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

Thursday, March 18, 2010
9:00 a.m.

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

Videoconferenced From:
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

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Board Members Present in Carson City:

Jim Nadeau
Richard Putnam
Robert Uithoven

Also: Jeffrey D. Menicucci
Deputy Attorney General
Prosecutor

Kristen Geddes
Deputy Attorney General
Board Counsel

Tammy Whatley
Investigator

Joe Dupuis
Investigator

Other Participants in Carson City:

John Arrascada, Esq.

Board Members Present in Las Vegas via
Videoconferencing:

David Spencer, Chairman
Mark Zane

Also: Mechele Ray
Executive Director

Colin Murphy
Compliance Investigator

(continued...)

1 Other Participants in Las Vegas:

2 Mace Yampolski, Esq.
3 James Thomas
4 Steven Quinn
5 Benjamin Childs, Esq.
6 Peter Maheau
7 Pamela Lawson, Esq.
8 Kyle Hardy
9 Vagram Gevorkian
10 Alex Castillo
11 Ms. Castillo (Alex Castillo's mother)
12 Robert Norfleet
13 Michael Yepko
14 Darryl Cronfeld
15 Richard Brough
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1 CARSON CITY, NEVADA, MARCH 18, 2010, 9:25 A.M.

2 -oOo-

3 BOARD CHAIRMAN SPENCER: All right. Today's
4 meeting predominantly has to do with issues of appeals
5 on citations issued by our investigators to the various
6 individuals.

7 The second part is the appeal process, item
8 numbers 5 through 12, represent ongoing efforts to
9 update and more professionalize the --

10 MR. MENICUCCI: Mr. Chairman?

11 BOARD CHAIRMAN SPENCER: Yes?

12 MR. MENICUCCI: Could you adjust your
13 microphone. The stenographer is having difficulty
14 hearing you.

15 THE REPORTER: Thank you.

16 BOARD CHAIRMAN SPENCER: Is that any better?

17 THE REPORTER: Okay. Thank you very much.

18 BOARD CHAIRMAN SPENCER: Okay.

19 THE REPORTER: The second part of today's
20 meeting, you started to talk about.

21 BOARD CHAIRMAN SPENCER: Okay. Will have to do
22 with the registration of appeal hearings. It's still a
23 work in progress. We're trying to come up with the best
24 way of handling those issues as they arise with the new
25 program that's in place where we are issuing, or the

1 Board staff is issuing work cards for everyone.

2 So it's a continuing process. And, you know,
3 sooner or later, it's going to be, hopefully, a very
4 quick, easy application of that issue.

5 Roll call of board members.

6

7

AGENDA ITEM 1

8

ROLL CALL

9

10 MS. RAY: Board Member Uithoven?

11 BOARD MEMBER UITHOVEN: Present.

12 MS. RAY: Board Member Putnam?

13 BOARD MEMBER PUTNAM: Present.

14 MS. RAY: Board Member Nadeau?

15 BOARD MEMBER NADEAU: Here.

16 MS. RAY: Board Member Zane?

17 BOARD MEMBER ZANE: Here.

18 MS. RAY: Chairman Spencer?

19 BOARD CHAIRMAN SPENCER: Here.

20 All right. We have an update on previously --
21 previous disciplinary hearings.

22 MR. MENICUCCI: Mr. Chairman, was there a
23 holdover of public comment from yesterday, or is that
24 going to be taken at the end?

25 BOARD CHAIRMAN SPENCER: Oh, that's right.

1 Yesterday we talked about having some public comment
2 given before it's all over with. Is anyone interested
3 in making any public comment?

4 MR. YEPKO: I'll wait till the end.

5 BOARD CHAIRMAN SPENCER: Okay. All right.

6 MR. QUINN: Is this for yesterday's meeting,
7 sir, on the comment?

8 BOARD CHAIRMAN SPENCER: No, this is for today.

9 MR. QUINN: Oh. Because I would like to speak
10 on item number 2.

11 BOARD CHAIRMAN SPENCER: Today's item number 2.
12 Okay.

13 Is Jim Thomas here, James Thomas? Oh, yes,
14 he's right here. So we're going to do an update.
15 Please come forward.

16 MR. THOMAS: Do you want us to come up or stay
17 here?

18 BOARD CHAIRMAN SPENCER: Whatever is
19 comfortable for you. You have a better chance of being
20 heard if you're up here.

21

22 AGENDA ITEM 2

23 JAMES THOMAS, DBA JIM THOMAS & ASSOCIATES

24

25 MR. YAMPOLSKI: Good morning, Mr. Menicucci and

1 the Board up there. I'm here with Mr. Thomas.

2 The update is where the federal lawsuit is
3 involving Mr. Thomas. The discovery process is
4 continuing. It will be complete on April 16th.

5 Mr. Thomas is deposed on April 13th. There are motions
6 that have been filed which will affect the scope of the
7 claims against Mr. Thomas. They are under advisement.

8 So that's where it is right now. Based on the
9 fact that he's being deposed on the 13th, and the
10 discovery process will be closed, hopefully the motions
11 will be decided prior to the September meeting. And, I
12 believe, we had anticipated going forward and resolving
13 this matter at the September meeting.

14 So that's where we are.

15 BOARD MEMBER ZANE: Mr. Chairman, my
16 recollection was that it was requested after we
17 determined that we are going to go forward to the June
18 meeting.

19 MR. YAMPOLSKI: Oh, was it June? I thought it
20 was September. Maybe I misspoke.

21 BOARD MEMBER ZANE: It would be, it would be my
22 inclination to -- to administratively not allow this
23 matter to move beyond that point and that we direct
24 staff to be ready to proceed at the June meeting. Of
25 course, you're free to get a protective order from the

1 federal court that we'd have to abide by. But this
2 matter has been lingering too long, and administratively
3 we need to have it heard and make a decision.

4 MR. YAMPOLSKI: And what day is the June
5 meeting?

6 BOARD MEMBER ZANE: Just a second.

7 MS. RAY: I think, it's the 17th or the 18th.
8 I will notify you.

9 MR. YAMPOLSKI: You will notify me?

10 MS. RAY: Yes.

11 MR. YAMPOLSKI: Okay.

12 BOARD MEMBER ZANE: It was my inclination not
13 to allow it to go past that point and that we set it for
14 hearing and be ready to proceed.

15 BOARD CHAIRMAN SPENCER: Any other Board
16 comment?

17 BOARD MEMBER NADEAU: Was that a motion,
18 Mr. Chairman?

19 BOARD CHAIRMAN SPENCER: I'm sorry?

20 BOARD MEMBER NADEAU: Was that a motion?

21 BOARD CHAIRMAN SPENCER: No, it wasn't. We're
22 just giving -- we're in comment.

23 BOARD MEMBER NADEAU: Oh, okay.

24 MR. QUINN: Mr. Chairman, I'd like to speak
25 prior to the motion being made.

1 Thank you, Mr. Chairman and Board Members. My
2 name is Steven Quinn. I'm the complainant in this
3 matter. And I would like to just take your -- a few
4 moments just to put some items on the record.

5 NRS 648.200, divulgence of information and
6 false reports.

7 MS. RAY: Can I --

8 MR. QUINN: 648.200 --

9 MR. UITHOVEN: Do they need to be sworn in?

10 MR. ZANE: They need to be sworn.

11 MR. UITHOVEN: Mr. Chairman, just one second.

12 This is Robert Uithoven. Do we need to swear in?

13 BOARD CHAIRMAN SPENCER: Yes, we do.

14 Jeff, do you want to take her away?

15 MR. MENICUCCI: Sure. In fact, maybe we should
16 swear everyone who's going to testify today in any
17 capacity.

18 BOARD CHAIRMAN SPENCER: Anyone who will
19 testify today in any capacity, would you please stand
20 and be sworn in. On any issue.

21 MR. MENICUCCI: Please raise your right hands.
22 And do you solemnly swear or affirm that the testimony
23 you will give to this Board will be the truth, the whole
24 truth, and nothing but the truth?

25 (The potential witnesses were sworn.)

1 MR. MENICUCCI: Thank you.

2 BOARD CHAIRMAN SPENCER: Yes, sir, go ahead.

3 MR. QUINN: Thank you, sir.

4 NRS 648.200, divulgence of information and
5 false reports. NRS 648.200, subparagraph 2, make a
6 false report to a client. NRS 648.033, subparagraph 5.
7 I am submitting a written statement to the Board
8 requesting that all documents compiled as a result of
9 this investigation, that are initiated, be released for
10 information to the public.

11 And I would like to present this to you,
12 Mr. Chairman. I'm sorry it's not typed. I just did it
13 a little bit ago.

14 MR. YAMPOLSKI: Mr. Chairman, if we could
15 comment on the NRS.

16 BOARD CHAIRMAN SPENCER: Sure.

17 MR. QUINN: Not in the complaint, I would like
18 to also note for the record, NRS 648.060, subparagraph
19 2, person employed by Jim Thomas was not registered to
20 issue a citation per 648.165. NRS 648.063. A single
21 act for which a license is required is a violation of
22 NRS 648.060. NRS 648.150, subparagraph 6, act in the
23 course of a license constitutes dishonesty or fraud.
24 NRS 648.157, suspension of a license due to unauthorized
25 information from DMV for improper purposes. 648.157,

1 subparagraph 1, the information, other than purpose
2 related to insurance investigation. Item number two of
3 that, and if the above happens, the Board is to suspend
4 the license, as well as any other disciplinary action
5 deemed necessary. NRS 648.160, investigation of
6 complaints, subparagraph 2, this complaint was to be
7 investigated.

8 Yet, myself as the complainant, I or we have
9 never been investigated. I've never spoke with an
10 investigator, nor has counsel, my counsel.

11 NRS 648.165, for each violation -- the first
12 violation's \$2,500, the second violation is \$5,000, and
13 the third violation and subsequent is 10,000 each.
14 There were 248 violations. I would say there is
15 approximately 254 violations, which would put this
16 matter at over a quarter of a million dollars that this
17 Board can find the respondent guilty of.

18 All the contents of this complaint were
19 completed per NRS 648.170. I or we have never been
20 interviewed by an investigator of this Board.

21 Thank you, sir.

22 BOARD CHAIRMAN SPENCER: All right. Proceeding
23 on --

24 MR. CHILDS: I'd like to comment, also.

25 BOARD CHAIRMAN SPENCER: Oh. Please. Please

1 identify yourself.

2 MR. CHILDS: My name is Benjamin Childs. I'm a
3 local attorney. And I haven't filed an official
4 complaint yet. I guess, I will.

5 I -- Mr. Thomas came into my office
6 misrepresenting himself -- I'm a local attorney -- as a
7 potential client. He was hired by a local oral surgeon
8 at the time named Dr. Jay Selznick. And Mr. Thomas came
9 in describing some injury that he potentially had and
10 then was pumping me for information about Dr. Selznick.

11 And then I was sued by Dr. Selznick personally.
12 Now, keep in mind, I'm an attorney. Sued by
13 Dr. Selznick personally for defamation based on
14 information what was gathered by Mr. Thomas and
15 fraudulently representing that he was a potential
16 client. And I incurred a lot of attorney fees. And
17 their defense was that he's entitled to go in and commit
18 a fraud like that.

19 So I can't put together -- and all I did was
20 litigate it. I have deposition testimony. He admits
21 that he went in and falsely represented to me what his
22 capacity was.

23 BOARD CHAIRMAN SPENCER: Is that it there?

24 MR. CHILDS: Yeah, m-hm (affirmative). Do you
25 want me to give it to you?

1 BOARD CHAIRMAN SPENCER: Yes.

2 MR. CHILDS: Okay. Yeah, so I asked the
3 investigator to contact me. Because I have like
4 deposition testimony. Thank you.

5 BOARD CHAIRMAN SPENCER: Any response to
6 Mr. Childs?

7 MR. YAMPOLSKI: Can I respond?

8 BOARD CHAIRMAN SPENCER: Yes. Give it right
9 back. Yes, go ahead.

10 MR. YAMPOLSKI: Thank you.

11 I was the attorney for Mr. Thomas in the
12 litigation of which Mr. Childs spoke. It is accurate
13 that Mr. Thomas did interview Mr. Childs and
14 surreptitiously recorded him. And as the Board, I'm
15 sure, knows, face-to-face recordings are allowed by
16 Nevada law.

17 This matter was vigorously litigated over a
18 period of two years. And Mr. Thomas was granted some
19 rejectment, which means we won, they lost. They
20 appealed to the Nevada Supreme Court. The decision was
21 affirmed. Therefore, the matters he's talking about
22 have been fully litigated, fully decided by the Nevada
23 Supreme Court. I do not think this Board should
24 consider it.

25 MR. CHILDS: Can I respond?

1 BOARD CHAIRMAN SPENCER: Oh, certainly.

2 MR. CHILDS: Okay. It doesn't have anything to
3 do with the licensing issue. It was just a liability
4 issue. Because it was a civil case. As he says, he
5 surreptitiously came into my office, interviewed me, and
6 recorded me with a hidden microphone. So he recorded
7 his own -- he recorded his own fraud being perpetrated.
8 And he admits that.

