: Okay. Exhibit 4 is a notice of
13 this hearing today, which was mailed to Mr. Dikes via
14 certified mail. It was also e-mailed to him.

15 And Exhibit 5 is the e-mail where I'm showing
16 where I sent this to him. And continuing on page two of
17 Exhibit Number 5 is Mr. Dikes' acknowledgment that he
18 received it and that he would be waiving the 21-day
19 requirement, which is the amount of time that we must
20 notice the hearing. We were a few days short of that.
21 And he agreed that he would waive that pursuant to --
22 the 21 days was pursuant to NRS 241.

23 You also have in front of you his appeal
24 notice, which is Exhibit 2. He had, he timely requested
25 an appeal of this hearing.

1 And then Exhibit 3 is the check that he sent to
2 the Board, that he indicated he did send to the Board,
3 and he did send it upon staff's indication that he
4 should send it, but was then notified by me that he did
5 not need to send it before having his licensing hearing
6 or his citation hearing. And I -- we offered to return
7 it to him, and he said it was okay to hang on to it
8 until after this Board made its determination.

9 I would like to call my first witness, well, my
10 only witness, which is Investigator Yarborough.

11 Does he need to be sworn in again, or is he
12 sworn in from --

13 MS. PLATT: (Nodded head affirmatively.)

14 MS. PALMER: Okay.

15

16 B R U C E Y A R B O R O U G H,
17 having been previously duly sworn/affirmed,
18 was examined and testified as follows:

19

20 D I R E C T E X A M I N A T I O N

21 BY MS. PALMER:

22 Q. Mr. Yarborough, can you tell me when the Board
23 first had any contact with Mr. Dikes, tell the Board?

24 A. In October of 2014, an employee of Mr. Dikes
25 contacted our Carson City office and talked with the

1 staff up there to determine what they needed to do to
2 be, to become licensed in Nevada. The process started,
3 but it got slowed down because of Mr. Dikes'
4 hospitalization. So he wasn't able to get his documents
5 in order for the December Board meeting.

6 I got the folder from our staff on January 2nd,
7 and I started preparing, doing any background
8 investigation, the LexisNexis, credit reports, so on.
9 And I went on the Internet for Vigilant Canine Services,
10 and I found that they were already advertising to start
11 a basic handlers course in Reno, Nevada, for 200 hours,
12 and they were going to start on January the 5th.

13 Q. May I interrupt you for a moment?

14 A. Yes.

15 Q. And you do have documents in front of you. Is
16 that Exhibit 6 that you're referring to, the information
17 that you obtained from the Internet? It's right in
18 front of you.

19 A. This one is six?

20 Q. Yes.

21 A. Yes, I have them. And it shows that he's going
22 to have a two-week course in January 5th through
23 February 6th, a four-week course, or five weeks.

24 And I called him and asked him if he was
25 actually underway with that, with that course the

1 following week, and he told me that he was, and that he
2 was operating under a grace period. And I told him that
3 there was no grace period in the Nevada statutes, you
4 either had to be licensed, or you weren't licensed. And
5 he told me that that was his understanding from our
6 staff in Carson City.

7 And he said he had also talked to Mr. Ingram
8 about it. And Mr. Ingram was out that week having his
9 knees operated on.

10 So I told him that I would consult with
11 Mr. Ingram, but that he should be watching the mail,
12 that, in my opinion, he was due a citation.

13 I prepared the citation, talked to it over with
14 Executive Director Ingram. And he told me that my
15 understanding was correct, there is no grace period
16 allowed in the NRS 648, and to proceed with the
17 citation.

18 So I cited Mr. Dikes, with a fine of \$2,500.

19 Q. Mr. Yarborough, you referred to his
20 application. Is that the exhibit that we've now marked
21 as Exhibit 7 in front of you?

22 A. Yes. The application process also includes
23 this addendum. And on page three, he listed that he's
24 working under a grace period issued by the Nevada PILB
25 while making application and obtaining license.

1 Q. Is that, is that under number five on page
2 three?

3 A. Yes, it is. I told him that there must be a
4 misunderstanding, because there is no provision in the
5 law for any grace period while an application was being
6 processed.

7 MS. PALMER: I'll pass the witness.

8 MS. PLATT: Do you have any questions for
9 Mr. Yarborough?

10 MR. DIKES: No. No, sir. No, ma'am.

11 MS. PLATT: Do you have any further witnesses?

12 MS. PALMER: No, I don't.

13 MS. PLATT: It's your turn.

14 Do you rest at this time? Do you rest at this
15 time?

16 MS. PALMER: Pardon? Yes.

17 MS. PLATT: Do you have any witnesses or
18 testimony that you would like to put on?

19 MR. DIKES: I would just like to say again, and
20 Mr. Yarborough just used the term misunderstanding, the
21 Board -- we actually had no idea that we were required
22 to -- there's no provisions in the NRS that we've been
23 able to find where there is an exemption for law
24 enforcement from this statute, either.

25 You have law enforcement canine training going

1 on throughout the state. You have law enforcement
2 canine training trade shows occurring in Reno and
3 Las Vegas. One of the largest is coming up in a few
4 days in Las Vegas, where it draws canine law
5 enforcement, military, Secret Service, trainers from all
6 over the world, that will be in Las Vegas next week
7 attending this and conducting training. Which I've been
8 a part in, and I'm on that training panel.

9 At no time did we ever know that any such
10 license was required when it related to military and law
11 enforcement.

12 I would say, for the civilian sector, for the
13 private sector, if you have somebody out there training
14 guard dogs for security use, or by private citizens,
15 then, absolutely, there needs to be check and balances.

16 But, you know, the law enforcement and military
17 side of things, obviously, sometimes, I don't want to
18 say slip through the cracks, but they do. They're
19 self -- they're self-supportive and, you know,
20 self-governing.

21 So even after this was brought to our attention
22 we needed the license, we checked with a couple of the
23 law enforcement agencies here in Nevada, we were told,
24 absolutely not, you don't need the license. That only
25 pertains to private, you know, training. So if you're

1 going to be providing guard dogs to do bomb sweeps at
2 hotels on New Year's Eve, or something to that effect,
3 then, absolutely, you have to be licensed.

