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

Thursday, June 12, 2014
9:00 a.m.

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

Location:
Grant Sawyer State Office Building
555 East Washington Avenue
Attorney General Conference Room, Suite 4500
Las Vegas, Nevada

REPORTED BY: SHANNON L. TAYLOR, CCR, CSR, RMR
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A P P E A R A N C E S

Board Members Present:

David Spencer, Chairman (Las Vegas)
Jim Nadeau (Carson City)
Mark Zane (Las Vegas)
Robert Uithoven (Carson City)
James Colbert (Carson City)

Also: Kevin Ingram (Las Vegas)
Executive Director

Shelly Donald (Las Vegas)
Assistant Executive Director

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

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

Sarah Bradley (Carson City)
Deputy Attorney General
Board Counsel

Matthew Schmelzer (Carson City)
Investigator 3

Bruce Yarborough (Las Vegas)
Investigator

Other Participants in Carson City:

None

Other Participants in Las Vegas:

Robert Ralph
Rontrice Gray
Nathaniel Reed, Esq.
Christopher Lottie
Preston Kingsley
Annette Lexis

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1 CARSON CITY, NEVADA, THURSDAY, JUNE 12, 2014, 9:00 A.M.

2 -oOo-

3 BOARD CHAIRMAN SPENCER: This is the date and
4 time set for the second day of the third quarterly
5 meeting of the Private Investigators Licensing Board.

6 Could I have a roll call of members.

7 MR. INGRAM: Thank you, Mr. Chairman.

8 Board Member Colbert?

9 BOARD MEMBER COLBERT: Here.

10 MR. INGRAM: Board Member Nadeau?

11 BOARD MEMBER NADEAU: Here.

12 MR. INGRAM: Board Member Uithoven?

13 MS. PLATT: He stepped out. He's here.

14 BOARD MEMBER COLBERT: He's here.

15 MR. INGRAM: Okay.

16 MS. PLATT: There he is.

17 MR. INGRAM: Board Member Zane?

18 BOARD MEMBER ZANE: Here.

19 BOARD MEMBER UITHOVEN: Here.

20 MR. INGRAM: And Chairman Spencer?

21 BOARD CHAIRMAN SPENCER: Here.

22 As we have provided at the beginning of
23 meetings now, a time for public comment. So if anyone
24 has -- from the public wants to make any comments now,
25 before we get started with the regular part of the

1 meeting, please do so. Also, in Las Vegas, or in Carson
2 City.

3 If they could stop talking long enough to
4 listen.

5 Do you have any public comment down there?

6 MS. PLATT: No, there's no public comment here.

7 BOARD CHAIRMAN SPENCER: Okay. We need all
8 applicants and all witnesses who will give testimony
9 today to stand and be sworn.

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

13 (Potential witnesses were sworn.)

14 BOARD CHAIRMAN SPENCER: Okay. Great. We need
15 to make a motion to rescind the --

16 MR. INGRAM: Postponement.

17 BOARD CHAIRMAN SPENCER: -- postponement of
18 Mr. Ralph's licensure.

19 Do you want to make that motion?

20 MS. PLATT: Someone needs to make a motion to
21 rescind your action of yesterday.

22 BOARD MEMBER ZANE: Mr. Chairman, I'd move that
23 item number 21 from the agenda posted for 6-11, 2014,
24 be --

25 MS. PLATT: No, no. Your action from yesterday

1 regarding agenda item 21 be rescinded.

2 BOARD MEMBER ZANE: Yeah.

3 BOARD CHAIRMAN SPENCER: Do I have a second?

4 BOARD MEMBER UITHOVEN: Second.

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

8 (Board members said "aye.")

9 Opposed?

10 BOARD MEMBER ZANE: No.

11 BOARD MEMBER NADEAU: Mr. Chairman?

12 BOARD CHAIRMAN SPENCER: One opposed.

13 BOARD MEMBER NADEAU: Mr. Chairman?

14 BOARD CHAIRMAN SPENCER: Yes?

15 BOARD MEMBER NADEAU: I abstained from that
16 motion inasmuch as I was not here yesterday when the
17 initial vote was taken.

18 BOARD CHAIRMAN SPENCER: Great. Thank you,
19 sir.

20 The motion passes.

21 And, Mr. Ralph, would you come sit, forward and
22 sit.

23 How are you today, sir?

24 MR. RALPH: Good. How are you?

25 BOARD CHAIRMAN SPENCER: Good. We looked for

1 you yesterday, but. So we're happy to see you today.

2 BOARD MEMBER ZANE: Mr. Chairman, can I make
3 sure that we recorded the no vote?

4 BOARD CHAIRMAN SPENCER: I -- I did.

5 BOARD MEMBER ZANE: It helps.

6 BOARD CHAIRMAN SPENCER: Yeah.

7 MS. PLATT: What's the question?

8 BOARD CHAIRMAN SPENCER: We had three yays and
9 one nay on the last vote.

10 MS. PLATT: No, he was abstaining.

11 BOARD MEMBER UITHOVEN: No, no. Mark Zane was
12 a no vote.

13 MS. PLATT: Oh, okay. I'm sorry.

14 BOARD MEMBER UITHOVEN: Yeah. Nadeau was an
15 abstain.

16 BOARD CHAIRMAN SPENCER: Yeah.

17 BOARD MEMBER UITHOVEN: Go ahead.

18 BOARD CHAIRMAN SPENCER: All right. Yes,
19 Mr. Ralph, would you give us some details on your
20 background and your qualifications for this licensure.

21 MR. RALPH: Sure. Since I've been 21, I've
22 been involved in fighting insurance fraud, did about --
23 I've been licensed for approximately 30 years in
24 Los Angeles as an investigator, and have been working
25 here in Las Vegas for the past three or four years as an

1 investigator. So, I believe, I qualify. I've also been
2 members of the special investigation unit for Allstate
3 Insurance Company and Auto Club, as well as a few other
4 insurance companies.

5 BOARD CHAIRMAN SPENCER: All right. Thank you.
6 Questions from the Board?

7 Hearing no questions, I'll entertain a motion.

8 BOARD MEMBER NADEAU: Mr. Chair? Mr. Chairman,
9 I move that Ralph, Robert Ralph be granted his private
10 investigator license subject to all statutory and
11 regulatory requirements.

12 BOARD CHAIRMAN SPENCER: Okay. We have a
13 motion.

14 BOARD MEMBER UITHOVEN: Second.

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

17 (Board members said "aye.")

18 Opposed?

19 BOARD MEMBER ZANE: I abstain, Mr. Chairman.

20 BOARD CHAIRMAN SPENCER: What did you say?

21 BOARD MEMBER ZANE: I abstain.

22 BOARD CHAIRMAN SPENCER: You abstain.

23 BOARD MEMBER ZANE: Yes.

24 BOARD CHAIRMAN SPENCER: All right. I have one
25 abstention and one, two, three, four, five. No. Four

1 yays.

2 MS. PLATT: Can you put on the record why
3 you're abstaining, Mr. Zane?

4 BOARD MEMBER ZANE: Because I don't want the
5 public to feel, the people who were here yesterday to
6 feel that they were not entitled to proper notice that
7 the meeting would be held today instead of three months
8 from today.

9 MS. PLATT: Okay.

10 BOARD CHAIRMAN SPENCER: All right.
11 Congratulations.

12 MR. RALPH: Thank you.

13 BOARD CHAIRMAN SPENCER: All right. We'll go
14 into the regular schedule for today, under Registration
15 Appeals Hearings. I'll put my glasses on so I can see
16 who I'm doing.

17 Rontrice Gray.

18 Come forward, please.

19 How are you today?

20 MS. GRAY: Okay. How about yourself?

21 BOARD CHAIRMAN SPENCER: Good. Thanks.

22 Who had this one?

23 Okay. And what were the circumstances that she
24 was denied?

25 MS. DONALD: I am Shelly Donald. When I ran

1 this --

2 (The Court Reporter indicated a difficulty
3 hearing the Las Vegas testimony.)