9 So the reason that it was denied at the Supreme
10 Court is I really didn't have any damages from it.

11 BOARD CHAIRMAN SPENCER: And he admitted this?

12 MR. CHILDS: Yes. He was hired by Dr. Jay
13 Selznick, and he was paid \$500 to do that.

14 BOARD CHAIRMAN SPENCER: I'm sorry. Your name
15 is, again?

16 MR. YAMPOLSKI: Mace Yampolski.

17 BOARD CHAIRMAN SPENCER: Do you have anything
18 further?

19 MR. YAMPOLSKI: No.

20 BOARD CHAIRMAN SPENCER: All right. Is there
21 any further comments by any Board Members on this issue
22 for this Commission?

23 MR. QUINN: I just have a comment.

24 BOARD CHAIRMAN SPENCER: All right. Mr. Quinn.

25 MR. QUINN: All right. I just had one more

1 comment to make. I wanted to thank the Board for your
2 service to this community. And remember the oath that
3 you took here, you're here to protect the public
4 welfare. And so I would thank you, sir.

5 And I would like you to look into or have an
6 investigator look into not only the complaints, items
7 that are noticed in the agenda here, but also the items
8 that I brought forth during my presentation.

9 BOARD CHAIRMAN SPENCER: Is there a compilation
10 of those issues?

11 MR. QUINN: I will, I will get that to you.
12 Last night -- I've been waiting going on. I also do
13 expert witness testimony. And I just put this together
14 last night.

15 BOARD CHAIRMAN SPENCER: All right.

16 MR. QUINN: At 11:00 o'clock, Saint Patrick's
17 Day.

18 BOARD CHAIRMAN SPENCER: Happy Saint Patrick's
19 Day.

20 All right. Moving on to -- any further comment
21 from anyone else?

22 BOARD MEMBER ZANE: If there's no further
23 discussion, I make a motion --

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

25 BOARD MEMBER ZANE: -- that this matter be set

1 for the hearing that Mr. Thomas had requested when the
2 citation was issued, and that that hearing be set
3 according to the status, agenda and time for the meeting
4 in June, and that barring some applicable court action
5 to stop us, that we hear all testimony and be ready with
6 whatever witnesses and case that we're going to have and
7 hear it, and that Mr. Thomas and his attorney be ready
8 to proceed at that time.

9 BOARD MEMBER NADEAU: I'll second. I'll
10 second.

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

13 (The Board Members said "aye.")

14 BOARD CHAIRMAN SPENCER: Opposed?
15 Hearing none, so be it.

16 MR. YAMPOLSKI: Thank you.

17 MR. QUINN: Thank you, gentlemen. Have a good
18 day.

19 BOARD CHAIRMAN SPENCER: The next issue, number
20 three, is a continued appeal hearing.

21

22 AGENDA ITEM 3

23 E. DWAYNE TATALOVICH/TATALOVICH & ASSOCIATES, INC.

24

25 BOARD CHAIRMAN SPENCER: Is Mr. Tatalovich in

1 Carson City?

2 BOARD MEMBER NADEAU: Yes, he is.

3 BOARD CHAIRMAN SPENCER: Okay. And

4 Mr. Arrascada?

5 MR. ARRASCADA: Yes. Actually, Mr. Tatalovich
6 is not present.

7 BOARD MEMBER NADEAU: Oh, it's Mr. Arrascada.
8 My mistake.

9 MR. ARRASCADA: But I'm here.

10 BOARD CHAIRMAN SPENCER: All right. Jeff, I'll
11 just take it to you, then.

12 MR. MENICUCCI: May it please the Board, I
13 should also introduce -- we have Kristen Geddes, Deputy
14 Attorney General, acting as Board Counsel for these
15 contested matters, as she did in the -- she was
16 available in the Thomas matter as well.

17 And I don't know how the Board would like to
18 proceed, but I think the first order of business would
19 be to determine if the Board has read the materials and
20 is prepared to make a decision in the case.

21 The complicating factor in this one is that
22 Board Member Nadeau and Board Member Zane were not
23 present when the testimony and evidence was originally
24 submitted. And, I believe, Board Member Uithoven was
25 absent that day. So we've made it all available in

1 terms of the transcript and the evidence that was
2 presented in the September hearing. And I would hope
3 that the Board, the Board Members have had an
4 opportunity to look at that material.

5 BOARD CHAIRMAN SPENCER: Mr. Uithoven, have you
6 familiarized yourself with this material?

7 BOARD MEMBER UITHOVEN: Yes.

8 BOARD CHAIRMAN SPENCER: Who was absent?

9 MR. MENICUCCI: Board Member Uithoven was
10 absent in September, I believe, for this, the hearing.
11 And then we have two new Board Members that were not
12 present on the Board at the time, Mr. Nadeau and
13 Mr. Zane.

14 BOARD CHAIRMAN SPENCER: Mr. Nadeau, have you
15 familiarized yourself with the issues here?

16 BOARD MEMBER NADEAU: Yeah, I've read the
17 issues, yes, or the documents, yes.

18 BOARD CHAIRMAN SPENCER: And Mr. Zane?

19 BOARD MEMBER ZANE: I have as well.

20 BOARD CHAIRMAN SPENCER: All right. Are there
21 any Board questions or comments?

22 MR. MENICUCCI: Subsequent to the hearing, both
23 Mr. Arrascada and I submitted short briefs summarizing
24 our position to the Board. I don't know if the Board is
25 interested in hearing those arguments again, but we're

1 available here for any questions.

2 BOARD CHAIRMAN SPENCER: No, I think they were
3 quite well said on both sides in the paperwork that I
4 received.

5 Regarding that issue, is there any comment or
6 questions from the Board prior to any type of motion?

7 BOARD MEMBER PUTNAM: Mr. Chairman, I have a
8 question of Mr. Arrascada.

9 If I understand correctly, it's your argument
10 that in other states, people who are working as an
11 expert witness are not required to be licensed to
12 perform the inquiries that they inquire, or the
13 inquiries they make, as a result of their being hired in
14 that status. Is that correct?

15 MR. ARRASCADA: That's correct. As I cited in
16 my brief, it was cited in the California Court of
17 Appeals in the Aldridge -- I'm sorry -- in Kinard vs.
18 Rosenberg and in attorney general opinions from
19 Michigan, Arizona, North Carolina and Kansas. I think,
20 the Michigan opinion would be the most -- is the
21 strongest opinion in support of our position that
22 retained experts do not need to -- retained experts for
23 the purposes of litigation do not need to be licensed as
24 private investigators in performing their tasks.

25 Does that answer your question?

1 BOARD MEMBER PUTNAM: Yes, sir.

2 MR. MENICUCCI: The State disagrees, of course.

3 BOARD CHAIRMAN SPENCER: Any other questions?

4 BOARD MEMBER PUTNAM: I have a comment.

5 BOARD CHAIRMAN SPENCER: All right.

6 BOARD MEMBER PUTNAM: If, as a polygraph
7 examiner, my outcome of a test is contested, does that
8 mean that -- if, in fact, a license is required of an
9 expert witness, does that mean that that individual must
10 be licensed as a polygraph examiner if he's from out of
11 state?

12 BOARD CHAIRMAN SPENCER: Who are you asking for
13 that comment?

14 MR. MENICUCCI: Either of us.

15 MR. ARRASCADA: May I?

16 MR. MENICUCCI: Go ahead, John, you take it.

17 MR. ARRASCADA: Let me help frame the question.
18 You're in the process of litigation, and you've
19 performed a polygraph examination, and the other side is
20 hiring an expert witness from out of state who's a
21 polygraph examiner out of state?

22 BOARD MEMBER PUTNAM: Right.

23 MR. DUPUIS: And your question is does he need
24 to be licensed in the State of Nevada in order to
25 testify?

1 BOARD MEMBER PUTNAM: Right.

2 MR. ARRASCADA: Under the rationale presented
3 by the State and the position they've taken, the answer
4 would be yes. And that skews the entire litigation
5 process. And you can see what happens here is this.
6 The litigation process and the attorneys will make this
7 Board, in essence, a pawn in their process to start
8 eliminating expert witnesses which courts have
9 recognized can testify in this state or in other states
10 if they're recognized as experts.

11 But under the rationale that the State has
12 presented their position, I believe the answer would be
13 yes. If an expert polygraph witness from, say,
14 Los Angeles, California, was brought in as a retained
15 expert witness and performs -- I don't know -- maybe the
16 same exam. I don't know. But, yes, under their
17 rationale, he would have -- he would have to be licensed
18 by the Nevada Board, by this Board, or, I assume,
19 working under the license of some sort -- of someone
20 else.

21 BOARD MEMBER PUTNAM: Can't do that.

22 MR. ARRASCADA: Can't do that. So the answer
23 would be yes.

24 BOARD MEMBER PUTNAM: Do you concur with that?

25 MR. MENICUCCI: May I state our position. The

1 answer would be, if the expert comes in and does a
2 polygraph examination, he would have to be licensed.
3 And the support I find for that is the attorney general
4 opinion we had. What he's coming in and doing is
5 functioning as a polygraph examiner.

6 BOARD MEMBER PUTNAM: Right.

7 MR. MENICUCCI: And giving an opinion based on
8 his examination. If he came in and merely examined the
9 work that you did and gave his opinion on whether you
10 did the proper work, then, in that case, the answer
11 might be no.

12 BOARD MEMBER PUTNAM: Might be or would be?

13 MR. MENICUCCI: Because he's not -- I think,
14 it's a gray area, but -- actually. But if he's simply
15 saying Mr. Putnam did the polygraph examination in
16 accordance with the accepted practices of polygraph
17 examiners, or did not do it, that would be an expert
18 opinion. But if he goes out and actually does the
19 examination himself, there would clearly be a polygraph
20 examination.

21 I will also point out to the Utah case that I
22 cited to the Board, that involved a physician who
23 actually did diagnosis of the patients, not just review
24 of records. And in that case, the physician did not
25 have to be licensed in Utah, but the reason for that was

1 there is a specific examination for expert testimony for
2 physicians that would exempt them from the license
3 requirement. If that had not existed, and it does not
4 exist in our -- in private investigators statutes, then
5 the physician would have stepped out of the expert
6 testimony realm and stepped into the examining physician
7 realm and would have had to have been a licensed
8 physician. And I think the same would apply to the
9 polygraph examiner situation.

10 And I would also point out that the State is
11 not saying anything that would impair the court in
12 either accepting or rejecting expert testimony. We're
13 asking the Board to take -- make a decision on a
14 separate issue entirely as to whether a license is
15 required for what was actually done.

16 MR. ARRASCADA: If that expert polygrapher
17 comes and then scores your -- and he takes your charts,
18 and he's in Nevada, and he goes and starts calculating
19 and working out the scores and scores those charts,
20 under the State's rationale, he'd have to be licensed.
21 And that'll skew the entire litigation process of expert
22 witnesses.

23 In essence, what the State is saying is,
24 "Board, we want you to put up a big barbed wire fence
25 around Nevada and let everybody know throughout the

1 country that expert witnesses cannot come into our state
2 and testify as expert witnesses and prepare accordingly
3 to testify in the legal process." That's what's
4 happening here.

5 BOARD MEMBER UITHOVEN: Unless they're licensed
6 by the State of Nevada.

7 MR. ARRASCADA: Unless they're licensed by the
8 State of Nevada.

9 BOARD MEMBER PUTNAM: Do you agree that if, for
10 instance, charts during examination are scored by an
11 out-of-state examiner, that that would require a license
12 for that examiner?

13 MR. MENICUCCI: I would make a distinction
14 between examining and whether you met the polygrapher's
15 standard of care as opposed to then examining your
16 materials and then rendering their own opinion as to the
17 truth or veracity of the person who was going and having
18 the polygraph test done. If they do the latter, it's
19 clearly something that needs to be licensed. If they do
20 the former, I think that's something that could be the
21 subject of expert testimony from an expert --

22 BOARD MEMBER PUTNAM: But it --

23 MR. MENICUCCI: -- in another state.

24 BOARD MEMBER PUTNAM: But if the out-of-state
25 examiner puts his own numbers on my charts, he would be

1 required to have a license for that?

2 MR. MENICUCCI: I believe so. Let me also say
3 that, I think, Mr. Tatalovich and Mr. Arrascada are
4 really asking that the principle be extended farther
5 than it should be extended when it comes to expert
6 witnesses. And I say this because the authority, maybe
7 not exclusively, but almost entirely, all the authority
8 that says that a person doesn't have to have an
9 investigator's license usually involves someone that has
10 special scientific or technical knowledge, like an
11 engineer or a chemist; and they come in, and they do
12 tests, and they run expert experiments, and they take
13 measurements, and they give an expert opinion. And the
14 court says, "No, you don't have to be a private
15 investigator to do that."

16 Two things. One is they're usually regulated
17 by their own boards; engineers certainly are. The
18 second thing is they're not regulated by the private
19 investigators board. In other words, Mr. Tatalovich was
20 expressing opinions with regard to security. Which if
21 he'd been hired in the first instance to come in and
22 advise a client and say, "How should I set up my
23 security for this business?" that is something that
24 would require a license. But then he comes in after the
25 fact and says, "Well, did the clients do his security

1 appropriately or not?" then that's an expert opinion.

2 The difference is that this Board doesn't
3 regulate the engineer, but the Board does regulate the
4 security consultant when he goes out and does work in
5 the field.