4 When we did finally -- and Cindy McDonald, my
5 assistant, when she did call down here to Carson City
6 and talked with the licensing Board, we were told that,
7 yes, in fact, we did fall under that category. And we
8 immediately then started to make application.

9 And, again, using that word miscommunication --
10 and I don't want to point fingers and say, "Well, you
11 told me this, and you told me that," because we have
12 nothing in writing to support that. But it was my
13 understanding that as long as we made application, and
14 that application was out there where they could see it
15 on line, that we were in compliance until we could
16 appear before the Board.

17 I'd like to also add that the day that
18 Mr. Yarborough called me and told me that I was being
19 cited and told me that I would have to cease business in
20 Nevada, I asked him, "Well, if I'm in violation of the
21 law, do I need to cease and desist today?" And he told
22 me, "No, you could continue operating until you get the
23 citation."

24 Well, we took that call pretty seriously and
25 immediately, like I said previously, quit operating the

1 protection side of our business. Although we had a law
2 enforcement class going on. We secured a location in
3 the California side, and we would transport our students
4 and our equipment and everything to the Nevada side so
5 we were in compliance with the statute, versus
6 continuing to operate illegally until we got the
7 citation.

8 So, again, not anything that we were doing, the
9 minute we were notified. Had we been notified that we
10 need to cease and desist, from that first conversation
11 we had, we would have absolutely done so. But that
12 wasn't communicated. And, like I said, we were
13 operating under the idea that there was that grace
14 period because we had made application.

15 And that's, that's all I have.

16 BOARD CHAIRMAN SPENCER: Counsel.

17 MS. PALMER: Mr. Dikes -- yes.

18 BY MS. PALMER:

19 Q. Mr. Dikes, looking at exhibit -- Exhibit 6 --

20 A. Yes, ma'am.

21 Q. When do you recall, if you recall, did you
22 speak to Mr. Yarborough?

23 A. I actually received a call from Cindy, my
24 assistant, who had talked to -- and I'm sorry. I'm not
25 familiar with Investigator Matt's last name. No

1 disrespect. Cindy called me and said she had spoken
2 with Investigator Matt. He said that we were in
3 violation and that we would be receiving a citation.

4 I called and talked with Investigator Matt. He
5 told me of the citation and directed me to contact
6 Mr. Yarborough. Which I called Mr. Yarborough shortly
7 after those conversations, and I did speak with him,
8 yes.

9 Q. And you're saying that Mr. Yarborough told you
10 that you could continue operating until you received the
11 citation?

12 A. I asked Mr. Yarborough if I needed to cease and
13 desist that day on the phone. And his words to he was,
14 "Well, that's bullshit. I'm not going to tell you to
15 stop operating. We do everything in writing here. We
16 do nothing verbally. So you continue to operate until
17 you receive your citation."

18 MS. PALMER: I'd like to call Mr. Yarborough as
19 a rebuttal witness.

20 MS. PLATT: Okay. So hold on one second. Are
21 you done with this particular witness?

22 MS. PALMER: Well, I'm not sure about the
23 formalities here. So if I'm done, I'm done. Is that
24 how we're -- are we proceeding that formally in this
25 administrative hearing?

1 MS. PLATT: That's how it's -- I mean you treat
2 it like you would normally treat a regular hearing. I
3 mean, so if you're finished with your questions for this
4 witness --

5 MS. PALMER: Okay. No, I'm not.

6 MS. PLATT: Because it's his turn. So it's his
7 case at this point, right now, so.

8 MR. DIKES: Ma'am, you could feel free to ask
9 me anything you'd like.

10 BY MS. PALMER:

11 Q. Okay. You received the -- when did you receive
12 the citation?

13 A. Oh.

14 MS. McDONALD: That was dated January 23rd.

15 BY MS. PALMER:

16 Q. This is Exhibit 1.

17 A. I don't remember the -- oh, it was dated
18 January 23rd. But the day it actually arrived in my
19 office -- I believe, it was sent certified mail. But it
20 was, it was days, later, I believe.

21 MS. McDONALD: I --

22 MS. PLATT: (Gesturing to Ms. McDonald.)

23 MS. McDONALD: Oh, sorry.

24 BY MS. PALMER:

25 Q. Turning to Exhibit 2.

1 A. Yes, ma'am.

2 Q. This is your notice of appeal of the hearing.
3 So would you agree that you had received the citation by
4 that date, January 28th?

5 A. Absolutely, I would agree to that.

6 Q. Now I'd like you to turn to Exhibit 6.

7 A. Yes, ma'am.

8 Q. Is this a reflection of what was on your
9 website on February the 2nd, 2015?

10 A. I would 100 percent agree with that. And there
11 was probably a couple prior to this one, that had been
12 conducted in the state. But, yes, this would have
13 reflected a course advertised on our website.

14 Q. And it was still advertised as of February 2nd,
15 2015, the date that's noted on the bottom of this
16 webpage?

17 A. That's correct. However, I had confirmed with
18 Investigator Yarborough that this only applied to the
19 protection work, not our bomb detection, not our drug
20 detection, our cadaver. It only pertained to patrol.

21 So we moved all of the patrol side of our
22 operation back to California during this timeframe
23 between when we were notified -- and, I believe, that
24 was January 5th, is when we received the notification
25 over the phone that the citation was coming. And I'm

1 just going off of memory. But we ceased our -- any, any
2 type of operations that pertained to the being licensed,
3 and moved that into California that day.

4 Q. Mr. Dikes, can you tell me where on the
5 website, the page -- Exhibit Number 6, the public would
6 be aware of exactly what you were doing in Nevada versus
7 what you were doing in California?

8 A. The students show up. We normally train in
9 places like Herlong. We have a location site in
10 Chilcoot. So we -- our normal operation is to -- you
11 know, we're located in Stead, which is somewhere around
12 nine miles from the border. So we go in and out of the
13 state of Nevada while we're conducting this training, to
14 do tracking and other, other exercises.

15 So it's not your normal classroom, that you
16 come and you stay in our office for five weeks. We're
17 all over the place. We're flying in helicopters.
18 We're, you know, doing tracking through the forest. So
19 we go to a lot of places to do that.