4 BOARD MEMBER NADEAU: You've got a lot of paper
5 shuffling going on. And we can't hear what the
6 testimony is.

7 MS. DONALD: So we have 16 arrests and six
8 citations. She listed one arrest. So we went through,
9 Ray and I, and looked, broke down her arrest history the
10 best we could. The one arrest she disclosed was for
11 burglary. That was the only one she disclosed. She had
12 at least 10 arrests, four bench warrants and one failure
13 to appear for prostitution, from 2008 to 2012. In 2010,
14 she also had a DUI and intent to sell drugs.

15 So I denied her for not -- for failure to list
16 as, you know, indicated on the application.

17 BOARD CHAIRMAN SPENCER: Okay. Thank you.

18 Questions from the Board?

19 MS. PLATT: I have one question. Were any of
20 those arrests felonies?

21 MS. DONALD: No, ma'am.

22 BOARD MEMBER NADEAU: Mr. Chair?

23 BOARD CHAIRMAN SPENCER: Yes?

24 BOARD MEMBER NADEAU: Thank you, Mr. Chair.

25 You had several arrests. How many of them were

1 held on convictions?

2 MS. DONALD: About 13, from what we could
3 figure out.

4 BOARD MEMBER NADEAU: And those convictions
5 where how recent?

6 MS. DONALD: The most recent looks like it was
7 from December, or August of 2012.

8 BOARD MEMBER NADEAU: No more questions. Thank
9 you, Mr. Chair.

10 BOARD CHAIRMAN SPENCER: Any further Board
11 questions?

12 BOARD MEMBER ZANE: I do, sir.

13 BOARD CHAIRMAN SPENCER: Yes, sir.

14 BOARD MEMBER ZANE: Ms. Gray, do you have a
15 reason why you failed to disclose?

16 MS. GRAY: Most of the things that were not
17 disclosed on there, I, basically, couldn't remember,
18 couldn't remember all of them. I mean I've been in this
19 state for almost -- over 20 years. I've gone through a
20 lot of things in my life. So, therefore, most of those
21 things I really couldn't remember. I'm just going to be
22 honest with you. I couldn't remember half of those
23 things, even though I knew I had numerous arrests.

24 But when you guys asked for the paperwork, and
25 I went through the SCOPE, and I'm like, okay, I ended up

1 getting the SCOPE, who's going to remember everything
2 that they've probably been arrested for? I mean my
3 first arrest was when I was 18. I'm 34 now. I couldn't
4 remember half of them.

5 BOARD MEMBER ZANE: Okay. I just -- are you --
6 I've got to ask a question of the lawyer.

7 I want to ask a question about medical history.

8 MS. PLATT: So, you need -- she has to -- she
9 has the option to go into a closed session, if that's
10 her desire, if you want to.

11 BOARD MEMBER ZANE: I hate to do that, but I
12 want to ask --

13 MS. PLATT: I guess, my question to you would
14 be what -- when you look at the qualifications, what
15 about her medical history goes towards the
16 qualifications for the registration that she worked for,
17 that she's applying for?

18 BOARD MEMBER ZANE: Whether or not she had a
19 medical condition that could be used as an excuse why
20 she failed to follow some of the simplest of reason.

21 MS. PLATT: Okay. It's up to you.

22 BOARD MEMBER ZANE: But --

23 BOARD CHAIRMAN SPENCER: You have the option.

24 MS. PLATT: So you have the option to close
25 this hearing, because he may ask some questions that

1 might be personal in nature to you regarding your
2 qualifications for this registration card. It's your
3 option to go into closed session or not.

4 MR. MARCHER: No. No, it's not her option.
5 It's the Board's option.

6 MS. PLATT: The Board's option.

7 MR. MARCHER: She can ask for it to be closed,
8 but the Board doesn't have to close it. They can if
9 they wish to.

10 But I mean, realistically, based on what you
11 just said, it sounds like this may be a yes or no
12 question, and we might not really have to delve into her
13 medical history.

14 But if you're just asking her, "Do you have any
15 medical condition that may have prevented you from
16 answering the questions on the application correctly?"
17 she could say yes or no. If it's yes, then you may
18 consider closing the hearing if you want to get into it
19 a little bit more. If the answer's no, then you just
20 move on.

21 BOARD CHAIRMAN SPENCER: Do you understand your
22 rights?

23 MS. GRAY: Yes, I do.

24 BOARD CHAIRMAN SPENCER: Okay.

25 MS. GRAY: And, no.

1 MR. MARCHER: Okay.

2 BOARD MEMBER ZANE: What's the answer to the
3 question?

4 MS. GRAY: You want me to answer the question?
5 I could answer the question if you will like. But as
6 far as his concern, there was really not a medical
7 condition per se, more like I'm in a rehabilitation. So
8 some things I don't remember. It's more of a -- I had
9 more of a substance abuse problem. And some things are
10 coming back to my memory, but not all things. So I
11 remember a lot, I remember some things, but I don't
12 remember all things. So.

13 BOARD MEMBER ZANE: Okay. Mr. Chairman, I'd
14 move to close the hearing on this applicant.

15 BOARD CHAIRMAN SPENCER: All right. All of you
16 in the audience will have to leave until we're through
17 with this.

18 BOARD MEMBER ZANE: Oh, yeah. I think, we have
19 to have a second.

20 BOARD CHAIRMAN SPENCER: Oh. Yeah. We
21 probably ought to have one. Do we have a second to that
22 motion?

23 MS. PLATT: We need a second to vote.

24 BOARD MEMBER UITHOVEN: Second.

25 BOARD CHAIRMAN SPENCER: All right. All in

1 favor, signify by saying "aye."

2 (Board members said "aye.")

3 Anybody opposed?

4 Thanks.

5 * * * * *

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

9 * * * * *

10 BOARD CHAIRMAN SPENCER: All right. We are now
11 back in open session.

12 And, Mr. Zane, you still have the floor.

13 BOARD MEMBER ZANE: Thank you, Mr. Chairman.

14 Ms. Gray, thank you --

15 MS. GRAY: You're very welcome.

16 BOARD MEMBER ZANE: -- for allowing that to go
17 through.

18 That's all the questions I have.

19 BOARD CHAIRMAN SPENCER: Are there any further
20 questions from the Board members?

21 Then, I'll entertain a motion.

22 BOARD MEMBER ZANE: Mr. Chairman, I would move
23 that the registration denial for Rontrice Gray be
24 upheld.

25 BOARD CHAIRMAN SPENCER: I have a motion.

1 BOARD MEMBER UITHOVEN: Second.

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

4 (Board members said "aye.")

5 I'm sorry, but they're not going to be able to
6 give it to you today. I have to say, though, I applaud
7 you for your efforts in what you're doing. And please
8 consider coming back in a year.

9 MS. GRAY: Thank you.

10 BOARD CHAIRMAN SPENCER: M-hm (affirmative).
11 All right. Robert Hall.

12 Is there a Robert Hall down there?

13 MS. PLATT: No.

14 BOARD CHAIRMAN SPENCER: All right. Then,
15 we'll trail it through the -- through today's activities
16 and then make a decision.

17 Next, number seven, Christopher Lottie,
18 unlicensed activity appeals hearing.

19 MR. REED: Good morning.

20 BOARD CHAIRMAN SPENCER: Good morning.

21 MR. REED: Mr. Chairman, members of the Board,
22 my name's Nathaniel Reed. I am an attorney. I
23 represent Mr. Lottie, Chris Lottie, doing business as
24 On The Run Service.

25 BOARD CHAIRMAN SPENCER: All right. Thank you

1 very much.

2 MR. REED: Do you want me to stand up?

3 BOARD CHAIRMAN SPENCER: No. You can sit right
4 down.

5 MR. REED: I don't mind standing up, though.

6 BOARD CHAIRMAN SPENCER: I'm going to turn this
7 over to Colleen.

8 MS. PLATT: Could you spell your name for the
9 record.

10 MR. REED: Nathaniel Reed, N-A-T-H-A-N-I-E-L,
11 Reed, R-E-E-D, bar number 3575.

12 Did you get that?

13 MS. PLATT: Yeah, she did.

14 THE REPORTER: Thank you.

15 MR. REED: You're welcome.

16 MS. PLATT: So, at this time, just so the Board
17 is aware, we have Mr. Keith Marcher in here. And so
18 he's going to be providing legal counsel for you while I
19 prosecute the case. Okay?

