

PRIVATE INVESTIGATORS LICENSING BOARD
PUBLIC WORKSHOP
MINUTES
CARSON CITY/LAS VEGAS
April 17, 2012

1. Executive Director Ray called the workshop to order at 9:00 AM. She requested all those present to sign the attendance sheet and asked that each speaker please state their name for the record and that only one person speak at a time. She also asked anyone speaking to follow up by email with any comments made at the workshop today. She said a copy of all written statements will be provided to the Board members for discussion at the June 2012 meeting. She briefly explained each of the items listed on the agenda and that the purpose was to solicit public comment on all agenda items. The Board and industry requested that we have workshops and Board legislative “work” sessions in order for the Board to be able to take a position on any proposed amendments brought forward from the industry. Executive Director Ray also noted Board member Zane was present for the workshop.
2. She asked for public comment with regard to a proposed amendment brought forward by the Nevada Investigator’s Association. Leon Mare spoke about the addition of #6 to the definition of Private Investigator with regard to computer investigations. He said that there were many companies providing this service and it was creating a hardship for him because they are not licensed. He explained that this addition to NRS 648.012 was taken from the Texas definition. Michael Yepko commented on information being provided by Las Vegas Justice Center to unlicensed individuals and felt that the Board needed to look into the matter. He suggested that the Justice Center employees should require identification from those individuals requesting information. Mike Kirkman then commented on the other proposed amendments to NRS submitted by the Nevada Investigators Association. He explained that these amendments would strengthen the control that the Board would have over out of state licensees. Michael Yepko commented that there should be additional language with regard to the section that addressed “room or rooms” and thought that it should be very clear that a licensee could not utilize a virtual office, mail drop etc. There were no other comments with regard to the Association’s proposed amendments. Executive Director Ray asked for comments on the retention schedules. Someone asked retention schedules for what purpose. She explained that this topic had also come up at a previous meeting and the Board thought there should be some language possibly added to the regulations. This could be for the length of time that

investigators needed to maintain their investigative reports to employee records. She said that the State has specific retention of certain types of documents that agencies must follow. She explained that the office on occasion does receive calls asking and because there is not anything in 648 that addresses this issue she has referred them to follow IRS guidelines or law enforcement. Darryl Cronfeld reminded Director Ray that this had come up during the work card regulation work shop and that there are federal laws and IRS guidelines in place for this. Mr. Maheu stated that federal and state are 10 years. Mr. Michael Yepko was listening to all the comments and said hiding behind a PO Box made it very difficult to effect process. He felt there should be a local address and records should be in one place. Executive Director Ray stated for the record that two letters of concern to the proposed amendments were received from out of state licensees who do not employ individuals physically located within the state of Nevada. She then moved on to another amendment to NRS submitted by a licensee. The individual who submitted the amendment was not present for the meeting. She read the proposed amendment into the record. J Chapin commented that the amendment already falls in line with the current civilian law. There were no other comments. She asked if there was anyone present to discuss Canine Handlers. There was no one present and no comment.

3. Executive Director Ray explained that the proposed amendments were discussed at several meetings of the Board and had been provided to the Legislative Counsel Bureau for their review. Once the "edited" language was received they would be scheduled for a public hearing and possible adoption by the Board. Darryl Cronfeld commented that the amendment to NAC 648.260(2); "may" should be changed to "shall". Mike Kirkman said that everyone should support the amendments to NAC 648.280. She asked the attendees if anyone had any proposed language they would like to bring forward for discussion that had not been previously discussed by the Board. There was none.
4. Executive Director Ray explained Investigator Whatley had facilitated two sub-committee meetings with regard to the Certified Firearm Regulations. There were several CFI's in attendance. Executive Director Ray read through each section of the proposed regulations; and asked for public comment after each section. J Chapin commented with regard to removing the exemption for law enforcement that the intent was not that they did not respect the law enforcement community, but wanted to bring everyone into compliance. He was in support of the exemption allowing those instructors who work on federal property or under federal contract (648.346 sub 7) so long as the CFI card was confiscated if the employee was no longer employed with the licensee. There was other support for the exemption so long as the card was confiscated. There was a question as to whether or not we needed to amend the NAC to include an ADA exemption or let the