20 So the students -- it's essentially, obviously,
21 based out of Reno. But we travel and go other places.

22 Q. Mr. Dikes, would you agree that anyone looking
23 at your website would not -- it would not be clear to
24 them that this training was not occurring in Nevada?

25 A. Oh, ma'am, the training was occurring in

1 Nevada. I'm not arguing that.

2 MS. PALMER: Thank you.

3 I'll rest.

4 MS. PLATT: Do you have any further witnesses
5 you'd like to put on?

6 MR. DIKES: Do you have anything you can add
7 here?

8 MS. PLATT: Would you state your name.

9 MS. McDONALD: My name is Cynthia McDonald.
10 Just reiterating what Mr. Dikes stated, the class is
11 not --

12 MS. PALMER: Has she been sworn?

13 MS. PLATT: Yes.

14 MS. McDONALD: Yes, I have.

15 MS. PALMER: Has she been sworn? Okay. Thank
16 you.

17 MS. McDONALD: Just following up on what she
18 was questioning, the class did not consist of just the
19 narcotics, or just the bomb, or just the law enforcement
20 side. So if you look at the website, it's not just
21 related to the law enforcement aspect.

22 And I don't know if it's been brought up, but
23 the original inquiry that we received was in August
24 about the licensure. It didn't happen just when Mr. --
25 is it Yarborough?

1 MR. DIKES: Yes.

2 MS. McDONALD: We were initially contacted
3 August 4th by Matt. So that's when, going on the
4 assumption that as long as we were in this, not
5 probation, but this period in which we submitted the
6 application, that we were okay, a grace period, I guess
7 we should say.

8 But that's all I have to include.

9 MR. DIKES: I have nothing else.

10 MS. PALMER: And I'm going to object to that,
11 because Matt is not testifying.

12 MS. McDONALD: Okay.

13 MS. PALMER: You can call Matt if you'd like to
14 call Matt.

15 MS. PLATT: Do you want to call Mr. Schmelzer
16 regarding any of the testimony she's just put on?

17 MR. DIKES: About him telling us we weren't
18 licensed? No, I think that pretty much communicated we
19 operated without a license, so.

20 MS. PLATT: She's objected to the testimony
21 that she just put on regarding the conversation with
22 Matt, because that's considered hearsay. So if you'd
23 like to put on Mr. Schmelzer to --

24 MS. McDONALD: Well, I had the conversation.

25 MS. PLATT: Correct. So what I'm saying is you

1 could call Mr. Schmelzer.

2 MR. DIKES: No. That's okay.

3 MS. PLATT: Okay. The Board, the Board --

4 MS. PALMER: Well --

5 MS. PLATT: The Board can hear hearsay
6 testimony. It just cannot rely on it in -- as a whole,
7 for you making a decision. So hearsay testimony is
8 allowed in these types of proceedings.

9 MS. PALMER: Well, I want to make clear what my
10 objection is.

11 MS. PLATT: Okay.

12 MS. PALMER: Mr. Dikes is testifying that he
13 was operating under a grace period. And his testimony,
14 combined with his assistant's, it appears to be that
15 Matt authorized you to operate under that grace period.
16 Am I understanding that correctly?

17 MS. McDONALD: Correct.

18 MS. PALMER: Okay. But Matt, you don't want to
19 Matt to testify as to that conversation?

20 MR. DIKES: Well, what I don't want is I don't
21 want Matt to come up here and say, "No, I didn't say
22 that," and for us to say we did. I think, that's where
23 the miscommunication comes in.

24 And the Board won't really need to hear what I
25 think and what Matt thinks. I think, you know, let's

1 not -- let's get away from pointing fingers and go with
2 this is what happened. Yes, we were operating out of
3 the license, without, without, you know, being within
4 the license.

5 On our side, it was a misunderstanding. I
6 could say things that Mr. Ingram told me on the phone,
7 and I could say things that Mr. Yarborough told me on
8 the phone. But I have no proof to back that up. So I
9 don't see it being of anybody's interest to prolong this
10 and call up people that we have no proof of what they
11 said, is my position.

12 MS. PALMER: And I'm confused, because this is
13 your appeal. You are appealing this citation that you
14 were advertising without a license. And yet everything
15 I'm hearing you say is that you are not. So I'm
16 confused about whether you are appealing something or
17 whether you are admitting and there is no appeal.

18 MR. DIKES: Okay. Well, yes, we were told, not
19 by just Investigator Matt, but I was also in a phone
20 conversation with Mr. Ingram. And it was clear to me
21 that I was okay to continue operating. And so that's
22 what we did. Until Mr. Yarborough called me and said,
23 "No, there is no grace period. You're in violation of
24 the law. You're getting a citation."

25 I have nothing in writing, or I have no proof

1 of that. My only, my only defense would be that, when
2 we were told to quit operating, by god, that day, we
3 did. Had we been told to quit operating back in August,
4 when this was first brought to our attention, by god, we
5 would have.

6 So, again, I have no proof, I have no proof of
7 that. So I don't want to get that a situation to where
8 we're trying to badmouth members of the staff or say,
9 "He said this," and, "No, I didn't." I just would like
10 to --

11 MS. PALMER: Mr. Dikes?

12 MR. DIKES: Yes, ma'am?

13 MS. PALMER: Okay. We're not saying that you
14 continued to operate. What we are saying is that you
15 continued to advertise, which is also a violation.

16 MR. DIKES: Well, that's the first time I've
17 heard of that. And I'll admit to that. We advertised.
18 But I didn't know that was a violation until just now.

19

20 DIRECT EXAMINATION RESUMED

21 BY MS. PALMER:

22 Q. Mr. Dikes?

23 A. Yes, ma'am?

24 Q. You received the Notice of Hearing that was
25 sent to you by registered mail, as well as by e-mail,

1 correct, that's Exhibit 4?

2 A. Yes, ma'am, I did receive that.

3 Q. And it specifically says "a violation of NRS
4 648.060, subsection 1, for providing and/or advertising
5 services as a dog handler without a license." Did you
6 read this notice?