6 MR. ARRASCADA: May I, to address that issue?

7 BOARD MEMBER NADEAU: Well, I -- Mr. Chairman,
8 may I?

9 BOARD CHAIRMAN SPENCER: Please.

10 BOARD MEMBER NADEAU: To me, there is a
11 distinction between reviewing work and then going out
12 and reconducting the investigation. And that, to me,
13 that's the distinction. And when someone reviews work
14 or reviews a security plan or something of that nature,
15 that's one thing. But to then go out and start then
16 interviewing witnesses and that type of extension, going
17 out and doing, now doing your own piece of work or your
18 own investigation, to me, that's -- that then goes
19 beyond. And so you're not just basing it on your review
20 of it, you're basing it on now your new investigation.

21 And so there's a distinction there. And I
22 think -- and I don't -- I'm certainly not a legal
23 scholar, but I mean it seems to me that to call an
24 expert in and say, "Okay. Was this the appropriate
25 manner in which to investigate the action or the work?"

1 Were certain criteria followed?" and those kinds of
2 things, and investigate that. But once you step on
3 beyond and start interviewing the people that were
4 involved in the accident and then creating your own
5 piece of work, that, to me, there is a distinction
6 there. And I think that's where I'm -- I'm looking at
7 this.

8 Thank you, Mr. Chairman.

9 BOARD CHAIRMAN SPENCER: Thank you.

10 Any other Board comments?

11 No further.

12 BOARD MEMBER NADEAU: I think, you had another
13 question.

14 BOARD MEMBER PUTNAM: No, not really.

15 BOARD CHAIRMAN SPENCER: Is there any comment
16 from the audience?

17 MR. MAHEAU: Mr. Chairman, my name is Peter
18 Maheau. I'm President of the Nevada Society of
19 Professional Investigators. A number of our members are
20 in the audience today.

21 MR. MENICUCCI: Mr. Chairman --

22 MR. MAHEAU: All of them are licensed
23 investigators.

24 BOARD MEMBER NADEAU: Mr. Chairman?

25 MR. MENICUCCI: I would point out to the Board

1 that the -- in terms of due process, the hearing has
2 been held, and the evidence has been submitted. The
3 Board should not consider additional evidence at this
4 time unless it's prepared to reopen the entire hearing
5 matter.

6 MR. ARRASCADA: And if that's the case, we'd
7 ask to have this matter reset and have to -- I mean the
8 hearing's been concluded, and you had taken closing
9 statements or closing comments from us. So this is
10 inappropriate.

11 BOARD CHAIRMAN SPENCER: Uh-huh (affirmative).

12 MR. MAHEAU: Number one, this is an opinion.
13 It's not a legal issue. I feel like I'm in the streets
14 of New York playing the three-shell game of where the
15 investigator is. Is he under this shell or that shell?

16 MR. ARRASCADA: Mr. Chairman, can we get a
17 ruling on the objections?

18 BOARD CHAIRMAN SPENCER: Yes. I don't want to
19 reopen this thing.

20 MR. MAHEAU: All right. That's fine.

21 BOARD CHAIRMAN SPENCER: Thank you.

22 MR. MAHEAU: Thank you.

23 BOARD CHAIRMAN SPENCER: I had a question for
24 Mr. Arrascada.

25 MR. ARRASCADA: Yes.

1 BOARD CHAIRMAN SPENCER: John, all of the cites
2 from the states that you've cited, are those attorney
3 general's opinions?

4 MR. ARRASCADA: Yes. The only legal opinion
5 that, I believe, was on point on the issue was from the
6 California Court of Appeals. And then the rest are
7 attorney general's opinions from Michigan, Arizona,
8 North Carolina and Kansas. All of those states have the
9 exact, virtually the exact same statutory scheme as
10 Nevada does in Chapter 648.

11 BOARD CHAIRMAN SPENCER: All right. Thank you.
12 Any further Board comment?

13 If not, I'll entertain a motion.

14 BOARD MEMBER ZANE: Mr. Chairman, I make a
15 motion that we uphold the citation, number C-142-06,
16 issued against E. Dwayne Tatalovich, Tatalovich &
17 Associates, Inc., for unlicensed activity pursuant to
18 NRS 648.165, sub 1, 2, 3 and 4. And I make that motion
19 specifically with the caveat that the motion's based
20 upon the violation of the provisions of NRS 648.012,
21 that pertain to a private investigator and enumerates
22 those activities that constitutes the work of the
23 private investigator, as well as NRS 648.0155, which
24 constitutes the work of the security consultant. And I
25 would incorporate those two statutes as my reasoning for

1 the motion.

2 BOARD CHAIRMAN SPENCER: I have a motion. Is
3 there a second? Do I have a second?

4 BOARD MEMBER NADEAU: I'll second it.

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

7 (The Board Members said "aye.")

8 BOARD MEMBER NADEAU: Mr. Chairman?

9 BOARD CHAIRMAN SPENCER: Yes?

10 BOARD MEMBER NADEAU: Discussion on the motion?

11 BOARD CHAIRMAN SPENCER: Go right ahead.

12 BOARD MEMBER NADEAU: Well, I just want to make
13 sure that -- to get a sense of the -- of any of the
14 members on the motion. I guess, that's what I was
15 looking for.

16 BOARD MEMBER ZANE: I think that I might have
17 made the motion a little bit broad, because I probably
18 did somewhat of a discussion in the motion. But to
19 reiterate, I believe that the activities undertaken by
20 Mr. Tatalovich in this matter constituted a need for him
21 to be licensed or at least to come before the Board or
22 come before some other licensed entity he represented
23 under their license. Or he had to take some affirmative
24 steps in order to be legal in conducting the type of
25 activity that he did in this, in this matter.

1 I have no misconception that he has a right to
2 be an expert witness. And I would completely agree with
3 the earlier comment of the fact that if he was simply
4 reviewing reports and making conclusions based upon his
5 review, and not conducting other inquiries or taking
6 steps to determine veracity or information that can be
7 used at trial, that that might not necessarily been
8 reflected in the original reports or the original
9 schemes, or whatever the case might be.

10 That's my issue with his activity in this
11 situation, and that's the reason why I think that
12 there's conclusive evidence that there's a violation.

13 BOARD MEMBER PUTNAM: Mr. Chairman?

14 BOARD CHAIRMAN SPENCER: Any other discussion?
15 Richard?

16 BOARD MEMBER PUTNAM: I'd just like to make one
17 comment. I -- just based upon the black-letter law of
18 648, I really don't see that the Board has any other
19 choice, regardless of what our personal feelings might
20 be, any other choice than to support the motion.

21 BOARD CHAIRMAN SPENCER: Robert, do you have
22 any comment?

23 BOARD MEMBER UITHOVEN: No, and I agree with
24 Mr. Putnam.

25 BOARD CHAIRMAN SPENCER: Okay. All right.

1 Lacking any further discussion, we have a motion and a
2 second. All in favor, signify by saying "aye."

3 (The Board Members said "aye.")

4 BOARD CHAIRMAN SPENCER: Opposed?

5 Hearing none, the motion carries.

6 BOARD MEMBER NADEAU: Thank you, Mr. Arrascada.

7 BOARD CHAIRMAN SPENCER: All right. Our next
8 issue, number four, reconsideration of application,
9 Dragon Master Security, LLC.

10

11 AGENDA ITEM 4

12 DRAGON MASTER SECURITY LLC, dba INTEGRITY GLOBAL SECURITY

13

14 BOARD CHAIRMAN SPENCER: Mr. Hardy, are you
15 requesting -- do you want this to be a closed hearing?

16 MS. LAWSON: No.

17 MR. HARDY: No. No, sir.

18 BOARD CHAIRMAN SPENCER: Would you identify
19 yourself, please.

20 MS. LAWSON: I Pamela Lawson, and I'm an
21 attorney, and I'm here representing Mr. Hardy and to
22 assist him in obtaining his license.

23 First of all, I want to thank the Board for the
24 opportunity to let us present certain facts and to
25 reconsider the Board's denial of Mr. Hardy's license. I

1 believe, that was last December.

2 Basically, Mr. Hardy should be licensed,
3 because he has the prerequisite experience. He has well
4 in excess of the 10,000 hours required. He has
5 management experience in the security field. He was six
6 and a half years with Mr. Seibold's company. And he had
7 some 13,500 hours with him. He had management
8 responsibility of other patrolmen. He had set
9 schedules. He went on patrol himself. So he has the
10 experience.

11 Also, he possesses two, two CCW licenses, which
12 in themselves require some background check. They just
13 don't issue those licenses to anyone. They're current.
14 He's never had a problem with them. He's never been
15 accused of brandishing his weapons or his guns.

16 Mr. Hardy also doesn't have an absolutely
17 sterling background, as was discussed here in September
18 and again in December. However, some of those instances
19 happened 10 to 22 years ago.

20 It seemed to me, from reading the transcripts,
21 that the Board's concern seems to be primarily with the
22 Metro report, of which, of course, Mr. Hardy doesn't
23 have access to. But through the questioning of the
24 Board, it seems that the concern was that they
25 considered his answers deceptive.

1 Deceptive is a term of art that polygraphers
2 use. I want to remind the Board that Mr. Hardy never
3 took a polygraph test. He was asked and did write
4 certain admissions. In fact, he was so brutally honest,
5 he felt, for some reason, he felt he had to disclose
6 every little thing they never even thought about. Some
7 of the information from the Metro records was incorrect,
8 which, I think, Mr. Hardy addressed in the December
9 hearing. So having not taken the polygraph, deceptive
10 is not the proper word to use. Because that is a word
11 of art for polygraphers.

12 Mr. Hardy answered the questions of the Board.
13 I'm sure that he was quite nervous when he did so, which
14 was the case when he appeared for interviews with Metro.
15 As with most of the public, in public speaking,
16 especially in something that is so important to them,
17 they get nervous, and sometimes they -- stuff just comes
18 out of their mouth.

19 We have a proposal for the Board, if the Board
20 still has concerns with Mr. Hardy's ability to manage
21 his business in a proper way under the requirements
22 under his licensure. And this -- and it's this. We
23 would like you to consider, if you're still of a mind to
24 deny his license, giving him a probationary license.
25 This can be done two different ways, probably more than

1 that, but at least two different ways. One would be
2 that he would write or appear, probably write a report
3 every month describing everything that he's done in his
4 business and informing the Board of any other either
5 personal, financial or business problems, issues, like
6 if he's been sued or if he's, I guess, had a bad
7 experience, but telling the Board what it is, and then
8 maybe, if the Board wants, appear at its quarterly
9 meetings for a year.

10 Alternatively, the Board could consider having
11 a supervisor or a -- someone who overlooks Mr. Hardy's
12 business. And that person, we would suggest, would be
13 Peter Seibold. I believe, Mr. Seibold is above reproach
14 in his licensing of his security business. He could
15 oversee and mentor, if you will, the conduct of
16 Mr. Hardy's business.

17 Mr. Hardy really wants this license. He has
18 formed his corporation. He's ready to do business. And
19 we ask you reconsider it and, if you must, put him on a
20 probationary license.

21 BOARD MEMBER PUTNAM: Mr. Chairman?

22 BOARD CHAIRMAN SPENCER: Please.

23 BOARD MEMBER PUTNAM: I think it would be
24 helpful to the Board to understand the reason the Board
25 denied the license on September 16th of last year. I'll

1 read from the minutes: Board Member Crate moved that
2 Dragon Master Security, LLC, and Kyle Hardy be denied
3 licensure at this time under NRS 648.100(3)(b), which is
4 committing any act constituting dishonesty or fraud, and
5 NRS 648.100(3)(c), demonstrated untruthfulness or a lack
6 of integrity.

7 I believe that this Board's decision was based
8 upon comments and responses, information placed in his
9 application, which was contradicted by information that
10 came out through the investigation. And I would suggest
11 that if we want to go into detail on what exactly those
12 things were, that we go to a closed session.

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

14 BOARD CHAIRMAN SPENCER: Please.

15 BOARD MEMBER NADEAU: I would like an opinion
16 from our legal counsel. I don't think there's any
17 provision within our statutory authority to issue a
18 provisional license.

19 And am I correct, Jeff?

20 MR. MENICUCCI: I was having the same concerns
21 about that. Perhaps counsel could point us to some
22 authority that we have that I'm not aware of. But I
23 would bring to the Board's attention NRS 648.140, which
24 starts out by saying "Any license obtained pursuant to
25 the provisions of this chapter gives the licensee or any

1 bona fide employee of the licensee authority to engage
2 in the type of business for which he is licensed in any
3 county or city in the state of Nevada."

4 I'm concerned that if we issue a license, we're
5 giving the licensee the authority to do everything that
6 would normally be done in his business. And I fail to
7 see our authority to issue some sort of qualified or
8 probationary license.

9 If I'm missing something, is there authority
10 that I'm not aware of that the Board could use?

11 MS. LAWSON: The statute, to my knowledge, does
12 not prohibit such a conditional license. The license
13 would be, to allay your concern, just the license could
14 be issued with conditions. And the condition would be
15 that he operate -- whatever the Board wants to set. But
16 I certainly don't see that you have to have specific
17 authority to issue that. And you have authority to
18 issue licenses. It doesn't preclude from you issuing a
19 conditional license.