20 MR. REED: Okay.

21 MS. PLATT: So I'm going to call Mr. Bruce
22 Yarborough.

23 MR. YARBOROUGH: I'm here.

24 MS. PLATT: Okay.

25 ///

1 B R U C E Y A R B O R O U G H,
2 having been duly sworn,
3 was examined and testified as follows:

4
5 D I R E C T E X A M I N A T I O N

6 BY MS. PLATT:

7 Q. Mr. Yarborough, can you state your name and
8 spell it for the record, please?

9 A. Bruce, B-R-U-C-E, Yarborough,
10 Y-A-R-B-O-R-O-U-G-H.

11 Q. And who is your employer?

12 A. I'm an investigator for the Private
13 Investigators Licensing Board.

14 Q. And how long have you held that title?

15 A. Three years this month.

16 Q. Okay. And did you have the occasion to write
17 citation number C012-14 to Christopher Lottie?

18 A. Yes, I did.

19 Q. Can you describe the circumstances surrounding
20 that?

21 A. On January 28th of this year, I got a call from
22 James Michael Boone, Chief Operating Officer of Total
23 Security Solutions, license 1650. His inquiry was about
24 papers that had been served on Patricia Murphy, who is
25 one of his employees and was his registered agent when

1 he was in business up in Reno. And the person that
2 served the papers had taken pictures of her. And he
3 wanted to inquire if that was permitted by a process
4 server.

5 When he went into more details about the
6 service, telling me that a man named Christopher Lottie
7 had come into his business and served Ms. Murphy, I
8 tried to find out if Mr. Lottie was a registered process
9 server; and he was not.

10 So then I sent a fax to Mr. Lottie's home phone
11 number, which made fax tones when I dialed it, so I new
12 it was an operating fax. And that was on February 18th.
13 And I told him that a person who engages in the business
14 of process serving needs to be licensed. And I have
15 some other information in that fax.

16 I know that the fax went out okay, because our
17 fax machine printed out a statement that the fax was
18 delivered okay. But I didn't hear from him for about a
19 week. So then I went ahead and prepared the citation.
20 And, I think, it's dated the 28th. No. Maybe.

21 MR. REED: 18th.

22 MR. YARBOROUGH: February 26th of 2014, I
23 mailed him the citation by registered mail and certified
24 mail. And I got the receipt back from the post office
25 that it was delivered to him.

1 And then he called me and asked me about the
2 citation. And I told him, "Well, I sent you a fax
3 explaining what the situation was. And when I didn't
4 hear from you, my duty was to issue the citation." And
5 I said that what we try to do is get good people in the
6 business and get them in here and get them licensed.
7 And if you have two years of process serving experience,
8 you can get a license. But you can't serve papers
9 without one or without being a carded employee of a
10 licensed process server.

11 He said, well, he had worked for a while. He
12 didn't know whether he had two years or not. He told me
13 he had served papers for Michael Yepko, who is a process
14 server that we all know.

15 I interrogated our GL Suite software to
16 determine if Christopher Lottie had ever been issued a
17 work card to work for Mr. Yepko or anybody else with
18 process serving, with negative results. He wasn't in
19 our database at all.

20 And then the next thing that happened was we
21 got a fax from Mr. Neil, his attorney, who stated that
22 he wasn't serving process, he was just a runner.

23 But before that, Mr. Boone, who initially
24 called me, had gone down and got the receipt of service
25 and sent that over to me, Certificate of Personal

1 Service, signed by Mr. Lottie, owner of On The Run. And
2 he listed the Nevada Secretary of State registration
3 number. But, of course, he doesn't list a PILB license
4 number, because he didn't have one. And that shows that
5 she served P. Murphy at her place of business, and he
6 charged \$90 for the service.

7 Well, I did some more investigation and
8 determined that it was actually process being served for
9 a Reno attorney named Kent Wood, who also owns real
10 estate and commercial real estate in Reno. And
11 Ms. Murphy, working for Mr. Boone, was Mr. Boone's
12 registered agent. And there was a dispute over the
13 rental on that property, and Mr. Wood was taking
14 Mr. Boone and his company to court, which was eventually
15 dismissed.

16 And I called Mr. Wood, and I asked him about
17 the service of this subpoena. He said, "Oh, I don't
18 know Mr. Lottie. I just know some attorneys down in
19 Reno, and one of them was using him for process service.
20 So I sent the summons down there to him and had it
21 served."

22 And on the return of service, there's a box
23 there; it says "Fee for service \$90." So it looks to me
24 like Mr. Lottie served this, was paid for it, and he did
25 it for Mr. Wood in Reno. And he wasn't licensed, nor

1 was he a cardholder working for a licensee at the time.

2 BY MS. PLATT:

3 Q. And in the course of your investigation, did
4 you draft a -- an investigative report?

5 A. Yes, I did.

6 Q. And, I believe, you have the original copy down
7 there with the investigation. And was that report
8 compiled in the ordinary course of business?

9 A. Yes, it was.

10 MS. PLATT: So, Mr. Reed, I'm going to move at
11 this time, then, to introduce the investigative report
12 as State's Exhibit 1, if you have no objection.

13 MR. REED: You want me -- you want to introduce
14 an investigation report that I got this morning. I
15 haven't seen this before. No one has provided --

16 MS. PLATT: Well, I'm not really required to
17 provide that to you.

18 MR. REED: No one has provided me this
19 information so I could respond. There's information in
20 this report that I wasn't aware of, and testimony now
21 that I heard, that I wasn't aware of. So, in essence,
22 I'm somewhat unprepared. But I have no objection.

23 But I'd like to say that, for the record, that
24 the Board should revise this. That will help me make a
25 better presentation to the Board why I feel that this

1 man shouldn't be fined, and he didn't -- and that the
2 action taken was improper and that, I think, it's
3 probably because of some error in the notice.

4 MS. PLATT: Mr. Reed, that's -- you can't
5 give --

6 MR. REED: All right. All right.

7 MS. PLATT: -- argument until it's your turn.

8 MR. REED: Okay. Fine.

9 MS. PLATT: I'm not required to give this to
10 you.

11 MR. REED: I'm not going to, I'm not going to
12 object to the admission of this report.

13 MR. YARBOROUGH: Do you have copies of this?

14 MR. INGRAM: Yeah.

15 MS. PLATT: So, Kevin, can you give the copy to
16 Chairman Spencer and Mr. Zane?

17 MR. INGRAM: Yes, they have the copies in front
18 of them, as do Mr. Lottie and Mr. Reed.

19 MS. PLATT: Okay.

20 BY MS. PLATT:

21 Q. So. All right. So, Mr. Yarborough, I'm going
22 to ask you to turn your attention to the third page of
23 the report, which is the Certificate of Personal
24 Service. And can you kind of explain what this means,
25 what, what this document is or purports to be?

1 MR. REED: Are you asking my opinion of what it
2 is?

3 MS. PLATT: No, I'm asking Mr. Yarborough.

4 MR. REED: Oh.

5 MR. YARBOROUGH: This is a State of Nevada,
6 County of Washoe, form. It says "The undersigned
7 declares that at the time of service of the papers
8 herein referred to, over the age of 18 and not a party
9 to this action, I served the declaration and order of
10 this action," so on and so forth.

11 Ms. Murphy's name is put there because she was
12 a registered representative of Mr. Boone's company. And
13 it's signed by Christopher Lottie. And his signature is
14 notarized.

15 BY MS. PLATT:

16 Q. So Ms. Murphy is the one that was served with
17 the papers that Mr. Lottie had; is that correct?

18 A. Yes. She was the registered agent of the
19 company.

20 Q. And so this document, is this generally, is
21 this generally filled out by a process server in the
22 performance of their duties?