7 A. Yes, I did. But I'm not advertising that I'm a
8 dog handler. I'm not advertising that I'm handling a
9 dog. I'm advertising to police and military units that
10 you can come here and receive training. I'm not
11 handling the dog.

12 Q. Okay. Mr. Dikes, would you please refer to
13 Exhibit 6.

14 A. Yes, ma'am.

15 Q. Which is what you said in your website?

16 A. Yes, ma'am.

17 Q. Would you, would you please read paragraph two.
18 It's just a single line.

19 A. This five-week course will provide the handler
20 and canine the skills necessary to perform in today's
21 challenging law enforcement environment.

22 Q. Okay. Can you tell me how that's not dog
23 handling?

24 A. Well, that absolutely is. But the title of the
25 statute is for me to get a license as a canine handler.

1 I'm not a canine handler anymore. I train the canine
2 handler.

3 So, I think, that's where, again, some
4 miscommunication has come up in regards to whether this
5 applies to my company or it doesn't. Because, you know,
6 after I get this license, if an opportunity comes up for
7 us to provide canine handlers at a venue in Nevada,
8 obviously, we're going to have the ability to do that,
9 which is good for my business. But that's not what
10 we're doing or have been doing up to this point.

11 MS. PLATT: Raelene, could --

12 MS. PALMER: Yes?

13 MS. PLATT: -- you call -- is there a number in
14 there, by chance, that phone? What is that phone
15 number?

16 MR. INGRAM: We're checking real quick.

17 Is there a phone number on here?

18 It looks like 3905, 486-3905.

19 MS. PLATT: Could we take a five-minute break,
20 please?

21 BOARD CHAIRMAN SPENCER: Sure. Five-minute
22 break.

23 * * * * *

24 (A break was taken, 11:26 to 11:29 a.m.)

25 * * * * *

1 MR. INGRAM: We're ready whenever you are,
2 counsel.

3 BOARD CHAIRMAN SPENCER: Are we on?

4 MS. PLATT: Is it?

5 BOARD CHAIRMAN SPENCER: Yes, we're on.

6 BY MS. PALMER:

7 Q. Mr. Dikes, can you tell me a little bit more
8 about the course of training and what happens during
9 that training? You said that you're training people to
10 train their dogs?

11 A. No, we're --

12 Q. Is that what you said?

13 A. We're not training people to train their dogs.
14 We're training law enforcement and military dog handlers
15 the basic application on how to handle a dog in their
16 environment, whether they're working as a peace officer
17 throughout the U.S. or a military handler going to an
18 overseas assignment.

19 Q. Okay. And what do you do; can you tell me more
20 about the course itself, the training that you provided?

21 A. Initially, we do a couple days classroom where
22 we teach the history of law enforcement and military
23 canine use, safety, a nose and tail inspection, first
24 aid, how to enter and exit our facilities, a lot of
25 safety talks.

1 And then we move into actually imprinting the
2 discipline into the dog. Where it's going to be a bomb
3 dog, then we expose that dog to 13 separate explosive,
4 real explosive odors, and imprint those odors. If it's
5 narcotics, we do the same with whatever controlled
6 substances the agency is requesting.

7 And then we move into following a protocol
8 established by the military and law enforcement
9 regarding protection work, where the dog is trained
10 through play and reward to protect their handler, go
11 into a building, look for a hidden suspect. If they're
12 asked to apprehend a suspect, then the dog, through
13 commands and play, they apprehend a suspect. And
14 they're also trained, if sent and told to stop, that
15 they return to their handler.

16 So over a five-week program for a dual purpose
17 or four-week for a detection dog, we stimulate the dog
18 and actually teach the handler on how, through nonverbal
19 expressions of his or her dog, that he can read that dog
20 and, for lack of a better term, understand or be able to
21 communicate with that dog when they're in certain odors,
22 on how they behave.

23 Q. So you're training the person in classroom in
24 the beginning, and then you're working with the person
25 and that person's dog, and that's what you moved over to

1 California; is that, is that a correct understanding of
2 what's happening?

3 A. No. When I -- oh. Yeah. But I mean we do
4 this, like I said, we do this all over the United States
5 and five different countries.

6 Q. That's not my question. That's not my
7 question. I want to understand what you were doing.
8 You were -- so you were in California. I understood you
9 to say, when you received the notice, that you then
10 moved over to California. And you said you did the
11 classroom work in Nevada, but you did the work involving
12 the dog in California?

13 A. Ma'am, I'm not disputing us operating in
14 Nevada.

15 Q. I'm just trying to understand.

16 A. When we --

17 Q. I'm trying to understand what it is that you
18 do.

19 A. Okay. When we got -- if I'm understanding you
20 correctly, when we got the notice that we were no longer
21 allowed to operate in Nevada outside of this license,
22 that there were no -- there was no grace period, my
23 question was, directed back to the staff, is what
24 portion of this are we not allowed to continue to
25 provide in Nevada? And it was made very clear to me it

1 was the protection work, that I could continue with my
2 detection and explosives, drugs, cadaver, any of those
3 areas, but the protection work is what's covered under
4 Nevada Revised Statute that I had to get a license for.

5 So the day we were notified --

6 Q. That's, that's what I'm trying to understand,
7 if you are training the individual with their dog.

8 A. Yeah, I'm training --

9 Q. I'm just trying to understand.

10 A. I'm training the individual with their dog.
11 But we do detection work separate from patrol and bite
12 work, which is what's covered under that --

13 Q. I understand that.

14 A. -- what's covered under --

15 Q. I understand that.

16 A. Okay. So the protection work, we would
17 actually schedule that and move that to be done in
18 California, so we were not continuing to be in violation
19 of Nevada Revised Statutes. So the portion that was
20 covered under NRS that said you can't do this in this
21 state without a license, we would schedule and move that
22 portion out of the state, when we conducted that during
23 this training.

24 Q. Okay. And then could you clarify for me what
25 that work was, what you were doing out-of-state, in

1 California?

2 A. Any type of bite work, where the dog's actually
3 directed to go bite a suspect, building searches, open
4 area searches, the guy runs from a stolen car, and you
5 send the dog to bite the guy, anything that's covered
6 under the Nevada POST requirements for a police dog,
7 under the patrol category, was all done outside of the
8 state of Nevada the day we were notified that we were in
9 violation.