20 BOARD MEMBER NADEAU: Boy.

21 MR. MENICUCCI: So, I guess --

22 BOARD MEMBER NADEAU: I would bet the
23 legislature would argue with that one.

24 MR. MENICUCCI: If I understand correctly, the
25 Board, you're saying the Board's not precluded from

1 imposing a condition, and if the applicant agrees to the
2 condition, then there's no basis for challenging that?

3 MS. LAWSON: Exactly.

4 BOARD MEMBER NADEAU: Boy.

5 BOARD CHAIRMAN SPENCER: The best person to
6 comment on past issues regarding this would be Mechele,
7 because we had, in fact, operated a very similar type of
8 situation.

9 MS. RAY: I can't recall any.

10 BOARD CHAIRMAN SPENCER: I thought you said we
11 had.

12 MS. RAY: No.

13 BOARD MEMBER PUTNAM: Mr. Chairman, if I may?
14 Again, I would like to go back to my original comment as
15 to why, or reading from the minutes, as to why Mr. Hardy
16 was denied his license. And it seems to me that that
17 should be the only issue being considered by the Board
18 at this time. He's maybe exceptionally well-qualified,
19 as far as being able to do the job, but the law
20 specifically states that untruthfulness and filing an
21 application and these things are grounds for denial of a
22 license.

23 And if Mr. Hardy would like to challenge that
24 or the opinion reached by the Board based upon the
25 testimony heard in closed session, then, again, it seems

1 to me that's the only issue that's before the Board.

2 BOARD CHAIRMAN SPENCER: And I misspoke when I
3 spoke to prior issues. The prior issues involve someone
4 who already had a license and was placed in a, if you
5 will, probationary period. Not the situation we have
6 now. I apologize.

7 Ma'am?

8 MS. LAWSON: Well, if the -- then, I suggest
9 that we go to closed session, and let's discuss it,
10 since we're here, and you only meet every three months.
11 We would be perfectly agreeable to going to closed
12 session now and discussing it. Although it's been
13 discussed previously. But we would be happy to discuss
14 it now.

15 BOARD MEMBER NADEAU: Mr. Chairman?

16 BOARD CHAIRMAN SPENCER: Yes.

17 BOARD MEMBER NADEAU: Again, I'll go ahead and
18 ask this question. And maybe legal can, or counsel can
19 give us some direction. But unless there's new or some
20 kind of new information that has not been presented
21 before, it seems to me that we're -- unless there's new
22 and revealing information, I don't know where it -- what
23 value we would reap through going and discussing it
24 again.

25 MR. MENICUCCI: I can't speak to the value. I

1 think the Board has the authority to reconsider. And, I
2 believe, it's on the agenda for a reconsideration of the
3 application. So if the Board chooses to reconsider, I
4 think it has plenty of authority to do that.

5 BOARD MEMBER NADEAU: Okay.

6 BOARD MEMBER PUTNAM: I have a question of
7 counsel. Does this Board also have authority just to
8 sustain the previous --

9 MR. MENICUCCI: Of course.

10 BOARD MEMBER PUTNAM: -- motion?

11 MR. MENICUCCI: And we can discuss in some more
12 detail, if the Board has any inclination to try to do a
13 creative type of conditional license, what authority
14 there might be for that. You might draw some authority
15 from the disciplinary powers of the Board. But as the
16 Board Chairman indicated, that normally that's just done
17 when there's some kind of a violation, the guy already
18 has a license, and then you put conditions on that
19 existing license.

20 BOARD CHAIRMAN SPENCER: All right. I think
21 the issue would be whether or not we have any new
22 information to be gleaned here.

23 MS. LAWSON: Let me ask a question, if I might.
24 Has -- have the members of the Board reviewed the
25 December meeting? Because you've mentioned the 17th of

1 the September one.

2 BOARD CHAIRMAN SPENCER: The December 9th
3 meeting?

4 MS. LAWSON: Yes, have you reviewed that?
5 There were certain statements in that meeting that
6 called into question the complete truthfulness of what
7 was -- what the allegations were against Mr. Hardy. And
8 there is an offer of proof in there.

9 For example, the time that the report, I
10 believe, of the Board, probably Metro, said that
11 Mr. Hardy --

12 BOARD MEMBER ZANE: You're referring to
13 information that was disclosed in a closed hearing.

14 MS. LAWSON: Yes.

15 BOARD MEMBER ZANE: So I would take it that
16 that you're waiving any confidentiality that might exist
17 in the record now?

18 MS. LAWSON: Yeah, there's only one issue that
19 we would require and request a closed hearing upon, and
20 that is the situation with the --

21 BOARD CHAIRMAN SPENCER: I just wouldn't make
22 any further comment unless you want to --

23 MS. LAWSON: All right. Well, can we go to the
24 closed hearing, then, and we'll offer the arguments that
25 you're asking for?

1 BOARD CHAIRMAN SPENCER: All right. It'll have
2 to be very brief, then.

3 MS. LAWSON: It will be brief.

4 BOARD CHAIRMAN SPENCER: I'll have to close the
5 meeting for a short period. And run away.

6 * * * * *

7 (A closed session of the meeting was held, after which
8 the meeting was then opened back up to the public and
9 resumed as follows.)

10 * * * * *

11 BOARD CHAIRMAN SPENCER: All right. Coming out
12 of the closed session, I am looking for a motion.

13 BOARD MEMBER ZANE: Mr. Chairman, I'd like to
14 make a motion that, with regard to item number four,
15 Dragon Master Security LLC, dba Integrity Global
16 Security, from Las Vegas, Nevada, who was applying for a
17 private patrolman license -- Kyle Hardy is requesting
18 that the Board grant him an individual private patrolman
19 license to be placed into abeyance so that he may become
20 the qualifying agent for Dragon Master Security LLC, dba
21 Integrity Global Security. Corporate officer to be
22 approved is Kyle Hardy. I move that that matter be
23 continued until our next regular Board meeting, at which
24 time it may be reconsidered.

25 BOARD CHAIRMAN SPENCER: I have a motion.

1 BOARD MEMBER NADEAU: Mr. Chairman, a point of
2 order.

3 BOARD CHAIRMAN SPENCER: Yes.

4 BOARD MEMBER NADEAU: Does the applicant have
5 to make the request to continue it?

6 MR. MENICUCCI: I don't believe so. But I
7 think we should have on the record the applicant's
8 position on getting a continuance on this matter.

9 MS. LAWSON: Speaking for the applicant, we are
10 requesting a continuance to the next regularly scheduled
11 Board meeting, at which time we propose to inquire
12 regarding the Metro issue and, hopefully, resolve it to
13 the Board's satisfaction at the next meeting.

14 BOARD MEMBER NADEAU: Mr. Chairman, I'll second
15 the motion by Member Zane.

16 BOARD CHAIRMAN SPENCER: All right. I have a
17 motion and a second. All in favor, signify by saying
18 "aye."

19 (The Board Members said "aye.")

20 BOARD CHAIRMAN SPENCER: Opposed?

21 It is.

22 MS. LAWSON: Thank you for your time and
23 consideration.

24 BOARD CHAIRMAN SPENCER: All right. In the
25 following the issues, five through 12, as was the case

1 in the last meeting, each of you has the option of
2 closing the meeting, or requesting a closed meeting,
3 because of the issues that are being determined.

4 So I will start with Richard Brough. Is
5 Mr. Brough here?

6 All right. We'll wait and see. We may have to
7 continue that.

8 Vagram Gevorkian?
9

10 AGENDA ITEM 6

11 VAGRAM GEVORKIAN
12

13 MR. GEVORKIAN: Hello.

14 BOARD CHAIRMAN SPENCER: I'm sorry. You
15 weren't sworn in, were you?

16 MR. GEVORKIAN: Excuse me?

17 BOARD CHAIRMAN SPENCER: You weren't sworn in,
18 were you?

19 MR. GEVORKIAN: No, sir.

20 BOARD CHAIRMAN SPENCER: Jeff, this gentleman
21 will need to be sworn in.

22 MR. MENICUCCI: Please remain standing. Raise
23 your right hand. Do you solemnly swear or affirm that
24 the testimony you will give before this Board will be
25 the truth, the whole truth, and nothing but the truth?

1 MR. GEVORKIAN: I swear.

2 MR. MENICUCCI: Thank you.

3 BOARD CHAIRMAN SPENCER: Thank you.

4 MR. GEVORKIAN: Thank you. I didn't know I
5 have to. That's why I didn't do it in the first place.

6 BOARD CHAIRMAN SPENCER: All right. Do you
7 have any reason to request a closed hearing or meeting,
8 or private?

9 MR. GEVORKIAN: It doesn't matter.

10 BOARD CHAIRMAN SPENCER: Okay.

11 MR. GEVORKIAN: Thanks for asking, though,
12 Chairman.

13 BOARD CHAIRMAN SPENCER: You're appealing the
14 decision to the Board pursuant to 648.

15 Jeff, do you have a folder on this, or however
16 you --

17 MR. MENICUCCI: I have information on it. I
18 think, the way to handle this -- I don't consider this
19 to be an adversarial proceeding. It's just a matter of
20 the Board making a ruling on the registration. So I
21 won't be presenting any sort of case against the
22 applicant. But, I think, it's the applicant's ability
23 to convince the Board that the action by the staff was
24 inappropriate and he ought to get the registration.

25 BOARD CHAIRMAN SPENCER: Sure.

1 MS. RAY: Mr. Chairman, we have a little -- we
2 have a sheet with notations on each. If you want me to
3 read it into the record, I could certainly do so. And
4 then you know.

5 And, I think, you've received a letter that
6 outlines what all.

7 MR. GEVORKIAN: Yes, ma'am.

8 MS. RAY: Okay.

9 MR. GEVORKIAN: I did.

10 MS. RAY: In this particular case, court
11 documents that Mr. Gevorkian has provided show that all
12 criminal charges have been dropped. However, due to the
13 number of arrests, violations, two weapons charges and
14 three drug-related offenses from 2004 to 2007, his
15 registration application was denied. This could be a
16 question of good moral character and temperate habits.

17 BOARD CHAIRMAN SPENCER: Okay. Would you like
18 to make an explanation to the Board?

19 MR. GEVORKIAN: Well, I told you my past. And
20 I did change. I did some mistakes. I have some
21 mistakes in the past. But I did change definitely. And
22 I drove a commercial car for the last three years. I
23 was issued a taxi authority license. So I do have
24 morals and ethics. So. For the last three years, I
25 drove a commercial vehicle. And I don't think, if I had

1 any problems, they would issue me those licenses.

2 BOARD CHAIRMAN SPENCER: Board questions?

3 BOARD MEMBER PUTNAM: Mr. Brough, you were, in
4 fact, convicted of domestic violence in 19 -- or 2008?

5 MR. GEVORKIAN: No.

6 MS. WHATLEY: No, this is Vagram Gevorkian.

7 This is not Mr. Brough.

8 BOARD MEMBER PUTNAM: Oh.

9 MS. WHATLEY: Mr. Brough is not present.

10 BOARD MEMBER PUTNAM: Gevorkian.

11 BOARD CHAIRMAN SPENCER: Tammy, do you have
12 anything to add to these?

13 MS. WHATLEY: No, only what Mechele read. And
14 as it was read into the record, there is documentation
15 that all charges have been dropped, dismissed, or turned
16 into something else. So there's nothing outstanding.

17 BOARD CHAIRMAN SPENCER: Okay.

18 MR. GEVORKIAN: Mr. Chairman, I have all my
19 documents, all my denial and my dismissal cases with me,
20 in case you're permitted to take a look.

21 BOARD CHAIRMAN SPENCER: Why don't you let us
22 take a look at those.

23 MR. GEVORKIAN: Sure, sir.

24 (The documents were provided.)

25 BOARD CHAIRMAN SPENCER: All right. Well,

1 let's -- anything else you want to submit?

2 MR. GEVORKIAN: No, thank you.

3 BOARD CHAIRMAN SPENCER: Okay. Great. We'll
4 move on to the next item while we get these to Carson
5 City, and I'll call you back after.

6 MR. GEVORKIAN: Sure. Thank you.

7 BOARD CHAIRMAN SPENCER: Alex Castillo?

8

9 AGENDA ITEM 7

10 ALEX CASTILLO

11

12 BOARD CHAIRMAN SPENCER: Good morning.

13 MR. CASTILLO: Good morning.

14 MS. CASTILLO: Good morning.

15 BOARD CHAIRMAN SPENCER: How are you today?

16 MS. CASTILLO: Yes. Alex Castillo. Yeah, I
17 was wondering why he was denied for his card, for his
18 serve card.

19 BOARD CHAIRMAN SPENCER: We're going to find
20 out. We will read that and let you know what these
21 issues were.

22 MS. CASTILLO: Okay, sir.

23 MS. RAY: Okay. The notes say that
24 Mr. Castillo does not have a criminal history. However,
25 he is known to hang out with gang members and may be a

1 gang member himself. In the past year, police made
2 contact with Mr. Castillo in the hospital where he was
3 treated for a gunshot wound. The police made contact
4 with Mr. Castillo in the area of the gang-related
5 shooting, and police made contact with Mr. Castillo when
6 he was in a full vehicle full of bullet holes. There is
7 good question -- or a possible question of character and
8 temperate habits.