23 A. Yes, it is.

24 Q. And does one have to be licensed in order to
25 serve process?

1 Rules of Civil Procedure and the Justice Court Rules of
2 Civil Procedure --

3 MS. PLATT: Objection.

4 MR. REED: Wait a minute. Objection? On what
5 basis? I haven't even finished my question.

6 MS. PLATT: NRCP is not applicable to this
7 hearing here today. I mean it's --

8 MR. REED: But it's relevant, ma'am, in my
9 opinion. It's relevant because the -- I'm sure they're
10 all aware of what it says.

11 MS. PLATT: No, Mr. Yarborough --

12 MR. REED: A person over the age of -- oh. Am
13 I going to keep getting interrupted? I didn't interrupt
14 you once during your testimony, during your inquiry of
15 this witness. And you interrupt me constantly.

16 MR. MARCHER: Can you just --

17 MR. REED: I haven't even had a chance to even
18 ask the question.

19 MR. MARCHER: Counselor, ask your question
20 fully. And then, if she has an objection --

21 MR. REED: That's what I would --

22 MR. MARCHER: -- you can respond to that.

23 MR. REED: -- like to do. And then she can
24 make the objection.

25 MR. MARCHER: And then the Board will --

1 MR. REED: I would like to at least be able to
2 ask the question. Can I ask the question now?

3 MR. MARCHER: Ask the question.

4 BOARD CHAIRMAN SPENCER: Please.

5 BY MR. REED:

6 Q. All right. Sir, are you aware of the Justice
7 Court Rules of Civil Procedure relative to service of
8 process?

9 A. Yes.

10 MR. REED: Okay. That's all I wanted to ask.

11 MR. MARCHER: Okay.

12 BY MR. REED:

13 Q. Now, I want to ask you another question.
14 Mr. Yarborough, you said you faxed notice to Mr. Lottie;
15 is that correct?

16 A. Yes.

17 Q. Did you talk to him about it after that notice?

18 A. He called me after he got the citation.

19 Q. Did he tell you, did he tell you -- isn't it
20 true that he told you that he never received the fax and
21 that the only time he became aware of this was when he
22 received the citation?

23 A. He acknowledged that he got the fax, totally
24 opposite of what the question.

25 Q. He did?

1 A. Yes.

2 Q. Acknowledge the fax?

3 A. M-hm (affirmative).

4 Q. And that if it made -- if he didn't -- if he
5 did, after that fax, call you up, you wouldn't have
6 issued a citation; is that correct?

7 A. Not necessarily.

8 Q. Well, why did you issue the citation, then?

9 A. Because I couldn't determine from our records
10 that he had -- was a cardholder or that he was working
11 for a licensed process server.

12 Q. Now, Mr. Yarborough, isn't it true that you
13 cannot engage in the business of service of process
14 unless you're licensed; is that true?

15 A. Or be a cardholder of a licensee.

16 Q. All right. So he -- do you have any evidence
17 to show that Mr. Lottie was engaged in the business of
18 process serving other than this one isolated incident?

19 A. Other than this one, no. But one constitutes a
20 violation.

21 Q. Now, I want to ask you another question. See,
22 you're not answering my question, and you're giving
23 comments. I'd appreciate if you don't do that anymore,
24 and just answer my questions.

25 Now, Mr. Yarborough, have you -- do you know of

1 any other citations given to Mr. Lottie?

2 A. No.

3 Q. Did you also receive the -- that thing where
4 you sign it.

5 I show you what's called a Proof of Service
6 used by plaintiffs in small claims cases. I want you to
7 look at that. You should have a copy of that.

8 MS. PLATT: I'm going to have to object. I
9 don't have a copy of that.

10 MR. REED: Well, he does. We have it.
11 Somebody has it. See, getting this today, again, I mean
12 I would mark these exhibits --

13 MS. PLATT: Well --

14 MR. REED: -- and do that that way if I had
15 time to do it. But I come this morning, with a report I
16 first time see, for the first time, and have to review
17 it and respond to it.

18 MR. MARCHER: Mr. Reed. Mr. Reed, this is
19 Keith March. I'm the Chief Deputy Attorney General,
20 sitting as Board counsel today. Did you just get
21 engaged with regard to this case today?

22 MR. REED: No. But it's the first time I
23 became aware of a lot of these facts that are in the
24 report.

25 MR. MARCHER: Did you seek discovery of the

1 report prior to the hearing?

2 MR. REED: I talked to Mr. Ingram several times
3 and asked him for whatever he had. He didn't ask
4 anything from me. I didn't get anything from him.
5 Neither one of us exchanged any discovery at all,
6 period.

7 MR. MARCHER: Did you ask for discovery?

8 MR. REED: We had several phone conversations.
9 I'm sure he can -- and I said I would provide anything
10 he wanted. And we were -- I was very cooperative with
11 him. He will tell you that, I'm sure.

12 Is that true, Mr. Ingram?

13 MR. INGRAM: He was very cooperative. However,
14 at no time was I asked for any -- to provide anything to
15 him or Mr. Lottie, other than the date and time and
16 location of the hearing today.

17 MR. REED: Well, I didn't know what I was going
18 to be presented with.

19 MR. MARCHER: That's why you ask for discovery
20 before the hearing, you don't want to find out in the
21 hearing.

22 MR. REED: I didn't know this was a court of
23 law. I thought it was a typical hearing. In some
24 hearings, you don't have to ask for discovery formally
25 like you do as a lawyer.

1 MR. MARCHER: Yes, you do.

2 MR. REED: I have to admit that --

3 MR. MARCHER: Sir. Sir.

4 MR. REED: May I finish talking at least, sir,
5 before I keep getting interrupted?

6 MR. MARCHER: I'm going to point out the
7 statutory reference for you that --

8 MR. REED: I can't, I can't -- I might as well
9 leave, because I can't even say anything without getting
10 constantly interrupted, members of the Board.

11 BOARD CHAIRMAN SPENCER: All right. Go ahead
12 with your question and --

13 MR. REED: Let me, let me finish my statement.

14 BOARD CHAIRMAN SPENCER: All right.

15 MR. REED: I have to say to the Board, this is
16 the first hearing of this type I've ever had. So I was
17 not aware. And if there's any reason why we didn't ask
18 for discovery, it's my fault. I didn't know we had to
19 do it. And today I got this. It's a surprise to me. I
20 didn't know how this hearing is conducted. I want to
21 conduct it in a professional manner. I am sorry if I
22 didn't ask for discovery. It's my fault.

23 Then, maybe we ought to continue this hearing,
24 if that's what the Board decides. But, I think, we can
25 dispose of it today.

1 BOARD CHAIRMAN SPENCER: All right.

2 MR. REED: I hope the Board will dispose of
3 this thing today.

4 I've known this man for -- and I don't want to
5 make a speech now. I can save it for argument later.

6 BOARD CHAIRMAN SPENCER: All right.

7 Mr. Marcher, do you have any comment?

8 MR. MARCHER: Well, Mr. Reed, I mean just based
9 on what you just said, I mean let's just pin this down
10 right now. If you are unprepared to go forward -- this
11 is a contested administrative hearing. If you are
12 unprepared to go forward, do you want a continuance?
13 Because, I think, the Board would grant a one-time
14 continuance of this matter, so you can prepare a little
15 bit better. So --

16 MR. REED: I did not --

17 MR. MARCHER: -- I'm not --

18 MR. REED: I did not say I was unprepared.

19 What I said is I didn't know that I would have to ask
20 for discovery.

21 MR. MARCHER: Okay. But, having said that, are
22 you -- do you want to ask the Board for a continuance?
23 You can make a motion for a continuance. You can look
24 everything over and come back at a later date.

25 MR. REED: That wouldn't help at all, because I

1 have a copy of all your discovery right here.

2 MR. MARCHER: Okay. Then, we'll just keep
3 going.

4 MR. REED: I would just, just --

5 BOARD CHAIRMAN SPENCER: But if you would like
6 the time to review the documents and --

7 MR. REED: I don't think it's necessary.

8 BOARD CHAIRMAN SPENCER: Okay.

9 MR. REED: I think, I've been able to absorb
10 what they're saying.

11 BOARD CHAIRMAN SPENCER: All right.

12 MR. REED: And a lot of this is not disputed.
13 So, if it was disputed evidence, I would probably ask
14 the Board for additional time.