10 Q. Okay. And so when you were training them, they
11 had their dogs there, and then did you show them how to
12 work with the dogs? Do you handle the dogs? Do they?
13 How does it work?

14 A. No, we -- we actually import the dogs from
15 Europe, Israel, Mexico. They come to Reno. These
16 agencies come here, select their dog. And once they
17 select their dog, that's their dog. We don't, we don't
18 handle their dog. We're training that handler on how to
19 properly handle their dog.

20 Q. Are they getting the dog from you? I'm
21 confused about that.

22 A. Yes, ma'am. Most of the time, they are
23 purchasing the dog from -- from me.

24 Q. And have you already trained the dog?

25 A. No.

1 Q. Somewhat?

2 A. No. The dog comes to us what we call green
3 tested, where we've done challenge, first steps,
4 gunfire, split floors, environmental. The dog's been on
5 a sleeve from wherever we buy the dog from, around the
6 world. They send us the dog. And at that point in
7 time, then police agencies, military units will come to
8 our facility, test the dogs that we have in our pool,
9 and then they'll purchase and select whatever dog they
10 want. They come back a couple, three weeks later and
11 begin the five-week training course, or four-week,
12 depending on the discipline.

13 MS. PALMER: Okay. Thank you. I'm satisfied.

14 MS. PLATT: Okay.

15 MS. PALMER: I don't know if he's rested his
16 case.

17 MS. PLATT: Do you have any witnesses?

18 MR. DIKES: I don't, no.

19 MS. PLATT: Do you have any rebuttal witnesses?

20 MS. PALMER: I think that I do, because, I
21 think, it'll come up anyway.

22 MS. PLATT: Okay.

23 MS. PALMER: Is Matt there?

24 MS. PLATT: He is.

25 MR. INGRAM: Yes.

1 MS. PALMER: Okay. I'd like to call Matt.

2 MS. PALMER: And Matt's already been sworn,
3 right?

4 MR. SCHMELZER: Yes, ma'am.

5

6 M A T T H E W S C H M E L Z E R,
7 having been previously duly sworn/affirmed,
8 was examined and testified as follows:

9

10 DIRECT EXAMINATION

11 BY MS. PALMER:

12 Q. You've heard the testimony here. So my
13 question is, did you, in fact, tells Mr. Dikes that
14 since he had an application in, that he could operate as
15 a dog handler under a grace period?

16 A. No, I did not. I never spoke to Mr. Dikes
17 until -- I believe, it was in February, when I advised
18 him that -- and I actually spoke to him and advising
19 that after I had heard from Bruce that a citation had
20 been issued.

21 Q. Okay. I just wanted to be clear, because
22 they -- my understanding is that you were the initial
23 person contacted on how the application should be
24 submitted. Are you saying you did not, you were not the
25 person that spoke with Mr. Dikes?

1 MS. PLATT: Counsel, that wasn't the testimony.
2 The testimony was that this woman here was the one that
3 had that original conversation.

4 MS. PALMER: Okay. Thank you. Thank you for
5 that clarification.

6 MS. PLATT: Sure.

7 BY MS. PALMER:

8 Q. Okay. So the first time that you -- did you
9 tell Mr. Dikes' assistant that they could operate under
10 a grace period?

11 A. No, I did not.

12 MS. PALMER: I'll pass the witness.

13 MS. PLATT: Do you have any questions for
14 Mr. Schmelzer?

15 MR. DIKES: No, ma'am.

16 MS. PLATT: Okay.

17 MS. PALMER: Okay. I'd like to call
18 Mr. Yarborough.

19

20 B R U C E Y A R B O R O U G H,
21 having been previously duly sworn/affirmed,
22 was examined and testified as follows:

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DIRECT EXAMINATION ON REBUTTAL

BY MS. PALMER:

Q. Did you at any time have a conversation with Mr. Dikes when you told him that he could operate as a dog handler or that he could continue his operation, because he had an application in, before he was licensed?

A. No.

MS. PALMER: I'll pass the witness.

MS. PLATT: Do you have any questions for him?

MR. DIKES: No.

MS. PLATT: Do you have any further rebuttal witnesses?

MS. PALMER: I'd like to call Mr. Ingram. And if he can stay there, it would be easier for him.

MS. PLATT: Okay.

K E V I N I N G R A M,
having been previously duly sworn/affirmed,
was examined and testified as follows:

DIRECT EXAMINATION

BY MS. PALMER:

Q. I have the same question for you, Mr. Ingram. Did you at any time tell either Mr. Dikes or his

1 assistant that he could operate in his capacity as he
2 had been operating, prior to having a license?

3 A. Absolutely not.

4 MS. PALMER: I'll pass the witness.

5 MS. PLATT: Do you have any questions for
6 Mr. Ingram about anything?

7 MR. DIKES: No.

8 MS. PLATT: Do you have any further witnesses?

9 MS. PALMER: No.

10 MS. PLATT: Do you have any further witnesses?

11 MR. DIKES: No.

12 MS. PLATT: Do you rest your case?

13 MR. DIKES: Yes, ma'am.

14 MS. PLATT: Do you, do you rest your case?

15 MS. PALMER: Yes.

16 MS. PLATT: Do you have any closing argument?

17 MS. PALMER: Yes.

18 Mr. Chairman, members of the Board, Mr. Dikes
19 was cited, pursuant to NRS 648.165, for a violation of
20 NRS .060, section 1, for advertising as a dog handler
21 prior to being licensed.

22 He has testified that he did that. And after
23 notification of the citation, he continued to advertise
24 on his website as late at February 2nd, 2015.

25 Therefore, the citation that he received was,

1 in fact, a good citation. He's testified that he was,
2 in fact, training and doing things that, I think,
3 qualify as a dog handler under NRS .0065. And,
4 therefore, I think that the evidence that you have
5 before you shows that he did, in fact, violate that
6 portion of the NRS.

7 MS. PLATT: Do you have any argument?

8 MR. DIKES: Yes.

9 Chairman, members of the Board, like I said
10 when I first started, we weren't trying to do anything
11 outside of the law.