9 BOARD CHAIRMAN SPENCER: Are you feeling all
10 right?

11 MR. CASTILLO: Yeah.

12 MS. CASTILLO: He's feeling all right. But he
13 is not a gang member, sir. He's not related to the
14 gang.

15 BOARD CHAIRMAN SPENCER: I'm glad you told me
16 that.

17 MR. CASTILLO: No, sir, I'm not a gang member,
18 sir. I was at the wrong area at the wrong time, at a
19 party.

20 MS. CASTILLO: It was a drive-by shooting.

21 BOARD CHAIRMAN SPENCER: Board comment?

22 BOARD MEMBER NADEAU: Mr. Chairman?

23 BOARD CHAIRMAN SPENCER: Yes?

24 BOARD MEMBER NADEAU: During the investigation,
25 was there any checking of the known gang member

1 registration; in other words, was he on any police known
2 gang member data, data base?

3 BOARD CHAIRMAN SPENCER: The information
4 indicates that he -- that he is not known to be a gang
5 member.

6 BOARD MEMBER NADEAU: Okay.

7 BOARD MEMBER PUTNAM: He's known to hang out
8 with gang members.

9 BOARD MEMBER NADEAU: Okay. Known to hang out.
10 Okay. Thank you. Thank you.

11 BOARD CHAIRMAN SPENCER: Tammy, do you have
12 anything to say on this one?

13 MS. WHATLEY: I don't, only what's written.

14 Once again, this is a new process for this
15 Board. And we, you know, would like to see the
16 direction of the Board on some of these issues.

17 BOARD MEMBER ZANE: May I ask a question?

18 BOARD CHAIRMAN SPENCER: Please.

19 BOARD MEMBER ZANE: Mr. Castillo, what is your
20 employment history in the last couple years?

21 MR. CASTILLO: I just got hired in November
22 last year.

23 BOARD MEMBER ZANE: Is that in security?

24 MR. CASTILLO: Yes, in security.

25 BOARD MEMBER ZANE: Okay. And did you have a

1 work card?

2 MR. CASTILLO: No, sir.

3 BOARD MEMBER ZANE: No. Okay. So you got --
4 who do you work for?

5 MR. CASTILLO: America's Best Security.

6 BOARD MEMBER ZANE: Okay.

7 BOARD CHAIRMAN SPENCER: Okay. How old are
8 you?

9 MR. CASTILLO: I just turned 20 today, sir.

10 MS. CASTILLO: Today is his birthday.

11 BOARD CHAIRMAN SPENCER: Happy birthday.

12 MR. CASTILLO: Thank you.

13 BOARD MEMBER ZANE: America's Best is a
14 licensee, they do run a security company?

15 MR. CASTILLO: Yes.

16 BOARD MEMBER ZANE: Provide security services?

17 MR. CASTILLO: Yes, sir.

18 BOARD MEMBER ZANE: To your knowledge, you are
19 registered as an employee?

20 MR. CASTILLO: Well, at the time, I couldn't
21 get insurance cards, because I didn't have the money.
22 And when I got the money, that's when you guys started
23 doing it on line.

24 BOARD MEMBER ZANE: Okay.

25 MR. CASTILLO: And then, when I registered on

1 line, it took a little while for you guys to get back to
2 me.

3 BOARD MEMBER ZANE: Okay.

4 MR. CASTILLO: And deny me. And that's when I
5 wrote the appeal in February.

6 BOARD MEMBER ZANE: Okay.

7 MR. CASTILLO: So, yeah.

8 BOARD MEMBER ZANE: Did you work, did you get a
9 paycheck from America's Best in November?

10 MR. CASTILLO: Yes.

11 BOARD MEMBER ZANE: December?

12 MR. CASTILLO: Yes.

13 BOARD MEMBER ZANE: Okay. But you never got a
14 work card?

15 MR. CASTILLO: Right.

16 BOARD MEMBER ZANE: Okay. And what did you do
17 before that?

18 MR. CASTILLO: What do you mean?

19 BOARD MEMBER ZANE: Work.

20 MR. CASTILLO: I --

21 BOARD MEMBER ZANE: Was America's Best your
22 first job as an adult?

23 MR. CASTILLO: Yes. Yes, sir.

24 BOARD MEMBER ZANE: So you don't have a
25 criminal history. Okay. Did you graduate from high

1 school?

2 MR. CASTILLO: Yes, I did.

3 BOARD MEMBER ZANE: Okay. So what did you do
4 from the time you were 18, 19 until --

5 MR. CASTILLO: Well, I tried CSN, but it didn't
6 work out too much.

7 BOARD MEMBER ZANE: Okay.

8 MR. CASTILLO: Yeah. But I'll go back to
9 school in the summer. Yes, sir.

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

11 BOARD CHAIRMAN SPENCER: Questions from Carson?

12 BOARD MEMBER NADEAU: Mr. Chairman?

13 BOARD CHAIRMAN SPENCER: Yes?

14 BOARD MEMBER NADEAU: Do you need a motion on
15 this, then? No?

16 MS. WHATLEY: I don't know.

17 BOARD CHAIRMAN SPENCER: Yeah.

18 MS. RAY: Yes.

19 BOARD CHAIRMAN SPENCER: Yes, we do, please,
20 possibly with discussion.

21 BOARD MEMBER NADEAU: I'll make a motion. I'll
22 make a motion that Mr. Castillo be granted his -- be
23 registered, based on the fact that -- well, I'll just
24 make a motion that he be granted registration.

25 BOARD MEMBER ZANE: Second.

1 BOARD CHAIRMAN SPENCER: I have a motion and a
2 second for discussion.

3 BOARD MEMBER NADEAU: Mr. Chairman, the reason
4 I'm making the motion is he has no criminal history, he
5 has no -- he's not -- though he may hang with gang
6 members, he's not identified as a gang member. So,
7 therefore, I'm hoping he'll make better choices with a
8 viable job.

9 MR. CASTILLO: Yeah.

10 BOARD MEMBER NADEAU: The fact that he was shot
11 doesn't come -- I feel bad about that, but I'm just
12 hoping he'll make better choices.

13 BOARD CHAIRMAN SPENCER: Yes, I don't think we
14 can condemn someone before the fact. So I agree with
15 you.

16 Any further comment?

17 There's a motion and a second. All in favor,
18 signify by saying "aye."

19 (The Board Members said "aye.")

20 BOARD CHAIRMAN SPENCER: You can go to work.

21 MR. CASTILLO: Thank you.

22 MS. CASTILLO: Thank you, sir. When will he
23 get his card?

24 MS. RAY: We'll update the record. I don't
25 know what status he's in, if the card will be --

1 MS. CASTILLO: Because they said, if he don't
2 get the card, then he'll be --

3 MS. RAY: Once he's made into provisional
4 status, then he's good to go.

5 So do you have an e-mail, or how --

6 MR. CASTILLO: Yes, I have an e-mail.

7 MS. RAY: I'll shoot you an e-mail later.

8 MR. CASTILLO: Okay.

9 BOARD MEMBER UITHOVEN: Mr. Chairman, if I may,
10 we are --

11 MS. CASTILLO: That's it?

12 BOARD CHAIRMAN SPENCER: I'm sorry?

13 BOARD MEMBER PUTNAM: Mr. Chairman, point of
14 order. You didn't ask for nay votes. I would like to
15 vote no.

16 MR. MENICUCCI: Could I make a suggestion that
17 any votes be recorded in open session before we're done.

18 BOARD MEMBER PUTNAM: Oh.

19 BOARD MEMBER NADEAU: This is closed.

20 MS. RAY: No, we are open. We're not closed.

21 BOARD MEMBER NADEAU: This is not closed.

22 MR. MENICUCCI: Okay. This was not closed,
23 either. Okay.

24 BOARD MEMBER NADEAU: No, this wasn't closed.

25 BOARD CHAIRMAN SPENCER: Those opposed?

1 BOARD MEMBER NADEAU: We have one, we have one
2 opposed from up here (indicating Board Member Putnam).

3 BOARD CHAIRMAN SPENCER: All right. We have
4 one nay?

5 BOARD MEMBER PUTNAM: Yes.

6 BOARD CHAIRMAN SPENCER: All right. Do you
7 have his e-mail and everything?

8 UNIDENTIFIED WOMAN: No. Mr. Castillo, would
9 you write down your e-mail.

10 BOARD CHAIRMAN SPENCER: He gets his card.

11 MS. CASTILLO: Thank you, so much, sir.

12 BOARD CHAIRMAN SPENCER: Thanks very much.

13 MS. CASTILLO: Thank you, sir.

14 MR. CASTILLO: Thank you.

15 MS. CASTILLO: Thank you for your time.

16 BOARD CHAIRMAN SPENCER: You bet.

17 Robert Norfleet?

18

19 AGENDA ITEM 8

20 ROBERT NORFLEET

21

22 BOARD CHAIRMAN SPENCER: There you go,
23 Mr. Norfleet.

24 MS. RAY: My notes -- oh, let's see. At first
25 glance, Mr. Norfleet appears to have an extensive

1 criminal history. However, most of the offenses are
2 failure to appear on previous charges. It appears that
3 Mr. Norfleet took care of his responsibilities on
4 1-15-2010. It does not appear that there are any felony
5 convictions or outstanding warrants. The letter states
6 there were misdemeanor traffic violations with a couple
7 of failure to appear violations. There is one marijuana
8 conviction. Again, this was based on possible good
9 moral character and temperate habits.

10 BOARD CHAIRMAN SPENCER: How old are you?

11 MR. NORFLEET: 20.

12 BOARD CHAIRMAN SPENCER: 20?

13 MR. NORFLEET: Yeah.

14 BOARD CHAIRMAN SPENCER: Tell us about -- what
15 kind of convictions do you have?

16 MR. NORFLEET: Like a year or two ago, I had a
17 bunch of like traffic tickets, like possession,
18 paraphernalia, underage drinking, speeding, you know,
19 stuff like that. And then I would -- wouldn't even
20 care. I just wouldn't even go to court, you know. And
21 then, then I was like -- I started -- I'm like, dude, I
22 need to take care of these, because I started to get
23 warrants and stuff.

24 And then I moved to California and worked for
25 my uncle, to help pay for my tickets. And I moved back,

1 and I didn't pay them all off, so I had warrants. So I
2 got arrested a couple times here, out here, and sat on
3 my fines. And then I still had like more fines.

4 And then on January 15th, when I got arrested,
5 I went down to the courthouse and tried to set up a
6 payment plan, but -- and I got numbered when I was on my
7 way home, and I was walking across the street, and I
8 jaywalked. So I got arrested again. And I ended up
9 just going to jail and sitting on my fines.

10 BOARD CHAIRMAN SPENCER: What are you going to
11 do in the future when you get something like that?

12 MR. NORFLEET: I'm going to take care of it
13 right away. But, hopefully, I won't have to.
14 Hopefully, I won't do that. I'm trying, going to try to
15 stay out of trouble, so. And all my tickets are like
16 old.

17 BOARD CHAIRMAN SPENCER: Okay. Did you
18 graduate from high school?

19 MR. NORFLEET: Yeah. Yeah, I did.

20 BOARD CHAIRMAN SPENCER: Where?

21 MR. NORFLEET: From -- I went to Silverado, but
22 I dropped out because I had like no credits. And then I
23 went, I enrolled in adult education and graduated. Now
24 I got my diploma.

25 BOARD CHAIRMAN SPENCER: Okay. Questions from

1 the Board?

2 BOARD MEMBER ZANE: So you cleared up all your
3 FTAs after January when you tried to do your
4 registration?

5 MR. NORFLEET: Yeah, I cleared up everything.

6 BOARD MEMBER ZANE: So it would be safe to say
7 that if you weren't denied by the Board, they'd still be
8 hanging?

9 MR. NORFLEET: If I weren't denied?

10 BOARD MEMBER ZANE: Yes, if you didn't have to
11 clear it up for this purpose, the FTAs would probably
12 still be there, right?

13 MR. NORFLEET: No.

14 BOARD MEMBER ZANE: No?

15 MR. NORFLEET: No. I took care of that right
16 before I even heard about it. I took care of it because
17 I needed to take care of it. You know, I have warrants,
18 so I need to take care of it.

19 BOARD MEMBER ZANE: Was it prior to making
20 registration?

21 MR. NORFLEET: Yeah, way prior.

22 BOARD MEMBER ZANE: Way prior? I thought you
23 said -- heard that you took care of it in January.

24 MR. NORFLEET: Yeah, that was like two months.

25 BOARD MEMBER PUTNAM: M-hm (affirmative).

1 BOARD MEMBER ZANE: Okay.

2 BOARD MEMBER PUTNAM: Way prior?

3 BOARD MEMBER ZANE: Okay.

4 MR. NORFLEET: I could get provisional status.

5 BOARD MEMBER ZANE: When did you apply for a
6 job with a security company?

7 MR. NORFLEET: Like maybe four weeks ago.

8 Yeah.

9 BOARD MEMBER ZANE: When did you make your
10 registration on line to -- to find out if you were
11 capable to be employed in that capacity? Oh, so about
12 the same time you went looking for the security job?

13 MR. NORFLEET: Yeah, well, my friend works
14 for -- yeah, my friend works for a security job, for
15 Protect Security, and he told me about it, so I tried to
16 get provisional status.

17 BOARD MEMBER ZANE: So you cleared your FTAs in
18 January, and then you made application and registration
19 in February?