15 BOARD CHAIRMAN SPENCER: Okay.

16 MR. MARCHER: Okay.

17 BOARD CHAIRMAN SPENCER: All right. Let's
18 continue, then.

19 MR. MARCHER: Just go ahead and continue your
20 cross-examination of the witness.

21 MR. REED: I have no more questions of the
22 witness.

23 MR. MARCHER: Okay.

24 BOARD CHAIRMAN SPENCER: Okay.

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

1 BOARD CHAIRMAN SPENCER: Madam counsel.

2 MS. PLATT: I'm a little confused as to what
3 that document is. Are you asking that to be admitted as
4 an exhibit? I mean I'm a little --

5 MR. REED: Well, I can -- I thought you had it.
6 Again, I apologize because of the way the system works.
7 I thought you had a copy of this document. You're well
8 aware of it. It's called Proof of Service used by
9 plaintiffs in small claims cases.

10 BOARD CHAIRMAN SPENCER: Could I see that,
11 please?

12 MR. REED: Yes.

13 BOARD MEMBER ZANE: Mr. Chairman?

14 MR. REED: Do we make copies of it, or
15 something?

16 BOARD MEMBER ZANE: I'd ask for a five-minute
17 break. I've got a --

18 MR. REED: Maybe we can --

19 BOARD MEMBER ZANE: I have a personal matter.

20 BOARD CHAIRMAN SPENCER: All right. Let's have
21 a break in the action.

22 BOARD MEMBER NADEAU: Mr. Chairman?

23 BOARD CHAIRMAN SPENCER: Yes?

24 BOARD MEMBER NADEAU: Has he introduced that as
25 an exhibit? Is this the opportunity or is this the time

1 for him to introduce it? I thought, I thought we were
2 still proceeding in the administrative hearing.

3 If he has something to produce, so be it. But
4 we're disrupting the hearing.

5 MR. REED: Well, I could --

6 BOARD MEMBER NADEAU: He's disrupting the
7 hearing based on his not being prepared. And I would
8 like to move forward without constantly being -- the
9 hearing being disrupted.

10 BOARD CHAIRMAN SPENCER: All right.

11 BOARD MEMBER NADEAU: I mean we all have, you
12 know -- I think that there's a process here. And the --
13 if I understand, the legal process drives this process,
14 not his lack of knowledge, his ill-preparedness, or
15 whatever.

16 BOARD CHAIRMAN SPENCER: All right. We are in
17 a break.

18 MR. REED: We're in a break?

19 BOARD CHAIRMAN SPENCER: Right.

20 MS. PLATT: Can you not look at that document,
21 please.

22 BOARD CHAIRMAN SPENCER: I'm not. My glasses
23 are off.

24 BOARD MEMBER NADEAU: He hasn't introduced it.

25 MR. REED: Sir, is this the -- when I put my

1 case in chief on, sir, I will be happy to introduce it
2 at that time. I just wanted to show it --

3 BOARD MEMBER NADEAU: Fine. But we don't have
4 it up here.

5 MR. REED: I wanted to show it to him for
6 purposes of cross-examination. I know my rules of
7 evidence. I've only been practicing for 55 years.

8 MS. PLATT: No --

9 MR. REED: I know that's appropriate to do
10 that, to show him the document, ask him if he recognizes
11 it. I wasn't asking that it be admitted into evidence.

12 BOARD CHAIRMAN SPENCER: All right.

13 BOARD MEMBER NADEAU: We haven't had an
14 opportunity to see it.

15 MR. INGRAM: Mr. Chairman, may I interject?

16 Mr. Nadeau, may I interject? This is Kevin
17 Ingram.

18 Mark Zane had a personal emergency. He had to
19 step out of the room. He requested a five-minute break
20 to be able to take care of that. So we can reconvene.
21 Is that something we can do, counsel?

22 MS. PLATT: Yes.

23 MR. MARCHER: Sure.

24 BOARD CHAIRMAN SPENCER: All right. We're in a
25 break.

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(A break was taken, 9:41 to 9:49 a.m.)

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BOARD CHAIRMAN SPENCER: Okay. We'll resume now. Mr. Zane is back. And --

BOARD MEMBER NADEAU: Mr. Chair?

BOARD CHAIRMAN SPENCER: Yes?

BOARD MEMBER NADEAU: If you'll accept it, I'd like to make a motion that we continue this hearing, based on my discomfort in the -- the attorney's indicated that he is ill-prepared and that he didn't get the documents in time. Regardless of the reason he didn't get the documents, I'm uncomfortable in the sense that I just don't think we can appropriately hear this case at this juncture. And he needs to be better prepared if he's going to present a case.

That's my motion. If there's a second, fine. If not, then I'll live with whatever.

BOARD CHAIRMAN SPENCER: Okay.

BOARD MEMBER ZANE: Second.

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

(Board members said "aye.")

All opposed?

All right. We're going to continue this till

1 the next meeting in September.

2 MR. REED: Maybe it's the better thing after
3 all.

4 BOARD CHAIRMAN SPENCER: Yeah.

5 MR. REED: Thank you. Thank you, sir.

6 BOARD CHAIRMAN SPENCER: All right. We're
7 proceeding to item number eight, and it's under
8 Disciplinary Hearings, disciplinary hearing in the
9 matter of Preston Kingsley, alleged, alleging conduct
10 that may constitute violations of NRS, for possible
11 action.

12 Would you like to come forward, Mr. Kingsley.

13 MS. PLATT: It's going to be just me, sir.

14 BOARD CHAIRMAN SPENCER: All right.

15 MR. KINGSLEY: Good morning.

16 MS. PLATT: Just so the Board's aware, we have
17 Sarah Bradley as counsel now. So if you have any legal
18 questions, she'll be answering them for you.

19 Preston Kingsley and I have reached an
20 agreement that we are going to -- he's going to
21 voluntarily surrender his work card in lieu of other
22 disciplinary action.

23 You should have a copy of the agreement in
24 front of you. And so I ask the Board to -- I believe,
25 this is in the best interest for Mr. Kingsley and for

1 the Board. And so I would ask for your approval of this
2 agreement.

3 BOARD CHAIRMAN SPENCER: Do I need to sign
4 this?

5 MR. INGRAM: Yeah. It's just --

6 BOARD MEMBER ZANE: Mr. Chairman, I'd move that
7 we accept the agreement.

8 BOARD CHAIRMAN SPENCER: I have a motion.

9 BOARD MEMBER NADEAU: Second.

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

12 (Board members said "aye.")

13 Opposed?

14 Hearing none, the motion passes, and we accept
15 this agreement between the two of you.

16 MS. PLATT: So, Mr. Kingsley --

17 BOARD CHAIRMAN SPENCER: All right?

18 MR. KINGSLEY: Yes.

19 MS. PLATT: -- I actually have the original in
20 my office. I didn't realize that the Chairman was going
21 to be in Las Vegas. So I'll have him sign it, and we
22 can mail you a fully executed copy.

23 MR. KINGSLEY: Okay. Thank you.

24 MS. PLATT: M-hm (affirmative).

25 BOARD CHAIRMAN SPENCER: Thank you very much.

1 All right. Next under Disciplinary Hearing is
2 Valencia ("Val-en-shah") Allen, Valencia
3 ("Val-en-see-ah").

4 MR. YARBOROUGH: Valencia Allen?

5 BOARD CHAIRMAN SPENCER: Is she down here or up
6 there?

7 MR. INGRAM: She's down here.

8 BOARD CHAIRMAN SPENCER: Okay. Well, we'll
9 trail, we'll trail item number nine until -- that is the
10 end.

11 MR. YARBOROUGH: Yes, that is the end.

12 BOARD CHAIRMAN SPENCER: So we have --

13 MS. PLATT: So --

14 MR. INGRAM: For the record, I'd like -- for
15 the record, I'd like to state that Valencia Allen was
16 served.

17 MS. PLATT: Wait, wait, wait.

18 MR. INGRAM: I spoke with her --

19 MS. PLATT: Wait, wait.

20 MR. INGRAM: Okay.

21 MS. PLATT: So the Board has the option to
22 either move forward now, and we could hear the matter,
23 or you could postpone it until the September hearing,
24 the meeting.