12 I would say that not just hearing this here
13 today, but also hearing it from probably every member of
14 the staff that you've just talked to -- we are new to
15 Nevada. We are unique. I was told that there would be
16 delays on behalf of the Board, because they didn't know
17 how to test us, they didn't know how the testing
18 proceedings would take place, this had to be decided on,
19 and which continued to create delays. Obviously, my
20 knee surgery created some delays on our part.

21 Mr. Yarborough used the word, and I've used the
22 word, misunderstanding, which, I think, is very
23 appropriate in this case.

24 And like I told you, told you folks, it's not
25 the money for me. It's the fact that I just want you to

1 know that VCSI and Buckley Dikes was not trying to do
2 anything outside of the law. It was merely -- and
3 ignorance is no excuse. But our understanding stands as
4 we were working under a grace period.

5 And that's all I have.

6 MS. PLATT: My apologies. Did the Board
7 members have any questions for any of the testimony that
8 you have heard today?

9 BOARD MEMBER ZANE: I have nothing.

10 MS. PLATT: No?

11 BOARD MEMBER COLBERT: (Shook head negatively.)

12 MS. PLATT: My apologies.

13 MS. PALMER: I have a rebuttal statement.

14 MS. PLATT: Okay.

15 MS. PALMER: A rebuttal closing.

16 MS. PLATT: Sure.

17 MS. PALMER: The larger concern is the fact, I
18 mean, I think that the fact that Mr. Dikes has come
19 forward and has said, "Yes, I violated the statute," is
20 definitely to his credit.

21 The concern that I have is that he indicated
22 that either he or his staff spoke to three different
23 members of this Board's staff and that all three of them
24 told him that he could operate under a grace period
25 while his license was pending, which, in fact, would be

1 an inaccurate citation of the Board's practices and the
2 law, and yet he chose not to call them as witnesses or
3 question them after all three of them testified that
4 that conversation didn't take place.

5 And, and with that, I'll close.

6 MS. PLATT: Any rebuttal?

7 MR. DIKES: We could rebuttal all day, but I
8 have things to do, and I'm sure you do, too. So I will
9 leave it at that.

10 MS. PLATT: So now it comes to the Board, and
11 you have -- you can either uphold the citation or find
12 that it's not warranted. You could withdraw the
13 citation. So it's to the Board at this point.

14 BOARD CHAIRMAN SPENCER: Comment, as a Board
15 member. As a Board member, I find that Mr. Dikes has
16 been more than forthcoming with his testimony regarding
17 what actually happened and has admitted, in fact, that
18 he did it, which puts him in a vast minority of the
19 people who appear before us. Nevertheless, he is in
20 violation.

21 And I would call for any other Board comments.

22 Mark, do you have anything?

23 BOARD MEMBER ZANE: Nothing. I have no
24 comment.

25 BOARD MEMBER COLBERT: No.

1 BOARD CHAIRMAN SPENCER: I guess, it's proper
2 now to call for a vote.

3 MS. PLATT: Motion.

4 BOARD CHAIRMAN SPENCER: Motion from anyone?

5 BOARD MEMBER ZANE: Mr. Chairman, I'd move that
6 the citation, number C-011-15, issued to Buckley Dikes,
7 be upheld.

8 BOARD MEMBER COLBERT: Second.

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

11 Aye.

12 BOARD MEMBER COLBERT: Aye.

13 BOARD MEMBER ZANE: Aye.

14 BOARD CHAIRMAN SPENCER: Opposed?

15 Hearing none, it carries.

16 MS. PALMER: Thank you, Mr. Chairman, members
17 of the Board.

18 BOARD CHAIRMAN SPENCER: All right.

19 MS. PLATT: Okay.

20 BOARD CHAIRMAN SPENCER: The next thing we have
21 is under canine handlers, a fellow by the name of
22 Buckley Dikes, who's applying for an individual canine
23 handler's license.

24 Why don't you give us a brief background of
25 yourself and your qualifications for this licensure.

1 MR. DIKES: Okay. At 17, I joined the Marine
2 Corps and got involved with the infantry and also
3 explosives. I was an explosive ordnance handler for the
4 86th Intruders. I did almost five years of active duty
5 in the Marine Corps.

6 When I got out, I became a law enforcement
7 officer and, 1988, became involved with the canine, law
8 enforcement canine, and worked my way up the ranks and
9 had 14 years successful law enforcement experience as a
10 trainer, as the consultant for the League of Cities, and
11 taught courses and developed courses throughout the
12 U.S., mainly in California, where I was an active law
13 enforcement officer.

14 BOARD CHAIRMAN SPENCER: Where in California?

15 MR. DIKES: Shasta County. I had a short stint
16 here as the Pyramid Lake police chief back in '92 and
17 realized I needed to go back to California right quick.

18 And, mainly, my law enforcement career was
19 focused on our products and canine. I retired from
20 service in 2002 and had the opportunity to take a job as
21 a Department of Defense contractor in Iraq in '05. I
22 spent '05 and '06 in Iraq handling and training teams to
23 find bombs and people. Came back home 2006, got a job
24 working at the Las Vegas Convention Center as a dog
25 handler for VIPs, doing VIP sweeps, did that for a

1 couple of months and was hired then to be the country
2 director for all canine operations in Afghanistan. And
3 I found myself in Afghanistan in '06, and I was there
4 until pretty much February of 2011.

5 While in Afghanistan, in '07, I started a
6 company called Vigilant Canine Services that was based
7 in Afghanistan and nowhere else, and during that time,
8 shortly after starting the business, was awarded a NATO
9 contract, which was a huge opportunity for us. We had
10 all of the NATO dogs, contract working dogs throughout
11 Afghanistan. And we had that contract for the last six
12 years, which just recently ended.

13 In 2010, I was contacted by police agencies in
14 the United States saying they were having a hard time
15 getting quality police dogs. We had actually purchased
16 and set up there in South Africa. And so we started
17 importing a few dogs here into the U.S. for select
18 police agencies. And that turned into a lot of trade
19 show opportunities for us, as far as me doing some
20 speaking and training, corporate levels here in the
21 U.S. -- some of our clients are big-name corporations
22 within the U.S. -- for their VIPs and so on.