20 MR. NORFLEET: Yeah, probably.

21 BOARD MEMBER PUTNAM: Mr. Chairman?

22 BOARD CHAIRMAN SPENCER: Yes?

23 BOARD MEMBER PUTNAM: A comment with regard to
24 Mr. Norfleet. I believe that the citizens of this state
25 have a right to expect more than taking care of his

1 responsibilities two months and two days ago. They
2 expect, they have a right to expect a better track
3 record than that.

4 BOARD CHAIRMAN SPENCER: Okay. Any other
5 comments?

6 BOARD MEMBER PUTNAM: Is it time for a motion,
7 sir?

8 BOARD CHAIRMAN SPENCER: If there are no more
9 comments.

10 (There was a brief period off the record to
11 reestablish a lost videoconference connection with
12 Las Vegas.)

13 BOARD MEMBER NADEAU: Okay. Go ahead.

14 BOARD MEMBER PUTNAM: Mr. Chairman, I'd like to
15 move that the withholding of Robert Norfleet's card be
16 upheld by this Board.

17 BOARD MEMBER NADEAU: I'll second.

18 BOARD CHAIRMAN SPENCER: Okay. We have a
19 motion and a second to uphold the citation.

20 MS. RAY: There's no citation.

21 BOARD MEMBER NADEAU: Uphold the denial.

22 BOARD MEMBER PUTNAM: Yeah, that his denial be
23 upheld.

24 BOARD CHAIRMAN SPENCER: Okay. Motion and a
25 second. All in favor, signify by saying --

1 BOARD MEMBER ZANE: Board comment?

2 BOARD CHAIRMAN SPENCER: Board comment? Excuse
3 me.

4 BOARD MEMBER ZANE: Since we're -- this is a
5 new process, this denial, do we have any thought on
6 reapplication time limits, anything of the sort?

7 BOARD CHAIRMAN SPENCER: You know, I tend to
8 think that just, just having this gentleman show up
9 today says a lot, taking enough time to pursue what
10 he -- what he might want to do. And if the company
11 wants to hire him, that's their consideration.

12 MR. NORFLEET: I really have changed. I'm
13 trying to stay out of the trouble and stuff now. I --
14 I'm around different people now. So like I'm different
15 than I was then. Plus, all those tickets were something
16 like a year ago. So that -- that was a long time ago
17 for me anyway. I was different then.

18 BOARD CHAIRMAN SPENCER: Did you all hear, hear
19 his explanation?

20 BOARD MEMBER PUTNAM: Yes.

21 BOARD CHAIRMAN SPENCER: Okay. All right.

22 MR. NORFLEET: Well --

23 BOARD MEMBER ZANE: I think that from this
24 point forward, this is a Board discussion. So I
25 appreciate --

1 MR. NORFLEET: Okay. Sorry.

2 BOARD MEMBER ZANE: I'm just trying to get some
3 direction from the Board, because that would affect my
4 vote as far as, you know, if the person could come back
5 and reapply and be reconsidered at a certain point. I
6 mean it doesn't do any good to go back, you know, on the
7 computer and do another application tomorrow, that's for
8 sure. But since this is such a new process, does the
9 Board have any information, until we get some regulation
10 or some process in place, where we say here's a minimal
11 amount of time that you have to sit and think about your
12 past life history before we will consider you and maybe
13 give you -- I mean he still might be credibly denied
14 again when he's -- when he's up for consideration, but
15 when he comes back for his -- to an appeal of that
16 denial, is it just going to be another denial?

17 BOARD CHAIRMAN SPENCER: Do you have any felony
18 convictions?

19 MR. NORFLEET: No, it's all misdemeanor traffic
20 tickets and stuff.

21 BOARD MEMBER NADEAU: Mr. Chair?

22 BOARD CHAIRMAN SPENCER: Yes?

23 BOARD MEMBER NADEAU: My concern here is time
24 and distance. I commend Mr. Norfleet for squaring
25 himself away. But two months is -- to me, does not

1 demonstrate a track record of over a year of consistent
2 flaunting, in my opinion, of the justice system.

3 So, I guess, my -- time and distance is how,
4 and as far as anything specific, it's very difficult for
5 me to articulate a specific time, time period. But a
6 month, a month is not -- to me, does not establish a
7 pattern of good conduct and interest in that.

8 And I -- so that's -- that's my position, why
9 I'm supporting the motion.

10 Are we still there?

11 BOARD CHAIRMAN SPENCER: Yes.

12 BOARD MEMBER NADEAU: Oh, okay. Thank you.

13 BOARD CHAIRMAN SPENCER: We're just getting
14 some input here.

15 BOARD MEMBER NADEAU: Okay.

16 BOARD CHAIRMAN SPENCER: Just for your
17 consideration, the possibility exists that a denial now
18 would mean a year before you could come back.

19 BOARD MEMBER ZANE: Could we take a short break
20 so that I can clarify in my own mind what this means?

21 BOARD CHAIRMAN SPENCER: Certainly.

22 BOARD MEMBER ZANE: Thank you.

23 BOARD CHAIRMAN SPENCER: We'll take a short
24 break, 10 minutes.

25 * * * * *

1 (A break was taken, 11:15 to 11:33 a.m.)

2 * * * * *

3 BOARD CHAIRMAN SPENCER: All right. Are you
4 guys ready?

5 BOARD MEMBER PUTNAM: Yes, sir.

6 BOARD CHAIRMAN SPENCER: We have a motion and a
7 second. In consideration for that, Mechele just did
8 some review of the regs regarding this, and we thought
9 it would be a good thing just to hear before you make a
10 decision or before the Board makes a decision.

11 MS. RAY: Board Member Zane had a question as
12 to if there would be a period of time when the
13 applicants can come back on registration. And the way
14 the regulation is written, that if the Board denies the
15 registration, they cannot come back for a period of one
16 year. And, then, if the Board were to deny two or more
17 registration applications, the applicant be -- is
18 required to wait five, a minimum of five years before
19 they can reapply.

20 BOARD MEMBER NADEAU: So what regulation is
21 that, Mechele, the number?

22 MS. RAY: That's our reg that we worked on.

23 BOARD MEMBER NADEAU: 648 --

24 MS. RAY: Well, it's R, R-109-09, I believe.

25 BOARD MEMBER NADEAU: Oh, it's in the process

1 or --

2 MS. RAY: Yeah, it's not in print, Jim.

3 BOARD MEMBER NADEAU: Oh, okay. Okay.

4 MR. MENICUCCI: Has it been adopted, or is it
5 still in the process?

6 MS. RAY: Well, the bulk of the language was
7 adopted by the Board on December 29th, and then it had
8 to go back before the Commission in two areas. So, you
9 know, it's what we have.

10 BOARD MEMBER NADEAU: Okay.

11 MS. RAY: I don't know exactly how that works.

12 BOARD MEMBER NADEAU: So it's recent action by
13 us?

14 MS. RAY: Yes.

15 BOARD MEMBER NADEAU: Okay.

16 BOARD MEMBER ZANE: Thank you.

17 BOARD CHAIRMAN SPENCER: All right. The
18 Board's still in discussion.

19 BOARD MEMBER ZANE: I -- based upon the fact
20 that this is such a new process, I kind of applied not
21 really the logic, because sometimes there wasn't any,
22 but I kind of applied the logic in the prior work card
23 issue, which was done at the local level, through a lot
24 things, and that's the only reason we changed it, but
25 there was a lot of things that you could get away with

1 in Clark County that you couldn't get away with in
2 Washoe County, and vice versa.

3 Now that we're thrust into the position of
4 getting exactly what we wanted here, it was seen that we
5 need to maybe temper our positions as it applies to the
6 licensee level that we're so used to and possibly look
7 at the real life impacts of what's going on here.
8 Ultimately, it's our job to protect the public. And,
9 ultimately, it's our job to protect the public from you,
10 if you didn't change your ways.

11 MR. NORFLEET: Oh, no, I'm not like that.

12 BOARD MEMBER ZANE: Okay. I'm not saying you,
13 I'm just telling you.

14 MR. NORFLEET: Oh, okay.

15 BOARD MEMBER ZANE: Have a problem a little bit
16 in their background. So, you know, what we're having to
17 do now is take a look at things and say, well, if we
18 give this individual the right to work in this field, do
19 we get egg on our face when he messes up again type of
20 behavior.

21 MR. NORFLEET: All right.

22 BOARD MEMBER ZANE: And we have to temper that
23 with how bold are we willing to be in denying people an
24 opportunity to change their life, and how bold do we
25 want to be in an opportunity to give people an

1 opportunity or a chance to work in a field that they
2 think they can excel at and take responsibility for
3 their life and -- and not be part of the unemployment
4 rate in the community.

5 MR. NORFLEET: That's what I'm trying to do.

6 BOARD MEMBER ZANE: With that, with that in
7 mind, I mean this isn't an easy decision to make and
8 based upon the fact that a denial here today would keep
9 you from working for a public licensee for up to a year
10 before you'd have the opportunity to reapply.

11 The other thing that is of interest to me is
12 we're denying you based upon a preliminary review of
13 your background for this provisional registration. We
14 haven't seen what comes back when your fingerprints go
15 to the FBI on that case. So we're looking at, you know,
16 this is -- you're asking for a provisional registration,
17 and the Board staff has denied you based upon what they
18 saw preliminarily.

19 MR. NORFLEET: Yeah.

20 BOARD MEMBER ZANE: So the provisional is good
21 for a period of 90 days, as I understand it. So that
22 being the case, you could -- if something else were to
23 come back, and if we were to grant the -- grant you the
24 ability to work, if something were to come back in 90
25 days, or if -- I would assume that the Board has the

1 ability to extend that period if they don't have all of
2 the information that they can rely upon to credibly give
3 you a longer term of employment, I think they have the
4 ability to extend it out, so they don't leave you in
5 supersecret probation forever and a day type of deal.

6 So with that in mind, I'm just telling you,
7 just I'm thinking out loud.

8 MR. NORFLEET: Yeah.

9 BOARD MEMBER ZANE: So that you understand the
10 process. This is a new process for us, because we're
11 just starting this. And either fortunately or, we'll
12 see, unfortunately, you're here.

13 MR. NORFLEET: Yeah.

14 BOARD MEMBER ZANE: We're in Board discussion,
15 so we can't take any public input on the particular
16 issue right now.

17 UNIDENTIFIED MAN IN LAS VEGAS: When you're
18 finished, can we make a public comment?

19 BOARD MEMBER ZANE: No.

20 BOARD CHAIRMAN SPENCER: No.

21 MR. NORFLEET: Am I --

22 BOARD MEMBER ZANE: Anyway, that's just --
23 we --

24 MR. NORFLEET: I can't even.

25 BOARD MEMBER ZANE: I just want to let you know

1 in the audience, when you hear the vote, you have some
2 background on what happened to create that. Okay.

3 MR. NORFLEET: Okay.

4 BOARD MEMBER ZANE: That's my input.

5 BOARD CHAIRMAN SPENCER: Okay. Any further
6 discussion? All right.

7 MS. WHATLEY: Mr. Chairman?

8 BOARD CHAIRMAN SPENCER: Yes?

9 MS. WHATLEY: This is Tammy Whatley. I would
10 just like to clarify. I do have his fingerprint results
11 back, and there's nothing further reported on those
12 fingerprints results.

13 BOARD CHAIRMAN SPENCER: Okay. All right.
14 Thank you very much.

15 MS. WHATLEY: You're welcome.

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

18 (The Board Members said "aye.")

19 BOARD CHAIRMAN SPENCER: All opposed? No and
20 no. Carries three to two.

21 Sorry. Denied. Hang in there.

22 MR. NORFLEET: Yeah, I'm going to hang in
23 there.

24 BOARD CHAIRMAN SPENCER: All right. Public
25 comment?

1 MR. YEPKO: I'm Michael Yepko, Vegas Legal
2 Support Services. I've had the chance in the past to
3 sit before some of the Las Vegas Metropolitan work
4 card -- work card hearings, where my opinion is, and I'm
5 just providing an opinion, it is extremely easy to be
6 penal, very difficult to be understanding.

7 Mr. Zane, the issues you brought up were vital.
8 These people are here. They want to work. And if you
9 look at some of the other people, I think, felony
10 arrests versus traffic citations -- I drive 20,000 miles
11 a year serving papers. I've had tickets. Okay. But I
12 didn't let them go to FTA. But I applaud you for having
13 the -- shall we say, the broad view to understand that
14 these people are here, they're trying to work.

15 And I cannot see -- and I can understand this
16 is a brand new arena for the Board, but I cannot see any
17 other area, as you've already mentioned, where your
18 discretion, your power is going to come out. And I
19 think, you know, we are establishing a precedent here,
20 and I think it's very important that, you know, we look
21 at that in the comparison of a licensee, which I am
22 completely against unlicensed activity, versus a person
23 who's trying to work and what they've done or what they
24 may not have done.

25 And I think, you know, when you look at the

1 other people, with felony drug arrests and associated
2 with gang members, I can assure you, people who may be
3 known associates of gang members and may have been at
4 the wrong place at the wrong time, they're not up there
5 donating blood for the Red Cross at 8:00 o'clock at
6 night on a Saturday night. They're into other things,
7 okay, based on my own personal experience. Somebody
8 that has multiple traffic tickets, I think we have to --
9 we should proceed very carefully.