25 MR. BRADLEY: Generally, if the Board, if the

1 Board wants to proceed, generally, Ms. Platt would then
2 put on some evidence of service, so that you can decide
3 whether or not the person has been properly served. And
4 then you can make a motion, if you believe she's been
5 served, to proceed in her absence. And then she can,
6 you know, proceed with the case. So it's kind of up to
7 the Board if you'd like to proceed that way or if you'd
8 like to continue it.

9 It looks like, at least looking at the
10 complaint and notice of hearing, that it was mailed to
11 Ms. Allen on May 14th, 2014.

12 BOARD CHAIRMAN SPENCER: Okay.

13 MR. YARBOROUGH: Mr. Chairman, may I make a
14 comment?

15 BOARD CHAIRMAN SPENCER: Yes.

16 MR. YARBOROUGH: This is an alleged theft case
17 by a cardholder.

18 MS. PLATT: Not the facts. You have -- you
19 can't, you can't talk about the facts.

20 MR. YARBOROUGH: I said it was alleged.

21 MS. PLATT: Pardon?

22 MR. YARBOROUGH: I said it was alleged.

23 MS. BRADLEY: Okay.

24 MR. YARBOROUGH: The problem is she's still
25 working with a card.

1 MS. PLATT: Yes. She still has a valid work
2 card registration.

3 MR. YARBOROUGH: She's employed.

4 BOARD CHAIRMAN SPENCER: Excuse me. We got a
5 lady in the audience here.

6 Yes, ma'am, your name?

7 MS. LEXIS: Yes. My name's Annette Lexis. I
8 own Security Unlimited. And I don't think she should
9 have a work card, because --

10 MR. BRADLEY: We can't. No. No, no, no, no.
11 We can't have public comment on a contested matter.
12 That's prohibited by NRS 233B.126. The person in the
13 audience can make comment at the end of the meeting when
14 public comment is called for.

15 I apologize for that. But, I think, what we're
16 hearing here, Board members, is that the allegations are
17 serious and that the person still has an active card.

18 So my recommendation, as your Board counsel,
19 would be that you let Ms. Platt proceed to prove up that
20 she's been given proper legal notice of today's hearing.

21 If you believe that Ms. Allen has been given
22 proper legal notice of today's hearing, you can proceed
23 in her absence to hear and decide the matter today. And
24 it sounds like it might be in the best interest of the
25 public to do that as long as she has been served.

1 BOARD CHAIRMAN SPENCER: All right. Do I need
2 a motion on that, Colleen?

3 MR. BRADLEY: Normally, she would, she would --
4 if that's your interest, she can normally just call her
5 witness to prove up service. That's normally how I do
6 it.

7 BOARD CHAIRMAN SPENCER: All right. Let's
8 proceed, then.

9 (There was a brief discussion off the record
10 between Ms. Bradley and Ms. Platt.)

11 MS. PLATT: So. You guys have a copy of the
12 complaint in front of you; is that correct?

13 BOARD MEMBER NADEAU: No.

14 MS. PLATT: Okay.

15 Do the Board members down there have a copy? I
16 believe, Mr. Ingram included that in his work packet.

17 BOARD CHAIRMAN SPENCER: I don't see one here.

18 BOARD MEMBER ZANE: Let me see if it's on mine.

19 MR. YARBOROUGH: Let me see if it's in here.

20 MR. INGRAM: Counsel, I did not provide
21 anything to the Board on this.

22 MS. PLATT: Okay. They normally would get a
23 copy of the complaint and notice of hearing that was
24 sent out. Do you have a copy of that in an e-mail, or
25 do -- we can fax it down.

1 MR. INGRAM: I do not.

2 MS. PLATT: We can fax it down to the Board.

3 MR. BRADLEY: Yeah, because the Board should
4 have that, so that they know what the allegations are
5 ahead of time. But I mean they're our allegations, but.

6 BOARD CHAIRMAN SPENCER: We're getting a fax
7 number, and we'll give it to you in just a minute.

8 BOARD MEMBER NADEAU: Mr. Chair?

9 BOARD CHAIRMAN SPENCER: Yes?

10 BOARD MEMBER NADEAU: Would you want to go
11 ahead and take care of item number six while we're
12 waiting for that information to get here?

13 BOARD CHAIRMAN SPENCER: Right. Mr. Hall
14 failed to appear this morning. We can either maintain
15 it, go through it today, or we can -- I guess, we can't
16 do it today. So to trail it to next time in September.

17 MS. PLATT: You can hear that. I mean you can
18 move forward with upholding the denial if you so -- you
19 could ask staff what the circumstances were regarding
20 the denial.

21 MR. BRADLEY: Yeah, if you have given the
22 person a letter, I mean it's my understanding that you
23 have a statute that they can appeal the denial to you.
24 If they've been given a letter or some notification that
25 it was on hearing for today, on the agenda for today,

1 and they're not here, you know, it's their job to prove
2 to you why the staff decision was wrong. So if they're
3 not here to do that, then you can just say, "Well, we're
4 going to do forward with the staff decision, because
5 we've heard nothing to the contrary."

6 You could also opt to move it to a future
7 agenda. I mean it is your call to make. But there's
8 nothing prohibiting you from deciding that today.

9 BOARD CHAIRMAN SPENCER: Do I have a motion?

10 BOARD MEMBER ZANE: Mr. Chairman, I move that
11 we postpone item number six, Robert Hall appeal, his
12 denial, until the next regularly scheduled quarterly
13 meeting.

14 BOARD CHAIRMAN SPENCER: I have a motion. Do I
15 have a second?

16 BOARD MEMBER UITHOVEN: Second.

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

19 (Board members said "aye.")

20 Opposed?

21 Hearing none, it's trailed till the September
22 meeting.

23 Did you get that phone number?

24 MR. INGRAM: Yes.

25 Counsel, I have a phone number that you could

1 fax.

2 MS. PLATT: Mr. Schmelzer, he has -- I think,
3 he has his phone. Can you take it down? They may
4 have -- he left the room with the document.

5 So do you want to take a break, Mr. Chairman?

6 BOARD CHAIRMAN SPENCER: All right. Let's take
7 a 10-minute break.

8 * * * * *

9 (A break was taken, 10:00 to 10:12 a.m.)

10 * * * * *

11 BOARD CHAIRMAN SPENCER: We're ready to go.

12 MS. PLATT: Okay. So you all have in front of
13 you the complaint that was filed in this case.

14 And I would turn your attention to page five,
15 which indicates that Sandra Geyer certifies that she
16 served a copy of the complaint and notice of hearing by
17 placing a copy of the document via e-mail and U.S. mail,
18 postage prepaid, certified mail, to be delivered to the
19 last known address of Valencia Allen.

20 And I would actually ask at this time if
21 Mr. Yarborough could confirm that the last known address
22 that the Board has on file for Ms. Valencia Allen is
23 6650 West Warm Springs Road, Number 1167, Las Vegas,
24 Nevada, 89118.

25 MR. YARBOROUGH: I can. That is the last known

1 for her.

2 MS. PLATT: Is her e-mail address
3 ValenciaAllen10@yahoo.com?

4 MR. YARBOROUGH: Yes.

5 MS. PLATT: So this office mailed this on
6 May 14, 2014, and sent an e-mail to her as well on that
7 date. We have not received a green card back. But I
8 would ask that the Board find that notice was proper.
9 Because under the rule, placing the complaint in the
10 mail is service. And we also went beyond and sent
11 Ms. Valencia an e-mail as well, so that she was properly
12 noticed of this date and time for the hearing.

13 MR. YARBOROUGH: Absolutely.

14 MS. PLATT: You need a motion for that.

15 MR. INGRAM: Counsel, may I interject? This is
16 Kevin. I had a personal phone call with Valencia Allen
17 as well.

18 MR. BRADLEY: If -- I mean was that regarding
19 requesting a hearing or a continuance, or what was the
20 meaning?

21 MR. INGRAM: Prior to this notice going out by
22 counsel, counsel and I had spoken. I told her I'd try
23 to reach Ms. Valencia Allen to find out if she indeed
24 was going to attend the hearing. I talked to her on the
25 phone. She said yes, she would be attending the

1 hearing. I informed her that notice would be coming
2 from legal counsel. And she -- and she was also given
3 the date and time of the hearing verbally from myself.
4 She said she would be attending.