23 And, you know, we got the attention of ATF, we
24 got the attention of the FBI, which we've trained and
25 sold dogs to those agencies as well, and was looking for

1 an area to set up a corporate HQ, international
2 headquarters. So we moved to California. And due to
3 taxes and other issues there, our LOC was always out of
4 Las Vegas. Because when we started in -- when I started
5 the company, I was never there, but I had a house in
6 Las Vegas. And so it made sense to get our LOC here.

7 And when we started looking to relocating, we
8 found Reno. And this area welcomed us with open arms.
9 And we've pretty much been here since July of 2014.

10 BOARD CHAIRMAN SPENCER: Members of the general
11 public may comment on this agenda item before the Board
12 takes action on this item.

13 Nobody here.

14 MR. INGRAM: No comment in the south.

15 BOARD CHAIRMAN SPENCER: All right. Let's
16 continue here.

17 Board questions?

18 BOARD MEMBER ZANE: Yes, sir, I have a
19 question.

20 You'd indicated that the -- in the prior
21 hearing, that just concluded, about the
22 miscommunications that existed. Could you expand on --
23 you know, basically, what I'm -- I'm trying to
24 determine, based upon the activities here, the -- your
25 level of integrity. Can you tell me, expand about your

1 miscommunication between yourself and the staff that can
2 make me conclude that that's absolutely what the
3 situation was and that I'm not dealing with somebody
4 that's trying to pull the wool over my eyes?

5 MR. DIKES: Well, to be perfectly honest with
6 you, I haven't been upset in this meeting until you
7 mentioned my integrity being in question. Now I'm a
8 little bit upset.

9 I have never had anybody, I have never had
10 anybody question my integrity. I carry secret
11 clearances for our government. I served and fought for
12 this country. And I continue to do so. So my integrity
13 has never been called into question.

14 I think, coming into this meeting and saying,
15 "Hey, I'm not going to point my finger at Mr. Ingram and
16 say, 'Hey, you never told me to stop operating,' and,
17 'Matt, you told me this,' and, 'Mr. Yarborough, you told
18 me that,'" should be enough to show you my integrity
19 level. I'm not here to look -- make anybody look bad.
20 I'm here to try to operate legally within the State of
21 Nevada. And, I think, my integrity has nothing to do
22 with -- or questioning my integrity should have nothing
23 to do with that.

24 So that would be my response.

25 BOARD MEMBER ZANE: It's the basis of

1 provision, providing this Board with a determination
2 about character and practice, which is contained in the
3 statute.

4 MR. DIKES: Mr. Yarborough, I think, did a very
5 detailed investigation on me, as required. And if he
6 found anybody that had any question regarding my
7 integrity, I think, you probably would already have that
8 information. But I would be very comfortable in telling
9 you that I would be surprised if he did.

10 Like I stated when I sat down here, in my
11 opinion, it was a misunderstanding. Do I agree with the
12 Board upholding, upholding the citation? Absolutely
13 not, I don't. With everything in me, I don't agree with
14 it. But that's the decision that's been made today.

15 I know the things that were said to me. I was
16 told I better show up with a fat check before I come to
17 this meeting today or I wasn't going to get my license.
18 Again, I have nothing in writing. I can't prove that.
19 I had one of these folks in this room hang up on me
20 during a conversation.

21 Those are, those are things that really don't
22 matter, sir. Because it's my word against their word.
23 And nobody's going to come in here and say, "Yeah, you
24 know what, I hung up on Mr. Dikes," or, "Yeah, I told
25 Mr. Dikes that, you know, he needs to show up with a fat

1 check." Very unprofessional. I agree. But I'm not
2 sitting here pointing my fingers and saying, "You said
3 this," or, "You said that."

4 I'm here to do what I need to do to be in
5 compliance with the law, so I can provide the services
6 that my company provides to law enforcement and military
7 units. If that decision is made today that I'm not
8 going to be licensed, then I will be packing up my
9 \$6 million business and going to another state that will
10 allow me to do that.

11 But my integrity should have nothing to do with
12 being questioned here, because I have nothing, I've done
13 nothing for you or anybody else to question my
14 integrity.

15 BOARD MEMBER ZANE: Well, I have the right, as
16 a Board member protecting the public safety of the
17 citizens of Nevada, to inquire about anybody's
18 integrity. I didn't do anything to question it. I
19 inquired about it.

20 MR. DIKES: Okay. And you have my response,
21 sir.

22 BOARD MEMBER ZANE: Thank you.

23 MR. INGRAM: Mr. Chairman, if I may interject.

24 BOARD CHAIRMAN SPENCER: Please.

25 MR. INGRAM: Kevin Ingram. First of all --

1 BOARD MEMBER ZANE: I don't think, I don't know
2 that that's appropriate at this point.

3 MR. INGRAM: Okay.

4 BOARD MEMBER ZANE: Because, I think, we're at
5 the point where we're going to consider the motion.

6 MR. INGRAM: Well --

7 BOARD MEMBER ZANE: I'm sorry. Go ahead. I
8 thought we already made a motion. Never mind. I
9 thought we were just in the Board discussion in support
10 of the motion. I'm sorry.

11 MR. INGRAM: I'd just like to respond to
12 Mr. Dikes. He's alluded several times the conversation
13 with me.

14 To the best of my recollection, the only
15 conversation I had with Mr. Dikes was when he was asking
16 specific questions about licensure. At no time was it
17 discussed that he was currently providing services. Had
18 I been aware of that during the conversation, I would
19 have given the cease and desist immediately, with a
20 citation following.

21 So the conversation that I had with Mr. Dikes
22 was strictly in questioning how he went through the
23 licensure process.

24 And I just wanted that on the record. Because
25 when integrities are being questioned, you know, I want

1 to make sure that everything is represented correctly.

2 Additionally, if Mr. Dikes was treated by any
3 one of my staff members incorrectly or unprofessionally,
4 I would expect that he would let me know that, so that I
5 can address those issues. In no way would I allow for
6 any inappropriate or unprofessional conduct to take
7 place in our office. And, I think, the Board would hold
8 me accountable for that.