10 I would never question the Board's power or
11 discretion. You guys have hundreds of years of
12 experience and, of course, your privileged information I
13 may not have. But I think the points you brought up,
14 Mr. Zane, are very important. These people want to
15 work. You know, I just -- I would just look at the
16 total picture of what they have and what you know,
17 versus traffic tickets, which I'm not trying to minimize
18 that misconduct, versus felony arrests or associating
19 with gang members or any other misconduct that comes
20 known to the Board.

21 Thank you.

22 BOARD CHAIRMAN SPENCER: Thank you.

23 Did you want to say something?

24 BOARD MEMBER ZANE: I don't have a problem with
25 traffic tickets, either. I have a problem with failure

1 to appear, to be held in account when you violate the
2 law.

3 MR. CRONFELD: Darryl Cronfeld, Official
4 Security, license number 453. I've been in this
5 business in Clark County since 1977. This is a great
6 new system that we -- Mechele and her total team has put
7 into effect. This is something we've needed for a long,
8 long time. But we have to look at what's happening now,
9 not last year, but now, with the economy and trying to
10 get people to work.

11 Prior to this, we were able, as a licensee, to
12 disseminate the information, once we saw the sheriff's
13 referral slip of the arrests. As it stands now with the
14 new system, we don't know. And, yes, you want to put
15 the onus on the employee. But I think we need to take a
16 look at -- of our ability to retrieve some of this
17 information back to us, so we can make that decision and
18 even tell the employee, which I've done for many, many
19 years, potential employee, "You're wasting your time.
20 They will not give you the card," and I would quote the
21 statute to them, or why, "But you're more than welcome
22 to go ahead and attempt."

23 I think, if we just go back a little with some
24 information back to us, then maybe we can curtail all
25 these requests for hearings that will be popping up.

1 This is the first bunch. But I see more and more that
2 will be coming through.

3 Now, as far as the gentlemen that are here
4 today, or ladies, would I hire them? I'd have to take a
5 long, hard look at it, a very, very long, hard look at
6 them. It has nothing to do with a felony conviction.
7 FTA. You know, it's all up to the licensee at that
8 point in time. But we have to be able to get back some
9 of this information so we could even tell that employee,
10 before they get that letter, "Hey, okay, apply, but this
11 is what we think will happen, is going to happen to
12 you."

13 Thank you.

14 BOARD CHAIRMAN SPENCER: Thank you.

15 All right. Proceeding on, David Embry.

16 MS. RAY: Mr. Chairman, David Embry has been
17 taken off.

18 BOARD CHAIRMAN SPENCER: All right. Scratch
19 David Embry, so to speak.

20 Number 10, Dennis Corbishly. No-show.

21 All right. Lewis Hansen, Jr.?

22 Okay. Well, we got one more. Ted Masterson?

23 Okay. All right. Let's go back, then, to
24 Mr. Gevorkian.

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AGENDA ITEM 6

VAGRAM GEVORKIAN (RESUMED)

BOARD CHAIRMAN SPENCER: Thank you for your patience, Mr. Gevorkian.

MR. GEVORKIAN: Thank you.

BOARD CHAIRMAN SPENCER: Okay. Has Carson City had a chance to go through those papers?

BOARD MEMBER NADEAU: We have them, yes.

BOARD CHAIRMAN SPENCER: Okay. Would anyone like to ask any questions or make any comments?

BOARD MEMBER NADEAU: Could we have Tammy or one of the investigators go through this for us to kind of help us out?

BOARD CHAIRMAN SPENCER: Sure. Hit it, Tammy.

MS. WHATLEY: Okay. Basically -- let me get this.

And Mr. Gevorkian did provide a lot of this paperwork with his original application as well. But part of what he provided, and he's showing the -- well, one moment. That's not the paper I was referring to. Hang on.

Okay. Basically, the paperwork that he provided to our office, and this paperwork as well, shows where there were court proceedings regarding his

1 charges and that they were then dismissed. And if I
2 remember correctly -- right, there's the letter of
3 possession of a dangerous weapon first offense and no
4 proof of insurance. And then they dismissed the
5 possession of a dangerous weapon first offense and
6 originally -- and then the insurance was standing, but I
7 believe even what was later dropped.

8 So, as I said, there -- there are no
9 convictions, but this -- my denial was just based --
10 because I was not sure, because of the number of arrests
11 and the offenses. You know, if it was a conviction for
12 the dangerous weapon, we absolutely could not consider
13 giving him a work card. But there are two different
14 offenses on dangerous weapon, but both were dropped.

15 BOARD CHAIRMAN SPENCER: Okay. Thank you.

16 BOARD MEMBER PUTNAM: Mr. Chairman, if I might,
17 the record also shows that on the 4th of January, 2006,
18 the complaint was amended to a misdemeanor possession of
19 dangerous drugs not to be introduced into interstate
20 commerce, and he was sentenced to six months in jail
21 suspended and -- but there is a conviction there.

22 BOARD MEMBER NADEAU: Mr. Chairman, if I'm not
23 mistaken, it was he attempted counseling, and so the
24 charge was then dismissed.

25 MS. WHATLEY: That's -- I'll have to look at

1 this.

2 BOARD MEMBER PUTNAM: Dismissed? Even though
3 he was sentenced to six months in jail?

4 BOARD MEMBER NADEAU: Well, it was suspended
5 pending the -- you know, it was --

6 BOARD MEMBER PUTNAM: Well, yeah.

7 BOARD MEMBER NADEAU: It was a typical drug
8 possession where they -- I think, and maybe
9 Mr. Gevorkian can -- but I think it's one of those, it's
10 delayed sentencing. And, basically, they suspend a
11 sentence until you complete the counseling.

12 BOARD MEMBER PUTNAM: Oh.

13 BOARD MEMBER NADEAU: And then it's dismissed.

14 MS. WHATLEY: Then it's dismissed, m-hm
15 (affirmative).

16 BOARD MEMBER NADEAU: I think it's a delayed
17 sentencing type of situation.

18 BOARD MEMBER PUTNAM: Is that the case, sir?

19 MR. GEVORKIAN: Yes, sir. It was dismissed
20 after counseling.

21 BOARD MEMBER ZANE: The charge was possession
22 of methamphetamine, right?

23 MR. GEVORKIAN: Correct.

24 BOARD MEMBER ZANE: You pled guilty based upon
25 a deferred sentence, you went to counseling, you stayed

1 out of trouble, and they dismissed the count?

2 MR. GEVORKIAN: Yes.

3 BOARD MEMBER ZANE: Okay.

4 BOARD MEMBER NADEAU: Deferred sentencing, you
5 know.

6 BOARD MEMBER PUTNAM: Yeah.

7 BOARD MEMBER ZANE: When you -- when you say
8 that you've -- you've turned your life around, at what
9 point in time would you say that occurred?

10 MR. GEVORKIAN: Last three years, sir.

11 BOARD MEMBER ZANE: Last three years?

12 MR. GEVORKIAN: Yes, sir. I was going through
13 a hard time, so. I had a family problem. That's why I
14 was having a hard time. Now everything change, my life
15 getting better, my family getting better. So a lot of
16 changes, sir.

17 BOARD MEMBER ZANE: What's been your employment
18 history?

19 MR. GEVORKIAN: I've been working since I'm in
20 country, since '96. The last three years, I drove a cab
21 for Western Cab Company. Before that, I worked for
22 myself. I owned a watch repair business. I still have
23 that business.

24 BOARD MEMBER ZANE: What kind of business?

25 MR. GEVORKIAN: Watch repair.

1 BOARD MEMBER ZANE: Watch repair?

2 MR. GEVORKIAN: Yes.

3 BOARD MEMBER ZANE: Okay.

4 MR. GEVORKIAN: But I have worked since I'm in
5 country, since '96.

6 BOARD CHAIRMAN SPENCER: Where are you from?

7 MR. GEVORKIAN: I'm Romanian, sir.

8 BOARD CHAIRMAN SPENCER: Romanian?

9 MR. GEVORKIAN: Yes, sir.

10 MS. WHATLEY: And my records do indicate that
11 the last -- but he's had traffic citations. Well, no.
12 The last date was in '08 for a traffic. And prior to
13 that, it was in '07, was his last arrest.

14 MR. GEVORKIAN: It was in '07.

15 BOARD CHAIRMAN SPENCER: What are the
16 circumstances around your gun charge? What are the
17 circumstances around the gun charge?

18 MR. GEVORKIAN: Gun charge. I wasn't alone in
19 my car. I had a guy who was driving, and I was sleeping
20 next to him, and I don't know who he put in the car
21 overnight. He parked on the street, and I wake up in
22 the middle of the street, sleeping, on the passenger
23 seat. So I wasn't driving that car. And just because
24 the car was in my name, they put the charges on me, sir.
25 I don't know who, who it was. But I don't know. I was

1 off sleeping next to him. But just because I rent the
2 car in my name, they put charges on me, sir.

3 BOARD CHAIRMAN SPENCER: Okay. It was
4 dismissed with your -- with that explanation?

5 MR. GEVORKIAN: Yes, sir.

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

7 BOARD CHAIRMAN SPENCER: Okay. Any other
8 questions from the Board?

9 BOARD MEMBER NADEAU: It doesn't look like we
10 have any, any here.

11 BOARD CHAIRMAN SPENCER: I'll entertain a
12 motion.

13 BOARD MEMBER ZANE: Mr. Chairman, I'd move that
14 we overturn the denial, the registration request by
15 Mr. Gevorkian.

16 BOARD CHAIRMAN SPENCER: I have a motion. Do I
17 hear a second?

18 BOARD MEMBER NADEAU: I'll second.

19 BOARD CHAIRMAN SPENCER: All right. A motion
20 and a second. All in favor, signify by saying "aye."

21 (The Board Members said "aye.")

22 BOARD MEMBER NADEAU: If I might --

23 BOARD CHAIRMAN SPENCER: Any discussion on the
24 motion?

25 BOARD MEMBER NADEAU: Mr. Chairman, the reason

1 I'm supporting this motion and I seconded it,
2 previously, we discussed time and distance. To me,
3 there's time and distance here in the sense of the
4 actions taken by Mr. Gevorkian, an example of trying to
5 get back together.

6 BOARD CHAIRMAN SPENCER: Okay. Thank you.

7 Further discussion on the motion?

8 Here again, I call for a vote. All in favor of
9 the motion, signify by saying "aye."

10 (The Board Members said "aye.")

11 BOARD CHAIRMAN SPENCER: Opposed?

12 Hearing none, it's overturned. Go to work.

13 MR. GEVORKIAN: Thank you very much for
14 trusting me. And thank you, Mr. Chairman. Have a great
15 week.

16 BOARD MEMBER NADEAU: Bye-bye. Thanks a lot.

17 BOARD CHAIRMAN SPENCER: Thank you.

18 Your name, sir?

19 MR. BROUGH: Richard Brough. Sorry about
20 the -- I just barely found out about this, actually.

21 BOARD CHAIRMAN SPENCER: All right. Come on
22 down.

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AGENDA ITEM 5
RICHARD BROUGH

MR. BROUGH? Take a seat?

BOARD CHAIRMAN SPENCER: Yes. Right there.
You need to be sworn in, too.

Jeff, do you want to swear this young man?

MR. MENICUCCI: Would you please stand. Raise
your right hand.

Do you solemnly swear or affirm that the
testimony you will give before this Board will be the
truth, the whole truth, and nothing but the truth?

MR. BROUGH: I do.

MR. MENICUCCI: Thank you.

BOARD CHAIRMAN SPENCER: Mechele.

MS. RAY: Okay. Mr. Chairman, I note
Mr. Brough has a misdemeanor drug, or drug, slash, drug
paraphernalia charge from 1999. He has a 2008 domestic
violence conviction. There's a question of the good
moral character and temperate habits. And according
to -- Investigator Whatley said the Lautenburg Amendment
of the Gun Control Act, Mr. Brough cannot possess a
firearm.

BOARD CHAIRMAN SPENCER: Okay. Mr. Brough, is
that correct?

1 MR. BROUGH: Yes, sir.

2 BOARD CHAIRMAN SPENCER: Okay. How long ago
3 did those occur?

4 MR. BROUGH: The drug offense happened when I
5 barely turned 18 years old. I've been in the military,
6 served my country. And the domestic was a couple years
7 ago. And that was wrong person, wrong time.

8 BOARD CHAIRMAN SPENCER: How old are you now?

9 MR. BROUGH: I'm 28, about to be 29 years old.

10 BOARD CHAIRMAN SPENCER: Okay. And you were in
11 the service when?

12 MR. BROUGH: From 2000 and to 2004.

13 BOARD CHAIRMAN SPENCER: Okay. Board
14 questions?

15 BOARD MEMBER ZANE: Were you honorably
16 discharged from the military?

17 MR. BROUGH: Yes, sir.

18 BOARD MEMBER ZANE: When you said that the
19 domestic violence was the wrong person at the wrong
20 time, was that you or the person who was the victim?

21 MR. BROUGH: It was me.

22 BOARD MEMBER ZANE: So what you're saying is
23 you've had some change in the last couple years?

24 MR. BROUGH: Oh, yeah. I'm laid-back, good
25 person. Just somebody had a grudge for me. And that's

1 the way I feel that it was taken.