5 MR. BRADLEY: Okay. So you told her the date
6 and time for hearing prior to the notice going out?

7 MR. INGRAM: Prior to the notice.

8 MS. BRADLEY: Okay.

9 MR. INGRAM: That is correct.

10 MR. BRADLEY: And have you heard from --

11 MR. INGRAM: And it's confirmed.

12 MR. BRADLEY: Have you heard from Ms. Allen
13 since that date?

14 MR. INGRAM: No, ma'am.

15 MR. BRADLEY: And there's been no request in
16 your office for a continuance of the hearing?

17 MR. INGRAM: No, ma'am.

18 MR. BRADLEY: Okay. Thank you.

19 MS. PLATT: So, at this time, I would ask that
20 the Board find that service was proper, that's
21 Ms. Valencia Allen had notice of the date and time for
22 the hearing today.

23 BOARD CHAIRMAN SPENCER: Do we have a motion?

24 BOARD MEMBER ZANE: So moved.

25 BOARD CHAIRMAN SPENCER: Do we have a second?

1 BOARD MEMBER NADEAU: Second.

2 BOARD CHAIRMAN SPENCER: Motion and a second.

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

4 (Board members said "aye.")

5 Opposed?

6 Hearing none, so be it.

7 Do you wish to proceed, Colleen?

8 MS. PLATT: Yes. You could -- would you like
9 me to put on the full hearing, my full case, or do you
10 want --

11 MR. INGRAM: Yes.

12 MR. BRADLEY: There's an option for you, what
13 she's referring to. NRS 622A, I think it's 390, has a
14 provision that says if a person has been properly served
15 with notice of the hearing but fails to show, the Board
16 can presume, then, that everything in the complaint is
17 true and just vote, vote to find that it was all true,
18 because she's not here and she knew about it. Or you
19 can proceed to hear the case and evidence.

20 So it's fully up to you how you would like to
21 proceed. But you do have that right under the law to
22 just say, "She's not here. We gave her notice. We,
23 therefore, believe that this is all true."

24 BOARD CHAIRMAN SPENCER: Any Board discussion
25 on the options?

1 BOARD MEMBER ZANE: Mr. Chairman, I don't see
2 any reason to continue if the statute provides that we
3 don't have to.

4 MS. PLATT: It's NRS 622A.350.

5 MR. BRADLEY: Oh.

6 MS. PLATT: And I can read it for you.

7 BOARD MEMBER ZANE: That would be --

8 MS. PLATT: Pardon? Do you want me to read it
9 for you?

10 BOARD MEMBER ZANE: No. I'm -- I was just
11 trying to set up a motion.

12 MS. PLATT: Okay.

13 BOARD CHAIRMAN SPENCER: Do any other Board
14 members have any comment?

15 BOARD MEMBER NADEAU: None here.

16 BOARD MEMBER COLBERT: (Shaking head
17 negatively.)

18 BOARD CHAIRMAN SPENCER: I'll take a motion.

19 BOARD MEMBER ZANE: Mr. Chairman, I'd move that
20 item number nine on the agenda, regarding the matter of
21 Valencia Allen, alleging conduct that may constitute
22 violation, and since the Board has indicated that we --
23 we invoked service, I move that the matter be upheld and
24 that the work card be revoked.

25 MS. PLATT: Well, we'll --

1 MR. BRADLEY: So what you want to say is that
2 based on the provisions in NRS 622A.350, we find that
3 all of the factual allegations and violations of law
4 contained in the complaint are proven.

5 BOARD MEMBER ZANE: Okay.

6 MR. BRADLEY: Because of her failure to appear.

7 MS. PLATT: Are true.

8 MR. BRADLEY: After her failure to appear after
9 being noticed. But you just want to wrap 622A.350 in
10 your motion, and that's the important part.

11 BOARD MEMBER ZANE: That's the motion.

12 BOARD CHAIRMAN SPENCER: I have a motion.

13 BOARD MEMBER NADEAU: Second.

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

16 (Board members said "aye.")

17 Opposed?

18 BOARD MEMBER NADEAU: Now, Mr. Chair, do we
19 need to make an additional motion to --

20 MR. BRADLEY: Yes.

21 BOARD MEMBER NADEAU: -- revoke her --

22 MS. PLATT: To impose this.

23 BOARD MEMBER NADEAU: Oh, to impose this?

24 MR. BRADLEY: Normally, the way it works is
25 once you've found that the factual allegations and the

1 violations of law happened or are true, you then would
2 determine what discipline you think is appropriate.

3 So, in this case, I'm guessing all the Board
4 members have read through the complaint. You have found
5 the first claim and the second claim for relief to be
6 true. So you have found that by stealing merchandise
7 from a vendor at the Expo, respondent has engaged in
8 unprofessional conduct or unfitness of a licensee, which
9 is grounds for disciplinary action pursuant to NRS
10 641.150, sub 4.

11 And then you've also found that the second
12 claim for relief is proven, that by stealing merchandise
13 from a vendor at the Expo, respondent acted in a way
14 that constituted dishonesty for fraud, which is grounds
15 for disciplinary action pursuant to NRS 648.150, sub 6.

16 So based on those findings, it's now your job
17 to say what discipline is appropriate for Ms. Allen.

18 And then you can, also, I believe, assess
19 costs. So you can talk about that now, if you'd like,
20 or you can do costs in a separate motion. It's up to
21 you. Some boards do it together; some do it separate.
22 But what penalty is appropriate, and then are they going
23 to have her pay any of our legal costs and investigative
24 costs.

25 BOARD MEMBER NADEAU: Mr. Chair, are you

1 accepting a motion?

2 BOARD CHAIRMAN SPENCER: Sure.

3 BOARD MEMBER NADEAU: I move that the work
4 permit for Valencia Allen be revoked.

5 MR. BRADLEY: And I'm sorry. For a revocation,
6 622A requires that you put a timeline on that. So what
7 it says in the law is it says that the revocation has to
8 be for at least one year and not more than 10. And so
9 you have to put that time frame in there. So that means
10 that the person could, after that time frame, reapply.
11 It doesn't mean they're automatically granted. But they
12 just can't reapply for that time period. So.

13 BOARD MEMBER NADEAU: Revocation for five years
14 is my motion.

15 BOARD MEMBER ZANE: Second.

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

18 (Board members said "aye.")

19 BOARD MEMBER NADEAU: Mr. Chair, I move --

20 BOARD CHAIRMAN SPENCER: Opposed?

21 BOARD MEMBER NADEAU: Oh, I'm sorry.

22 Mr. Chairman, on a separate motion, I'd make the motion
23 that we -- that we assign costs associated with the
24 investigation and the prosecution and to the
25 representation.

1 MR. BRADLEY: And so just so the Board's aware,
2 the statutory authority for charging costs and
3 investigation costs and attorney's fees is NRS 622.400.
4 And so you're allowed to get those costs once you've
5 found a person guilty of violating the statute.

6 And you can handle it a couple ways. You
7 can -- some boards just blanketly assess all the costs.
8 You can also -- sometimes they do a not to exceed
9 amount. So, that way, the person knows what they're
10 responsible for.

11 She's not here today. So it's just the
12 interest of the audience wondering what the dollar
13 amount is. But a lot of times, we'd like to be
14 semispecific.

15 MS. PLATT: And then a time frame for when
16 those costs would have to be paid for is --

17 MS. BRADLEY: Yes.

18 MS. PLATT: -- appropriate as well.

19 MR. BRADLEY: Yes. We need a timeframe, the
20 due date for those costs. Because if they're not paid,
21 then it goes to the Controller's Office, but they don't
22 know that the due date, the date's late, unless you
23 specify the time period.

24 MR. INGRAM: Counsel, may I ask? This is Kevin
25 Ingram, for the record. What are the total costs

1 associated for your representation in this case
2 currently?