9 BOARD CHAIRMAN SPENCER: That's right.

10 MR. INGRAM: So, you know, that's, that's an
11 open invitation to follow up after this. But I just
12 want to go on the record, the only conversation we had
13 was specific to licensing requirements.

14 Thank you.

15 BOARD CHAIRMAN SPENCER: Thank you.

16 Mark, do you have any more questions?

17 BOARD MEMBER ZANE: No, thank you.

18 BOARD CHAIRMAN SPENCER: Do you?

19 BOARD MEMBER COLBERT: (Shook head negatively.)

20 BOARD CHAIRMAN SPENCER: Okay. I'll entertain
21 a motion.

22 BOARD MEMBER COLBERT: Mr. Chairman, I'd ask
23 that Buckley Dikes, who is applying for his individual
24 canine handler's license, be approved, and this be
25 subject to all statutory and regulatory requirements.

1 BOARD CHAIRMAN SPENCER: Second.

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

4 MS. PLATT: Any discussion?

5 BOARD CHAIRMAN SPENCER: Excuse me?

6 MS. PLATT: Discussion.

7 BOARD CHAIRMAN SPENCER: Any discussion on the
8 motion?

9 BOARD MEMBER ZANE: I have nothing.

10 BOARD CHAIRMAN SPENCER: As I said before, a
11 motion and a second. All in favor, signify by --

12 BOARD MEMBER ZANE: Mr. Chairman, do we have
13 public? Do we have any public comment?

14 MS. PLATT: We've already asked for that.

15 BOARD MEMBER ZANE: No? Okay. Okay.

16 BOARD CHAIRMAN SPENCER: Where was I?

17 MS. PLATT: All in favor.

18 BOARD CHAIRMAN SPENCER: Motion and second.

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

20 Aye.

21 BOARD MEMBER COLBERT: Aye.

22 MS. PLATT: All opposed.

23 BOARD CHAIRMAN SPENCER: Opposed?

24 BOARD MEMBER ZANE: Aye.

25 BOARD CHAIRMAN SPENCER: All right. The motion

1 carries.

2 Congratulations.

3 MR. DIKES: Thank you, sir. Thank you, Board.

4 The question I have is when can we actually
5 operate? Do we have our license as of today?

6 BOARD CHAIRMAN SPENCER: Are your fees paid?

7 MR. DIKES: Yes, sir.

8 BOARD CHAIRMAN SPENCER: Okay. Do the --

9 MS. PLATT: Kevin, when can he start?

10 MR. INGRAM: License, license will be issued in
11 three to five working days. We will notify you. We
12 will e-mail you your license, as well as mail out the
13 original certified to you. So as of right now, you
14 still are not officially licensed. There's some
15 paperwork that needs to be taken care of. But we will
16 be in contact with you no later than the end of next
17 week.

18 MR. DIKES: So am I to understand that I cannot
19 operate until I have that license in my possession?

20 MR. INGRAM: That is correct, because a license
21 number has to be assigned to you, which is an
22 administrative process. So, again, within three to five
23 business days, you will be able to operate and advertise
24 at that time.

25 So in your best interest to cease and desist

1 advertising at this moment, as well as activities. And
2 then we will notify you. On occasion, it's faster than
3 that. But I want to give you an example of three to
4 five days for administrative processing.

5 MR. DIKES: Okay.

6 BOARD CHAIRMAN SPENCER: Why don't you make a
7 call, Kevin. And can you give him the license number,
8 and that'll allow him to work?

9 MR. INGRAM: Absolutely. Well, that's what I'm
10 saying. We'll actually e-mail him, so he has his copy
11 of his license and his license number, so he has
12 something, hard copy in his hand, with the original then
13 to follow in the mail.

14 BOARD CHAIRMAN SPENCER: All right.

15 MR. INGRAM: But we can call as well,
16 absolutely.

17 BOARD CHAIRMAN SPENCER: Okay. Thank you.

18 MR. INGRAM: You're welcome.

19 BOARD CHAIRMAN SPENCER: Let's take a
20 five-minute break.

21 * * * * *

22 (A break was taken, 11:59 a.m. to 12:06 p.m.)

23 * * * * *

24 BOARD CHAIRMAN SPENCER: Yeah, let's get going,
25 then, not as though we have a lot of normal stuff to do.

1 I suppose I need to read this public comment
2 thing again.

3 Under Public Comment, members of the general
4 public may comment on matters appearing on the agenda
5 and may bring matters not appearing on the agenda to the
6 attention of the Board. The Board may discuss the
7 matters not appearing on the agenda, but may not act on
8 the matters at this meeting. If the Board desires, the
9 matters may be placed on a future agenda for action.

10 (To the Reporter) I'm sorry.

11 Public comments may be limited to five minutes
12 per person at the discretion of the Chairman but will
13 not be restricted according to viewpoint.

14 (To the Reporter) I'm sorry about that. I
15 didn't mean to be so fast.

16 We're down to --

17 MR. INGRAM: We have no public.

18 BOARD CHAIRMAN SPENCER: What's that?

19 MR. INGRAM: We have no public.

20 BOARD CHAIRMAN SPENCER: We have no public,
21 either. We have no food, no public.

22 MR. INGRAM: No public comment.

23 MS. KLEMME: No coffee.

24 BOARD CHAIRMAN SPENCER: Hey, Mark.

25 BOARD MEMBER ZANE: Mr. Chairman, I'd move we

1 adjourn.

2 BOARD CHAIRMAN SPENCER: Second.

3 All in favor?

4 Aye.

5 BOARD MEMBER COLBERT: Aye.

6 BOARD MEMBER ZANE: Aye.

7 BOARD CHAIRMAN SPENCER: Okay.

8 * * * * *

9 (The meeting adjourned at 12:07 p.m.)

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REPORTER'S CERTIFICATE

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

That I was present at the Office of the Attorney General, 100 North Carson Street, Mock Court Room, Carson City, Nevada, on Thursday, March 5, 2014, at 9:00 a.m., and commencing at 9:03 a.m. took stenotype notes of a meeting of the State of Nevada Private Investigator's 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 135, 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 23rd day of March, 2015.

SHANNON L. TAYLOR
Nevada CCR #322, RMR