CFI determine ADA compliance on a case by case basis. George Heaven commented that there was nothing in the regulations that addressed a B27 target. Investigator Whatley explained that it was in the curriculum listed with each drill. He said he observes other instructors utilizing “bulls eye” targets and not B27 targets. Richard Bryant said he would like to have an exemption to allow for the military that would allow them to function with their contracted obligations with the federal government and comply with the state. George Heaven explained that we were trying to raise the standards for the industry and if they were providing more training than what the state required it should not be an issue for them. Lenny Davis commented that the exemption from the Board would not be that difficult to obtain and what was being proposed was a good compromise. Executive Director Ray asked if in the sub-committees it was discussed whether or not existing firearm instructors would be required to take the written exam and skills test. Investigator Whatley said that it wasn’t discussed. Lenny Davis and Earl Costello said that it was implied that they would be grandfathered in. There was discussion with regard to the security guard card and if a firearm instructor applied for certification and the work card within a reasonable amount of time they would not be required to be fingerprinted twice. There was also discussion with regard to the Verification of Employment Form. Investigator Whatley explained that originally in the sub-committee meetings they were hoping to do away with it but that they would not be able to at this time. J Chapin had some questions with regard to being able to carry his firearm at all times due to him being a certified firearm instructor and “in the course of his business”. He was told that staff would respond to his questions independent of the meeting. One e-mail in opposition to the exemption portion of the amendment to NAC was received.

5. Executive Director Ray raised the issue of mandatory training with regard to the security industry. She explained that the Board had discussions at a few meetings and that a company had provided a demonstration of a product that offered on-line security training. Darryl Cronfeld said that he had tested the program and was not pleased with the product. He asked the question if it was necessary, and answered it; yes and no. He said there would be licensees who would be opposed to training due to the level of security services they provide. He said he developed a program that he uses that consists of 12 hours of training; 2 hours on powers of arrest; 2 hours customer service and public relations; 2 hours document/report writing; 4 hours liability and legal; and 2 hours of communicating. He says this can be accomplished for approximately \$35 and that it is important given the industry and the compensation of guards that the cost is affordable. He explained that the way this works is 4 hours are required immediately with the additional 8 hours being allowed 30 days to complete. Once the 12 hours are complete, they pay the fee and then

take the exam. He said he also thought it was important to offer elective courses. David Payne said expressed that he was not interested in internet based training. That he prefers to know the person and would not rely on the internet to determine if someone has been properly trained. Executive Director Ray asked him if he was opposed to training in general or would he prefer to do the training, or a classroom setting. He said he would utilize classroom instruction for training. George Heaven said that he provided training in many areas; report writing, defensive tactics etc. He said that there would be courses that the Board could approve in various areas.

6. Executive Director Ray asked if Board member Zane wanted to weigh in on any proposed amendments. He began with asking how the attendees felt about requiring a bond as part of the application process. He explained that as a Board member they see information concerning an applicant's financial situation and are required based upon that information alone to determine if they should be granted a license. He felt that if they were required to obtain a bond early on in the process that would assist the Board in making a more informed decision as to the applicant's financial stability. He cited some other agencies who require a bond prior to the licensing and thought it would be beneficial. Darryl Cronfeld thought it was an excellent idea. He said that certain questions should be asked of applicants. He said licensees run a business into the ground and then there are debts not paid and employees who get burned and losses in wages. He asked Board member Zane who gets paid when there is a bond in place. Board member Zane said that he thought you get in line as a claimant. There was discussion as to what type of bond Board member Zane would propose to require. He explained that it would be a surety bond and it would be part of the application process and not a requirement for licensees in addition to the insurance they currently are required to carry. He further explained that as part of the licensing application process they review experience, criminal history and financial information, this would be included as a qualifying event as part of the application and would assist the Board in making their determination as to suitability for a license. David Groover posed the question to Board member Zane that if this was a requirement would it price the new applicants out of starting a new business. Board member Zane explained that they review applicants who can barely scrape by and this would be a requirement that would demonstrate their financial stability.

Board member Zane asked the attendees if they had any comments with regard to amending the NRS with regard to the statutory amount of hours required for Process Servers to 10,000 hours. He explained that due to the judgment, knowledge and responsibility given them they should adhere to the same requirements as the other categories that are licensed by the Board. Michael Yepko agreed with Board member

Zane's comments. Mike Kirkman said that the Nevada Private Investigator Association would support such an amendment. Board member Zane raised the issue about verification of hours; raising the minimum insurance requirement and stated that he had other administrative "stuff" and evidentiary proceedings issues that he was working on. Attendees were concerned about raising the insurance requirement; but did say that they did not think insurance companies were writing policies for the minimum amount required pursuant to statute. Executive Director Ray agreed and said that staff does not see certificates come into the office at \$200,000. Board member Zane asked if there was an appetite for impound requirements for non – licensed activities. The attendees present at the meeting liked the idea in principal. Board member Zane referred them to other agencies statutes and regulations so they could see where he was coming from. He also wanted to discuss raising the amount of fees for violations issued to licensees for non-compliance and exploring the possibility of having a hearings officer to hear disciplinary matters and appeal hearings. There was discussion with regard to amending the NRS 648.157 to expand it for purposes other than insurance related cases. David Groover explained that the Board tried to repeal the statute previously and that the Legislative Counsel Bureau declined to have it removed.

Executive Director thanked everyone in attendance for their participation

The meeting was adjourned approximately at 12:30