3 MS. PLATT: So, currently, the Board has been
4 billed for just one hour of my time, and that was for
5 drafting up the complaint. It doesn't include the time
6 today or my time in the next few days for when I have to
7 draft the order that comes from the Board. So it's
8 likely to be probably close to three hours of time,
9 billed at \$151.82.

10 MR. BRADLEY: Yeah. So you could say, I mean
11 that would be approximately \$500. So if the Board is
12 comfortable assessing \$500 in costs, you know, you can
13 do that.

14 MS. PLATT: But then --

15 MR. BRADLEY: But then there also may be
16 investigation costs. I don't know if the Board is
17 keeping track of that. Generally speaking, to recover
18 costs, you should keep track of it, because you can't
19 try to find someone and disguise it as a cost. And so
20 it's preferred that you have a good record of what
21 you're charging for costs and why.

22 BOARD MEMBER NADEAU: Mr. Chair, may I amend my
23 motion to include not to exceed \$700, and empower the
24 Executive Director to work out, to seek payment, and if
25 need be, work out a payment schedule with the -- with

1 her to -- for the payment, but not to exceed two years.

2 BOARD CHAIRMAN SPENCER: Second?

3 BOARD MEMBER ZANE: Second.

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

6 (Board members said "aye.")

7 Opposed?

8 So be it.

9 Now what?

10 MS. PLATT: That's it.

11 BOARD CHAIRMAN SPENCER: Okay.

12 MR. INGRAM: Public comment.

13 BOARD CHAIRMAN SPENCER: All right. Public
14 comment. Any public comment in Carson City?

15 BOARD MEMBER UITHOVEN: No public in Carson
16 City.

17 MR. INGRAM: Yeah, come on up.

18 BOARD CHAIRMAN SPENCER: Come on up here.

19 BOARD MEMBER ZANE: We have a public comment.

20 BOARD CHAIRMAN SPENCER: Yo.

21 BOARD MEMBER UITHOVEN: No public comment here.

22 MS. ALEXIA: Oh, no, there is a public comment.

23 MR. INGRAM: We have public comment down here.

24 BOARD MEMBER UITHOVEN: Okay.

25 MS. LEXIS: I'm glad you decided on that.

1 Also, can I say something, too? I had -- and this is
2 not regarding this particular case, but on some of these
3 other people.

4 BOARD MEMBER UITHOVEN: Hold on. Can we get
5 your name, please?

6 MS. LEXIS: Oh. Sure. Annette Lexis with
7 Security Unlimited.

8 BOARD MEMBER UITHOVEN: Thank you.

9 MR. INGRAM: And the spelling of your last
10 name, Annette?

11 MS. LEXIS: L-E-X-I-S is my last name.

12 MR. INGRAM: Thank you.

13 MS. LEXIS: Thank you. You know, when we get
14 people that do something wrong, I wish there is a way
15 that we can expediate it, to go a little bit faster, so
16 we could tell the other guard companies. Because we all
17 get these same losers, and we get them again, and we get
18 them. And I try to tell everybody what's happened.

19 Just for example, I have a guy, I just brought
20 in paperwork for a guy that's done like \$2,600 in bad
21 checks. He is -- that he wrote on my check. I gave him
22 a \$20 advance. He made it for \$528, and he cashed it.
23 I have another one for \$38, and he made it for 1,638.

24 So. But instead of waiting for -- you know,
25 until September, so all these other guys could get

1 screwed just like I did, isn't there a way that we could
2 post their names and say what they're at least going up
3 for, so the next guy doesn't get shafted? Because they
4 go from company to another company to another company.

5 And, you know, like, just like she stole. We
6 have the evidence she stole. She told everybody she
7 stole. But then she goes to another company. I mean
8 she's not going to change her ways. A zebra's a zebra.
9 They're going to go, and they're going to do it again
10 and do it again.

11 So at least we should have a list of what's
12 going on, so the next guy, it doesn't happen to the next
13 guy.

14 It's embarrassing when people come up and tell
15 you that they got things stolen. And you're -- you
16 know, you're watching the floor. Yeah, you can't stop
17 all of it, that's for sure. But when you know it's your
18 employee, why should you set the next guy up to fail?
19 It's not right.

20 MS. PLATT: Okay.

21 MS. LEXIS: That's all I got to say.

22 BOARD MEMBER ZANE: We can't debate the issue.

23 MS. LEXIS: Okay.

24 MS. PLATT: I will, I'll respond, just so
25 you're aware, that we can't have a list of people who

1 have done wrong to an employer. Because, one, we may
2 not, we, as a board, may not have had a complaint filed
3 to investigate, because there are allegations at the
4 time, they haven't been proven in front of the Board,
5 and they haven't had a -- the person hasn't had a chance
6 to explain their position.

7 I understand where you're coming from. But as
8 a practical matter, we can't. You're innocent until
9 proven guilty is really the issue there.

10 MS. LEXIS: Can you even make a list that says
11 they're up for that?

12 MS. PLATT: No.

13 MR. BRADLEY: No.

14 MS. LEXIS: Okay.

15 BOARD CHAIRMAN SPENCER: I would suggest
16 that --

17 MR. BRADLEY: If it comes, once it comes to a
18 hearing, the hearing is posted, anybody could request to
19 review that complaint and notice of hearing. But until
20 it's on an agenda, it's not a public matter,
21 unfortunately, from your perspective.

22 But the due process clause of the United States
23 Constitution requires that if a property interest, which
24 a license or certificate or work card is, if there's
25 going to be any action taken against that, the person

1 has to be given notice and opportunity and an
2 opportunity to be heard at a meeting. And so the
3 constitutional right that they have is to have this
4 before it becomes public.

5 So, anyway.

6 BOARD CHAIRMAN SPENCER: I was going to suggest
7 that you just --

8 BOARD MEMBER ZANE: Stick around for a minute
9 after the meeting's over. We're about done.

10 MS. LEXIS: Okay.

11 MS. PLATT: Well, I would also suggest that the
12 industry file a complaint with this Board if you have
13 concerns about work card holders and licensees. I mean
14 the Board can't -- I mean if it's an issue, they can
15 institute their own investigation. But they have to
16 know that there's something wrong with the particular
17 licensee before they do that.

18 MS. LEXIS: Okay.

19 BOARD CHAIRMAN SPENCER: It seems to me that
20 what you need to do is establish a communication between
21 all of the vendors and, you know, make sure that they
22 understand why you're doing it, and adhere to what your
23 requests are, so that everybody knows. That's within
24 your purview.

25 MR. INGRAM: Thanks for being here.

1 MS. LEXIS: Pardon?

2 BOARD CHAIRMAN SPENCER: Yeah, thank you for
3 coming here.

4 MR. INGRAM: Thanks for being here.

5 MS. LEXIS: Oh. Thank you.

6 BOARD CHAIRMAN SPENCER: All right. Any Board
7 comments or anything?

8 I'll entertain the motion.

9 BOARD MEMBER ZANE: No, Mr. Chairman, I'd like
10 to stay.

11 (Laughter.)

12 Motion we adjourn.

13 BOARD CHAIRMAN SPENCER: Motion denied.

14 We have a motion to adjourn. Do we have a
15 second?

16 BOARD MEMBER UITHOVEN: Second.

17 BOARD CHAIRMAN SPENCER: All in favor?

18 (Board members said "aye.")

19 All opposed?

20 See you next time.

21 * * * * *

22 (The meeting adjourned at 10:30 a.m.)

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REPORTER'S CERTIFICATE

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

That I was present at the Office of the Attorney General, 100 North Carson Street, Mock Court Room, Carson City, Nevada, on Thursday, June 12, 2014, at 9:00 a.m., and commencing at 9:00 a.m. took stenotype notes of a meeting of the State of Nevada, Private Investigators Licensing Board;

That I thereafter transcribed the aforementioned stenotype notes into typewriting as herein appears, and that the within transcript, consisting of pages 1 through 62, is a full, true, and correct transcription of said stenotype notes of the open meeting portion 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 20th day of June, 2014.

SHANNON L. TAYLOR
Nevada CCR #322, RMR