2 BOARD MEMBER ZANE: And is this a girlfriend or
3 blood relative?

4 MR. BROUGH: It was a wife.

5 BOARD MEMBER ZANE: Wife?

6 MR. BROUGH: Yes.

7 BOARD MEMBER ZANE: Are you still married?

8 MR. BROUGH: No.

9 BOARD MEMBER ZANE: Do you have children?

10 MR. BROUGH: No.

11 BOARD MEMBER ZANE: Do you have any contact
12 with that person?

13 MR. BROUGH: No.

14 BOARD MEMBER ZANE: Since this is -- I mean you
15 know the severity of it, since it curtails your ability
16 to carry a firearm?

17 MR. BROUGH: Yes, sir.

18 BOARD MEMBER ZANE: Determined the severity of
19 that.

20 MR. BROUGH: Yes.

21 BOARD MEMBER ZANE: Of that crime. So that the
22 job that you're -- you would be trusted to give would be
23 in the field with no weapons involved; correct?

24 MR. BROUGH: Yes.

25 BOARD CHAIRMAN SPENCER: Any other questions?

1 BOARD MEMBER NADEAU: None here.

2 BOARD MEMBER ZANE: I'm sorry. What was the
3 date of the conviction on the domestic violence?

4 MS. RAY: I believe, it's in 2008. Yes, 2008,
5 domestic violence conviction.

6 BOARD MEMBER ZANE: And when was the date of
7 the occurrence?

8 MR. BROUGH: September 25th, I believe.

9 BOARD MEMBER ZANE: Of the same year?

10 MR. BROUGH: Yes.

11 BOARD MEMBER ZANE: 2008? Okay.

12 BOARD CHAIRMAN SPENCER: I'm sorry. Did you
13 say you have no questions in Carson?

14 BOARD MEMBER NADEAU: No, no questions.

15 BOARD CHAIRMAN SPENCER: Okay. We'll entertain
16 a motion.

17 BOARD MEMBER NADEAU: Mr. Chairman, I guess, I
18 do have a question. I apologize.

19 BOARD CHAIRMAN SPENCER: Go ahead.

20 BOARD MEMBER NADEAU: What was your sentence?

21 MR. BROUGH: I got six months worth of
22 counseling and 48 hours of community service.

23 BOARD MEMBER NADEAU: Was there any probation
24 or suspended sentence or anything of that nature, sir?

25 MR. BROUGH: There was two years I was

1 suspended with no convictions.

2 BOARD MEMBER NADEAU: So under the -- under the
3 court's provision, you are still -- you're still under
4 sentence of the court and --

5 MR. BROUGH: I don't know if it justifies being
6 under a sentence, but the judge told me that I just
7 can't get in trouble for two years; otherwise, he'll put
8 the punishment on me for the domestic, for jail time.

9 BOARD MEMBER NADEAU: Okay. I understand. Hm.

10 BOARD MEMBER PUTNAM: So there was no
11 suspended --

12 BOARD MEMBER NADEAU: No, he's got a two-years
13 suspended sentence.

14 BOARD MEMBER PUTNAM: Well, that means there
15 was a felony, right?

16 BOARD MEMBER NADEAU: No.

17 BOARD MEMBER PUTNAM: Well, it has to be if
18 it's over a year.

19 BOARD MEMBER NADEAU: No.

20 MS. WHATLEY: It's a misdemeanor. No, for two
21 years, if he gets in trouble during that two years, they
22 will make him go to jail. They'll --

23 BOARD MEMBER PUTNAM: How much jail time was he
24 sentenced to that was suspended?

25 BOARD MEMBER NADEAU: Six months jail, 48 hours

1 community service, two years suspended. But if he's
2 under a suspended sentence, then he still can --
3 legally, he's still under the supervision of the court
4 for that offense.

5 BOARD MEMBER PUTNAM: M-hm (affirmative).

6 BOARD CHAIRMAN SPENCER: Deferred sentencing,
7 right?

8 BOARD MEMBER NADEAU: It's a suspended
9 sentence, yes. I mean, but he's still under the control
10 of the court. Maybe I'm looking at this wrong. So I'm
11 trying to work through this. But he's still under
12 the -- under the purview of the court until that two
13 years is completed. So, in other words, he's still
14 under sentence, even though it's been suspended.

15 BOARD CHAIRMAN SPENCER: Right. They call it
16 deferred sentencing; is that correct?

17 BOARD MEMBER NADEAU: It's not deferred. It's
18 suspended.

19 MR. MENICUCCI: The court entered a sentence of
20 a particular length.

21 BOARD MEMBER NADEAU: Six months.

22 MR. MENICUCCI: But thought that Mr. Brough was
23 worthy of having that sentence suspended for a period of
24 time. So it's suspended. But if he does mess up
25 between -- during that two-year period, the court would

1 then impose the suspended sentence, and he'd have to go
2 to jail. That's my understanding.

3 BOARD MEMBER NADEAU: But the court has -- but
4 at the end of that two years, the court has to take some
5 action to -- or is it just by default? I guess, that's
6 where my --

7 MR. MENICUCCI: I don't know that -- I don't
8 know that any --

9 BOARD MEMBER NADEAU: I guess, where I'm going
10 with this --

11 MR. MENICUCCI: -- subsequent action would be
12 taken by the court. I don't know.

13 BOARD MEMBER NADEAU: -- is can we issue a
14 permit to someone who is still under the authority of
15 the court? And, I guess, that's what, that's my
16 question.

17 MR. MENICUCCI: I believe, the Board could do
18 that. If it were a worse situation, the court wouldn't
19 suspend it at all.

20 BOARD MEMBER NADEAU: Okay.

21 MR. MENICUCCI: And they would have sent him to
22 jail, but then he'd be out in six months. So the
23 question is should he suffer for the fact that the court
24 suspended the sentence.

25 BOARD MEMBER NADEAU: Right. Okay. And when

1 did you go to court? When were you -- when was the
2 thing adjudicated; in other words, when did you receive
3 your sentence?

4 MR. BROUGH: November 24th, 2008.

5 BOARD MEMBER NADEAU: Okay. All right. Thank
6 you.

7 BOARD CHAIRMAN SPENCER: Okay. Let me run
8 through this one more time. What did the court give
9 you?

10 MR. BROUGH: Six months worth of counseling,
11 which is completed, and 48 hours community service, and
12 the two years to stay out of trouble, or they'll throw
13 the jail time in for that on top.

14 BOARD CHAIRMAN SPENCER: All right.

15 BOARD MEMBER NADEAU: What was the jail time?

16 MR. BROUGH: That six months that -- that would
17 be put on top of whatever offense, if I did one.

18 MS. WHATLEY: A hundred twenty days.

19 BOARD MEMBER NADEAU: Okay. All right. That's
20 what I thought it was.

21 BOARD CHAIRMAN SPENCER: So your basic, basic
22 misdemeanor.

23 MR. BROUGH: Yes, first time.

24 BOARD CHAIRMAN SPENCER: Yeah. Okay. Further
25 questions from the Board?

1 BOARD MEMBER ZANE: No.

2 BOARD CHAIRMAN SPENCER: Okay. We'll entertain
3 a motion.

4 BOARD MEMBER ZANE: Mr. Chairman, I'd move that
5 the matter of agenda item number five, Richard Brough --
6 Is that it?

7 MR. BROUGH: Yes, sir.

8 BOARD MEMBER ZANE: That the denial of his
9 registration be overturned.

10 BOARD CHAIRMAN SPENCER: We have a motion. Do
11 we have a second?

12 I second the -- for the sake of discussion, I
13 second that motion. Any discussion on the motion?

14 BOARD MEMBER ZANE: Mr. Chairman, the reason
15 and the purpose behind the motion is although the
16 importance of the domestic violence arrest and the
17 social enhancements that come along with it, it's been
18 raised to a level that, I believe, that maybe our
19 legislature should look at and, if it's an important
20 crime, make it a high crime level. Because here we are,
21 we're faced with an individual that served his country,
22 got an honorable discharge from the military, is working
23 for a living and, other than a narcotics arrest 10 years
24 ago, is attempting to be a functional member of society.
25 I'm troubled by the fact that it is a domestic

1 violence situation, because you're applying for the
2 ability to work in a field where you have judgment
3 issues, that you'd be responsible for other people's
4 safety that you'd be responsible for. So the particular
5 fact that given a point in time in your history you
6 committed a violent act upon another brings worry to me,
7 giving you the opportunity to apply for employment with
8 somebody to put you in charge of someone else's safety.

9 But I put forward the motion not to diminish
10 the severity of the act, but the fact that I believe you
11 should have the opportunity, albeit supervised, to work
12 in the field that you are otherwise probably prohibited
13 from doing.

14 BOARD CHAIRMAN SPENCER: Any further discussion
15 on the motion?

16 All right. I'll call for the vote, then. All
17 in favor of the motion, signify by saying "aye."

18 (The Board Members said "aye.")

19 BOARD CHAIRMAN SPENCER: Opposed?

20 Go to work.

21 MR. BROUGH: Thank you.

22 BOARD CHAIRMAN SPENCER: All right. We're down
23 to Board comment.

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AGENDA ITEM 13

BOARD COMMENT

BOARD MEMBER NADEAU: Mr. Chairman?

BOARD CHAIRMAN SPENCER: Yes?

BOARD MEMBER NADEAU: I apologize, but I have to leave again. But I was wondering if maybe we could hit both, two things. Number one, place on the agenda maybe for our next regularly scheduled meeting the discussion of the domestic violence and the implications associated with that regarding licensure and registration.

BOARD CHAIRMAN SPENCER: Okay.

BOARD MEMBER NADEAU: And, also, it -- would there be, maybe for discussion, the idea of moving public comment to the beginning of the meeting rather than the end?

BOARD CHAIRMAN SPENCER: Yeah.

BOARD MEMBER NADEAU: Because I think we missed some good comments and good input by the public based on the length of our meetings and that. But, you know, again, for Board discussion. Anyway.

BOARD CHAIRMAN SPENCER: We can certainly do it both times. If anybody wants it at the beginning or they want to stick around and do it at the end, fine,

1 too. Okay.

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

3 BOARD CHAIRMAN SPENCER: Future agenda items.

4 There's lots of them.

5

6 AGENDA ITEM 14

7 FUTURE AGENDA ITEMS

8

9 MS. RAY: You know, we probably will have some
10 additional -- a working draft of the criteria for denial
11 of registrations for work cards and, you know, somewhat
12 of a more formal process. I think, I'd like, you know,
13 a little bit of input from all of you and staff to --
14 you know, how today's registration appeals went, and get
15 the process down to what we want it to be in the future.
16 So.

17 BOARD CHAIRMAN SPENCER: Right. Public comment
18 and discussion?

19

20 AGENDA ITEM 15

21 PUBLIC COMMENT AND DISCUSSION

22

23 BOARD CHAIRMAN SPENCER: Yes, sir?

24 MR. YEPKO: Should I come forward?

25 BOARD CHAIRMAN SPENCER: Certainly.

1 MR. YEPKO: Thank you again for hearing me,
2 Mr. Chairman, members of the Board, and Mechele, members
3 in Carson City. Michael Yepko, Las Vegas, Nevada, Vegas
4 Legal Support Services.

5 Very briefly, I appreciate the one Board member
6 bringing up the issue about domestic violence. I know
7 that history has shown that it is a precursor to
8 homicide. And our country and our states and cities
9 have reacted to that fact with multiple studies and
10 police experiences. But in my opinion, there is a
11 massive difference between two people living together
12 and having a verbal argument and one of them ultimately
13 going to jail and having the mark of Cain for domestic
14 violence, versus the situation where someone is
15 physically battered and placed in an emergency room
16 and/or seriously injured.

17 And, I think, the issue that you brought up,
18 again, hit it right on the head. I think, we need to
19 look at the police report, the facts, evidence, probable
20 cause gathered for domestic violence as far as if we
21 have future people coming forward. Because I'm married.
22 I have debates with my wife. If the police showed up, I
23 would be subjected to domestic violence for having a
24 verbal disagreement with a spouse? I don't think that's
25 appropriate. Versus physical battery or actual evidence

1 of assault, battery or something more serious.

2 Secondly, due to the basic flavor of the agenda
3 from yesterday and today, my comments, which I was going
4 to make, I believe, are probably more relevant at a
5 future meeting due to the fact that I've done some
6 research on unlicensed activity, the hidden costs of
7 unlicensed competition and other issues related to
8 unlicensed activities. And I'd like to hold that until
9 a later meeting.

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

12 MR. YEPKO: Thank you.

13 BOARD CHAIRMAN SPENCER: Any other discussion
14 or comment?

15 I'd entertain a motion.

16 BOARD MEMBER PUTNAM: Move the meeting be
17 adjourned.

18 BOARD CHAIRMAN SPENCER: Second. All in favor?
19 (The Board Members said "aye.")

20 BOARD CHAIRMAN SPENCER: Anybody opposed?
21 Anybody dare to be opposed?

22 Okay. This meeting is adjourned.

23 * * * * *

24 (The meeting adjourned at 12:12 p.m.)

25 -oOo-

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 18, 2010, and commencing at 9:25 a.m. took stenotype notes of a meeting of the State of Nevada, Private Investigators Licensing Board;

That I thereafter transcribed the aforementioned stenotype notes into typewriting as herein appears, and that the foregoing transcript, consisting of pages 1 through 97 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 11th day of May, 2010.


SHANNON L. TAYLOR
Nevada CCR #322, RMR

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